

**STATE PATERNALISM AND POPULAR LEGITIMACY :
ASPECTS OF CASTE AND COLONIAL JUSTICE
(1920 - 1940)**

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VINAY KUMAR GUPTA

**CENTRE FOR HISTORICAL STUDIES
SCHOOL OF SOCIAL SCIENCES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI-110067,
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जवाहरलाल नेहरू विश्वविद्यालय
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI - 110067

Centre for Historical Studies
School of Social Sciences

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CERTIFICATE

This is to certify that this dissertation entitled "STATE PATERNALISM AND POPULAR LEGITIMACY: ASPECTS OF CASTE AND COLONIAL JUSTICE (1920-1940)" submitted by Vinay Kumar Gupta in partial fulfilment of the requirements for the award of the Degree of Master of Philosophy, is an original work and has not been previously submitted for any other degree of this University or any other University to the best of our knowledge.

We recommend that this dissertation may be placed before the examiners for evaluation.

(PROF. SATISH SABERWAL)
CHAIRPERSON

(DR. MAJID HAYAT SIDDIQI)
SUPERVISOR

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ABBREVIATIONS

A.I.R.	-	All India Reporter
F.I.R.	-	First Information Report
I.L.I.	-	Indian Law Institute
I.L.R.	-	Indian Law Reporter
S.D.O.	-	Sub-Divisional Officer
SECTT.	-	Secretariat
S.I.	-	Sub-Inspector
S.P.	-	Superintendent of Police
SUPDT.	-	Superintendent
V.	-	Versus
V.S.	-	Vikram Samvat

GLOSSARY

- Alankar Poonool - The ornamental sacred thread worn by the Sudras at the time of marriage or funeral ceremony.
- Anchal - Circle.
- Anna - An indigenous unit of money (1/16 of a rupee).
- Bagicha - Garden or Orchard.
- Begari - The act of pressing labourers or servants.
- Baith-Begari - Customary presence to the Maliks on the occasion of festivals and marriages.
- Bhando[n] - The fifth month of the luni-solar year (August-September).
- Bhet-Begari - Occasional presents made by the cultivators to the landlords on the special occasions.
- Ch[h]latank - One-sixteenth part of a Seer measure, either of weight or capacity.
- Dharmashastra - A work on the whole body, or on particular subjects of Hindu law. The collective writings of the Hindus on their laws and institutions.
- Ganrasa - A traditional weapon made of iron head and wooden handle.
- Hadis - The traditional sayings and doings of Mohammad, having for the most part of force of laws.
- Halla - Uproar.
- Ijma - An assemblage, a court : a collection or sum.

- Kartik - The eighth month of the Hindu year (October-November).
- Kula - The family, a race, a tribe or the court consisting of family elders.
- Lathi - A stick.
- Laukika Poonool - The ornamental sacred thread worn by the Sudras at the time of marriage or funeral ceremony.
- Lorik - Folk-song.
- Mahajan - The head of a trade or caste.
- Maidan - Field.
- Malik - A master, an owner, a proprietor.
- Pharsa - A traditional weapon made of iron head and wooden handle.
- Pradvivaka - A judge, the chief justice, the representative of the Raja in royal court.
- Puga[m] - An assemblage of men of different trades.
- Kiyas - Analogical deductions derived from a comparison of the Koran, Hadis and Ijma.
- Sabhya - Any member of an assembly : a member of a court of justice, as the Pradvivaka, or chief judge.
- Sanha - The Statements lodged in the Police Station as a part of possible threat or attack.
- Seer - The indigenous unit to measure weight (1 Seer is equal to 933 grams).
- Smriti - The ^{em}body of the recorded or remembered law, the ceremonial and legal institutes of the Hindus.

- Sradh - The ceremony which is performed on the 13th day of the demise of a person in which food and water are offered to the deceased.
- Sreni - A row, a line ; a court of arbitration formed of persons in the same line of business.
- Sruti - Hearing, applied especially to the Vedas collectively in contradiction to the Smriti or law.
- Upanayana[m] - The solemn investiture of youths of the three first tribes, Brahman, Kshatriya, and Vaisya with a peculiar thread or cord worn over the left shoulder, by they are considered as regenerated and admitted to all the privileges of their original birth.
- Vahivat - Issues relating to the possession of land etc. recorded in the register.
- Wadi - Orchard.

PREFACE

I

The topic of this dissertation evolved in the course of a seminar paper namely, "Aspects of British Policy in relation to the caste system : an analysis of the Census Reports (1911 - 1931)". It was argued there that the State, through its paternalistic attitude, tried to get popular legitimacy for itself, possibly in response to the social movements of the first half of the 20th century. Though the units of such activities were either villages or sub-regions, castes too, played an important role in this process. In Bihar, interestingly, these units of local action were centred on castes.

A comparative study of the All India Reports and the State Reports of the British Censuses shows certain crucial differences between observations at the two levels. Whether the census became an opportunity for the people to enhance their social status, superficially or genuinely, has been a matter of academic debate. An analysis of the 1931 data of both the Reports shows that the claimed designation in the State Reports (Bihar) was returned with the original status of a particular caste. For example, a 'Nai' who claimed the status of 'Brahman' was returned as 'Nai-Brahman'. This was not been the case with the All India Report where the claimed designation was returned as 'Brahman'. This makes all the

difference. The very mention of the previous status in the State Report distinguished them from Brahman as such.

On the basis of this, historically as well as sociologically, there are two possibilities that could be explored :-

(A) We find a variation in the varna and jati principles because our facts fit into neither of the two models.

(B) At the local level, the British followed a different policy, one that suited their larger interest i.e. to sustain British rule for a longer period. From this sprang their paternalistic attitude towards such matters which too needs to be researched to determine its local specificity.

Apart from the Census, the Caste Sabha also played an important role in the claim to advance social position in the State Reports of the Censuses. Extensive references are found that illustrate this phenomenon in a wide variety of ways. 1891 records the Dosadh's 'Doshashan Kshatriya Mahasabha'; 1921 records an abstinence movement among the Doms ; while in 1912 a movement of the 'Gope Jatiya Mahasabha' of the Goalas is recorded to have expanded into a north India wide 'Pan-Ahir Movement'. Contest for status and community articulation in some cases led to violence and so to the criminal courts.

II

To the best of my knowledge, no historian or for that matter sociologist has looked into the Law Records to find out the actual recorded cases about such matters during this period. This provided me an incentive to go into the details of the Law Reports. I went through "All India Digest 1836-1910, Section-I (Criminal)" ; "The Fifty years' Digest 1901-1950 (Criminal, Civil and Revenue)" ; "The Fifteen years' Digest (Civil, Criminal and Revenue) 1916-1931" ; "The Consolidated Edition of Desai's All India Comparative Tables" ; and Law Journals of different states from 1920-40. To my great excitement I have found extant records of the several cases of these digests in the All India Reporters (A.I.R.) and Indian Law Reporter (I.L.R.) of different states in the Indian Law Institute, New Delhi. Apart from these High Court judgements, I also examined some of the Government Reports especially, the judgements of the First Class Magistrate relating to the two Lakho Chak Riot cases of 1925-26 in the district of Monghyr, Bihar. I got this report from the Bihar State Archives, Patna.

This, apart from giving an impression of the kinds of dispute, regional dispersion, nature of the judgement, etc. has resulted in our finding a new discourse where legal dimensions of caste have been seen alongside our understanding of caste in sociology and history. This has been useful in understanding the policy of the colonial State

in relation to the claims to caste status that were being made by social groups during this period in different regions. This study has also provided a picture which, in turn, outlined the vital role played by the judiciary in generating popular legitimacy to help sustain British rule for a longer period.

III

Since Chapter Five is primarily based on oral sources, it is worth mentioning, in brief, how I collected these materials.

Once I was discussing my synopsis of the dissertation with a friend of mine who knew about the Lakho Chak Riot of 1925. I pointed out that the British in a way tried to sidetrack the very merits of the cases and maintained the varna hierarchy since their judgements did not go beyond the natural law / natural justice and Panchayat law / Panchayat justice. He asked me to see the judgements in the Lakho Chak Riot cases of 1925-26 which might give a different picture. He further told me that the local people also sing Lorik (folk-song) related to this riot and some of the eyewitnesses are still alive. On the basis of this information I went there in March 1994 as a part of my M.Phil. field work. To my great excitement, I met three folk-singers, Mr. Yamuna Yadav, Mr. Narayan Yadav and Mr. Govardhan Yadav of the village Titai Chak who readily sang

the songs for recording. I recorded these songs in three cassettes of 90 minutes each. These recorded songs were then transcribed by me. The total number of pages of this transcribed version is 25. Many people were interviewed in the course of my field work. Mr. Bundi Prasad Yadav, a primary school teacher at Lakho Chak and an eyewitness of this riot, gave me a vivid description of this incident.

These recordings could not have been possible without the sincere help extended to me by Suresh Prasad Yadav and Tulli Yadav of the village Singh Chak and Titai Chak, respectively. They arranged every thing for my stay at Lakho Chak and always accompanied me wherever I visited. I thank all of them for their sincere co-operation.

IV

No words can express my gratitude to my supervisor Dr. Majid Hayat Siddiqi whose co-operation, scholarly guidance, and a little bit of pressure, enabled me to finish this work in time. I have benefitted greatly from his constructive criticisms.

I am also indebted to my teachers especially Prof. B.D. Chattopadhyay and Dr. Niladri Bhattacharya who commented critically when I presented the synopsis of this dissertation. As a result of their comments, I formulated Chapters - 1, 4, and 5 in a better way. Dr. Bhagawan Josh, Dr. Indivar

Kamtekar, Prof. Madhavan K. Palat, Prof. Muzaffar Alam, Prof. Harbans Mukhia and Prof. K.N. Panikkar always encouraged and helped me whenever I sought their support.

My parents (Shri Ayodhya Prasad Gupta and Smt. Malati Devi) and my uncle (Shri Kameshwar Prasad) acted as a perennial source of strength, courage and foresightedness. Their unflinching love, encouragement and guidance made me sail through the ups and downs of my life. My love and regard for them cannot be expressed but felt.

I would like to take this opportunity to express my sincerest thanks to all my friends and well wishers. Some of them deserve special appreciation - Ajay Yadav and Sanjay Kumar, for helping in transcribing the lorik (folk-song); Jitendra for providing his tape-recorder to record the folk-songs; Sanjay Padmanabh, Manmohan and Krishna Mohan for prior discussion on chapters. Apart from them, Rohan, Harsh, Prashant, Ashish, Md. Ayub, Avinash, Sanjukta, Ritu, Sudipta, Raju, Dinesh and Hunna who have contributed one way or the another to the making of this dissertation.

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I am also grateful to the staff of several libraries for *their* co-operation. National Archives of India, Nehru

Memorial Museum and Library, Indian Law Institute, Bar Council Library -Supreme Court, Law Library - Delhi University, and J.N.U. Library - in Delhi ; and Bihar State Archives, Patna and A.N. Sinha Institute, Patna - outside Delhi. My sincere thanks to them.

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Vinay Kumar Gupta
(VINAY KUMAR GUPTA)

INTRODUCTION

Broadly speaking, there were three basic pillars of the colonial State in India i.e. the Executive, the Legislature and the Judiciary. Scholarship has concentrated much more on the role played by the executive and the legislature in the writing of the socio-cultural history of the colonial State. We find that this perspective of the study of society and history is very comfortable with disregard of the significance of law. Barring a few notable exceptions, no attempt has been made either by historians or sociologists to lay bare, at par with the Executive and the Legislature, the functioning of the Judiciary and its vital role played in the broad policy making of the British.

In general historical perception, the judiciary is considered to be somewhat different from the executive and the legislature. There is a notion that 'justice is done' by the Courts and it cannot have been utilized for generating popular legitimacy for the state. A sacrosanct notion of silent acquiescence prevailed in the minds of the people which probably prevented scholars from questioning the judiciary's judgements and also from attempting to establish any direct link with the socio-political process generally. This explains why natural law / natural justice and Panchayat law / Panchayat justice acted as axioms in the judgements delivered in the different High Courts, except some magisterial Courts at the local level. The former was the

'Practice of judgements' while the latter, as it were, embodied the 'judgement of practice' in which the weight of axiomatic inferences stood greatly reduced and the pragmatic force of everyday requirements of administrative justice prevailed.

Since the judiciary was one of the pillars of the colonial State, it too played a crucial role in relation to the British policy-making in India. This dissertation is an attempt to highlight this feature to some extent.

The dissertation is divided into five chapters.

The First Chapter contains a discussion on 'Sources and background of the traditional legal system' qualifying certain concepts i.e. 'natural law' and 'natural justice' alongside a brief history of the evolution of traditional Hindu and Muslim legal systems and their various characteristics. This is important because the scholarship on legal history has concentrated much more on the colonial nature of the Indian legal system in contemporary India. There has been very little work on the influence of the traditional legal system when British rule was being established. It was during this period that the British went into several compromises because of the semi-hegemonic nature of their rule. The legal system that was adopted was to a considerable extent with an eye to hegemonize, dominate and rule the Indian subcontinent.

The Second Chapter examines 'Tradition and modernity in the British volte-face' highlighting how the British adopted a different policy when they were confronted with social aspects in general and the caste customs in particular in the process of establishing a uniform legal system in India.

The Third Chapter reviews 'Caste in legal discourse ; Instances from the 20th century' on the basis of All India Reporters (A.I.R.) of different High Courts. It is argued that the British in a way sidetracked the very merits of the cases and maintained the varna or local jati and/or community hierarchy while the judgements were delivered. The analysis is not confined to a particular region and an attempt has been made to incorporate as many cases as possible from different parts of the subcontinent. The selection of the cases has been done on the basis of their availability in the various digests that I have consulted.

The Fourth Chapter discusses The Lakho Chak Riot of 1925 which gives a different impression of the British attitude at the local level. The focus of this chapter has been to show as to how in 1925-26, in the judgements of the two cases from Lakho Chak in the District of Monghyr, Bihar, the British upheld the merits of these cases even though these judgements were delivered under different circumstances. Nevertheless, this was done.

The Fifth Chapter discusses The Lakho Chak Riot of 1925

as reflected in the folk-tradition and an attempt has also been made to correlate it with evidence of the archival sources.

CHAPTER - 1

SOURCES AND BACKGROUND OF THE TRADITIONAL LEGAL SYSTEM

I

During the pre-colonial period, Hindu and Muslim civil laws were different while the criminal laws were the same for both the communities. Different civil laws had created a sort of harmony leading to peaceful co-existence. Both claimed divine origin and were closely connected with religion. These were based on customs and often originated from customs.

The main sources of Hindu Law were : Srutis, that is, divinely inspired works, including the mass of material known as the Veda ; the Smritis ; Customs which were based on lost and forgotten Srutis and Smritis ; and Judicial decisions.

The three principal Smriti texts which were considered sources of colonial laws were : (1) 'the Code of Manu' (the Manava Dharma Shastra), compiled sometime in between 200 B.C. and 100 A.D. ; (2) 'the Code of Yajnavalkya', written sometime in between 100 B.C. and 300 A.D. ; and (3) the Code of Narad, written some time in between 100 B.C. and 400 A.D. In addition, there were more than 100 other Dharmashastras of greater or lesser importance.¹

As Julius Jolly points out, the Smritis were written

1. L. Sternbach, Judicial Studies in Ancient Indian Law Part-I, p. 538, Motilal Banarsidass, Delhi, 1965.

by Brahmans for Brahmans and they bring out the caste privileges claimed by them in the rudest manner. The Kshatriyas too appear beside the Brahmans as a privileged class, but the bulk of the population, particularly the mass of the Sudras, stand so low that it is considered hardly worth the trouble to examine their customs and legal usages.²

Since the King was himself a Court of both Civil and Criminal jurisdiction and justice was administered according to the Smritis, the above mentioned points must be kept in mind when one examines the process of adjudication during this period. It is important also because the pre-colonial legal system in India did not have a homogeneous character.

The King or his administrative and judicial authorities constituted the top of the hierarchy. The law books employ the word 'King' as doing all matters of legal execution. The commentators explain that the 'King' means the presiding officer of a particular court.

The King's Court was the highest Court in the kingdom which was, according to the Smritis, situated at the capital city and in the royal palace. The king was vested with the power to pass final decrees. Apart from the king, the Chief Justice (Pradvivka) and the Judges (Sabhyas) were the officers of the court. The Chief Justice had to give his final opinion on cases, and the duty of the judges was to investigate the merits of each case.

2. Julius Jolly is quoted in L. Sternbach, op. cit. pp.538-539.

The subordinate judges, while administering justice, were helped by Sabha - which constituted some members of the village folk. The Smritis have clearly laid down that the Sabhyas - members of the Sabha should always be Brahmans who should be well versed in law of the community but where a case did not involve deep knowledge of sacred laws, for example, disputes relating to cultivators, merchants and foresters, Dharmashastras have recommended that jurors should be selected from the castes or the professions of the parties.³ This provision was perhaps made with the view to keep persons having the knowledge of customs and traditions of a particular community or trade in the panel of jurors. In such disputes, customs of the caste and trade played an important role in deciding a particular point.⁴

But even in the process of the selection of a judge, the first preference was to be given to a Brahman, if he was not available, a Kshatriya or a Vaishya could be appointed. Sudras, however, were never recommended for such appointments as, according to the ethos of that period, they were not supposed to learn the sacred texts, says Katyayana.⁵

3. O.P. Motiwal, Changing Aspects of Law and Justice in India, Chugh Publications, Allahabad, 1979, p. 5.

4. ibid.

5. B.R. Agarwala, Our Judiciary, National Book Trust, Delhi, 1993, p. 9.

In addition to the King's Court, there were popular Courts in existence also. However, Manusmriti and Dharmasutra do not have any mention of such courts. It is Yajnavalkya Smriti where we, for the first time, come across the discussions on three kinds of popular courts. These courts were called Puga, Sreni, and Kula.⁶ Any party dissatisfied by the decision of Kula could go in appeal before Sreni and Puga could hear appeal against the judgement of Sreni. Kula was the court consisting of family elders. It generally decided disputes among the members of a particular family. It was a sort of family arbitration and when it failed to give a satisfactory solution the matter was taken up before Sreni which was a Court of guilds. Puga Courts consisted of members belonging to different castes and professions or trades belonging to the same village or town. These courts existed upto the 18th century. They had the sanction of the King and the latter had the authority to review any decision made by these courts.

It is surprising that while awarding punishment, the judges were required to take into consideration the caste, status and age of the accused apart from other aspects. For a particular crime, different punishments were awarded to the accused belonging to different castes. The punishment for the murder of a Sudra was ten cows, for that of a Vaishya 100

6. O.P. Motiwal, op.cit., p. 6.

cows, for that of a Kshatriya 500 cows, and for that of a Brahman 1000 cows. Fines also varied with the caste of offenders.⁷

II

To complete this account of the backdrop, an attempt should also be made to examine the sources and jurisdiction of Muslim law. The main sources of Muslim law were found in (1) the Koran (Quran) ; (2) Hadis, that is, precepts, actions, and sayings of the Prophet Mohammed not written down during his lifetime, but preserved by tradition and handed down by authorized persons ; (3) Ijma, that is, consensus of Muslim scholars; and (4) Kiyas, analogical deductions derived from a comparison of the first three sources when they did not apply to any particular case.

