


# The Politics of Custom: Blood Money, Disputes, and Tribal Leadership in Western India

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I initiated my ethnographic fieldwork in the regions of Southern Rajasthan inhabited by Bhils.<sup>1</sup> I examined cases that are addressed by the *panchayats* or community-based institutions responsible for dispute resolution and managing the affairs of the village. At that time the most popular topic of discussion in tea stalls and shops in the bazaar in the local administrative headquarters of Kotra was about the politics around a murder case involving two boys who belonged to major Bhil political families – the Kharadia and the Uthed. The boys had gone to Gujarat to work on the cotton fields of big non-tribal upper caste landowners, joining the regular seasonal migration of young people from Rajasthan to the neighboring state of Gujarat. The boy from the Kharadia family, Danna, was found murdered and evidence pointed to how he was stabbed by Shome, the boy from the Uthed family. Danna's corpse was brought to Rajasthan and placed outside the Kotra police station for three days. Over the course of these three days, the families contacted tribal leaders and police officers, who in turn convened *panchayat* (village council) meetings. The *panchayat*, in association with police officers, came to the decision that Shome murdered Danna and three boys from the Uthed family were arrested for murder and for aiding and abetting murder.

In the tribal regions of Southern Rajasthan the ways in which the police register a case and the direction of court proceedings depend on the decision of the *panchayat*. In this case the *panchayat* decided that the Uthed family had to first pay a sum of money for the *lokai* or the amount that is paid for the cost of cremation, and subsequently pay a sum of money for the *ved* or blood money to the Kharadia family. The custom of the payment of blood money has taken on a different meaning over time but usually refers to a sum of money paid by the family of a person accused of murder to the family of the deceased. Over subsequent months, tribal leaders convened several *panchayat* meetings and during these meetings tribal leaders were able to pay off the sum of money for the *lokai* and fixed the amount that was to be paid as blood money. Subsequently, the key Bhil leaders and Dinesh Trivedi, the defense lawyer for the case, instructed the witnesses to become hostile and the Uthed boys were released.

The case demonstrates two major points that I will focus on in this article. First, anthropologists have described *panchayats* as institutions responsible for dispute resolution and other important matters in the village (Cohn, 1987; Srinivas, 1960). These institutions are considered to be outside

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the sphere of the state and the ideals and values underlying *panchayat* governance are seen as distinct from those of state law. However, I first examine how a particular form of *panchayat* governance has historically emerged through colonial forms of state-making, before showing how cases of murder, as well as violence, theft, and land disputes, actually consist of interactions between tribal leaders, police officers, lawyers, and magistrates. The case that I describe below demonstrates this close interaction between *panchayat* leaders and police officers. Moreover the case also shows how everyday legal practices make visible political affiliations, loyalties, and associations among tribal leaders, and reveal shifts that have taken place in the local formations of power and authority.

I draw on the work of legal anthropologists who examine the historical formation of different legal systems and how contemporary political configurations condition the interaction between actors of these different legal systems. Sally Falk Moore's contribution to this volume demonstrates how customary law among the Chagga in Kilimanjaro is constantly changing with regime shifts and changes in social, economic, and political contexts. Moore emphasizes the importance of moving away from structure, institutions, and rules toward process and interaction in everyday contexts. While forms of colonial and post-colonial governance are different in the Indian context, I draw on Moore's approach of examining the historically emergent politics of dispute resolution and focusing on how past forms of governance and law-making are re-made and re-shaped in the contemporary moment. Comaroff and Roberts (1981) examine the dispute process among the Tswana in Botswana, demonstrating how rules that govern everyday life are in practice highly negotiable and subject to constant change. The dispute process is one that is highly political and enables personal ambitions and competing efforts so that relationships can be formed, made visible, expressed, and legitimized. Following Comaroff and Roberts, in this article I demonstrate that the manner in which a case is addressed is seldom about finding out about the truth of a murder, but rather about making visible political affiliations, loyalties, and associations that reveal shifts in power and authority. Tribal leaders involved in these disputes are able to expand their sphere of association among people in villages and build contacts with state officers.

In the last thirty years, Bhil leaders have gained legal and political competencies through their association and affiliation to social and political movements, NGOs, and state institutions, and are actively involved in democratic politics at a national, state, and local level. Bhil leaders gain authority through historically formed practices of *panchayat* governance, as well as evoking languages of the state (Hansen and Stepputat, 2001). In the next section I examine how these practices and ideas emerge through colonial forms of state-making. I also examine how colonial practices of governance continued in the post-colonial period, focusing on how the shifts in local politics in the last thirty years have impacted *panchayat* practices, local politics, and the interaction between *panchayat* leaders and police officers.