The Emperor's Court was the Supreme Court of the Empire. The Court of Diwan Ala and the Court of Sadr-us-Sadr or the Chief Qazi (Qazi-ul-Quzal) were the other Courts of Law and they were appointed by the King. The Sadr us-Sadr, who also worked as Chief Qazi, had the powers to appoint provincial Qazis and Mir Adils and they remained under his orders.

During the Mughal period, the King was easily accessible and the judgement was done quickly on the spot. The extent to which the king was easily accessible can be -----
7. ibid., p.7.

judged from a case in which a gardener of the Sabarmati, constructed by Khan-i-Khan, approached the King (Jahangir) with a complaint about a servant of Governor Muqarrab Khan who had cut down some Champa trees under his charge. An inquiry was made, the complaint was found to be true and both the thumbs of the accused were chopped off.⁸ This also proves that the Kings had all powers of original and appellate jurisdiction and in all types of cases, whether civil or criminal.

Apart from the above mentioned courts, there were Caste Courts and Panchayats. These Courts decided all kinds of cases - civil and criminal, filed by villagers. Public opinion was the major sanction behind their authority. Justice was administered by the village elders on the basis of the customs, practices and faiths of the parties. The Caste Courts decided the cases of parties belonging to the same caste, with social sanctions behind them.⁹

Thus, it is clear that during this period, too, the caste hierarchy was taken into consideration while delivering the judgement as was the case during the ancient period.

III

The concept of natural law and justice frequently informed the judgement of the British because whenever they

8. B.R. Agarwala, op.cit., pp. 25-26.

9. B.R. Agarwala, op.cit., p. 27.

were confronted with the merits of a particular case they passed the judgement in the name of natural law and justice. Therefore, one needs to understand this very concept of natural law and justice.

According to Encyclopaedia of Social Sciences, 'Natural Law is that law which, grounded in the innermost nature of man or of society, is independent of convention, legislation or other institutional devices.'¹⁰

If we take this definition of natural law, then it becomes problematic to know and understand the innermost nature of man or of society because it is not so simple to categorize one's nature. This very 'nature' is ambiguous in its characteristics especially when the ideal norm is confronted with the deviations from reality, apriorism with empiricism, autonomy with heteronomy, stability of the established order with the dynamics of progress, justice with security and immobile organisation with continuity of life. Further, how can anything be independent of convention, legislation or other institutional device ?

Natural justice is justice indeed and in truth while legal justice is justice declared and recognised by law and enforced by law courts, as Salmond has said.¹¹ According to

10. Encyclopaedia of Social Sciences, Vol. 11-12, p. 284.

11. Salmond, Jurisprudence 8th ed., p.58, quoted in R.G. Chaturvedi, Natural and Social Justice, Law Book Co., Allahabad, 1970, p.6.

him, legal justice is the ideal and the truth, of which, legal justice is the more or less imperfect realisation and expression. Legal justice is the authoritative formulation of natural justice by civil law as an obligation of the courts who administer justice. Natural justice, when authoritatively formulated by law, becomes legal justice.

The concept of natural justice has been used in the sense of natural law, universal law, and eternal law and has not been a static but a changing concept.

The following are the four generally accepted principles of natural justice :¹²

(a) Every person whose civil rights are affected, must have reasonable notice of the case he has to meet.

(b) He must have reasonable opportunity of being heard in his defence.

(c) The hearing must be by an impartial tribunal, i.e. by a person who must not be party to the case in any manner.

(d) The authority must act reasonably and in good faith and not arbitrarily.

On the other hand, natural justice is another name for commonsense justice. In this sense, rules of natural justice are not codified canons, but they are ingrained into the conscience of man. It also takes natural ideal and human values substantially in its account.

12. O.P. Motiwal, op.cit., p.207.

Now, the same problems arise here as is the case with natural law, pointed out earlier. The fact is that the idea of 'commonsense' and 'conscience' can be complementary to the question of 'merit' but can not constitute 'merit' itself.

IV

On the basis of the above discussions, we find that a number of privileges and disabilities were recognized in the pre-colonial legal system especially with regard to caste customs in particular and social aspects in general. This very recognition was not in consonance with the merit of rational thought and decision-making within that ambit.

The fact that the British too continued with the same pattern of justice - civil and criminal, despite their absolutely different notions of civilization and civilized persons, will be explored in the next chapter i.e. Tradition and Modernity in the British Volte-face'.

CHAPTER - 2

TRADITION VS MODERNITY : THE BRITISH VOLTE-FACE

With the establishment of British rule in India, a quest for the acquisition of knowledge of classical languages started for various administrative as well as other purposes. With this notion in mind a systematic knowledge of Indian Society began to develop much more smoothly from 1760 onwards. Inherent to this was the establishment of a uniform legal system, one of the important pillars of the British rule. This led to the interaction between the indigenous legal system and that of the modern as in colonial rule. The former in its purview incorporated the general understanding of natural law, natural justice, customary law and panchayat justice and the latter emphasised a kind of positivist as well as rationalist view of a particular act-civil or criminal and therefore, 'modern' in its conception. However, one should note that the modern legal system also paid attention to 'natural law and justice' and what is often referred to as 'Justice, equity and good conscience'.

I

The British perception about India was not static. We find constant shift and change in their perception as well as in formulation of different policies. This shift and change was the result of changing realities in the course of time. The particular region and people too played a vital role in

this process. Hutchins clearly points out the difference in their perception before and after the Mutiny. He says,

while before the Mutiny, reformers had looked to India for the realization of radical hopes frustrated at home ... India attracted the person who was disturbed by the growing democratization of English life - not the man who hoped to make India more democratic than England was herself willing to become. The man who came after the Mutiny was likely to be a man excited by the desire to rule rather than reform, concerned with British might, not Indian hopes; a man to whom the permanent subjection of India to the British yoke was not a repugnant thought.¹

Therefore, a brief outline of how Indian society has been perceived by the British, is essential before coming to the interactive relationship between the traditional and the modern legal system.

The Orientalists, by and large, believed that the texts were indeed accurate guides to the culture and society of the Hindus. Halhead, who provided the first compilation and translation from the Dharmashastras under the title 'A Code of Gentoo Laws' (1776) held that from such translations "may be formed a precise idea of the customs and manners of those people."² This led to the view that the Brahmans were in the

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1. Francis G. Hutchins, The Illusion of Permanence : British Imperialism in India, Princeton University Press, 1967, pp. X-XI.
 2. Halhead, 1977, p. XI, Cited in B.S. Cohn 'Notes on the history of the study of Indian Society and Culture' in Structure and change in Indian Society, Millon Singer and B.S. Cohn, (ed.), Aldine Pub. Comp. Chicago, 1968, p. 7.

centre of the social system, that they prescribed differential punishments for crimes based on one's varna status which prohibited other varnas than Brahman from learning certain texts and which generally exalted the sacredness of Brahman. The criticism of this view that B.S. Cohn has made as to "the political structure of late 18th century and early 19th century India, in which there were few Brahman dynasties, and political military power rested in the hands of other groups in the society"³ equates political military power of other groups with that of social power of the Brahman. But our understanding of Indian society suggests that social power encompasses politico-military power. This equation itself is problematic.

The other notable point is that the Orientalists have evaluated the 1857 revolt as a part of a reactionary process which hindered the process of modernization initiated by the British. To understand this, one will have to understand the political understanding of Orientalists. They had their own ways of understanding. They were opposed to several internal movements such as peasant and tribal movements. In their eyes, renaissance in India occurred in the 19th century and not before that. This brings the role of 'Fort William College' and 'Asiatic Society' under question in bringing about a genuine renaissance in India.

3. Milton Singer and B.S. Cohn, op. cit. p.7

In contrast to the Orientalists, the Missionaries saw the society and culture as always having been corrupt, pernicious, and filled with absurdities;⁴ but both were of the view as to what the central principles and institutions of the society were. They agreed that it was a society in which religious ideas and practices underlay all social structure as well as in the primacy of the Brahman as the maintainer of the sacred tradition through his control of the knowledge of sacred texts.

The British were extremely cautious from the very beginning so far as the social aspects and belief-systems of Indians were concerned. This is clear from Hastings' conscious reaction in favour of preserving Indian Society and its institutions against the threat that English law would displace the indigenous Hindu and Muslim systems. He protested, 'the people of this country do not require our aid to furnish them with a rule for their conduct, or a standard for their property'. Hastings's encouragement of oriental scholarship and, in particular, of Halhead's translation of Hindu laws were part of this attitude.⁵

II

Now, coming to the interactive relationship between the traditional legal system and the modern legal system, we find

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4. Milton Singer and B.S. Cohn, op. cit. p. 10.
 5. Eric Stokes, The English Utilitarians and India, Oxford, The Clarendon Press, 1959, p.3.

that the scholarship is not very clear about this tradition vs modernity dichotomy in this regard. Moreover, the British themselves were confused (or acted tactfully) so far as this aspect is concerned. Their understanding of Indian culture and society and the contingencies of their rule did not allow them to supplant the traditional legal system altogether. The question of influence and getting influenced in this respect has been differently interpreted by different scholars.⁶

A common thread that emerges out of various interpretations is that ,

It was a fundamental and persisting policy that, in matters of family law, inheritance, caste and religion, Indians were not to be subjected to a single general territorial law. Hindus and Muslims were to be governed by their personal laws i.e. the laws of their religious groups.

It is worth noting that these were placed under exceptions. Here, the question emerges if the British were so genuinely concerned about evolving a general territorial law then why such double standards were followed, when they were confronted with hard social realities in the name of 'exceptions'. This attitude clearly points to a

6. Rudolph and Rudolph (1967), J.D.M. Derrett (1963) and Marc Galanter (1989).

7. Marc Galanter, Law and Society in Modern India, OUP, 1989, p. 18.

different face of the British.⁸ It should also be noted that whenever one creates a category i.e. what ought to be a 'rule' and what ought to be an 'exception', it never happens in vacuum. There is always a thought process behind this. It is here that we find meaning of the word 'paternalism' in getting 'popular legitimacy'.

Marc Galanter points out that the salient features of a modern legal system include uniform territorial rules based on universalistic norms rather than of fixed statuses. These rules are administered by professionals, organized bureaucratically and employing rational procedure.⁹ When we examine the applicability of these features during the colonial period, we find that the British had not taken Society and culture in its totality and wherever they were confronted with complex issues like caste, religion etc., they made them 'exceptions' to their modernizing zeal.

A similar kind of fear can be discerned when Rudolph and Rudolph opine that Indian Law suggests how and why Indians, still closer to the consensual and face to face procedures of traditional law, might choose, even as modern Western law of late has, to incorporate such 'traditional' aspects into that

8. This point will be further elaborated in the Chapter-3 where caste will be seen in legal discourse.

9. Marc Galanter, op. cit. p. 15.

legal system.¹⁰ They rightly point to the fact that the British advanced the written, more uniform, and professionally interpreted law of the twice born castes (dharmasastra) at the expense of the parochial, diverse and orally transmitted customary law of villagers.¹¹ This explains the dual character of the British in social aspects, referred to above. Even though over time the modern system encroached on the traditional system that did not imply that traditional norms and concerns were displaced by official ones.¹²

It is surprising that even the reformist zeal of the missionaries who were concerned with changing India rather than with maintaining the status quo was not reflected when the judgements were delivered. The ultimate decision of a particular case relating to caste customs was made on the basis of varna hierarchy which was reflective of maintaining the status quo.¹³ J.D.M. Derrett makes it more clear by saying that the British respected fundamental customs; they even admitted Brahmins to be the proper authorities to determine certain disputes; and they tolerated the indigenous

10. Lloyd I. Rudolph and Susanne H. Rudolph, The Modernity of Tradition : Political Development in India University of Chicago Press, 1967, p.12.

11. Rudolph and Rudolph, op.cit., p. 254.

12. Marc Galanter, op. cit., Foot-note, p. 21.

13. The relevant cases will be discussed in Chapter 3 - 'Caste in legal discourse'.

system so long as it did not conflict with their own.¹⁴

Another formula that the British applied in the absence of a rule from statute, the written sources of the personal law, custom, or case law, was according to 'justice, equity and good conscience'.¹⁵ The meaning and function of this formula is not very clear and therefore has been a matter of debate. This provision can, and occasionally does, produce contradictory results.¹⁶ For example, a claim by, or through, an illegitimate child, in circumstances where the relevant system of law is silent, could be upheld on the ground that natural justice favours claims by natural relations, as opposed, for example, to the claim of the State by escheat;¹⁷ or it could equally be rejected on the ground that to encourage heritable claims that deny the need for legitimacy and valid marriages between parents would be against public

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14. Sarkar, Epochs, p. 209ff gives a more faithful picture than suggested by material cited by Sir G.C. Rankin, Background to Indian Law, Cambridge, 1946, pp. 3-6, Sarkar is quoted in J.D.M. Derrett, Law and the State in India ; Faber and Faber, London, 1968, pp 278-79.
 15. Government of India Act, 1915, S.112.F.B. Tyabji, Muhammadan Law, 3rd edn., Bombay, 1940, Justice Equity and Good Conscience' in J.N.D. Anderson(ed.) Changing Law in Developing Countries, George Allen & Unwin Ltd., London, 1963, p. 114.
 16. Bijay K. Acharyya, Codification in British India, Calcutta, 1914, pp. 319-20, quoted in J.D.M. Derrett, in J.N.D. Anderson (ed.) op. cit. p. 114.
 17. Jagannath Gir Vs Sher, (1934) 57 Allahabad, 85, 100-1 quoted in J.D.M. Derrett, in J.N.D. Anderson (ed.) op. cit., p.114.

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policy.¹⁸

A further problem that this formula poses is regarding the nature of conscience. What will be the basis of the judge's conscience ? Whether this will be his personal experience or the evidence relating to a particular case ? Therefore, it seems that this was used where the positive law of the British itself was silent. This sort of formula can not be equated with the merit of a particular case-civil or criminal.

We might note, nevertheless, that Nagendra Singh gives a different version of the British 'rule of law'. To quote him,

The British sense of legalism as embodied in the Parliamentary machinery of Westminster did not hesitate to impeach Warren Hastings, and it was this very legalism which led the Crown & Parliament to move step by step in the direction of establishing both de jure and de facto control over the country which may be said to have been completed in 1857. However, this was destined to yield place after 90 years to the liberation of the millions of this country, which decision was also dictated by a conscience born of constitutional legalism so characteristic of the British.¹⁹ (emphasis added).

Here too, it is clear that, when not concerned with the

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18. Meenakshi Vs Muniandi, A.I.R. 1915 Madras 63, 37 Col. i, quoted in J.D.M. Derrett in J.D.N. Anderson (ed.) op. cit., p. 114. Similar cases directly relating to caste customs will be traced in the Chapter-3.i.e. "Caste in legal discourse".
 19. Nagendra Singh, The Theory of Force and Organisation of Defence in Indian Constitutional History From earliest times to 1947, Bombay, Asia Publishing House, 1969, p. X.

governance of internal matters with possibly ambiguous and hence troublesome dimensions of an unfamiliar social structure, British functioning was quite different. However, to maintain the rule of law at the apex of a polity and especially through the mediation of an emerging and evolving parliamentary matter from the involvement of the precepts and practices within a governed colonial society.²⁰

III

There is no doubt, on the basis of above discussion about the British volte-face, about their own turning away from stated utilitarian rationality, especially when they were confronted with social aspects. It was here that their functioning was totally different rather opposite to their own 'modern' rational inheritance. This speaks of why the ultimate decision of a particular case was always been made according to the indigenous legal system even if it did not fit into the framework of the British 'modern' legal system. It is interesting to note that in educational and economic aspect the British, in a way, imposed their rationality maintaining that the 'traditional' Indian populace would understand their 'civilizing intentions' in course of time. Here, they did not require to go into the minute details of the indigenous sources at their disposal. But they felt it very necessary to go into the minutest details of indigenous

20. This difference will become more clear in Chapter 3.

laws and belief - systems: in cases that related to social - aspects of Indian life. The motive behind the difference in their attitude is clear from this chapter.

Because of the above factors the British went into several compromises when these institutions were evolving. The legal system that was adopted was in considerable amount with an eye to hegemonize, dominate, and rule the Indian subcontinent.

CHAPTER - 3

CASTE IN LEGAL DISCOURSE: INSTANCES FROM THE 20th CENTURY

I

The analysis of 'Caste in legal discourse' during the colonial period points to the fact that its nature was not homogeneous. The primary sources that I have collected, both documentary and oral, suggest two different conclusions. The first set of sources¹ clearly points to the fact that the British in a way sidetracked the very merit of the cases and maintained the varna hierarchy while the judgements were delivered. The analysis has not been confined to a particular region. An attempt has been made to incorporate as many cases as possible from different parts of the subcontinent.

The second set of sources² provides an altogether different picture. Here we find that in the judgements of

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1. The documentary sources i.e. All India Reporters (A.I.R) and Indian Law Reporters (I.L.R.) that I have got from 'Indian Law Institute (I.L.I.)', New Delhi and 'Law Library' University of Delhi.
 2. This includes both documentary and oral sources. The documentary source includes File No. 7 of 1926, Government of Bihar and Orissa, Political Department, Special Section, from the Bihar State Archives, Patna and the Oral Sources include recorded folk-song and interviews from in and around Lakho Chak by me.

the two cases from Lakho Chak³ in the district of Monghyr, Bihar where the British upheld the merits of these two Cases, though under different circumstances⁴. Nonetheless, they were upheld. Though I have traced only these two Cases so far, more similar Cases can be traced in future in this direction. Since these two cases are the result of the Lakho Chak riot of 1925, an overall analysis of this incident is also required. This will be done in two separate chapters, later on.

This Chapter deals with the first set of sources as outlined earlier.

II

In order to describe the judicial conceptualization of caste groups, Marc Galanter proposes four models.⁵ The first pair of views characterizes caste in terms of religious factors and the second pair of views is secular.

The first model sees the caste group as a component in an overarching sacral order of Hindu society. Hindu society

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3. The two Cases are, (a) Crown through Shah Anisur Rahman Versus Ambika Singh alias Medini Singh and 38 Others, File No. 7 of 1926, Govt. of Bihar and Orissa, Political Deptt. Special Section, p. 24, (b) Crown through I.S. Sachar Versus Ambika Singh alias Medini Singh and 32 Others, File No.7 of 1926, Government of Bihar and Orissa, Political Department, Special Section, p. 35.
 4. This will be clarified in the Chapters 4 and 5.
 5. Marc Galanter, Law and Society in Modern India, OUP, 1989, pp. 142-44.

is seen as a differentiated but integrated order in which the different parts may enjoy different rights, duties, privileges and disabilities. These are determined by the position of the caste group in relation to the whole.