## **Histories of state-making and contemporary *panchayat* governance**

Contemporary practices of law and governance can be traced to colonial forms of state-making where the colonial state regularized and routinized particular forms of *panchayat* governance. The Mewar Bhil Corps was formed in 1856 by British officers posted to the princely state of Mewar. Mewar comprises of districts in present-day Southern Rajasthan and its capital was Udaipur city. The regions inhabited by the Bhihs could never be controlled by the native ruler of Mewar, the Maharana of Mewar. And so when Mewar was ruled indirectly by the colonial state, the British officers formed the Mewar Bhil Corps in collaboration with the Maharana of Mewar. The Mewar Bhil Corps was led by the British commanders and comprised of Bhil soldiers. In many ways it

functioned as a counter-insurgency operation and forcefully brought the Bhil regions under the control of the Mewar state.

Colonial officers of the Mewar Bhil Corps claimed that it was their moral duty to reform Bhils through discipline and control. The British had military control of these regions and civil and criminal jurisdiction was exercised by native chiefs and rulers. Criminal cases considered “heinous” or cases connected to other princely states were referred to authorities who represented the ruler of Mewar. In practice, however, this led to competing and overlapping forms of governance between the native chiefs, the ruler of Mewar, and the British officers of the Mewar Bhil Corps. The British officers believed that the native chiefs and the Maharana’s agents were absent, apathetic, and oppressive and were incapable of adequately governing these regions. British officers of the MBC sought to demonstrate “good moral authority” by conducting tours, disciplining Bhils, and developing what they considered was a conciliatory policy toward the Bhils. This involved governing through institutions like *panchayats*. The British believed that these village councils reflected the collective will of the people and they convened *panchayat* meetings in order to intervene in cases which, they claimed, were not being properly addressed by the Maharana’s agents. These *panchayats* adjudicated cases including those of murder, often passing the sentence of “transportation for life.” The British inscribed proceedings as resembling procedures of a court of law, thereby legitimizing and justifying practices of *panchayat* governance. This intervention enabled colonial officers to expand their sphere of authority and routinized and regularized a particular form of village council meetings. The practice of relying on *panchayats* for everyday governance continues in the post-colonial period.

In other cases British officers sought to demonstrate their “moral force” by intervening in local practices and in particular by attempting to abolish what they saw as the “evil custom of blood money.” Correspondence between colonial officers in 1873 describes a case of murder that took place in the territory of a local chief called the Rao of Oghana. British officers knew that the Rao of Oghana would rely on *panchayats* and the custom of blood money to settle this dispute. According to the British “blood money settlements interfere so much with justice”;<sup>2</sup> they therefore wanted to make an example of this particular case through a trial. Under the regime of the Mewar Bhil Corps it was the ruler of Mewar and not the local chief who had jurisdiction over murder cases. However, the British agent wrote that the local chief objected by saying “criminal jurisdiction over their own cases had never been taken out of the hands of the chiefs.” (*ibid.*) The Rao of Oghana finally consented to a trial in the cantonment presided over by the British officer. He preferred this to the case being tried by the ruler of Mewar. In this way colonial officers were able to take advantage of long-standing disputes between local chiefs and the ruler of Mewar, and use the practice of a trial to establish greater control and expand their sphere of jurisdiction. However, colonial officers had an ambivalent attitude towards *panchayats*: while they believed that these institutions reflected the will of the people and that Bhils were most effectively ruled through their own institutions and systems of authority, they also held that *panchayats* perpetuated the practice of blood money and had to be abolished because they interfered with justice.

During the nationalist movement Gandhi wrote that India had always known a system of representative government and was therefore capable of self-governance and self-rule. Gandhi’s ideas of *panchayats* and village republics became central to his critique of the modern colonial state and in charting out visions of a new polity for independent India. His vision was not legally enforceable in the Indian constitution which leaned mostly toward centralized administration. And yet, in the 1950s and 1960s, the decades immediately after India’s independence, the Indian government began taking steps to officially recognize *panchayats*. Officers in central and state governments and political leaders inspired by Gandhian ideas believed that *panchayats* could connect villages to the administrative apparatus of state and national level governments. With the so-called Panchayati

Raj movement, *panchayats* were viewed as channels for development funding and the uplift of the rural poor.<sup>3</sup> From the 1950s to the 1990s, the focus and priority on Panchayati Raj (PR) depended on the commitments of specific state governments and funding that was allocated for PR. It was not until 1992 with the 73rd and 74th amendments to the Indian constitution that all states in India were legally bound to establish a three-tier system of Panchayati Raj institutions at the district, intermediate, and village levels. Elections are held every five years for leaders at different levels of these new *panchayat* institutions. Seats are reserved, on a rotational basis, for women and for those categorized by the Indian constitution as “Scheduled Caste” and “Scheduled Tribe.”<sup>4</sup>

State-recognized Panchayati Raj Institutions (PRI) have changed the face of politics in the Bhil regions of Rajasthan. Bhils come under the category of Scheduled Tribe and therefore seats to the three levels of PRI are reserved for them, and seats are also reserved on a rotational basis for tribal women. A larger number of younger tribal leaders and some women are now involved in local politics. In many villages in rural India, state-recognized PRI have been established as separate institutions from non-state *panchayats* that are involved in dispute resolution. In the tribal regions of Southern Rajasthan both state-recognized PRI and non-state *panchayats* intersect in important ways. For instance, in order to get elected as a representative to PRI, Bhils must be associated with the dispute resolution process of non-state *panchayats*. This enables them to travel and become visible in different villages, address disputes thereby gaining insights into family histories and social dynamics, make contacts, and cast a wide network of associations with other tribal leaders, which they can draw on during campaigning at the time of elections and in order to gain political power.

Along with the establishment of state-recognized PRI there have also been other significant changes that have occurred in the last thirty years. Since the mid-1980s there has been a proliferation of NGOs, indigenous rights movements, and other rights-based groups, and the emergence of Hindu Nationalist organizations. Many tribal leaders are employed or have some sort of affiliation with state institutions and government projects. Through their association with different movements and organizations tribal leaders attend and travel to workshops, training programs, and rallies, and develop and demonstrate an understanding of legal and governmental processes. Tribal leaders draw on legal and political competencies to maneuver through spaces that they did not previously have access to, and interact directly with police officers and other government officers. In some cases, Bhils are able to draw on different ideas as well as their newly acquired political power and authority to critique and resist the historical domination of upper caste Hindus and Muslims and thereby revise their histories of marginality.

Historical and social transformations since the colonial period have shaped the practices of non-state *panchayat* governance and customary law. First, there is a strong and durable inheritance of colonial practices of relying on village councils and custom for everyday governance. Practices of the non-state *panchayat* that persist in the contemporary moment carry with them a strong resonance of colonial ideas and assumptions about Bhil ways of life that had legitimized and justified colonial rule. Second, democratic politics in the last thirty years have in many ways strengthened assertions of custom and many more people participate in meetings of non-state *panchayats*. Historically, tribals gained political authority through their association with non-state *panchayats*, and therefore with the shifts in democratic politics in the last thirty years a larger number of Bhils participate in *panchayat* meetings, thereby strengthening local assertions of custom and *panchayat* governance.

### **Political families, *panchayats*, and police**

After Danna was found dead, his corpse was placed in a jeep outside the police station for three days. The Kotra police station is located on a slight elevation overlooking a vast stretch of land known as the “ground.” During the colonial period this stretch of dusty land was where the Mewar

Bhil Corps would practice their daily drill. Today tribal leaders convene *panchayat* meetings to address disputes that spill out from the police station on to the ground. At the other end of the ground is the bazaar. People come from villages from up to seventy kilometers away to buy or sell produce, fertilizers, and other items, visit government and private doctors, buy medicines, discuss politics, gossip at the tea stall, and read newspapers. The road behind the police station leads to local government offices. On the left side of the police station a winding path arrives at the district court, the Court of the Judicial Magistrate second class. The police station is therefore one of the most central and visible places in this region.

In cases of contested murder among the Bhils, the corpse is not immediately sent for an autopsy or to be cremated until there is some sort of agreement about how the death occurred. During other public autopsies that I observed, villagers placed the corpse outside the house of the suspected murderer. This is an extremely tense and difficult moment as the corpse is lying outside the suspected murderer's house and surrounding the corpse are relatives of the deceased person and the family of the person accused of murder. In this context, police officers do not gather evidence about the crime, but rather convene a *panchayat* meeting with leaders representing both parties in order to arrive at an agreement about how the death occurred. At different moments, police officers and constables articulated the idea that gaining public consensus by convening a *panchayat* in order to decide how death should be registered is the best way to manage emotions of anger among hot tempered, volatile, and potentially violent tribals. The Assistant Sub Inspector of police described what he called Bhil psychology by saying that Bhils are extremely emotional and when they grieve the loss of a relative or friend they immediately want to take revenge, and they are unable to think about the consequences of their actions.

At different moments police officers and lawyers narrated the idea that the mental and social aspects of tribal life can only be governed in ways that differ from the norm or imaginings of other places where supposedly proper political life results in the successful working of normative legal procedure.<sup>5</sup> The Inspector of Police Suresh Singh, who was recently posted in the region, said that placing the corpse outside while *panchayat* leaders arrive at a decision about how the death occurred is part of tribal ways, and if the police intervene in this practice then it could lead to a situation of a riot. Other police officers and constables narrated previous cases about how this could become a curfew-like situation if the parties became violent. Several months after this case finished another police officer who came to this region for his training said that he had already been informed at the police training academy that the police can only work successfully in the tribal regions if they collaborate with tribal leaders and follow practices of *panchayat* governance.