The second model can be called the sectarian view of caste which visualises caste as an isolable religious community distinguished from others by idiosyncratic doctrine, ritual or culture. It is a self-contained religious unit, dissociated from any large religious order. The rights and duties of the group and its members follow from its own characteristics, not from its place in a larger order.

The third model might be called the associational view of caste. Here, caste is seen as an autonomous association with its own internal order and rule-making powers, but characterized neither by a fixed place in some larger religious order nor by distinctive and idiosyncratic religious beliefs or practices. It is a body with its own principles of affiliation and its own internal order.

The fourth model, according to him, is the organic view of caste. Here, the caste group is seen as occupying a peculiar place in a social order made up of many such groups. This place is determined by a certain level of resources and attainments relative to other groups in society. This view characterizes, as does the sacral model, the caste group in terms of its relative standing in a larger whole. But this organic view does not visualise the standing of a caste as

determined by its possession of Hindu ritual values as does the sacral view, but by its share of mundane accomplishments and resources. It does not take religious factors as the sole or primary determinant of the nature of the caste group; in this respect, it resembles the associational view. But this organic view, in contradiction to both the associational and the sectarian views, does not see the caste as an isolated or idiosyncratic entity.

Therefore, this second pair of views is secular not in the sense that they omit religion entirely, but because they do not give it a central place.

The brief outline of these models is important for the discussion that will follow hereafter.

III

Our discussion of caste and colonial justice will be divided into three parts⁶ for the purpose of a proper understanding in the light of a variety of cases from all over India.

(A) The recognition of castes as autonomous self-governing groups.

(B) The recognition of claims for precedence and for the imposition of disabilities.

6. This idea has been taken from Marc Galanter op. cit. p. 144 but most of the cases under discussion are my own findings.

(C) The administration of 'Personal law'.

The first question that emerged, while dealing with caste in legal discourse, was how certain issues should be dealt with in the Court as well as what the role of caste rules would be in this regard. It becomes clear from the case of *Ratansey Virji V. Meghji Hirji Jangeali*⁷ that the judgement would not cross the boundary of (or go beyond) the caste rule or of natural justice. More important for our purposes here, the caste was recognized as a group having the power to make rules for itself and to constitute tribunals to enforce these rules.⁸ While caste power was limited by the official Courts, which had exclusive jurisdiction over many matters (for example, criminal law), on most matters the caste could make, modify, and revoke its rules. The majority, or the established authorities within the caste, could not be overruled by the Civil Courts on these 'caste questions'. Caste questions were said to include all matters affecting the internal autonomy and social relations of a

7. A.I.R. 1934, Bombay 431. The detailed analysis of this Case will be given later on.

8. The only legislation directly impinging on caste autonomy was the Caste Disabilities Removal Act (Act XXI of 1850, also known as the Freedom of Religion Act), which provided that there was to be no forfeiture of civil or property rights 'by reason of renouncing or, having been excluded from the communion of any religion or being deprived of caste ...', quoted in Marc Galanter, *op. cit.*, p. 151.

caste.⁹ But they did not include, as Marc Galanter points out, the economic interests of the group, where these conflicted with the property right of a member.¹⁰ A caste then might make whatever rules it wished about these matters. It might forbid the wearing of European clothing, departure from customary headdress, crossing the sea; it might prohibit intercourse with members who participated in widow remarriage; it might excommunicate those who failed to observe customary avoidance of lower castes.¹¹

The Court took jurisdiction where they found that the claim was not merely for social acceptance or dignities but involved enforceable civil or property rights which included rights in caste property, the right to offices with pecuniary emoluments, and the right to reputation. Even here, the Courts were wary about the extent of intervention and set standards that emphasized procedural rather than substantive supervision. The Court would entertain claims only if : (a) that the decision of a caste tribunal had not been arrived at bonafides, (b) that the decision was taken under a mistaken belief, (c) that the decision was actually contrary to rules and usage of the caste; or (d) that it was contrary to

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9. Naginadas Narandas V. Somnath Premchand, A.I.R. 1932, Bombay 122.
 10. Pothuraj Setty V. Padda Poliah, 1939 (1) Madras Law Journal, 116, quoted in Marc Galanter, op. cit., p.151.
 11. Sri Sukratendra Thritha Swami of Kashi Mutt V. Prabhu, A.I.R. 1923 Madras. 587 cf. Khamani V. Emperor, A.I.R. 1926, Allahabad 306, quoted in Marc Galanter, op. cit., p. 152.

natural justice. The last two were the most important of these rules. Violation of natural justice included omission of proper notice to the accused and the denial of an opportunity to the accused to be heard and to defend himself.

This broad outline of the aspects of caste and colonial justice may be substantiated by the nature of judgements drawn from the extant recorded cases.

(A) THE RECOGNITION OF CASTES AS AUTONOMOUS SELF-GOVERNING GROUPS

The First Case, in this regard, is that of Ratansey Virji and Others - Defendants - Appellants V. Maghji Hirji Jangeali and Others - Plaintiff - Respondents of 1934.¹² This clearly points to the fact that the judgement had not gone beyond considerations of caste rule and natural justice. Since in this case the Defendants had violated both caste rules as well as those of natural justice, therefore, the Chief Justice overruled the decision of the caste assembly or Mahajan upholding the cause of the Plaintiff.

Let us now consider the particulars of this Case, in details.

The Plaintiff claimed that the declaration of the caste Mahajan expelling him from the caste was invalid. He pointed

12. A.I.R., 1934, Bombay 431.

out that the acting President of the caste Mahajan took offence at his letters in which he had criticised the conduct of the President. (The exact wordings of his criticism were not mentioned in the Judgement). The Plaintiff was fined a sum of Rs. 101/- for his offence in writing the two letters in question. If the fine was not deposited within twenty four hours, he would be outcasted. Thereafter, the Plaintiff filed the above suit.

The Plaintiff argued in his defence that the letters involved no caste offence and that the caste Mahajan did not act in accordance with the rules of natural justice. He cited the rules passed by the caste in 1904 which provided that the proceedings of the Mahajan would be carried out according to the rules. The rules were outlined as under :

[If] it is found that any member or family of the Mahajan has committed any offence whatever with reference to the community, then such member or family will be called before the meeting of the managing committee for enquiry, and if the aforesaid committee finds anyone guilty after giving him full opportunity to defend himself and after fully considering every matter, then proper punishment will be meted out to him with the consent of the Mahajan.¹³

Considering these aforesaid rules of the Cast Mahajan, the Court maintained that the Mahajan did not refer the matter for enquiry to the managing committee to which the Plaintiff was entitled. The Mahajan, further, violating the

13. A.I.R., 1934, Bombay 431, p. 432.

caste rules themselves, initiated an enquiry whereas the Mahajan should have allowed the managing committee to initiate an enquiry.

Therefore, the Chief Justice held that the Plaintiff did not get the hearing before the managing committee to which he was entitled before the hearing of the entire caste Mahajan. The punishment meted out was not the punishment recommended by the managing committee but it was a punishment imposed by the orders of the entire caste Mahajan. Therefore, the expulsion of the Plaintiff was not in accordance with the rules. On the basis of this, the Chief Justice dismissed the appeal of the caste Mahajan.¹⁴

Thus, one might conclude that the Court had not gone beyond caste rules and natural justice. This clearly shows that even the Judiciary took caste customs to be something of an axiom while other methods could have been deployed to reach the same decision. This also testifies to the intention of the British State towards social taboos prevalent then, that forced them to compromise with the prevalent realities.

The Second Case, that of Ramji Motichand-plaintiff V. Naranji Purshottam Sangani and Others - defendants of 1935¹⁵ was on the same lines.

14. A.I.R., 1934, Bombay 431, pp. 432-34.

15. A.I.R., 1935, Bombay 268.

The Plaintiff was a member of the Dasa Sorathia Bania Caste in Bombay. He prayed in the suit for a declaration that his excommunication from the caste was void. His main contentions were that the proceedings which resulted in his excommunication were contrary to natural justice in that the procedure laid down by the rules of caste was not followed, that he committed no caste offence, that he received no notice of the charge or of the punishment proposed to be inflicted, that he received no notice of the caste meeting, that no notice was given to the members of the caste, that a charge against the Plaintiff which might result in his excommunication was to be dealt with at the meeting, and that there was no evidence before the caste upon which the caste could find him guilty.¹⁶

The Judges held that what the Plaintiff was charged with was not a caste offence, and that the caste did not follow its own rules of procedure. The Plaintiff did not know that a charge was going to be made against him and that too of excommunication. Therefore, the notice which convened the caste meeting on 12th of May, 1935, was defective and the suit was decreed.¹⁷

Here also, one can infer the usual trend of the judiciary of upholding the caste customs and natural justice

16. A.I.R., 1935, Bombay 268, p. 269.

17. ibid., p. 281.

by passing the arbitrary decision of the caste meetings (but sanctioning caste procedure) and maintaining the contemporary social stasis on the same grounds.

The Third Case under review, of Neelawa Dundappa Kohalli - plaintiff - appellant V. Gurshidappa Madiwalappa Pattanshetti and Others - defendants - respondents of 1937¹⁸, deals with the question of excommunication from the Hindu religion.

This appeal arose out of the affairs of the family of one Madivalappa, who died of plague in 1916. He left behind him his widow, Gangawa and three daughters - Neelawa, Irawa and Sayawa. The main object of the suit was to have it declared that an adoption purported to have been made by the widow Gangawa on July 7, 1919 was invalid and of no effect; so that the inheritance of Madivalappa must remain with his daughters and not with the adopted son.

The Plaintiff's main objection against the adoption of a son by Gangawa was that she was an unchaste wife and must, therefore, be taken as disqualified to adopt. It was further argued that the father and the adopted son were outcasted by the village priest because they had dishonoured the order of Gurumuni (village priest). It was also argued that the adopted son as well as the father were outcasted, altogether from Hindu religion.

18. A.I.R., 1937, Bombay 169.

To decide this dispute, the Court cited two passages (from Golapchandra Sarkar Shastri's Hindu Law of Adoption, 2nd edition, 1916, p.203) as given below:

According to the sages, commission of certain offences involves degradation which is of three degrees in proportion to the gravity or enormity of the misconduct, namely, Maha-Pataka or worst degradation, anu-pataka or lesser degradation, and upa-pataka or slight degradation. Maha-pataka or worst degradation is punishable by expulsion from caste; and the offender is considered to be dead, and Hindu law directs the performance of exequial ceremonies for him, as if he were naturally so.¹⁹

The second passage was,

As regular excommunication is not found at the present day, and as persons who might be outcasted are not liable to be deprived of their civil rights, the question of their capacity to adopt is not expected to arise. Nor can there be any valid objection to their adopting sons; the expulsion from the communion of the Hindu religion cannot incapacitate them²⁰ any more than the Jainas, for affiliating sons.

On the basis the above mentioned passages, the Judge held that though the father was excommunicated, the son still remained within the caste. There was, therefore, no objection to his being adopted. Secondly, the evidence put forward by the Plaintiff could not prove that Gangawa was unchaste. Thirdly, the respondent did not commit any crime of the degree of Maha-pataka or worst-degradation. Therefore, the appeal was dismissed in the favour of the

19. A.I.R., 1937, Bombay 169, p. 172.

20. ibid.

Respondent.²¹

Thus, we find that the Court went into the minutest details not only of the scriptures but even the other texts outlining the general principles of the traditional legal system. It shows how cautious the Judiciary was while passing the judgement relating to social aspects. In the above case, it maintained the level of the degree of degradation, as sanctioned by the conventions of the caste group in question, while upholding the claim of the Respondent.

In the Fourth Case of Naginadas Narandas - appellant V. Somnath Premchand - respondent of 1932,²² the Plaintiff sued for the declaration that they had a right individually to inspect the accounts and documents of the caste managers. The Defendants were the managers of the caste, to whom the caste properties were vested.

Mr. Divatia, on behalf of the appellant, said that the right to inspect the accounts relating to the management of the property of the caste was a 'caste question' and therefore, the Court had no jurisdiction over it. He said that this case was civil in its nature and therefore, the Court should respect the rules in this regard. This rule ran

21. A.I.R., 1937, Bombay 169, p. 173.

22. A.I.R., 1932, Bombay 122

as follows :

It being understood that no interference on the part of the Court in caste questions is hereby warranted beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the Plaintiff arising from some illegal²³ act or unjustifiable conduct of the other party.

But the Chief Justice held a different view of a 'caste question' and cited two passages from the two earlier decisions. He said that (in Raghunath Damodhar V. Janardhan Gopal (5) p. 611) the 'caste' was understood in the following words :

The caste is a social combination, the members of which are entitled by birth, not by enrolment. Its rules consist partly of resolutions passed from time to time, but for the most part of usages handed down from generation to generation. The caste is not a religious body, though its usages, like all other Hindu usages, are based upon religious feelings. In religious matters, strictly so called, the members of caste are guided by their religious preceptors and their spiritual heads. In²⁴ the social matters, they lay down their own laws.

Then, he cited another judgement (in Appaya V. Padappa (6)) which pointed out that the 'caste question' was 'a question which relates to matters which affect the internal autonomy of the caste and its social relations'.²⁵

On the basis of these two judgements, the Chief Justice

23. A.I.R., 1932, Bombay 122.

24. ibid.

25. ibid.

held that, in this case, it was not suggested on behalf of the Defendants that there were any usages which restricted the rights of the Plaintiffs to an inspection of the accounts relating to the management of the caste properties. Nor was it suggested that there were any rules made or resolutions passed by the caste which stood in the way of the Plaintiff's claim. Therefore, the suit was dismissed upholding the right claimed by the Plaintiff.²⁶

Contrary to all these cases, where the question at issue was not a matter relating to the internal administration and affairs of caste, but to the property of the caste, the court had jurisdiction to interfere. Such jurisdiction of the court was not excluded, in case, there was a division of opinion in the caste in question.²⁷

The Plaintiff sued for a declaration that they had a right to manage the suit Wadi, to let it to tenants and to realize the rent, that the Defendants had not such a right to get permanent injunction against them and to restrain them from making any such use.

The Plaintiff alleged that they and the Defendants belonged to the Modh Ganchi caste of Kalupur Panchpura, and that the caste owned the suit Wadi. There was a caste

26. A.I.R., 1932, Bombay 122.

27. Fulchand Mohanlal and Others - Defendants - Appellants
V. Harilal Nansa and Others- Plaintiff - Respondents,
A.I.R., 1926, Bombay 69.

meeting convened on December 12, 1920, to pass some resolutions in respect of the caste, as the Defendants and one Vallabh had unauthorizedly got the management and did not submit accounts, and the property had been wasted. They further alleged that the caste entrusted the Vahivat of the property to the Defendants, and they were bound to hand it back to the Plaintiff, in accordance with the caste resolutions.

The Defendants contended that two factions existed in the caste and that the Plaintiff's faction had no right to have the management. They also claimed that the jurisdiction of the Court did not therefore extend thus far.

The Trial Judge held that the Plaintiffs did not prove that the two factions in the Kalupur Panchpura caste had amalgamated, and he accordingly dismissed the suit.

On appeal, the Judge said,

Considering all facts I am satisfied that there was a re-union of the factions in 1969 V.S., 1913 A.D., that it is in accordance with the resolution passed by the majority at a meeting of which the minority defendants ... had perfect and legal notice and at which they could have had their say, if they chose to do so ... If the Defendants ... chose to absent themselves and remain away, they must thank themselves for the consequences.²⁸

That was a finding by the judge that there were not two

28. Fulchand Mohanlal and Others Defendants - Appellants
V. Harilal Nansa and Others- Plaintiff - Respondents,
A.I.R., 1926, Bombay 69, p. 70.

sections or factions in the caste in the sense that the caste was split up into two divisions, so that a meeting of one section or faction would not bind the members of the opposite faction, and that, therefore, jurisdiction of the court was not excluded.

Finally, the Judge agreed in holding the decision of the Lower Appellate Court on the ground that the question arising in this sense was not a question between two distinct sections of the Modh Ghanchi caste of Kalupur Panchpura, but that the suit was brought against Defendants, personally. Therefore, the appeal was dismissed.²⁹

On the whole, we have a judicial view of caste more congenial to the sectarian or associational models than to the sacral one. Castes were seen as independent bodies with their own internal order, and the rights and duties of individual members followed from this order. This order was not determined by the position of the caste in an overarching order of Hindu Society.

(B) THE RECOGNITION OF CLAIMS FOR PRECEDENCE AND FOR THE IMPOSITION OF DISABILITIES

Even before the coming of the British, certain privileges and disabilities of various caste groups were recognised in India. Indeed, such enforcement of caste order

29. Fulchand Mohanlal and Others - Defendants - Appellants V. Harilal Nansa and Others- Plaintiff - Respondents, A.I.R., 1926, Bombay 69, p. 71.

is urged by Hindu legal tradition as the prime duty of the King. This continued in the British rule but not on the same scale, nonetheless, it continued. This presumption was justified on the basis of upholding customary rights, but these rights were often conceptualized in terms of the religious characteristics of caste groups.

While Hinduism was seen as a unified and overarching order, it was also seen as differentiated. The religious obligations and prerogatives of groups differed according to their status in overall social hierarchy. This is evident from a Case of 1940³⁰, where Brahmans tore the sacred thread from the neck of an Ahir who had lately taken to wearing it. The Court ruled that, since he was a Sudra, the wearing of it was not 'part of his religion' vis-a-vis other Hindus. To them, it was an assertion of a claim to higher rank. Therefore, the injury was not to his religious susceptibilities an offence - but only to his dignity. Had it been torn by non-Hindus, it might have been an insult to his religion itself.

This particular instance clearly proves that even the Judiciary recognised prevailing privileges and disabilities in various caste groups. The Courts clearly expressed their notion of a rank ordering of all Hindu groups in a scheme of articulated prerogatives and disabilities. It seems

30. Sheo Shankar V. Emperor, A.I.R., 1940, Oudh 348, quoted in Marc Galanter, op.cit. p. 148.

imperative to look at the position of caste as a whole - its position on the scale relative to the other groups - to ascertain its rights.

The judgement in the Case of the Maharaja of Kolhapur - Defendant - Appellants V. S. Sundaram Ayyar and Others - Plaintiffs and Defendants - Respondents of 1925³¹ established solid grounds for the recognition of claims for precedence and for the imposition of disabilities (as these were related to questions of caste) by the Court. The main substance of the Case was whether the family, to which the late Raja of Tanjore belonged, was a family of Kshatriyas or Sudras. It was in this regard that the Court went through various tests which were evolved by the Brahmans, who were the interpreters of Hindu laws. For example, caste was the result of birth and not of choice or volition; though a person might lose caste, he could not by any act of his rise to a higher caste. The mere performance of ceremonies which were performed by the twice-born classes would not elevate the Sudras or the fourth class to the status of the twice-born class, though where the caste of a family is doubtful and its origin cannot be traced, the performance of Vedic or Puranic rituals without any objection for a long series of years, would be an important evidence as to the caste.