*Panchayat* meetings consist of tribal leaders of an older generation, who belong to non-state *panchayats*, and older and younger leaders who are either elected representatives of PRI or support candidates contesting PRI elections. Many *panchayat* leaders are associated with political parties and social and political movements. An older generation of *panchayat* leaders critique police interference and the collusion between younger tribal leaders and the police. Vanna Panch described how in "earlier times" (usually referring to the pre-colonial and early colonial period) the practice of *mautana* involved placing the corpse between a large number of family members, neighbors, and villagers. In the context of this unstable and tense situation, a woman could throw her sari between the two parties and this would ease the tension. Relatives cremated the body of the deceased and after a few days the *panchayat* arrived at a decision. Vanna Panch's story demonstrates that people had their own ways of ensuring that hostilities associated with a murder case do not result in violence. In Vanna Panch's story about past *mautana* practices, the corpse was not placed outside for several days, which would have incited anger and hostility, but it was cremated, and subsequently the *panchayat* would address the case. The story was therefore a critique of the contemporary moment that resonates with how other leaders of Vanna Panch's

generation romanticize the past in order to reflect on how younger tribal leaders are more interested in political gain, associations and collusion with police officers, and making money through disputes, rather than attempting to bring about cohesion and community solidarity. Vanna Panch's story about *mautana* in an earlier time suggests that Bhils did not always resort to violence in the context of a hostile and tense situation, thereby critiquing the popular representation that Bhils are violent and reckless.

The ideas and practices of laying out the corpse in cases of contested death, the political contestations among tribal leaders, and the doubt and suspicion that tribal leaders have toward the police has led in some cases to a practice of an autopsy conducted in front of the entire village. In such cases, the police, doctors, and sub-divisional magistrate contend that the *post-mortem* must be public because tribals are incapable of comprehending sanitized medico-legal procedure and will contest the final report of the police unless they are witnesses to all investigation. Tribal leaders evoke a discourse about state corruption, maintaining that the police will take money from those who might be presumed guilty and then cover up a murder by reporting that it was a suicide or accident.

However, a public autopsy did not take place for Danna. The *post-mortem* examination was conducted in Kotra hospital and revealed that the deceased had been stabbed. The Kharadia family placed the corpse in front of the police station in order to demonstrate their connections with police officers and constables. Both the Kharadia family and the Uthed family began to garner support from different tribal leaders. Police officers and tribal leaders convened a series of *panchayat* meetings and finally the case was registered as murder and abetment to murder and the police arrested the Uthed boys. They also fixed 75,000 rupees for the *lokai* or the amount that the Uthed family will pay for the cremation. The amount paid as *ved* or blood money was decided during *panchayat* meetings over the subsequent months and ran into hundred thousands of rupees.

## The political families

In the villages where I conducted fieldwork in Udaipur district, 'family' refers to male headed lineage that is spread over one or more *phallas* or hamlets. The Kharadia family lives in *phallas* that constitute Thala village. Other families also live in Thala village. While there are disputes over land or theft among members of an extended family, the entire family usually comes together during a murder case.

In the Indian context a political family can be described as one where several generations of people from one's lineage and relations by marriage are elected as representatives to different levels of Panchayati Raj Institutions, Member of State Legislative Assembly, and Member of Parliament. In this sense, as I show below, the Uthed family is a political family. The Kharadia family cannot be described as a political family in the conventional sense as Babu Lal Kharadia is the first and so far the only person in his family to become a political leader although some of his family members have contested the last two elections for state-recognized Panchayati Raj Institutions. Babu Lal Kharadia has been able to get members of his family access to government jobs and positions in the PRI office. Such employment has created a new form of leadership that is not only based on electoral politics but on the ability to access government schemes and benefits for villagers and demonstrates how leaders have connections with police officers, lawyers, and government officers. Therefore, in terms of the new forms of leadership that have emerged in this region, Babu Lal Kharadia's family can also be seen to be a political family.

Alkha Ram Uthed was the first Bhil in Udaipur district to become a Member of Legislative Assembly (MLA) in Rajasthan in 1972 with a ticket from the Congress Party. He proceeded to win national level elections from the Gogunda constituency in 1984 and became a Member of

Parliament (MP). Alkha Ram is from Kandi, a village that adjoins Kotra bazaar. He retired from political life in 1989 and has an apartment above some shops in Kotra bazaar. His home is covered with photographs attesting to his political career – of Alkha Ram with prominent politicians like Ashok Gehlot, a member of the Congress Party who was an MLA in the 1980s and was later Chief Minister for Rajasthan from 1998 to 2003. There were photographs of Alkha Ram with other MLAs from Rajasthan and with Rajiv Gandhi and Sonia Gandhi.

Frequently Alkha Ram would sit on the roof of his apartment overlooking activities in the bazaar. It was here that he told me about his life as we conducted a series of interviews. In his youth Alkha Ram worked as a daily laborer on a road construction project. He was not a community leader but he had finished school, which was rare for Bhil people at the time, and so he was approached by Congress leaders who asked him to contest elections for state-recognized *panchayats*. This was before regular elections were held for Panchayati Raj Institutions that were established in the wake of the 73rd and 74th amendments to the Indian constitution in 1992. In the 1960s, in most villages, people would garland the most influential leader with a necklace made of flowers during a village meeting, and then inform the state official that this person was the Sarpanch or the leader of the state-recognized *panchayats*. However, since Kotra has been the administrative headquarter of the region, there were many more political candidates and there was no consensus on who would be the Sarpanch. There had been immense opposition when Alkha Ram contested elections as the position had always been occupied by either upper caste Hindus or Muslims. Alkha Ram described how he did a lot of work for his village and got funding from the state government to build roads and a few dams. He said that by 1989 he did not contest elections because he realized that the nature of politics had changed and now leaders have to constantly distribute money at the time of elections. He said, “Now politicians are not given any respect, even illiterate people are politicians.”

Of his three sons and two daughters, Alkha Ram always had somewhat of a dismissive tone toward his youngest son Jimmi – his only child to participate in electoral politics. Jimmi exemplifies a younger generation of tribal leaders who represent themselves as being effective leaders because of their education level, exposure, and legal and political competencies, as well as, in some cases, larger land holdings and more money. Leaders like Jimmi draw on these legal and political competencies to interact with police officers and other state officers. This is different from an older generation of leaders like Alkha Ram, who fashion themselves as understanding and therefore being able to effectively represent their community. Jimmi overtly stated that he was an effective political leader because of his father’s political career. He spoke of how he grew up and went to school in Jaipur and Delhi while his father was MLA and MP and he would talk about the other influential leaders he met through his father. Jimmi contested several PRI elections but he never won. He supported his wife Sharada who won PRI elections when seats were reserved for women during the 2000 and 2010 elections for Kotra village. Sharada also belongs to a political family from Mandwa village about 35 kilometers from Kotra bazaar. Her father, Vakhat Ram, was a clerk at the Panchayat Samiti and her uncle, Laxmi Lal, has been an old time Congress fieldworker. In the 1960s, a garland of flowers was placed around his neck and he was proclaimed Sarpanch. With the establishment of state-recognized elections, someone from Laxmi Lal’s extended family has always won elections.

In contrast to the history of involvement in electoral politics of this extended Uthed family, Babu Lal Kharadia was the first person in this family to contest elections. As mentioned above, the Kharadia family live in Thala village that is located on the state highway. As one leaves Babu Lal Kharadia’s father’s house and continues on the state highway leading to Kotra bazaar, just outside the bazaar is the office and the school of a local Hindu Nationalist organization, the Vanvasi Kalyan Parishad. Babu Lal Kharadia did his entire schooling there. The VKP is a branch of the major

Hindu Nationalist organization Rashtriya Swayamsevak Sangh (RSS) that began its activities in this region in the early 1980s. Along with opening a school for Bhil children, the VKP conducts development activities and “cultural” programs that seek to instill Hindu values among students and other villagers. After graduating from school, Babu Lal Kharadia became a fieldworker for the VKP. He contested elections and worked his way up to different levels of Panchayati Raj elections: he first won elections to the position of Sarpanch of the village PRI, and then he went on to win elections as the *pradhan* or leader of the Panchayat Samiti. He won both the 2003 and 2008 elections to the State Legislative Assembly.

During initial meetings Kharadia did not give long interviews about his early life and political career. He was guarded and spoke about Hindu tradition and culture, reproducing the language of the VKP. Kharadia lacked the political competencies of leaders like Alkha Ram of presenting himself as a Bhil leader committed to working for the uplift of his community and connecting the village to national development. And yet locally he was an extremely successful political leader with a large network of connections and contacts with other tribal leaders in villages. Kharadia was also involved in another case regarding a murder that occurred several years before I began fieldwork. Three boys from his extended family were accused of robbing and murdering a man from the Pargi family who was traveling home from Gujarat where he was working as a daily wage laborer on cotton fields. Numerous people, particularly police officers, recounted this case to me, because, as they said, the Inspector of Police committed suicide as he was under so much political pressure by Kharadia, who had recently been elected MLA, to withdraw the murder charge. The witnesses for this case, who it turns out, were the right hand men of Babu Lal Kharadia, turned hostile and the accused were acquitted. While I was conducting fieldwork, it was rumored in the bazaar that the Pargi family stated that they still wanted revenge for the murder. Babu Lal Kharadia told a group of us at the tea stall, “If the Pargi want revenge then I will just sit in the middle of the bazaar and they can kill me.”