Upanayanam was made a test for this and it was said

31. A.I.R., 1925, Madras 497.

that it was the ceremony which differentiated the three higher classes, namely the Brahman, the Kshatriya and the Vaisya, from the Sudra. Where in cases of controversy, as to whether a person belonged to the twice-born classes or to Sudra class, it was shown that Upanayanam ceremony was performed, it was a very important piece of evidence to show that the person belonged to the Sudra caste and not to the higher caste. Surprisingly enough, the interpreters maintained that the converse case of non-performance of Upanayanam by the twice-born would not necessarily show that the person not performing it belonged to the lower class. In cases of Sudras for whom Upanayanam ceremony was not prescribed, there was a practice of putting on the sacred thread at the time of the marriage or funeral ceremonies. This was called the Alankar Poonool or Laukika Poonool (or the ornamental sacred thread) and merely an imitation of the higher classes involving no religious consequences not being prescribed by any of the Smritis.³²

Closely connected with the Upanayanam ceremony, as per Justice Kumaraswami Sastri,³³ is the Gayatri Upadesa or the teaching of the sacred verse in the Gayatri mantra at the Upanayanam that really confers on the Brahmin, the Kshatriya and the Vaishya the status of a twice-born. The mantras which the Sudras were authorised to use were the first verse

32. A.I.R., 1925, Madras 497, p. 553.

33. ibid.

in Devi Bhagvatham and not the Gayatri. Vedic mantras were prescribed only for the three higher or twice-born classes and prohibited for the Sudras. In the case of Sudras, rituals had to be performed with mantras taken from the Puranas, which, although looked upon with reverence by the mass of Hindus, ranked below the Vedas in order of sacredness.

The Court held that the Rasis of the late Raja stated in written statement, that they were Sudras. Apart from this, the Court held Upanayanam as an important evidence in determining as to whether the person belonged to the twice-born class or the Sudra class. In this case, it was shown that Upanayanam ceremony was not performed. On the basis of this, the Chief Justice held that the late Raja of Tanjore belonged to the Sudra class and not to the twice born class.³⁴

Now, it is amply clear that sources of the traditional legal system acted as the precedence for imposing disabilities. This also shows, how seriously the Court was following the tests which were socially accepted by the people to differentiate between the twice born classes and the Sudra class.

With respect to the use of religious premises, caste groups did enjoy support of the courts in upholding their claims for preference and exclusiveness. Courts granted

34. A.I.R., 1925, Madras 497.

injunctions to restrain members of particular castes from entering temples - even temples that were publicly supported and dedicated to the entire Hindu Community.³⁵ Damages were awarded for purificatory ceremonies necessitated by the pollution caused by the presence of lower caste. Such pollution was actionable as a trespass to the persons of the higher caste worshippers.³⁶ It was a criminal offence for the members of an excluded caste, knowingly, to pollute a temple by his presence³⁷ These rights to exclusiveness were vindicated by the Courts not only where the interlopers were 'untouchable' but also against such 'touchable' as Palshe Brahmans and Lingayats, whose presence in a particular temple was polluting.

In these cases, the Courts were giving effect to the notion of an overarching, differentiated Hindu ritual order in which the various castes were assigned, by text or by custom, certain prerogatives and disabilities to be measured by concepts of Varna, of pollution, and of required

35. Anandrav Bhikiji Phadke V. Shankar Daji Charya, I.L.R., Bombay 323 (1883) ; Sankaralinga Nandan V. Raja Rajeswara Dorai, 35 T.A.C. 176 (1908); Chathunni V. Appukuttan, A.I.R., 1945 Madras 232, quoted in Marc Galanter op. cit. p. 147.

36. Cf. S.K. Wodeyar V. Ganapati, A.I.R. 1935 Bombay 371, where damages were awarded although the parties agreed there should be no finding on the question of pollution, quoted in Marc Galanter, op. cit., p. 147.

37. Atmaram V. King-Emperor, A.I.R. Nagpur 121, quoted in Marc Galanter, op. cit. p. 147.

ceremonial distance. Thus, in Anandrav Bhikiji Phadke V. Shankar Daji Charya of 1883, the Court upheld the right of Chitpavan Brahmans to exclude Palshe Brahmans from worshipping at a temple, on the ground that such an exclusive right 'is one which the courts must guard, as otherwise all high caste Hindus, would hold sanctuaries and perform their worship, only so far as those of the lower castes chose to allow them.'³⁸

On the whole, it is worth mentioning that wherever the British Government intervened, it upheld custom and this custom was evaluated and rationalized by the courts in terms of notions of ceremonial purity and pollution - existing in different degrees among different groups of Hindus.

(C) THE ADMINISTRATION OF 'PERSONAL LAW'

The Hindu law applied by the Courts in matters of 'Personal Law' did not address itself to the multitude of caste groups, but recognized only the four Varnas. Under the legal system, which the British established in India, all persons were subject to the same law in criminal, civil and commercial matters. However, a group of matters that might be described as 'family law' - marriage and divorce, adoption, joint-family, guardianship, minority, legitimacy, inheritance and succession and religious endowments - was set

38. I.L.R. 7 Bombay 323 (1883), quoted in Marc Galanter, op. cit., p. 147-48. This case has an obvious background of the rise of the non-Brahmin movement in nineteenth century Maharashtra.

aside and left subject to the laws of the various religious communities. The applicable laws in these fields were 'personal' rather than territorial. In these family and religious matters, Hindus were ruled by Dharmashastras - not by the ancient texts as such, but by the texts as interpreted by the commentators accepted in the locality.³⁹ Marc Galanter also maintains that the judicial treatment of the relation between Varna and Jati was plagued by confusion, engendered in part, by the use of 'caste' to refer to both the four varnas into which Hindu society, theoretically, was divided by the Sanskrit law-books and to the multitude of existing endogamous groups or jatis. Mostly, caste was used in judicial matters only in its meaning of jati. The personal law contained a number of instances, in which different rules were to be applied to members of different varnas - in most cases, one rule for the three twice-born varnas and a different rule for the Sudras, irrespective of the particular jati manifestation of any given social context. The most notable of these differences were in the laws of succession, of adoption and of marriage.

The following illustrations from various judgements reflect how varna and jati issues were implicated in a wide variety of ways in variegated contestations.

In a case from the Patna High Court of 1930 involving

39. Marc Galanter, op. cit., pp. 144-45.

Bakshish Rai and Others,⁴⁰ a widow was found guilty of unchastity and therefore her caste members appealed that she should be deprived of her caste as well as estate. Leaving aside the details of the whole discussion, we might note that eventually, it was decided that "The widow, ... could not have been deprived of her estate by the reason of her unchastity as the man with whom she misbehaved [had illicit relations] was a man of her own caste, namely a Babhan."⁴¹

This shows us how the decision of the Case was made in consideration of the broad varna hierarchy.

In 1929, a certain panchayat had passed a resolution to the effect that no member of the Panchayat should marry a second wife in the lifetime of his first. Whosoever would do so disregarding the resolution, shall not be considered a member of the brotherhood. A member married a second time, when his first wife was living. At a meeting of the Panchayat, an arbitrator was appointed to settle this newly arisen dispute. The arbitrator decided that the member should pay Rs. 500/- as fine. The decision was accepted by the member as binding on him. When he refused to pay, a suit was brought to enforce the award in the Case of Naraindas Assammal and Others V. Valabdas Vishandas and Others of

40. Bakshish Rai and others, A.I.R., 1930, Patna 564.

41. ibid., p. 564.

1929.⁴²

The Court held that a suit of this nature would clearly relate to matters affecting the internal autonomy of the caste and its social relations and it would not be open to the Court to go into the question of the validity or otherwise of a rule laid down by the Panchayat, or with the adequacy or propriety of a fine imposed on a person breaking that rule as an alternative punishment. Although, the delinquent here agreed to pay the fine, yet the agreement involved a caste question and therefore, no suit would be entertained to enforce it.

Then, we have the Case of Gokul Teli V. Bania Chamar 1924⁴³ relating to the issue of excommunication of a person from his caste because of the adultery of his wife. The Court decided this Case on the line of varna model which said that 'if the adultery has been committed with a lower caste person then the excommunication will be valid and if the adultery has been committed with higher or equal caste then not valid'.

Further, the Case of Chandra Sekhar Sen and Gopendra Nath Das and Rohini Benode Rakshit of 1939⁴⁴ may be

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42. Naraindas Assammal and Others - Plaintiff V. Valabdas Vishandas and Others - Defendants, A.I.R. 1929, Sind 1.
43. A.I.R. 1924, Nagpur 157, pp. 157-58.
44. A.I.R. 1939, Calcutta 417, pp. 417-18.

considered.

A man named Dukhiram, an Indian Christian, married an Indian christian woman named Sudakhina. He was, subsequently, converted to Mohamedanism and contracted a marriage with a Mohamedan woman named Alfatnessa. Now, the question that arose was whether an Indian Christian, who became converted to Mohamedanism, can take a second wife or not. The contention raised on behalf of the Appellant was that he could not, and the union of Dukhiram with Alfatnessa was an adulterous connexion.

The judges decided that after his conversion, Dukhiram was governed by the Mohamedan law. There could be no question that under that law, he was entitled to contract a valid marriage with Alfatnessa. It would, therefore, be a serious thing to say that such a union was a mere adulterous connexion. Hence, the judges held that he was entitled to contract this marriage under the Mohamedan law, it must be a valid marriage and the appeal was subsequently dismissed. So, the personal law was maintained intact.

This last, preceding, instance has been described to emphasize how personal law was respected as a point of reference even when the issue related to questions of community - in this instance, those of two non-Hindu religions - and not only of caste.

IV

A pertinent question arises : What other options did the legal system allow for ? or, are there contrastive cases from other societies in which a perfectly "rational" viewpoint was made to prevail over the historical contingency of local custom ?

Let us, most briefly, compare the Indian situation with other colonial societies, where "law" and legal systems were exported or grafted.

T. Olawale Elias clearly points out that,

When the English first settled in places like West Indian Islands, Gibraltar and Malta, they took with them so much of English laws as was necessary to regulate their lives there. There was no immediate question of the recognition of indigenous law, since the natives formed only a small proportion of the local population; but such traditional laws and customs as existed were allowed to govern the lives of those concerned. It is therefore, clear that no issue of administrative policy arises in regard to such parts of the British colonial dependencies.

However, in respect of the Asian, African and Pacific dependencies of Britain, policy becomes a live issue⁴⁵

Thus, there is no doubt that the British were quite conscious as to whether they had to recognise local customs or not to recognise them. They were guided more by the pragmatism commanded by prevalent situations than by the

45. T. Olawale Elias, A Comparative Study of the Interaction between English and Local Laws in British Dependencies, London, Stevens and Sons Ltd., 1962, p.79.

abstract merits and demerits of 'exported' or 'grafted' laws or doctrinaire legal or social theories.

V

The nature of the judgements reviewed, reveals the fact that the Courts would not go beyond the caste rules which were made from time to time for peaceful coexistence. The Courts paid proper attention to the caste rules and to natural justice and if these were not followed, the case subsequently got dismissed.

But, the question emerges as to why the Courts did not act independently according to the merits of the cases disregarding of local customs and the weight of inequitable historical circumstances. Why did they need to look at these cases according to their own rules and procedures, placing too much emphasis on natural justice ? This clearly indicates that the British had to rule India and for that, they did not want to disrupt the traditional Indian belief-system.

CHAPTER - 4

THE LAKHO CHAK RIOT OF 1925 : WHAT THE DOCUMENTARY EVIDENCE TELLS US OR "THE JUDGEMENT OF PRACTICE"

Since the nature of judgements during the colonial period was not homogeneous, the British sometimes upheld the merits of some cases without seeking any compromise with the existing social order . In 1925-26, in the judgements of two Cases from Lakho Chak¹ in the district of Monghyr, Bihar, the British upheld the merits of these Cases. Even though, it was done under different circumstances, nonetheless, it was done.² So far, I have traced only these two examples but more similar cases can be traced in future in this direction. Since these two Cases are the result of the Lakho Chak Riot of 1925, an overall analysis of this incident is required.

I

Lakho Chak is situated under Lakhisarai Police Station in the district of Monghyr, Bihar. Monghyr lies in the central part of the state. Comprised within the Bhagalpur

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1. The two Cases are, (a) Crown through Shah Anisur Rahman versus Ambika Singh alias Medni Singh and 38 Others, File No. 7 of 1926, Government of Bihar and Orissa, Political Department, Special Section, p.24; (b) Crown through I.S. Sachar versus Ambika Singh and 32 Others, File No.7 of 1926, Government of Bihar and Orissa, Political Department, Special Section, p. 35.
 2. This will become clear in the process of a detailed analysis of the judgements, later on. Chapter 5 will throw some more light in this regard.

division, Monghyr is bounded on the north by Darbhanga and Saharsa districts, on the east by Bhagalpur, on the west by Gaya and Patna. It contains four subdivisions, viz., Monghyr Sadar, Jamui, Begusarai, and Khagaria, the headquarters of which are located in towns bearing the names of the respective subdivisions. There are 39 anchal-cum-community development blocks and 34 Police Stations in the District.³

II

This Chapter is based on some Government reports as well as newspaper reports on a dispute between Babhans and Goalas leading to the Lakho Chak Riot in 1925. These reports are to be found in File No. 171 of 1925, Political (Special), Government of Bihar and Orissa and File No. 7 of 1926, Political (Special), Government of Bihar and Orissa. Various newspapers, e.g., 'The Searchlight', 'The Statesman', 'Forward', 'The Leader', 'The Pioneer' reported this riot on June 5 and 6, 1925.

Let us examine the reports on the Lakho Chak riot of 1925. The causes and character of this riot will be evident from the following extracts of the three reports quoted below.

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3. L.S.S.O' Malley, Bengal District Gazetteer - Monghyr, Bengal Secretariat Book Depot, Calcutta, 1909, P.1, P.C. Roy Chaudhury, Bihar District Gazetteer - Monghyr, Bihar, Supdt., Sectt. Press, Patna, 1960, p.1 and S.D. Prasad, Census 1961 - District Census Handbook (8) Monghyr, State Government Publications, P.i.

The first report on the riot at Kiul was made by the then D.I.G., Bihar and Orissa . The extract of the report was as under :

Motive of the Riot

The riot was between the Babhans and Goalas. The Goalas had convened a meeting which they claim was a purely social one. The Babhans intended to break it up ostensibly because the Goalas were conspiring to adopt certain privileges peculiar to the higher castes as, for instance, the wearing of the sacred thread. This was the ostensible motive. The true motive is that there is a movement amongst the Goalas to resist certain exactions of their zamindars. Many Goalas told me that from 7 to 15 days a month in Kartik and Bhado they have to plough for their zamindars without payment; that they have to sell them ghee at 6 seers to the rupee when the proper price is 10 chatanks to the rupee, milk at 1 pice instead of 1 anna, 6 cow pats per cow free, and that they are not given rent receipts.

This above quoted extract gives us an idea of the dimension of the economic grievances of the riot.

The second report was made by J.D. Sifton to the Secretary to the Government of India. Sifton was the then Chief Secretary to the Government of Bihar and Orissa. This provides a fuller account of the course of that incident. To quote the extract :

On the evening of the 26th May [1925] the local police of Lakhisarai thana were informed that an

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4. File No. 171 of 1925, Political (Special), Government of Bihar and Orissa, quoted in Hetukar Jha, "Lower-Caste Peasants and Upper Caste Zamindars in Bihar (1921-25) : An Analysis of Sanskritization and Contradiction between the Two Groups", in The Indian Economic and Social History Review, Vol. XIV, Oct.-Dec. 1977, No.4, p.552.

attack was contemplated by local Babhan zamindars upon a panchayat of Goalas which was called for the morning of the 27th May at a village Lakho Chak to discuss matters of caste improvement. The local police sent information to the D.M. at Monghyr and proceeded to the scene of the intended riot. The Superintendent of Police started the same night from Monghyr with 17 armed police.

On the morning of the 27th, before the arrival of the armed police at Lakho Chak a large body of rioters advanced upon the village. The local police intervened to expostulate and were at once surrounded, the Sub-Inspector and chaukidar received grievous injuries and the other constables of the party were hurt. After ill-treating the local police, the rioters retired temporarily but returned to the attack soon after the arrival of the S.P. with his force. The Superintendent and S.D.O. went out to meet advancing rioters and attempted to parley with them. The attacking party, however, to the number of about 3000 armed with lathis, axes and spears continued to advance and the police were forced to fire to protect themselves and the Goalas. Although temporarily checked by the fire, the Babhan party continued to advance as they outflanked the police on the both sides, the police were forced to retire fighting to the village site three or four hundred yards to their rear. The retirement was effected in good order and after the defending party reached the village rioters withdrew.

The same evening the D.M. arrived in person with a reinforcement of 32 armed police but no further attack was made nor has there been any subsequent disturbance in the district.

The Goala community in South Bihar for some time past has been agitating for the improvement of the social status of their caste and [pari passu with taking the sacred thread they have been proposing to refuse menial and other services hitherto rendered to their landlords. Apparently the local landlords resenting this collected a force in order to break up an important Panchayat of] the Goalas and there seems little doubt that but for the timely intervention of the police, the village of Lakho Chak would have been sacked and burnt and the members of the Goala Panchayat would

have suffered severely.⁵

Thus, from this report a sketch of the follow-up developments of the riot becomes clear. The importance of this sketch has its bearings on the judgements of the First Class Magistrate.

The third report in this regard was made by S.A. Khan, District Officer, Bhagalpur to the Commissioner of Bhagalpur on July 7, 1925. This report provides the social causes of the riot. The extract of the report is given below :

Goalas are taken as shudras and thus suffer from a lot of handicaps in the mofussil. As a class they do not wear the sacred thread, an emblem of high class and purity amongst the Hindus. They live by cultivation and very often work as field labourers for others. Man and woman of this class will readily sell milk, curd, ghee and cow dung at market places. They sometimes go about hawking in the bazars. Early marriages, illiteracy and drinking habits are very common. The movement is primarily directed against these social evils. Meetings are held at which members are asked to start wearing the sacred thread, give up early marriages, drinking and sending their women folk to sell things at markets. They are asked to believe that they are as closely connected to the Lord Krishna as other Hindus castes and should perform the Sradh ceremony on the 13th day after a demise like them and not on the 30th like low castes, such as Dusadha, Mushars etc. So far the movement is purely social.

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5. File No. 171 of 1925, Political (Special), Government of Bihar and Orissa, quoted in Hetukar Jha, "Lower-Caste Peasants and Upper-Caste Zamindars in Bihar (1921-25) : An Analysis of Sanskritization and Contradiction between the Two Groups", in The Indian Economic and Social History Review, Vol. XIV, no. 4, October-December, 1977, p.553.