A popular stereotype that people from the city have about the Bhil regions is that justice works on a principle that is akin to an eye for an eye and a tooth for a tooth, so that the punishment for murder is killing someone from the murderer’s family. Some Bhil *panchayat* leaders told me that this was practiced in pre-colonial and colonial times although no one really knew of any cases where someone was killed out of a sense of vengeance, and there is no evidence of this practice in colonial records. When people do evoke an eye for an eye form of justice it is often done in a sarcastic manner and depicted as a simpler form of justice, in order to critique the long winded *panchayat* meetings and court practices that carry on for months. However there is always the threat that the family of the deceased could attack, inflict violence, and kill members of the supposed murderer’s family. This threat is translated into a socially accepted norm that the victim’s family can curtail the mobility of the murderer’s family. For example, around half a century ago, members of the Uthed family had murdered someone in Samoli village. Over the course of his political career Alkha Ram could never enter Samoli village and during elections his supporters had to campaign on his behalf. Similarly, during the Kharadia-Uthed dispute the Kharadia family ensured that the Uthed family could not travel easily for employment or to their fields. In exasperation, Alkha Ram said that the Kharadia family should kill him and be done with it instead of troubling the young boys of his family. With regard to the different cases both Alkha Ram and Babu Lal Kharadia echoed the sentiment that their life should be taken in order to compensate for the victim’s family’s sense of a lack of justice.

These cases create the authority and *persona* of leaders like Babu Lal Kharadia and Alkha Ram. Babu Lal Kharadia was never present during the *panchayat* meeting and court proceedings for the Kharadia-Uthed murder case, and yet people constantly referred to him as they talked and gossiped



about the case. The corpse was laid out in front of the police station in the bazaar and not outside the murderer's house in the village, and the *post-mortem* was done in private, because the boy was a relative of the MLA. All the most influential leaders of different generations were involved in this case in order to show allegiance to either Alkha Ram or Babu Lal Kharadia. Finally, people referred to these political leaders Alkha Ram, Babu Lal Kharadia, Jimmi, and Sharada, and rarely ever mentioned the names of the people who supposedly committed and were victims of the crime. Perhaps one aspect of representative democracy at the margins of the state, with histories of fractured legal and governmental practices, is that leaders of political families come to represent the actions of their family members. For villagers and state officers, certain leaders embody the crime, guilt, and also the sense of vengeance of their community. These leaders have considerable power to decide whether the corpse should be placed in front of the murderer's house or outside the police station, or whether the autopsy should be conducted in public or private, and these leaders, along with their association with police officers, can decide how death, murder, and community sentiments should be managed.

### **Panchayat processes and panchayat leaders**

The Uthed family handed over the amount for the *lokai* over several *panchayat* meetings that went on for four months. Until the full payment for the *lokai* was made, the members of the Uthed family could not leave their homes and roam around freely, and were constantly accosted by people from the Kharadia family. Members of the Uthed family were unable to work in their fields as they were scared of being harassed by boys from the Kharadia family. Kharadia boys prevented seven women of the Uthed family from going to the government school where they were employed as cooks. In the context of dwindling landholdings, drought, and degraded forests, government jobs in this region are highly valued because they are permanent, and there is a fixed income and pension. Employment in a government school indicates proximity to the state. The status of a woman rises if she has a government job and at the time of her marriage the bride price, the sum paid to the family of the woman by her husband's family, increases. During his political career Alkha Ram was able to secure jobs in the government school for some women in his family. By preventing the women from going to their workplace the members of the Kharadia family were asserting themselves as the new political family and therefore attempting to demonstrate Babu Lal Kharadia's power and authority, and undermine the Uthed family's authority.

Thima, Simba, Thavda, and Masrooh were major leaders of the non-state *panchayat* supporting the Uthed family. These leaders had the authority to convene *panchayat* meetings to exchange money for the *lokai*. Usually family members do not convene such meetings, however in this case Jimmi also actively participated in organizing them so that members of his family could move around freely again. The situation was quite tense on the day of the first *panchayat* meeting. By then the Kharadia family had an unspoken social legitimacy to harass the Uthed family, owing both to the social practice of restricting the mobility of the family of the accused and as a result of Babu Lal Kharadia's political power. On the day the first meeting was organized, Jimmi showed me an arrow that a boy from the Kharadia family had shot from the bushes, landing in the courtyard outside his house. The Uthed family themselves were equipped with bows and arrows and rifles stacked on the premises of an old school house. These are weapons that each household has collected over time and some of the rifles were from the days of the Mewar Bhil Corps. Police officers and constables were also around Jimmi's house, the school, and the ground overlooking the bazaar. However, the *panchayat* leaders representing the Kharadia family were nowhere to be seen and in fact they did not show up for the next two meetings.

During the first three *panchayat* meetings, when no leader from the Kharadia side appeared, the leaders representing the Uthed family discussed past disputes involving the Uthed and Kharadia families. One of these disputes occurred almost twenty years ago when someone from the Kharadia side falsely accused a person from the Uthed side of stealing goats. At that time the dispute had not been settled. The practice of resurrecting past disputes is common to many *panchayat* meetings. An older generation of leaders explained that this allows past animosities to become visible and enables leaders to understand and gauge various dimensions of social relationships between different families and groups of people. This would ultimately bear upon how the case under discussion might be addressed in a manner which allows for the assuaging of old and new animosities.

A *panchayat* meeting for the payment of money was finally held when Simba, Thavda, Thima, and Masrooh went to visit the leaders representing the Kharadia family. First the Uthed *panchayat* leaders congregated at Jimmi's house in the bazaar. Vakhat Ram, Jimmi's father-in-law who is also a clerk at the office of the *panchayat*, was also present. Jimmi took out a bundle of money, counted it and then the stack was passed to each member who also counted the money and then kissed it. Thima explained to me that this is symbolic of the fact that the money was gathered according to certain processes and is the correct amount. The money for the *lokai* or the *ved* is usually gathered through a practice called *chanda*, where a member of each household – usually of the male lineage – contributes money according to the means available to them. Jimmi said that his immediate family had to contribute more money as a result of Alkha Ram's political career and because they were financially much better off than other members of his family. In fact they contributed much more money than Shome's family. In some respects these practices can be seen to have a leveling effect when any one family accumulates too much money and power. However, in practice this was also a way for Jimmi to reassert his family's historical domination in this region, particularly since their political power is dwindling with new forms of democratic politics and the emergence of new families.

Later we walked along the main road leading out of the bazaar toward Thala village where we met the two major *panchayat* leaders representing the Kharadia family – Vanna Panch and Bhoja. The Uthed leaders handed over the money and Vanna Panch counted it and then said that this was fine but that they would not let the Uthed women go for work at the government school and they would restrict the mobility of other Uthed members until the entire amount for the *lokai* had been exchanged, and the *ved* or the sum to be paid for blood money had been fixed. Vakhat Ram then wrote an affidavit stating the amount that was exchanged, and listed the names of the *panchayat* leaders who were present and who witnessed the exchange. These leaders signed the affidavit. Recording the decision of a *panchayat* meeting has been a common practice since the colonial period. A few decades ago, the clerk of the court or some other non-tribal person in the village, usually a Muslim, would write the affidavit. Now many tribal people like Vakhat Ram, who works in a government office, have the authority to write an affidavit. After this meeting, Vanna Panch and Bhoja took the money to the deceased boy's father's house. Another similar *panchayat* meeting occurred with the same leaders in order to complete the exchange.

Each time leaders held a *panchayat* meeting, or met with Kharadia leaders, they were paid by the Uthed family. Jimmi and other members of the Uthed family paid them one hundred rupees for the meetings to exchange the money for the *lokai*, and also arranged for their transport, food, and tea. The Kharadia family provided similar payments to their *panchayat* leaders. Political families must keep such leaders on their side and keep them happy, not only to ensure support during disputes and cases, but also because they are important king makers during elections. Vanna Panch and another *panchayat* leader, Chunni Lal, told me how they ensured Babu Lal Kharadia's victory for *panchayat*, Panchayat Samiti, and State Assembly elections. All candidates must attempt to

win the support of influential leaders in a village and in a cluster of villages. These villagers then campaign among members of the rest of the village. Therefore, along with supporting the Uthed and Kharadia families during this dispute, different *panchayat* leaders have also campaigned at various moments in time for Alkha Ram, Babu Lal Kharadia, Jimmi, Sharada, and Laxmi Lal. Some leaders also switched loyalties in the middle. For instance, it was often unclear which side Masrooh was on. When I met Masrooh in the bazaar, he complained about how Jimmi and Sharada had become corrupt and that they were only interested in using state funding to expand their own resources rather than helping others in their community.

During the *panchayat* meetings for exchanging the *lokai*, leaders frequently discussed episodes of how members of the Uthed and Kharadia family threatened and intimidated one another. During one of these meetings, the police inspector Meethu Singh took the *panchayat* leader Thima aside. I saw Thima hand over some cash to the police officer. Later when I asked Thima about the conversation, he said that Meethu Singh wanted 1000 rupees for '*majdoori*'. *Majdoori* usually refers to a daily wage for manual labor. However, in this context, it refers to how *panchayat* leaders of the Uthed family asked, and subsequently paid Meethu Singh to take some Kharadia boys into the police lock-up over night. These boys supposedly went to the houses of the Uthed family in Kandi village and threatened and bullied them. The *panchayat* leaders supporting the Uthed family addressed this problem by using their contacts at the police station to teach the boys a lesson. In this instance, the Uthed family drew on the regular interaction that leaders like Thima had at the police station. *Panchayat* leaders must constantly ensure that they regularly participate in *panchayats* associated with dispute resolution so that they have regular connections with the police.