But there is one more aspect of it. The low caste Hindus generally do some kind of benign work for their landlords. A Goala after he takes sacred thread refused to do begari or even to plough up or weed the fields for his Rajput or Brahman landlords. The latter naturally is very much annoyed and would do anything to discourage the infection of reform amongst Goalas from spreading. The higher caste Hindus have made no secret of their feelings of resentment. Meetings have been held to condemn the movement.

The social boycott of Goalas have been advocated. Barbers and Brahman priests have been asked to stop serving the Goalas who take to the sacred thread. Abuses, taunts and jokes have been hunted on the Goalas. A printed leaflet in Hindi has been distributed. This is in verse and is sung by hired boys in the mofussil.⁶

This above quoted extract gives us an idea of the dimension of the social grievances of the riot.

III

Thus on the basis of above cited reports we can say that the causes of the riot were both social and economic.

The social factors leading to the riot were of the 'Sanskritizing' process as well as 'self-purificatory' in nature. The Goalas' effort to adopt upper caste privileges, i.e. the wearing of sacred thread and performing the Sradh ceremony on the 13th day after a demise like them and not on

6. File No. 171 of 1925, Political (Special), Government of Bihar and Orissa, quoted in Hetukar Jha, "Lower-Caste Peasants and Upper-Caste Zamindars in Bihar (1921-25) : An Analysis of Sanskritization and Contradiction between the Two Groups", in The Indian Economic and Social History Review Vol. XIV, no. 4, October-December, 1977, p 554.

30th like low castes to enhance their social position clearly comes under the 'Sanskritization model'. But their efforts to give up early marriages, drinking, sending their women folk to sell things at markets and to eradicate illiteracy from their community fall under 'Self Purificatory Model'. However, to Hetukar Jha it was only the process of 'Sanskritization'. I think there is a need to explain 'self-purificatory model' differently from that of the 'Sanskritization model' as differentiated above.

The Goalas' resistance against certain exactions of their zamindars formed the economic basis of the riot. The low caste Hindus generally did do some kind of benign work for their landlords. Hetukar Jha rightly points out that,

A people wearing the sacred thread are taken as respectable and are exempt from gratis services of this type. They would also take it to be very derogatory to work as daily labourers or even as hired ploughmen. It is here that the movement collides with the vested interests of the higher castes of Hindus.

It was because of this vested interest that the landlords and upper caste men wanted to thwart the Panchayat of Goalas at any risk. The obvious result was the violent attack by the landlords and upper caste men on the Goala Sabha at Lakho Chak in 1925.

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7. File No. 171 of 1925, Political (Special), Government of Bihar and Orissa, quoted in Hetukar Jha, "Lower-Caste Peasants and Upper-Caste Zamindars in Bihar (1921-25) : An Analysis of Sanskritization and Contradiction between the Two Groups", in The Indian Economic and Social History Review, Vol. XIV, no. 4, October to December, 1977, p. 554.

IV

Let us see this violent attack in detail so that we may observe how far this was related to the social scenario as well as the questions of caste customs which ultimately resulted in the judgements of the two cases under review. These judgements will be compared with that of the High Court judgements substantially discussed in Chapter Three.

CASE NO.1

The judgement of the First Case was delivered by M. Shamsul Huda, the First Class Magistrate, Monghyr on 1st February, 1926 involving Crown through Shah Anisur Rahman versus Ambika Singh alias Medni Singh and 38 Others.⁸

Before the actual judgement it is pertinent to see the background of this case in detail.

Shah Anisur Rahman was the sub inspector of police of Lakhisarai, within which Lakho Chak village comes, in May 1925 when the rioting between Babhans and Goalas occurred at Lakho Chak. He was the complainant or first informant in the case. The facts run as under.

On 26th May, 1925, one Sital Das Mahton [a prosecution witness], Panch of District Goala Sabha and resident of Shankarpur within Monghyr police station lodged Sanha to the effect that a Goala Sabha was going to be convened at Lakho Chak

8. File No. 7 of 1926, Political Department (Special Section), Government of Bihar and Orissa, Bihar State Archives, Patna, pp. 24-34.

on 27th May 1925 to which Prasad Narayan Singh and other Babhans were taking objection and there was apprehension of breach of peace as the Babhans were bent upon stopping the Goala Sabha which was to meet for giving sacred thread to the Goalas and to discuss Bhent-Begari other matters ... Another Sanha was lodged to this effect by Dwarka Lal Daffadar and Banka Dusadh Chowkidar

Before proceeding to the spot, the Sub-Inspector intimated the Superintendent of Police and Divisional Inspector respectively apprising them of the situation and requesting them to send armed constable, to prevent breach of peace. The S.I. with his staff reached Lakho Chak at about 5.30 P.M. on 26 May, 1925. They found that the Goalas had assembled and were assembling for their Sabha in a Maidan or Bagicha to the east of Lakho Chak Basti. The report mentions the incident in the following manner :

At about 5 A.M. on 27th May 1925, halla was raised that the mob of Babhans which numbered about 3000 were seen coming towards the place of Sabha from north-east. The Goalas in the Sabha stood up and wanted to go ahead and meet the Babhans. The S.I. and his staff pacified them and asked them not to do anything and be calm and quiet while they (S.I. and his staff) went to reason with the mob. Prasad Narayan Singh and Bissessor Singh were leading the mob]. The mob were armed with all sorts of weapons-lathis, pharsas, Ganrasas, swords and spears. The S.I. began to reason with the mob and addressing Prasad Singh and others asked them not to do anything illegal or cannot breach of peace. The mob paid no heed and on getting hint from the leaders fell upon the S.I. and his staff. The S.I. and constables were severely assaulted and they fell down unconscious on the ground. Seeing the assault on the S.I. and his staff some 30 to 40 Goalas came running from the Sabha and were assaulted by the Babhans. The S.P. and Divisional Inspector reached there and drew up the F.I.R. of the occurrence on the statement of S.I. [At this juncture a big mob of Babhans were again advancing to attack.] The S.D.O., Inspector and

the armed police moved out of the village towards the approaching mob and were joined by the S.P.

Then another occurrence took place in which order for firing was to be given to disperse the mob. This forms the subject matter of another case which will be discussed separately.

The above discussed background was the brief subject matter of the case on which the judgement was delivered. Let us see the judgement.

47 persons were held accused in this rioting. For the prosecution 95 witnesses were examined by the Magistrate. Out of 47 accused 11 were discharged after cross examination as there was no sufficient evidence against them.⁹

The Magistrate pronounced 36 accused guilty and sentenced them pay fine which amounted to Rs. 5000/- in total. The amount of fine varied from Rs. 80 to Rs. 550/- depending on the seriousness of the charge. The leaders of the riot were fined the maximum amount e.g. Prasad Narayan Singh Rs. 550/- and Bissessar Singh Rs. 550/-. In default, it was ordered, to suffer 6 months of rigorous imprisonment.

The Magistrate also ordered accused Bissessar Singh to execute a bond of Rs. 1000/- with two sureties of similar amount, accused Ambika Singh, Makunda Singh alias Kamo Baber, Rameshwar Singh and Parmeshwari Singh to execute bonds of

9. I have avoided the details of this cross-examination.

Rs. 500/- each with one surety each of similar amount, for keeping the peace during the period of one year from 1st February, 1925.

Let us examine the Second Case related to this incident which was also decided on 1st February 1926.

CASE NO. 2

The judgement of the Second Case was also delivered by M. Shamsul Huda, the First Class Magistrate, Monghyr on 1st February, 1926 involving Crown through I.S. Sachar versus Ambika Singh alias Medni Singh and 32 Others.¹⁰

The Inspector of Police I.S. Sachar was the first informant in this case and he himself drew up the F.I.R. on his own statement. How he came to the place of occurrence and under what circumstances, have already been discussed in the background of the case no.1. Since this Case was the result of the same incident, as in the case the First one, the other details were the same which have already been outlined barring under what circumstances the police resorted to firing on the rioting mob of Babhans in their second round of attack as the S.P. himself was assaulted this time. This needs a little bit of elaboration.

10. File No.7 of 1926, Political Department (Special Section), Government of Bihar and Orissa, Bihar State Archives, Patna, pp. 35-48.

The S.P. and the S.D.O., first of all, tried to pacify the mob of Babhans which were in a very frenzied and frantic state of mind and were not in the mood to listen to what the S.P. and the S.D.O. told them or ordered them to do.

The situation then became very critical and there seemed no way preventing a conflict and riot between the Goalas and Babhans. The Goalas in the Sabha were behind the police and the mob were trying to surround the Goalas and Police by flank manoeuvre.

The S.D.O. then gave orders for firing. It was found that in all 114 rounds had been fired which shows the seriousness of this incidence. Many people were killed and seriously wounded from both the sides. However, the casualties on the part of Babhans were quite heavy.

The First Class Magistrate in his judgement held 33 persons guilty and sentenced them to pay fine which amounted Rs. 4100/- in total in default to suffer rigorous imprisonment for 6 months each except 6 wounded accused who would suffer rigorous imprisonment of 1 month each in default of payment of fine.

For the prosecution of these 33 accused, 109 witnesses were cross-examined. The Magistrate had also taken into consideration the fact that 24 accused were also the accused in the first case in which "S.I. Anisur Rahman and his staff and some Goalas were more or less severely assaulted, and that the Babhans suffered heavy casualties on account of the

firing." Therefore a severe and hard punishment is not called forth. The First Class Magistrate also took the following facts under consideration.

According to evidence- adduced the casualties on the side of the Babhans are three killed by gunshot or its effect viz. Dwarka Singh, Bhagwat Singh, and Manji Singh, six (Bharosa, Makhu, Misri, Palakdhari, Raghubir and Ramdhan) six injured and wounded by gunshot. These can not be the only casualties when it [would] be remembered that 114 rounds were fired from Henri Martini rifles of .476 bore from close range at the mob numbering 5000 to 6000. The mob when retiring were seen picking up and taking away their wounded.

Like the First Case in which some of the leaders were ordered to execute bond for keeping the peace. In this case too, the Magistrate ordered accused Madho Singh, Bharosa Singh, Makhu Singh, Misri Singh, Palakdhari Singh, Raghubir Singh and Ramdhan Singh to execute bond of Rs. 200/- each to keep the peace during the period of one year from 1st of February, 1925.

The Magistrate had also ordered to pay Rs. 500/- as compensation to the heirs of deceased Shibdiyal Gope out of the fine if realized from the accused. Shibdiyal Gope had come to attend the Goala Sabha at Lakho Chak was very badly injured in the conflict between the Goalas and Babhans and received gun shot wounds, as a result of which he died in Lakhisarai Hospital next day. The Court admitted that his death was caused by the offence of rioting committed by the Babhans, therefore, ordered payment of Rs. 500/- as

compensation.

In the end of the judgement, the Magistrate maintained that ,

In view of the punishment which the Babhans received already merited by their own action and in consequence of which I have treated the accused most leniently I hope that the communal ill-feeling between Babhans and Goalas will subside and they will henceforth live in peace and amity learning a lesson from the very deplorable incidents and occurrence of 27th May 1925.

V

Thus on the basis of above cited reports as well as the particulars of the judgements, these two Cases linked with Lakho Chak riot of 1925, are substantially different from the High Court judgements of numerous cases already examined in Chapter Three of this dissertation. The High Court judgements explicitly maintained the Varna hierarchy by sidetracking the very merits of the Cases concerned. To justify this position the judges went extensively into the procedure of customary law/panchayat justice and natural law/natural justice.

But, contrary to this finding, in the case of Lakho Chak the First Class Magistrate obviously did not confine himself in the clutches of Varna hierarchy. He had tried his best to uphold the merits of the Cases concerned. As reflected in the background of these Cases, the intervention of police was due mainly to maintain the law and order as

there was fear of the breach of peace. But, if we discern what exactly led Babhans to go on offensive against the police as well as on the Goalas, we find that it was the Goala's consciousness to improve their caste status by adopting sacred thread and boycotting Baith Begari (customary presence to the Maliks on the occasion of festivals and marriages) and various kinds of exactions by the zamindars and upper caste people. These measures directly came into conflict with the vested interests of the zamindars and the upper caste people.

The judgements against the rioters'/attackers' (Babhans) and in favour of the attacked ones (Goalas) thus, prove that the Court in a way upheld the measures taken by the Goala Sabha in which caste customs predominated. However, one should keep in mind that no particular statement has been made in the judgements regarding the Goalas' right to wear sacred thread. Since the Goalas were on defensive, the police on the basis of Sanha lodged by Sital Das, by its own, logic, had to side with them. Since the Police and the Judiciary were part of the same State, the Court justified the police firing because they themselves had become a target of the Babhans. The State had also to defend its own position.

Moreover, for the Goalas, it was a victory of their cause. The compensation granted to Shibdiyal Gope, who died in this riot, by the Court also led them to feel that the

Court had justified their cause. An eyewitness expressed his views with great enthusiasm and pride that the Goalas were victorious in this riot. He said that "it led to the end of all sorts of exploitation by the zamindar and upper caste people and the Goalas started wearing the sacred thread."¹¹

This was not the end of the story. The following extract from the confidential diary of the Superintendent of Police, Monghyr, dated the 15th March 1926 states,

The feelings between Babhans and Goalas in Lakhisarai are still very strained. The latter held a meeting on 1.3.1926 and resolved that they would refrain from doing any menial work for the higher caste Hindus in future, that they would universally adopt the sacred thread and that their females should no longer be allowed to sell milk or collect fuel.¹²

It was forwarded to the Chief Secretary to the Government of Bihar and Orissa for information. It further mentions, "The lenient punishment meted out to the Babhans in the Lakho Chak (Lakhisarai) riot case does not appear to have eased the tension between the two communities."¹³ This shows the pre-eminence of caste-customs from which the Lakho Chak riot had resulted. This cannot be reduced only to a law and

11. Personal interview with Bundi Prasad Yadav, Teacher, Primary School, Lakho Chak, March 1994. This point will be elaborated in Chapter Five.

12. File No. 7 of 1926, Political Department (Special Section), Government of Bihar and Orissa, p.50.

13. ibid.

order ^oproblem for the State. Therefore, the judgements of these cases are quite related to the caste-customs and are pointers to an attitude of the British that in social matters is necessarily very different from its expression in other contexts.

CHAPTER - 5

THE LAKHO CHAK RIOT OF 1925 : AS REFLECTED IN THE FOLK TRADITION

I

In 1925-26 a caste riot occurred at Lakho Chak in the district of Monghyr, Bihar. Although it broke out on the issue of 'sacred thread', a symbol of prestige, when the Goalas of this region claimed to have legitimate right to wear sacred thread, the real factors leading to this riot were multi-faceted. It arose, according to the Lorik (folk-song), against the socio-cultural and economic hegemony of the Zamindars and the upper caste people. It is worth noting that in the Lorik (folk-song) an emphasis is given on cultural aspects as the causative factors of this riot alongside the socio-economic factors of the documentary evidence. This shows the crucial difference between the archival and oral sources as the cultural dimension of this phenomenon is highlighted more in the latter. This fact itself is reflective of how, in the "popular" theory of society, caste questions had at least as great a place as "economic" factors in the self-understanding of the people. That the British administration chose to intervene in the context of this riot to finally deliver a judgement sensitive to these aspirations of the Goalas highlights for us the determining role that cultural features had even on the making of the judicial assessment.

The Chanan region is comprised of 18 villages, one of them being Lakho Chak which was under the Zamindari of

Prasidh Narayan Singh. He was the chief oppressor of this region.¹ This is also borne out by the folk-songs e.g.

लाखोचक गोवरवा से जोतवाइ है हर
लाखोचक गोवरियन भराइब घड़ा पानी²

[They (Zamindars) forced the Goala males to plough and the Goala women to draw water in pitchers.]

The Goalas of Lakho Chak had to render these customary services to their landlords. These sorts of customary services were the part of socio-economic oppression and therefore formed the basis of socio-economic reasons of this riot. But the cultural oppression by the zamindars who were mostly Babhans by caste, acted as crucial factors behind this. The womenfolk of the Goalas were the main target in this regard. A folk song points out how Prasidh Narayan Singh behaved with a newly married Goala woman. The story begins like this:

A newly married woman of the Goala community had come to Lakho Chak. When she went to draw water from a nearby well to fill her pitcher and bucket, Prasidh Narayan Singh eyed her and asked to draw some water to wash his hands and mouth. She refused, and told him that she was from the village of Sojid Ekaroan and her brothers were Zamindars

1. Personal interview with Bundi Prasad Yadav, Teacher, Primary School, Lakho Chak, March 1994. See Appendix - B, p. 118.

2. The transcribed version of the lorik folk-song), recorded in March 1994, see Appendix - A, p. 91. My translation is intended to convey the gist of the actual words of the original.

like him (Prasidh Narayan). This is important to note because such instances were rare in rural areas where a woman resisted a Zamindar. Prasidh Narayan out of his anger broke her pitcher with his shoes and whole body got drenched. She took it as an insult and narrated this story to many Goala leaders such as Sital Das, Palat Das, Triloki Das etc. The version of the folk-song is given below:-

नइकी तिरिया (स्त्री) लाखोचक गांवा
 सांभे खानी लगले भाईजी लाखोचक द्वारे
 भारेला परतवा गइले इनरवा पानी घाट
 अरे घइलवा अरे बाल्टी लेले हाथवा में लगाई
 सिर पर लेले घइलवा भाई जी
 मारले कुटले चूमले हे इन्दरवा पानी घाटे
 अरे पनिया भरके कन्इया भैले तैयार
 अरे पड़ी गेलक बाभन प्रसिद्ध सिंह के कन्इया पर नजर
 अरे दिसवा कर भैदन्वा अइले इन्दरवा रखे घाट
 बोले जे लगले प्रसिद्ध नारायण लागल दे जवाब
 सुनअ नइके कन्वा तनी वचन के हमार
 अरे इन्दरवा से पानीया खींच तनी करेजे बहार
 अरे इन्दरवा से पनिया भर के कुलिया करे कलाल
 कुलिया कलालवा रखे लोटवा के मटियाई
 बाभना के बोलिया सुनिके कन्वा लागल दे जवाब
 अरे बोलल से बोलल बोलव न करे बात
 अरे हमार नैयहर सोचिद एकराव
 तोरा जइसन जमींदरवा हमार भइवाजे
 पनिया भरके ह्य जइबो अपने घर मकान
 दोला उयनिया देबो जिम्मा तोरे लगाई
 लोटवा तुही मटइहे कुलिया करीह कलाल
 जैसे ही नइकी कन्वा लेउले पैलवा माये चढ़ाई
 मन-मन सोचे है प्रसिद्ध नारायण सोच है जवाब
 अरे शूद्रवा के मन है बढ़ीगेल
 इहे सब शूद्रवा जनेउआ पहनेले है तैयार
 ह्यरे है जिम्न्दरिया में जनेउआ से पहनवाय

करले क्रुद्धवा बाभन के गमन चढ़ई गेल
 गोहवा के जूतवा खोलिने टासे ले ले चढ़ाई
 मार है प्रसिद्ध नारायण जूतवा घैलवा में ठुकराई
 जूतवा के धमकवा से घइलवा होय चुर
 मटिया के घइलवा फूटी के हो नारायण हो गइले बर्बाद
 आठो अंग बदनिया गिरकइन पनिया से भीषी गेले
 सोच है नईकी हो कन्या दिलवा में करै विचार
 देखत हैइन लोगिन समी नजर से करै वर्णन
 बिना दगवा हमरा के दगवा देल के लगाय
 कहनर तिरिया चलल जाय है लाजोचक गौव³

[In this we might note that "Prasidh Nayayan traced the cause of his insult to the undue rise in the morale of the Sudras. He kept thinking further that the same were ready to put on the sacred thread."]

This played a crucial role in the Goalas' mobilization against Prasidh Narayan Singh. Narrating her story the female protagonist said, "My father and brothers are Zamindars like Prasidh Narayan even then I never went out of my house and never drew water from the well for zamindars". The claim made by the Goala lady of belonging to a zamindar family points to the burgeoning aspirations of some lower caste of the area.

The following set of rhymes conforms to this :

हमर नैहर पड़इहे सोचिद एकराँव
 तोहरे अइसन जर्मीरवा हमार भइवा-बाप
 तइयो ना हमें हाले बाबू घर से बाहर

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3. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, pp. 95-96.

कोईना जमींदारवा के देनी भर के ह्य पानी 4

[My native village is Sojid Ekraon. My father and brothers are zamindars like you. Even then I never went out of my home to served water to zamindars.]

She told Palat Das that one day or the other the Goalas from different villages will stop marrying their girls at Lakho Chak because of this zamindari oppression of Babhans. It is here that the newly married women are subjected to all sorts of exploitation by zamindars and upper caste people. They are forced to draw water from the well for zamindars. From the very day a woman gets down from the marriage palanquin, she had to start sowing and harvesting of zamindars' land. She further told Palat Das, "It is because of my hard luck that I got married at Lakho Chak." To quote the version of folk-song :-

सुन-सुन बाबू महतो मैनेजर लाखोचक के लोग
कोई दिन बाबू लाखोचक होइते बियहवा शादिया बन्द
तोहरे गाँव में बसो बाबू बाभन जमींदार
नइकी तिरिया से रातवा भर जमींदारवा भरबाब है पानी
पालकी से उतरके करहई रोफना के रोपाई
भग्न हमार जरलेकेई लाखोचक बिहाई 5

[Addressing Babu Mahato Manager and the people of Lakho Chak, she started saying that some day onwards in future Lakho Chak will face boycott regarding marital relations due to the existence of the Babhan zamindars in

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4. The transcribed version of the Iorik (folk-song), recorded in March 1994, See Appendix - A, p. 97.
 5. The transcribed version of the Iorik (folk-song), recorded in March 1994, See Appendix - A, p. 98.

the village who secure night-long service of drawing water from the newly married bride. She regrets her ill-luck saying that right since the day of getting down from the palanquin she has been engaged in planting saplings.]

III

These were the socio-cultural and economic factors that led Goalas to search for a new identity for themselves. The narration of events in the folk tradition quoted above is an embodiment of this ongoing urge. For the formation of this new identity, 'Sacred thread' became a symbol because lots of social prestige and values were attached to it. People wearing the sacred thread were taken as respectable and were exempt from lots of customary services hitherto rendered to zamindars and upper caste people. They would also take it to be very derogatory to work as daily labourers or even as hired ploughmen. Hetukar Jha rightly points out that it is here that the movement collides with the vested interests of the higher castes of Hindus.⁶

To achieve this goal, the Goalas of Lakho Chak started a movement against all sorts of zamindari oppression. They started caste reforms through both models i.e. 'Sanskritization' and 'self purificatory' as outlined in detail in Chapter Four.

The Iorik (folk-song) focuses extensively how the Goalas began to form a new identity. This consciousness is evident from the following verse :

प्रसिद्ध नारायण ब्रह्मना अरे सम्मन बात हमार

6. Hetukar Jha, op. cit., p. 554.

बड़ी दिन तोर इजतियां रख लियो मन्मा न मानो हमार
 जवना दिन लाखोचक में करबे सभा
 दुनिया-दुनिया गोवरवा के छोड़ देबे इहां
 लाखोचक में हम करबे सुधार
 अरे कवनो भगइवा लागी रहबो हम तैयार?

[Mr. Prasad Narayan (Babhan) why don't you follow our words. We have been holding you high for long but now we are fed up. We (Goalas) will convene meeting at Lakho Chak, we will call Goalas from all over for major reform at Lakho Chak keeping ourselves well equipped to meet any type of collusion.]

With this intention in mind, as the folk tradition narrates, they distributed letters to the Goalas of different areas. In the letters, it was written that 'everyone had to bring one lathi, one bundle of straw, one rupee and one Kg. rice with oneself. In this way the Goalas challenged the hegemony of the upper caste Hindus which aroused the anger of Babhans who were adamant that not a single goala would be allowed to wear the sacred thread.

Thus we find a series of exchanges of challenges and counter-challenges among both the communities in the folk-songs where they have used abusive language for each other. The following verse will substantiate this :

भेलयनि दोनों मैनेजरवा धर्मशालवा से बाहर
 पड़गले बामना प्रसिद्ध के बौद्ध पर नजर
 बोले लागल प्रसिद्ध त्रिलोकी दास के जबाब
 सुन रे दास त्रिलाकी बचन के हमार
 मरदई के जन्मल होबे अइबे लाखोचक गाँव

7. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, pp. 94-95.

रंडी के जन्मल हाइबे तो रहबे डेयोदिया में छिपल
 क्रिया दियो तलकवा रे मरदे दोहरी दियो भिक्कार
 चुटके गोवरवा चलअ इहे लाखोवक गाँव
 एकोको गोवरवा रहिबे नाहि डेयोदिया गाँव लुकाई⁸

[As soon as both the Manager came out of the inn, they were seen by Mr. Prasad, the Babhan. He started rebuking Triloki Das saying 'O' Triloki Das listen to me if you have any purity of descent only then will you return to Lakho Chak village. But if you have a polluted maternal ancestry then you will remain hidden inside the home.]

This challenge of the Babhans was equally retorted by Goalas leaders like Baudhu Khalifa and Triloki Das, the President of Goala Sabha. Baudhu Khalifa reacted in the following manner:

सुन दास त्रिलोकी मैनेजर बलत सम्म हमार
 तनि एक अब हमार हुकुम न देई चलाई
 फिर ना बौद्ध लेलपिन मरदे मइया कोल अवतार
 दियो सरवा बापना के कितियाई धरनी होई जान
 गुस्सा के करम हो एक बाल
 मन-मन सोचे दास त्रिलोकी करहे विचार
 सुनो बौद्ध खलीफवा भाइजी बकन हो हमार
 जाति ऐ गोवरवा लेलके मइया कोल अवतार
 धर्म हे जन्त दुर्गा के करम हे अवतार
 लेबो अरे सरवा बापना के भगड़ा और लड़ाई⁹

[Listen ! Manager Triloki Das, follow my words ; do not let me be served orders even in name that are a challenge to the bonafides maternal line of my birth and the bloody Babhan would be taught a telling lesson by the

8. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, pp. 99-100.

9. ibid., p. 100.

grace of my Guru. At this Triloki Das was plunged into his own thoughts. He responded to Baudhu Khalifa by begging for his attention and declaring the Goalas in general to be an incarnation from their mother Durga. (emphasis added).

Thus, it is clear that the Goalas were prepared to fight with Babhans to achieve their goal i.e. a new identity which in turn, might enhance their social position.

Baudhu Khalifa further challenged the Zamindari of Prasad Narayan and asked if he has the courage to come to Lakho Chak to stop the wearing of the sacred thread. Witness below the amalgamation of the symbol of zamindari and that of the religiously appropriated cultural significance of Durga by the Goala community.

बौद्ध खलीफ़ा प्रसिद्ध नारायण के बुलाय
 बौद्ध द हे जबाब सुन हो प्रसिद्ध नारायण बचन के हमारे
 जुड़ी के हमें अइबो मरदे लाखोचक गाँव
 जुड़ी के सब बापन अईहो लाखोचक गाँव
 एको भूमिहार बापना रहबे छिपल डेयोदिया में
 से तू बापना चढ़ई बहनिया माय के सेज
 किरिया देउ तलकवा रे मरदे दोहरी धिक्कार
 नाइरा जमींदारिया लिक्लहू तोर बाप दादा
 लिक्ल होते जमींदारिया रे मरदे रहबे लाखोचक
 तोड़ी देवो जमींदारिया रे मरदे जेहेआ भलकाई
 धर्म जाने मैया दुर्गा के करम हो एकबाल
 मंगल के रखे बुध दिन दियो जतरा के शुभ दिन
 बुध दिन चल अइहे मरदे लाखोचक गाँव
 बुध दिन हमलेबो समा हो लगाय
 देलिखिन जे त्रिलोकी मैनेजर वर्णन हो 10

10. The transcribed version of the orik (folk-song), recorded in March 1994, See Appendix - A, pp. 100-101.

[Baudhu asserted that even zamindari was not their [the Babhans'] inheritance from their ancestry and if Lakho Chak was destined to bear the zamindari, they would be dislodged through the adoption of the sacred thread, referring to and reposing his faith in Dharma and Mother Durga. At this, Triloki Manager specified the day of the Caste Sabha on the following Wednesday, that being more auspicious than the Tuesday, calling them (Babhans) on the same day to Lakho Chak.]

According to the above cited verse the day of this riot was Wednesday when the Goalas were to convene a caste sabha. It is remarkable to note that the Government Reports record this riot on 27th May 1925 i.e. Wednesday. This clearly indicates that even the transmitted memories from generation to generation are equally historical which might reinforce the hypothesis that some historical writings can be done by means of memories.

From this exchange of challenges by both the Babhans and the Goalas, they went on to mobilize their respective communities.

Further, according to the lore, Triloki Das, the president of the Goala Sabha wrote mobilising letters to far-flung areas of Goethapur, Sikandra, Ballabhpur Samastipur, Dagara Gaon, Dudi and to some parts of even south. This shows the wide spread consciousness among Goalas of Lakho Chak who were all set to eradicate socio-cultural and economic oppression and create a new identity for their community in the adjacent regions as well.

On the other hand, Babhans under the leadership of Prasad Narayan Singh were also preparing to counter any

type of Goalas' move to create a new identity. The following verse shows Prasad Narayan's such preparation:-

देखक प्रसिद्ध नारायण हो बाभना गँवा में दोलवा के पिटवाय
अहो काल हो के दिना दास त्रिलोकी सज्जतुं गोहार
ओकरा से पहले हमे अपना दलवा करब तैयार
लूटवो लाखोचक और डेरवा देबे उखाड़
देखबे कैसे दास त्रिलोकी समा लेक लगाया¹¹

[Prasad Narayan gave a general call by beating drums in the villages with Babhans' domination inciting them thereby to take their collective defence against the elaborate preparations of Triloki Das to be made the next day. Then, the Babhans enmasse were to loot and ransack the Goalas belongings, thus arranging for a competent check against the possible Caste Sabha by Triloki Das.]

Considering the danger from the Babhans, the Goalas took some preventive measures. Triloki Das visited Monghyr to meet Sital Das and arrange for British military protection.

बाबू रतिलदास है मुँगेर के इजलास
हम हई आहो बाबू करहीय जतिया के सुधार
काड़ा बन के बाभना करह भागड़ा के लड़ाई
दो-चार दर्जन देते मलेद्री हमार संगवा लगाय¹²

With this precaution the Goala Sabha was established on 27th May, 1925. Its chief objective was to distribute the sacred threads to adopt a new nomenclature i.e. "Yadav".

11. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, p. 109.

12. ibid., p. 105.

This change of nomenclature was due mainly to the fact that the Goalas were called 'Ahirs' and 'Bahirs' by the Babhans.

अरे नाम धलको है अहिरा-बहिरा पड़ को नाम
अहिरा-बहिरा नाम छोड़बो हम 'यादव' धरवो नाम¹³

[Ah ! they (Babhans) have named (us) 'Ahira' - 'Bahira', which we are vowed to cede and adopt 'Yadav', instead.]

The Babhans had prevented all Brahmans from performing the rites of the sacred thread for the Goalas. In the absence of the Brahman, Akkal Das who was a Goala became the purohit to perform the rite.¹⁴

But once the sacred thread ceremony started, the Babhans from different localities such as Rampur, Mano, Ramchandrapur, Barahia, and Khuntaha etc. attacked the Goala Sabha and tried to disrupt it by force.

Since the police had already arrived at Lakho Chak to maintain peace, the Sub-Inspector tried to pacify the mob of Babhans who were armed with traditional weapons. They refused to listen to the S.I. and started throwing stones at the police force.

The violent mob of the Babhans attacked the Sub-Inspector who was seriously wounded. Now, not only the

13. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, p. 108.

14. Personal interview with Bundi Prasad Yadav, teacher, primary school, Lakho Chak, March 1994, See Appendix - B, p. 119.

Goalas but the police as well became the target of Babhans. The Police were forced to resort to firing in which many Babhans were killed and several wounded.

देखलक दरोमवा नजर से वर्णन
देल्के सब मलेरी के हो हुकूम
मारे अब जर्मीदरवा के गोलीया करे निशान
ऐक गोलीया निशानवा मारे दस-बीस गो उलटाई
जितना हलै गोहरिया बाभन के हों गेले बर्बाद
लाखोपक में चले लगले खून के धार
कूले कप्तानवा घुरे गले ज़ाणे
जे कुछ बचले गोहरिया मीरवा गेदले जे लड़निया के हो पार¹⁵

[Taking an overall view of the situation, the S.I. ordered his armed ranks to open fire on the zamindar and Co. As a result ten to twenty casualties occurred dispersing the Babhans. This led to blood-shedding at Lakho Chak. After this, the military captain chased the rioters away.

According to the Government Reports discussed in Chapter Four, Shibdayal, a Goala, was killed in the riot by the Police firing who was compensated by the First Class Magistrate in his judgement. The lorik also mentions this and narrates the killing of Shibdayal by the police in confusion to recognise whether he was a Babhan or a Goala. This confusion was caused because Shibdayal had a vermilion mark on his forehead which was generally practised by the Babhans. Considering him a Babhan the Police fired, killing him on the spot. To goalas it was a supreme sacrifice for the cause of Goala Sabha i.e. caste reform for a new identity. For this description the lorik's'

15. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix - A, p. 115.

version can be understood as given below :-

गोद के गोहरिया के लइनिया के हो पार
घुरले शिवदयाल भाइजी आवहि गोहार
देखले भइवा हमार अन्न नजर से वर्णन
सुन्हो मीलिट्री बाबू बाभना घुरे गेले
इतना जे बरियार बाभना दौड़ल आवे आगे
कइलके भाई मीलिट्री भाईजी गोलिया के तैयार
सिनुरा के टीक्वा हेले भाईजी घोक्वा में परगिले
बाभना जानिके दीलके भाईजी गोलिया चलाई
मरीके हले बाभना भाई जी गोवरवा मरीगिले
मरी गेल शिवदयाल धरती में घोलटाय
जतिया खातिर शिवदयाल तेचलक है प्राण¹⁶

[While returning after the chasing away of the Babhans across the rail-road, Shibdayal was confused with one of the fleeing Bhabhans ... [The firing] killing Sibdayal happened due to the utter confusion of Shibdayal bearing a vermilion mark on his forehead which gave him the look of a Babhan.]

10

This fight resulted into two Lakho Chak riot cases which were decided by the 1st Class Magistrate, Monghyr on 1st of the February, 1926.¹⁷ Though no particular statement has been made in the judgements regarding the legitimate right of Goalas to wear the sacred thread, one should keep in mind that these cases originated because of the sacred thread. It was the sacred thread that led both communities to clash. The fines imposed on the Babhans and the compensation granted to the Goalas indirectly approve of the objectives of the latter which also led them to feel

16. The transcribed version of the lorik (folk-song), recorded in March 1994, See Appendix-A, pp. 115-116.

victorious.

The question arises as to whether the fines imposed on the Babhans could be taken as approval by the magisterial authority of the objectives of the Goala Sabha. Or could it be because of the violent means resorted to combat the police force? Both the archival and the oral sources have different approaches to this question.

Since the Goalas, according to the Government Reports, were on defensive, therefore, the police had to side with them on the basis of the sanha lodged by Sital Das.¹⁸ Since the police and the judiciary were the parts of the same State, the Court justified the police firing because the latter itself had become the target of the Babhans. The state had to defend its own position as well. Thus, as usually happens in an impending riot, the police had to check the breach of peace and maintain law and order.

In answer to this question, Bundi Prasad Yadav, an eyewitness of this riot said that both the villages namely Rampur (Babhan dominated) and Lakho Chak (Goala dominated) were under the British rule. The British Government considered them as equal subjects. The Government maintained that both the Babhans and the Goalas had rights to wear the sacred thread. But the Babhans considered that the Goalas were under their Zamindari and there was no

17. File No. 7 of 1926, Political Department (Special Section), Govt. of Bihar and Orissa, Bihar State Archives, Patna, pp. 24-28, discussed in detail in Chapter Four.

18. ibid.

religious sanction for them to wear the sacred thread.¹⁹

On the basis of Yadav's statements, it is quite clear that the British recognised Goalas at par with the three upper caste people having the same rights and privileges. It were the local zamindars who objected to these rights and privileges to the Goalas. Since the judgements of the First Class Magistrate were taken as a victory for the Goalas, Yadav, eventually said that all sorts of exploitation by the zamindars and upper caste people had ended and the Goalas started wearing the sacred thread.²⁰ This shows, how these two cases were intrinsically related to the socio-cultural scenario of that region. Thus the judgements of the First Class Magistrate which were qualitatively different from that of the High Court judgements of the earlier chapters were the expression of a different attitude toward such issues at the local level.

19. Personal interview with Bundi Prasad Yadav, teacher, Primary School, Lakho Chak, March 1994. See Appendix-B, p. 120.

20. ibid., p. 121.

CONCLUSION

THE POLITICS OF CONSENT

The British generated a restricted popular legitimacy through a variety of means, the judiciary being one of them, which in a way also reflected their paternalistic attitude as this came to evolve. Here one should be clear that their paternalistic attitude was different from public welfarism. This was the result of their consistent effort to know India, the Indian people and their complexes - inferiority as well as superiority, so that the same can be juxtaposed to get general consent.

In this regard, Halhead's Gentoo Law and Wilkin's Geeta were translations, thought to be 'Keys' with which to unlock and hence make available, knowledge of Indian law and religion held tightly by the Brahmins.

This information was needed to assess and collect taxes, maintain law and order and it served as a tool to identify and classify groups within Indian Society. Political strategies and tactics had to be created and codified into diplomacy through which the country powers could be converted into allied dependencies. The vast social world that was India had to be classified, categorized and bounded before it could be hierarchized.