The case was also registered as murder by the police and was being tried at the court. I went with Chunni Lal, the *panchayat* leader representing the Kharadia family, for a hearing at the Sessions Court in Udaipur City. While this case was the most important event in the village for several months during the payment of the *lokai*, in the Sessions Court in the city, 125 kilometers away, it was one of many other cases pertaining to tribal and non-tribal people from all over the district. The actual hearing took about ten minutes. The witnesses were young boys who had also gone to Gujarat with the Kharadia and Uthed boys. While I had to sit a bit further away and could not hear the activity close to the bench, I observed that the witnesses barely spoke, but rather the defense lawyer, Dinesh Trivedi, narrated something to the clerk. Over subsequent visits to the court and during discussions with Dinesh Trivedi I learned that court cases are influenced by *panchayat* meetings and social and political processes in the village. Six months after Danna was murdered and once the *lokai* had been paid and the amount that was to be exchanged for the *ved* had been settled, the witnesses turned hostile and Shome was released.

## Conclusion

The processes and practices of the settlement of the murder case described in this article do not provide an understanding about what happened at the time of the murder or the intricacies of the crime committed. In fact none of the actors involved discussed the evidence that was gathered at the time of the murder, but rather the case was settled through the various negotiations and settlements between the lawyer, police officers, leaders of the non-state *panchayats*, and leaders belonging to the political families who are, or in the past were, elected to state-recognized Panchayati Raj Institutions, the Panchayat Samiti, and Legislative Assemblies. The connections between state actors and non-state actors have emerged through historical processes and have taken a distinctive form with the emergence of democratic politics in the last thirty years.

The case demonstrates how legal practices involve the intersection of state and non-state institutions. Political leaders had to make sure that they had the support of a number of leaders of the non-state *panchayat* and the murder case made visible the loyalty of tribal leaders. The parties involved in a case demonstrated their authority by shaping police practices. For example by placing the corpse outside the police station and deciding on where the autopsy should be held. Everyday legal practices were determined by the connections between leaders of non-state *panchayats* and police officers and lawyers; this includes how an affidavit is written after a *panchayat* meeting, and determining the police action of incarcerating and inflicting violence on recalcitrant parties. Non-state *panchayat* leaders would inform lawyers like Dinesh Trivedi about the decisions of the *panchayat* meeting, and in turn Dinesh Trivedi told *panchayat* leaders to instruct the witnesses to turn hostile.

Ideas about tribal life and representations of social customs and mores also informed the events that were associated with the case. For example the idea that tribals engage in an eye for an eye form of justice and seek revenge by taking another person's life justified police practices of relying on *panchayats* to manage tribal emotions, and also legitimized how members of the Kharadia family could curb the mobility of members of the Uthed family. Further, an older generation of tribal leaders could draw on past stories of *mautana* practices to suggest that contemporary networks between state and non-state actors have made the settlement of a murder case far more complex and provide little agency for those directly involved in the case.

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### Notes

1. Bhils belong to the category of people classified in India as "tribal" and considered to be outside the caste hierarchy. British administrators and anthropologists conducted anthropometric measurements in order to show how Indian society was racially divided in terms of caste and tribe where the latter were considered to be at a lower stage of civilization than people belonging to caste groups. These colonial constructions continue to inform the ideas and perceptions that upper caste government officers hold about tribals and therefore impact everyday practices of law and governance.
2. *Meywar Residency Files*, National Archives of India, From 2nd Assistant Political Agent Meywar to the Political Superintendent Hilly Tracts Meywar, No. 142, 19 December 1874.
3. The Balwantrai Mehta study team was formed in 1957 and made recommendations to the government about the need for an agency at the village level which could represent the entire community and provide the necessary leadership for implementing development programs (Hooja and Hooja, 2007; Mathur, 1991). The recommendations visualized a role for *panchayats* as agencies fostering people's participation in development planning. In 1959, Rajasthan was the first state to pass legislation authorizing the Rajasthan Panchayat Samitis and Zila Parishads Act, and Andhra Pradesh followed shortly after. This Act established a three-tier system of Panchayati Raj from the village to the district level: a Zila Parishad at the district level, Panchayat Samiti at the block level, and Gram Panchayat at the village level. The Gram Panchayat consists of three to five villages (where the minimum population of a village is 500) and the entire electorate elects a Gram Panchayat a Sarpanch who heads the Gram Panchayat. The Panchayat Samiti, also known as the tehsil and development block, consists of a group of Gram Panchayat. The

Panchayat Samiti is a major innovation of the 1959 Act as it would function as a development node connecting villages to the Zila Parishad.

4. Following the mandates of the Indian constitution the Indian government reserves seats for people who are categorized as Scheduled Caste and Scheduled Tribe. This includes seats that are reserved in the legislature, government services, and educational institutions, along with other protective schemes and legislation.
5. Studies in other regions in India show how practices of non-official compromises, witnesses turning hostile, and negotiation, bribes, and underhand deals between legal practitioners and *panchayat* leaders are widespread in different regions in India that are inhabited by both tribal and non-tribal people (Baxi, 2010; Berti, 2010). However, legal practitioners posted in the tribal regions maintain that tribals can only be governed through practices that deviate from a particular idea of the norm.

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