In Hastings' plan the theory was clear that India

should be governed by Indian principle particularly in relation to law. The practical question arose as to how the British were to gain knowledge of the ancient 'usages and institutions'. The answer was easy enough to state. The Hindus, Hastings averred, 'had been in possession of laws which continued unchanged, from remotest antiquity.' These laws, he wrote were in the hands of the Brahmins, or 'professors of law', found all over India, who were supported by 'public endowments and benefactions from every and all people. These professors received a degree of personal respect amounting almost to idolatory'. In each of the criminal courts established the Kazi, Mufti, and two Moulvis, were to expound the law, and to determine how far the delinquents shall be guilty of a breach thereof. In the civil courts,

[the suits] regarding inheritance, marriage, caste and other religious usages and institutions, the laws of the Koran with respect to Mohamedons, and those of the Shaster with respect to the Gentoos [would] be invariably adhered to.

India had an ancient constitution which was expressed into what came to be taught of as two codes, one Hindu and the other Muslim. Pundits were 'Professors', and some even came to be conceived of as 'Lawyers'. For the demonstration of law there were also experts 'Kazis', 'judges' who knew the appropriate codes to apply to particular cases. Following current practice in Bengal, which was a Muslim-ruled state, the British accepted Muslim criminal law as the Law of the

Land, but Civil Law was to be Hindu for Hindus and Muslim for Muslims. Hastings and the Council for Fort William's decision was to have profound effects on the further course of the judicial system in India.

Further, Sir William Jones, through his constant effort to translate ancient law codes, wanted a means by which 'the law of natives' could be preserved inviolate, and the decree of Courts made to conform to 'Hindu or Mohamedon Law'¹ This was needed because they did not want to offend the prejudices of the natives in ignorance. To appear legitimate in the eyes of the Indians the British thought they had to demonstrate respect and interest in those Indians and institutions that were the carriers of traditions.

Thus, it is crystal clear that the British attitude was to rule or dominate Indian subcontinent taking Indian people into confidence. The overall aim of this whole process was geared towards generating popular legitimacy; to achieve this often inconsistent and self-conflicting aim they had to enter into the minds of the people preserving what these people believed as their 'tradition'. At the same time, they were convinced from the very outset that so long as, they wanted to rule India, they should not disrupt the traditional belief-system. It was this consideration that was predominant or uppermost in judicial mentality when the

1. The background of this explanation has been taken from B.S. Cohn, 'Command of Language and the Language of Command' in R. Guha (ed.) Subaltern Studies, Vol. IV, 1985, pp. 283-94.

judges delivered the judgements except in magisterial Courts, to some extent, as at the local level exigencies of an altogether different and pressing sort came to prevail. This is evident for example from the judgements of two Lakho Chak riot cases of 1925-26. To maintain this attitude of mind they had to go into the minutest details of the natural law/natural justice and Panchayat law/Panchayat justice. If this was not done they would have had to take some stand which would have from time to time gone against the traditional belief system itself and against the natural justice theory thereby creating unnecessary problems. It is hoped that my dissertation has demonstrated how the judicial process was related to the British policy making in India.

APPENDIX - A

THE TRANSCRIBED VERSION OF THE LORIK (FOLK-SONG) RECORDED IN
MARCH 1994 FROM LAKHO CHAK

[1]

अहो लगल हय़े पसिन्चरवा किउलवा के हो टीरल - अहो
उतरल राजा त्रिलोकी हो बाबू किउलवा केरारे टीरल
बौद्ध संगें-संगें
ओ-ओ दोनों मैनेचरवा धर्मशाला निगो पास
बैठल रहलई उहवां बाभना प्रसिद्ध सिंह
धर्मशालावा के भीतर
उहवे दोनों मैनेचरवा जाके भेलठिन खड़
करोहयी राजा त्रिलोकी बाबू बनगी केरे प्रणाम
तभियो ना बाभना प्रसिद्ध सिंह मुडिया के हो उठाइ
सुन हो राजा त्रिलोकी मैनेचर बचन केरे हमार
बनगी न करे सलमिया रे मरदे
दुनियां है दुनियां गोवरवा के ग्रेठ मइले सरदार
मइररा में मरले सोभना के मन्बहुआ होइ गेल
मइररा में ही घर शोभना के जात के राजपूत
लाखोचक गोवरवा से जेतवाइ हे हर
लाखोचक गोवरियन भराइब घड़ा पानी
गोवरवा के जतिया मरदे की करे एतवार
नाहि करो दास त्रिलोकी बात के विश्वास
ऐसे ने जो बाभना प्रसिद्ध सिंह देहई जवाब
मरदे लाखोचक में सम्भवा लियो लगाव
से हो से गवारवा जगई महरवा केरा सेच हो

[2]

अहो बोलिया हो सुनके बौद्ध देहै जवाब

अहो सुनहु राजा त्रिलोकी हो मैनेजर बात हमार
 कहे के तु प्रसिद्ध नरायण सिंह के बन्गी-केल्हु सलाम
 केहु जतिया बाभना होई कुत्वा के समान
 जेने-जेने कुत्वा चला होउ करहै लड़ाई
 जेने-जेने बाभना जतिया होईहै अपने में करहे लड़ाई
 येहो हो जतिया होवई कुत्वा के समान
 सुनहई जे प्रसिद्ध नरायण देवे है जवाब
 सुनेहु बौद्ध खलीफा बचन के हमार
 तोरानियन हमार भक्तिचवा है बरियार
 सातो भौंसिया दुही के पीलिइ गले दूध
 बल के बरियार मनके दोरिक (द्वारिका) हमार
 दो चार हजार गोवरवा ले लेलकै दबाये
 ये बौद्ध खलीफा फरही के लाल

[3]

सुन हो दास त्रिलोकी हो बाबू बचन के हमार
 तनइयो के हमरा हुकुमा राजा दे हो के हमार
 इहे सरवा बाभन के
 रेचिया यात्रा लिए बनाई
 बौद्ध के बोलिया सुनिके दास त्रिलोकी दीहे जवाब
 सुनो-सुनो बौद्ध खलीफावा भाई सम्भवो करही बात
 प्यरैइ-प्यरैइ कम्वा हो रौतनवा केरा काम
 सुस्तई कम्वा होउ हो बौद्ध रौतनवा बनई काम
 करोयिन दोनो मैनेजरवा ओजगिन दोनों गले बात
 धर्मो जानब मइया दुर्गा के कर्मो भाग्य एण बाल
 सतखण में होइल मइया लोरिक पर सहाय
 कलखण में होबई मैया दुर्गा हमरे पै सहाय
 बाये तू समर में बैटा दहिनेई रहउ तैयार
 बोले है अक्कल दासा त्रिलोकी मैनेजर लमले दे ही जवाब
 भीरीय से बसहई गोनेर मैनेजरवा क्वईया के गौव
 चलई-चलई दोनो मैनेजरवा क्वईया के हो गौव
 कहलई गोनेर मैनेजरवा तानि हाल के हो दस्तान
 जइसन देखिन सलहवा हो बौद्ध ओइसन करीह काम हो

बोनई दास त्रिलोकी बाबू देखते जवाब
 सुनो हो राजा त्रिलोकी बाबू बचन तू हमार
 अरे उठई डेरवा चलैई क्वईया केरा गाँव
 अरे काहे लो तो भूमिहरवा से करहै भगड़ा-लड़ाई
 बोले है बाभना प्रसिद्ध दे हैं बौद्ध खलीफा के जवाब
 अरे सुनो रे बौद्ध खलीफा मरदे वचन तू हमार
 अशिया-अशिया के देखलक बस के इमान
 अरे गोवरवा के जतिया ना कुरु करिह विश्वास
 जेहू गोवरवा लेहो लाखोचक सभवा जे लगाइ
 सेहू गवरवा चढ़ोहो बहुआ के सेज
 अरे सुनरे बाभना प्रसिद्ध धिचोदवा
 सुनरे प्रसिद्ध वचन हमार
 सुनरे बाभना प्रसिद्ध नरायण बचन हमार
 मरदा सब चलअइहे लाखोचक गाँव
 दुनिये-दुनिये बचनवा के तो चिठिया देहकिन
 जेहू-जेहू बाभना जइयने लाखोचक गाँव
 होहरे बाभना धिचोद रामपुर के गाँवा
 होहरे बभना गेसआर के समान

[4]

शिवडीह में दे हलई गईया के गोरस
 गइया ले चरवे अलई हे भंडार बहियारा
 ओजियो शोभना हलये भाई जी मोरिया के अगोरवा
 सुनिबे उदआ गोवरवा वचन के हमार
 ललका तोर जनऊआ धरयि कानओ पर चढ़ाय
 जो जे गईया भीरिया हमार खयतऊ जाके आबी
 तोड़ी के तारे जनेऊवा सरवा गांडी में देव घुसाय
 ऐसने शोभना देलके हय जवाब
 ऐतना नालिश दाहू कलके बूंदी के निवे पास
 सुन-सुन भइवा हमार जतिया हो कुटुम्ब
 महतो बनी जनेऊवा देल देह में हमार
 गइया के चरऊवै गहल हे भंडर बहियारा
 तोड़ के हय जनेऊवा शोभना कइई गांडी में देव घुसाय

बोली हो बाबू बूंदी दास दे हई ताहू के जवाब
 सुनो हो ताहू महतो तनी वचन के हमार
 मंगलदिन में होतयी खरा पूंजी-पंचायती
 ओही दिन में जेही अइहें होतो सम्भवा में इसाफ
 हमरे हलई मगह के दादव हमार भईवा
 अपने मजगी छोड़ी के दूसरा के मजगी लेलके घरवा
 जानी गलई इलाकवा मंगलदिन कर देलैई पंचायत
 दोनों महवा शोभना अलई खडकुइवा के पंचायत
 हमर महवा मजगी छोड़िके कलके हे विआह
 ओकरा गलती ऐहे भाई बनेइके जाके आबी
 बंड ले ले चुर्मानवा लेलके हुंयवा के लेलेके मार
 एके जो लक्ष्मीन लगवे चारे गिरले जाके चित्त
 शोभना गऊआ पासना जाके करहै माताराम
 अरे गोवरवा के हम देखहये दादा अइसन पंचायती
 भलै जो ताई (दऊवा) नालिशवा न करतो काहिन में गिरी जायब हो
 मरतै आवै डोम सोलवा हो दागो दे पसीन्वा से
 ले नामै ओ हो " " " " " "

[5]

बाबू शोभनसिंह के मइवा के देह जवाब
 आहो सुन हो भइवा गंगादास वचन हो हमार
 गोवरवा के गलती भेल है मारिके देलके घोलटाई
 जो-जो हमर गलती दादा हो वै जाके आबी
 मंगनी के गवारवा मारिके देतौ घोलटाई
 भाग जल्दी आइहो दादा जान लैई के पराय
 पेशाब के बहानवा अहो सम्भवा से ऊठी गेलैई
 ओ भुठे करे पेशाबवा लेके बैठने गेले आगे
 बैठ के उठतै भगतौ जान लेग पराय
 अरे गौव के हलै शिव सिंह के दाउरे सिंह दादव
 अब दादव देखलके करनाय
 हकबा अब पंचाइतिया में शोभन सिंह भागल जाहै
 दौड़लै सबे पंचे खोजैले जाके आबे
 भित्तियेले शोभन सिंह जोड़ा कन्हवा के किनारे

बजारि के अब गडियों में लठिया करके मारि देलै
 अरे ओकरे होले क्रोधवा प्रसिद्ध करैहै क्रोध
 ओहे बाभना परसिद्ध (प्रसिद्ध) कइलके हे भगडा
 जे लड़ाई ओ हो

[6]

प्रसिद्ध नरायण बाभना अरे सम्मन बात हमार
 बड़ी दिन तोरा इजतियां रख लियो
 मनमा न मानो हमार
 जनौ दिन लाखोचक में करहे सभा रे
 दुनियां-दुनियां गोवरवा छोड़ देबे लियो रे प्रसिद्ध
 लाखोचक में करबै सुधार
 अरे गोले बाभना भगड़वा
 रहबो रे हमें तैयार
 बौद्ध के बोलिया सुनिके रे प्रसिद्ध
 लगले दिहे जवाब
 सुनहह बौद्ध खलीफवा हो मरदे कवन हमार
 लाखोचक गांवा हो बौद्ध हमार पड़े चर्मीदार
 सुनहो गोवरवा करिहे जाति सुधार
 नइकी तिरिया (स्त्री) लाखोचक गांवा
 सांभे खानी लगलै भाईजी लाखोचक द्वारे
 भारेला परतवा गइलै इन्करवा पानी घाट
 अरे घइलवा अरे बाल्टी लेले हाथवा में लगाई
 सिर पर लेले घइलवा भाई जी
 मारले कुटले चुपले हे इन्करवा पानी घाटे
 अरे पनिया भरके कन्इया भैले तैयार
 अरे पड़ी गेलक बाभन प्रसिद्ध सिंह के कन्इया पर नजर
 अरे दिसवा कर मैदन्वा अइले इन्करवा रखे घाट
 बोले जे लगले प्रसिद्ध नरायण लगल दे जवाब
 सुनअ नइके कन्वा तनी कवन के हमार
 अरे इन्करवा से पानीया खींच तनी करेजे बहार
 अरे इन्करवा से पनिया भर के कुलिया करे कलाल
 कुलिया कलालवा रखे लोटवा के प्रटियाई

बाभना के बोलिया सुनिके कन्या लगल दे जवाब
 अरे बोलल से बोलल बोलव न करे बात
 अरे हमर नैखहर सोचिद एकराँव
 तोरा जइसन जमींदरवा हमार भइवाजे
 पनिया भरके हम जइबो अपने घर मकान
 दोला उपनिया देबो जिम्मा तोरे लगाई
 लोटवा तूही मटइहै कुलिया करीह कलाल
 जैसे ही नइकी कन्या लेउले घैलवा माये चढ़ाई
 मन-मन सोचे है प्रसिद्ध नारायण सोच है जवाब
 अरे शूद्रवा के मन है बढ़गेल
 इहै सब शूद्रवा जनेउआ पहनेले है तैवार
 हमरे है जिम्न्दरिया में जनेउआ से पहनवाय
 करले कृद्धवा बाभन के गणज चढ़ई गेल
 गोड़वा के जूतवा खोलिके हाये ले ले चढ़ाई
 मार है प्रसिद्ध नारायण जूतवा घैलवा में ठुकराई
 जूतवा के धमकवा से घइलवा होय चुर
 मटिया के घइलवा फूटी के हो नारायण हो गइले बर्बाद
 आठो अंग बदनिया गिरकइन पनिया से भींगी गेले

[7]

सोच है नइकी हो कन्या दिलवा में करे विचार
 देखत हैइन लोगिन सभी नजर से करे वर्ण
 बिना दगवा हमरा के दगवा देल के लगाय
 कहनर तिरिया कलल जाय है लाखोकरु गॉव
 पड़ गेइल भैंस राहनरग के तिरिया पर नजर
 बोलई कूले गोरिखना तिरिया के जबाब
 सुनहो नइकी तिरिया बचन के हमार
 काहेला प्रसिद्ध नारायण कइलको चौलिया पर धमार
 भरल कलसे पनिया तोरा हौरी कइलको बर्बाद
 कह नइकी तिरिया तनी हाल के दस्तान
 नइकी कन्या लगले दे है जवाब
 दिसवा कर मैदनवा प्रसिद्ध अइले पानीघाट
 हमरा और कहलेके बाबू हाल के दस्तान

एक बाल्टी पनिया खींची के तिरिया देई लगाय
 एक बाल्टी पनिया खींची के करे इनरवा से बाहर
 लोटवा के मटियावे रखे कुलिया के कलाल
 ह्ये और ओकहा रह लिये बाबू हाल के हो दस्तान
 कहलन न मान ले बात
 ह्यर नइहर पडइहै सोचिद एकरावों
 तोहरे अइसन जमींदरवा ह्यार भइया - बाप
 तइयो न ह्ये होले बाबू घर से बहरा
 कोईना जमींदरवा के देनी भर के ह्य पानी
 भरीके गगरिया बाबू धरिलेले डगर
 दोलवा उयनिया जिम्मवा के लगाय
 कुलिया करले कललवा हो बाबू लोटा मटियाई
 दोलवा उयनिया हो बाबू इनरवा छोड़ी

[8]

अहो महतो मनेजर बतई तनी हाल
 बिलकुल बतिया रहने ह्ये हाल इ दस्तान
 अरे बोल गोवारवा दिहे जवाब
 सून के भाई जी मदे तिरिया बाबू बचन के ह्यार
 अरे गइवां के महतो मनेजर हर फलट के बोल
 चल जाई है नइकी तिरिया मदे भाई लाखोचक गँव
 करल कुरेलै जुलम तिरिया जायके लाखोचक मकान
 जगडेलै नइकी तिरिया महतो मनेजरवा के
 जगडेलै नइकी तिरिया महतो के घर मकान
 दुअरवा चढ़के नइकी तिरिया करहे बवान
 सून-सून मनेजर महतो लाखोचक के लोग
 तिरिया के बोलिया सुनिके फलट होइलघर से बाहर
 पड़गेलैइ दास फलट के जब कनिया पर नजर
 बोल लगल मनेजर महतो तिरिया देह जवाब
 सून-सून नइकी तिरिया बाबू सम्म बात ह्यार
 सौंभ लगइले लाखोचक गवां में द्वार
 होइखे विहनवा पडले दुखवा के विपत्ति
 कहेके खातिर बाबू तूह, करला दोहरी अहंकार

कहबो करहई नइकी तिरिया लागहई जवाब
 सुन-सुन बाबू महतो मैनेजर लाखोचक के लोग
 कोई दिन बाबू लाखोचक हाइते बिचहवा शादियों बन्द
 तोहरे गांवा में बसो बाबू बाभन जर्मींदार
 नइकी तिरिया रतबा भर जर्मींदरवा भरबाब है पानी
 पालकी से उतरके करहई रोपना के रोपाई
 भाग हमार जरलकई लाखोचक बिहाई
 पनिया नई भरलई ह्य इनरवा पानी के घाट
 गोडवा के चुतवा घइलवा में ठुकराय
 घइलवा हमार फूटलई बाबू भिजलई आठो अंग शरीर
 बिल्कुल बतिया कहनई सौहिद एकराव के नगर
 बिल्कुल बतिया कहनई लाखोचक नगर
 अगिया जे लगइबो हो बाबू लाखोचक गाँव

[9]

बिल्कुल बतिया नइकी तिरिया हाल रही दस्तान
 सुनही पलट दास लइके नइकी कनिया करे बात
 सुनई नइकी कनिया होई बचन के हमार
 अरे घूरिके चलिजा नइकी कनिया घर के मकान
 जेई दिन सभा लगतै वहे बतिया ओह दिन दिह फैलाय
 अहे बैठ नइकी कन्या घर में असधिर
 अहे मन-मन में सोचे पलट दास दिल में कर विचार
 हाथो मइया दुर्गा जुलूम के बितल बात
 बड़ी-बड़ी प्रसिद्ध नरायण बाभना करहि अन्याय
 कई दिन बाभन पंडित लेते इज्जत के धरम
 अइसने बोलिलै दास त्रिलोकी हाले में करे उपाय
 मन-मन सोचि के पलटदास दिल करे चौवे पाँच
 देखई मैया दुर्गा नजर से वर्णन
 जसकी मैया दुर्गा उदबोध के चढ़ाई
 भेलखीन पलटदास जारे घर बाहर
 भेलखीन पलटदास कनिया केरे गाँव

पलट मैनेजरवा चललाई कनिया के रे गाँव
 मरलाई, कुटलाई जूटलाई किउलिया के किनारे
 चलइलौ नहीं किउलिया में दुई कोराधार
 भूकल और पिथासल मैनेजर गेलई आचप्राय
 करे लागल लखन दास पलट मनवा दिल विचार
 गुण में करई दतबनिया किउलवा की ते नदी
 जिभिया फाड़ के फेरुलयी नदिया
 खोली के भलपीन कुरतवा बलुका पे उडियाई
 हेलगेलयिन दास पलट नदिया के बीचई धार
 कुलिया कलखिन कलुत्वा मैनेजर और स्नान
 स्ननवा केलखिन सूरज लाल प्रणाम
 करके प्रणमिया भेलखिन नदिया के बाहर
 सूकल भइल रुपइवा लेलखिन ओइजा के बदल
 भीकल धोतिया रुपइवा देलखिन नदिया किनारे पसार
 बैठ गेलखिन पलट नदिया किउलिया केर बालू
 एक मुट्ठी सतुआ सानी करे जलके हो जलपान
 अलखिन पिलखिन मैनेजर ओहिजा होगेलखिन तैयार
 नदिया जे हेलिके मैनेजर पनिया जे पिलखिन है बीच धार हो

सुनहु बौद्ध खलीफा वचन हो हमार
 चलल-चलल हो बौद्ध खलीफवा जबई कनिया केरे गाँव
 हयिन गोनर मैनेजरवा बसे कनिया केरे गाँव
 बुभबई जनी गोनर मैनेजरवा से हाल और सलाम
 जइसन देयी सलहवा ओइसन करबै काम
 भेलखीन दोनों मैनेजरवा धर्मशालवा से बाहर
 पडगले बगना प्रसिद्ध के बौद्ध पर नजर
 बोले लागल प्रसिद्ध त्रिलोकी दास के जवाब
 सुन रे दास त्रिलोकी वचन के हमार
 मरदई के जन्मल होबे अइबे लाखोकर गाँव
 रंडी के जन्मल होइबे तो रहबे डेयोदिया में छिपल (लुकाई)

क्रिया दियो तलाकवा रे मरदे दोहरी दियो धिक्कार
 चूटके गवरवा चलअइहे लाखोचक गाँव
 एकोगो गवरवा रहिबे नाहि डेयोदिया गाँव लूकाई
 सेहू जे गोवरवा देहई क्रिया जेऊ धिक्कार

[12]

सुन दास त्रिलोकी मैनेजर बात सम्भ हमार
 तनि एक अब हमरा हुसूम न देई चलाई
 फिरना बौद्ध लेलपिन मरदे भइया कोख अवतार
 दियो सरवा बाभना के किरियाई धरनो होई जान
 गुस्सा के करम हो एकबाल
 मन-मन सोचे दास त्रिलोकी लगल हे विचार
 सुनो बौद्ध खलीफवा भाईजी बचन हो हमार
 जाति रे गोवरवा लेलके मइया कोखे अवतार
 धर्म हे जानत दुर्गा के करम हे अवतार
 लेबो अरे सरवा बाभना से भगड़ा और लड़ाई

[13]

बौद्ध खलीफवा प्रसिद्ध नारायण के बुलाय
 बौद्ध दे हे जवाब सुन हो प्रसिद्ध नारायण बचन के हमार
 जुडी के हमें अइबो मरदे लाखोचक गाँव
 जुडी के सब बाभन अईहो लाखोचक गाँव
 एको भूमिहार बाभना रहबे छिपल डेयोदिया में
 से तू बाभना चढ़ई बहनिया मस्य के सेज
 किरिया देउ तलाकवा रे मरदे दोहरी धिक्कार
 नाइरा जर्मीदरिया लिखलहु तोर बाप दादा
 लिखल होते जर्मीदरिया रे मरदे रहबे लाखोचक
 तोड़ी देवो जर्मीदरिया रे मरदे जनेहुआ भलकाई
 धर्म जाने मैया दुर्गा के करम हो एकबाल
 बोले लगल प्रसिद्ध नारायण देब है जवाब
 मंगल के सखे बुध दिन दियो जतरा के शुभ दिन
 बुध दिन चल अइहे मरदे लाखोचक गाँव

बुध दिन हमलेबो समा हो लगाय
देलिखिन जे त्रिलोकी मैनेजर वर्णन हो

[14]

लेलखिन दोनों मैनेजरवा हो भाई जी क्वइया के रस्तवा
चलल जाहे दोनों मैनेजरवा क्वइया केरा गाँव
जुमलै दास त्रिलोकी गोनर मैनेजरवा के मकान
दुअरे चढ़िके त्रिलोकी देलखी हॉक
होबतनी गोनर मैनेजरवा घर से बाहर
दास त्रिलोकी के बोलिया सुनके गोनर घर से होवई बाहर
पड़गले गोनर मैनेजरवा के त्रिलोकी पर नजर
करलिन दोनों मैनेजरवा ओजेगिन प्रणाम
बोलहथिन गोनर मैनेजरवा हाल के दस्तान
सुन दास त्रिलोकी बचन के हमार
तनि हमार कहा मुँगेर के हालचाल
बात के सुनलगी त्रिलोकी देह जबाब
एक आग बुझैनियो दोसर उठगेलो अंधकार
देलको प्रसिद्ध नारायण हमार देल कौ जबाब
सुन दास त्रिलोकी मैनेजर बचन के हमार
कर हैई सलाभिया मरदे रचेहें भवार
दुनिइये-दुनिइये ग्वारवा के मेंठ भइलै सरदार
घर में मरलै शोभना के मनबहुआ होइगेल, जाति के राजपूत
सेकरा मार के दास त्रिलोकी मन तोर बढ़ी गईल
मरदा होई तो लाखोचक में समवा लिए लगाई
मरदा के जन्मल होईबे अइवे लाखोचक गाँव
रंडी के जन्मल होइवे तो रहमें घर में छिपल
किरिया देव तलकवा रे मरदे दियो धिक्कार
ऐसनके बतिया होलो जब किउल के धर्मशाला
मंगल केई रखे बुध दिन जतरवा लियो बनाई
मन में सोचले जखनी दिल में करै विचार
मन-मन सोचई गोनर महतो लगसेई देव विचार
सुन दास त्रिलोकी मैनेजर सम्भ बात हमार
नहीं तो डेरैइह मैनेजर नहीं तु डेरस

बड़ी गोवरवा लेलके हमरा दुनिया में अवतार
जे हे मनमा एकर प्रसिद्ध के ओकर मनमा ए हो

[15]

बैठ-बैठ दास त्रिलोकी चौकी पे मजबूत
मुख में कर दत्तनिया मूठी भर भोजनवा मैनेजर कर ला जलपान
बैठलन जब मैनेजरवा तीनों चौकी पर समुत्पन्न
करये तीनों मैनेजरवा भगड़ा के विचार
दोलवा और नुहानियों ले लौ हाथ में लगाय
चले जाहैई तीनों मैनेजरवा इनरवा के हो राजघाट
करहयी तीनों मैनेजरवा दिली-दिली दत्तन
कलापिन दत्तनियां कुलिया और कलाल
करहयिन तीनों मैनेजरवा इन्दरवा पर स्नान
करीइके अस्नानिया होगेले तीनों तैयार
करीइके तीनों मैनेजरवा गोनर डैयोड़ी के मकान
भिन्जल धोतिया दे ले छप्पर पर पसार
दहिया-चुडवा तीनों कोई चौकी पर परोस
करहयिन तीनों मैनेजरवा ओइजा इच्छा भर भोजन, कइली अवइले
करहयिन तीनों मैनेजरवा ओचे जीत और गाल बात
सुन हो गोन् मैनेजरवा तनि बचन हो हमार
जाइसन देह हम्माम ओइसन करहीन आपन काम
बोलहयिन गोनर मैनेजरवा त्रिलोकी दे है जबाब
सुन दास त्रिलोकी मैनेजर बचन हो हमार
दुनियां-दुनियां भाईओ को चिट्ठिया दे है पढाई (कैसेट नं. 1)
दुनिया भर के जतिया जुटलो लाखोचक के गाँव
आइके इंतजाम करही लाखोचक में
दलिया चौरा पतल के करिहई इंतजाम
दो चार सौ मन दूधवा के कर दीहे इंतजाम
दूधवा दहिया के करही इंतजाम
बोलहयिन गोनर मैनेजरवा दास त्रिलोकी के बुलाई
प्रयमेन लाखोचक में मडवा दीह गडाई
दलिया चोखा पतला के हमरा पर अलौ भार
दहिया दूधवा चितना होते कर दीबो इंतजाम

छतिस मौजा दहिया दूधवा के चलके घर-घर देले खबर
 बिल्कुल दहिया दूधवा मांगवालेले लाखोचक गाँव
 ना हो दास त्रिलोकी करिहे मन में छौ-पाँच
 धर्म जान मैया दुर्गा करम भाय एकबाल
 दुनियां-दुनियां भइया के ना होते तकलीफ
 जरा तु दीह लाखोचक में सभवा के लगाई
 करहयिन तीनों मैनेजरवा जन ऐसने-ऐसने विचार
 जहिमन तनी गोनर मैनेजरवा अपन बिलौरी गाँव
 भेलथी तीनों मैनेजरवा कइया के केरे बहार
 घूमत-फिरत तीनों मैनेजरवा गेले लखीसराय बजार
 जितने दूध खपरवा मिले जाहे डगर
 लेले जाहे बौद्ध खलीफा कहले समाचार
 जितना दहिया दूधवा होते एक साफ घर में
 बिल्कुल दहिया दूधवा गाँव लाखोचक पहुँचाई
 जेकरा हम देखबो मरदै घर में छिपल
 जेकरा के हम देखबो लखीसराय में कोडवा से मरबो मार
 कोडवा के मारबो कर देबो जतिया से बाहर
 कहले जाह दोनों मैनेजरवा चलल जाहि दोनों डगर
 चलल जाहि बौद्ध खलीफावा भाईजी संगे-संगे
 मरले कुटले जुमले बेलौरी केरा गाँव
 बैठइल हलइ गुस्सा महादेव भाईजी स्कूला के द्वार
 पर गेले गुस्सा गुस्देव जाके भागे वो तैवार
 सुन-सुन दासा त्रिलोकी हो मैनेजर
 पूरबवा देखी सुखल-सुखल मन बड़ा भाय
 कियो तोरे दासा त्रिलोकी पडइगेले बिपत
 कह दास त्रिलोकी मैनेजर हाल के हो दास्तान
 गुस्देव के बोलिया सुनके मैनेजरवा लागल देव जवाब
 सुन-सुन गुस्सा तनि बचन के हमार
 करहयिन दासा त्रिलोकी मैनेजर गीत और गलबत
 जब तक डाक मुंसिया भेलय अगुआ हो जकि ठाड
 लिखल चिट्ठिया डाक मुंसिया हयवा में दे है धराय
 जिनकर नाम हिठादास त्रिलोकी दसनाम
 उनके नामे चिट्ठिया देलक है भेजवाय

देलखिन दास त्रिलोकी जखनिन चिठिया हाथ लगाय
पढे लगलई चिठिया हो मैनेजर मनवा में

[16]

खोलके चिठिया दास त्रिलोकी के जिम्मा जब दलके लगाय
अहो बोल है बोद्ध खलीफा देहद् मैनेजरवा के जबाब
अहो सुनो हो बाब् त्रिलोकी बचन के हमार
कैसन चिठिया मिललैई बाब् हाल करई दस्तान
सुनहोई बोद्ध खलीफवा बचन हो हमार
अरे रडहा रामपुर प्रसिद्ध सिंह चिट्ठिया देले भेजाय
हमरे तोरे नाम से बाभना चिट्ठिया देलो भेजाय
भले न गोवरवा लड़के घर में रहइ छिपाय
जइसन हुम्मवा दे हो हमें चिट्ठिया देले भेजाय
दिनवा और ठेकनवा देहो बैठाय
दिनवा और ठेकनवा औ सभवा के रे दिन
जइसने बाभना देलको चिट्ठिया लिख भेजाई
जेहुइन गोवरवा लाखोचक में सभा ले लगाय
ओहू गोवरवा सरवा चढ़ाहू अरे बहुआ केरे सेज ।

[17]

दिनवा और ठेकनवा चिठिया मरदे तु सम्भाई
अपना आप एक तरफवा से लिखके दे हो भेजाय
सुनो दे बाभना प्रसिद्ध धिचोद वचन के हमार
अरे मंगल दिन में लाखोचक सभा करम तैयार
अरे मंगल दिन में लाखोचक में मडवा कर तैयार
बाभना प्रसिद्ध के घरमा में कलसक मडवा के तैयार
मंगले के रूले बुद्धे दिने लगवई जब बरात
बुद्धे वे दिने में बेटियो ओकरा शदियो होत बिहाय
बुधे के दिन प्रसिद्ध बेटिया के शदिया होत बिवाह
अहे जेहो नैवा बाभना आवे रामपुर केरा गँव
ओहो बाभना किरिया रे सरवा जोरुआ के करा हो

लिख के चिट्ठिया दास त्रिलोकी बाबू देलिन लगाय
 लेले के डाक मुंसिया भैया जिम्मा में लगाय
 डाक मुंसिया ले ले हाथ में लगाय
 चलहलै डाक मुंसिया डगर न घन्टे-बोध
 करहई दोनों मैनेजरवा अब जोगिन गाले बात
 एगो चिट्ठिया लिखके देहो लाखोचक भेजाई
 लाखोचक के खाको महतो गाँव के जमींदार
 ओकरा नाम से चिट्ठियो बाबू लिखके दे है भेजाई
 दस बीस लकड़िया फतल कर सम्पत्त्य
 दस बीस मन दूधवा के करम इन्तजाम
 दस बीस मन में चूखा करयिन इन्तजाम
 मंगल दिन हमरा लाखोचक में मलवा तैवार
 दुनिया-दुनिया भइवन के चिट्ठिया देबो भेजाय
 एकगो बनन हमार अरिया हयिन पुकार
 धर्माने भैया दुर्गा जी के कर्मा जावे एकबाल
 एगो चिट्ठिया लिखो देके मुंगेर के भेजाय
 बाबू शतिलदास है मुंगेर के इजलास
 हम हई अहो बाबू करहीय जतिया के सुधार
 काड़ा बन के बाभना करह भगड़ा के लड़ाई
 दो चार दर्जन देते मलेद्री हमार संगवा लगाय

दो चार दर्जन मिलीद्री अपन कर द इन्तजाम
 बडियार शतिलदास पटइले है मुंगेर के इजलास
 अरे गोरखपुर में गोखठा भैया बढ पहलवान
 अरे शोले से खलीफवा के खेलावे है सरना
 किरिया दे दे चिट्ठिया लिखइले मसीहाना
 अरे हेचुन भइया गोनरवा लाखोचक गाँव
 सेहू चढइतै सरवा बहुआ के रे सेज
 ऐसने बाभना प्रसिद्ध देलके किरिया हो तलाक
 अरे एगो चिट्ठिया लिखके गाँव -गाँव संदेशवा दे हे भेजवाई

अरे बसे शिवदयालवा बल के बलियारा
 अरे शोले से गोहत्या लेते बहियारी
 अरे एगो चिट्ठिया लिखके दे खडगपुर भेजवाई
 अरे दुनिया-दुनिया भइयो जुटा लाखोचक गाँव
 किरिया दे दे चिट्ठिया हो तू लिखिइह

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दूसर चिट्ठिया लिखके देहलन गोइठापुर में भेजवाई
 गोइठापुरा में देलपिन गोइठा पहलवान
 ओइल भइयां दलपिन हमर रैनियों लड़ाई
 चौथम चिट्ठिया सिकन्दरा के हो राज सरबन्धित मैनेजर
 चौथम चिट्ठिया काटई के सिकन्दरा के हो भेजाव
 जिलवा के नाम सिकन्दरा सरबन्धित मैनेजर
 एगो चिट्ठिया काटी के देलपिन बल्लमपुर भेजाई
 गाँव के नाम बल्लमपुर पड़े बुंदीदास प्रनेजर
 एगो चिट्ठिया काटी के देलपिन सम्पत्तीपुर भेजाव
 जिलवा के नाम सम्पत्तीपुर बौद्ध पड़े पहलवान
 देलऊ बौद्ध खलीफता तोरा इलकवा के भार
 एगो चिट्ठिया काटी के देले डगरा गाँव भेजाव
 एगो गाँव का नाम डगरा रामप्रसार मैनेजर
 एगो चिट्ठिया भेजी दे डुडी
 गाँव के नाम डुडी है बूदन पहलवान
 गोहरा बांध के लाखोचक में सभवा देबो लगाव
 एगो चिट्ठिया काटी देलपिन दक्किन के भेजाव
 दक्किन के भाई इबर-पातर यही है चानन दास
 दक्किन के भाई इबर-पातर यही है लाखोचक गाँव
 एगो चिट्ठिया काट के देलपिन चानन राज भेजाव
 चानन के भइया जुडई के अइहै लाखोचक गाँव
 जे हो न भइया अइह आरे जो लाखोचक गाँव
 उहो हे भइवन के दिया हो किरिया हो तलाक
 चारो बगल चिट्ठिया लिख के देलपिन भेजाई
 चारो बगल लिखके चिट्ठियां दास त्रिलोकी देलपिन भेजाई
 एगो चिट्ठिया अमरू राजा के देलपिन है भेजाई
 चारियो बगल दास त्रिलोकी देलपिन चिट्ठिया भेजाई

दिन सोमरवा हो कितलई हो
 करे लगल गले है बात
 सुन हो राजा त्रिलोकी हो मैनेजरवा बचन हो हमार
 कलल जाय मैनेजरवा दोनों मुंगेर के रे इजलास
 देबे दरखसवा हम हकिमवा से पूछबे हम सलाह
 हमे करिही बाबू जतिया के सुधार
 अरे बटिया बांध के बापना भगड़वा करे लड़ाई
 दो चार दर्जन करवै हम मलेद्री के बहाल
 दुनियां-दुनियां भइवा अइते लाखोचक गांव
 धइलके अब मैनेजरवा दोनों डगरवा केरे बाट
 अरे मरले बुभले किउलवा के रे टिशन
 चइले डा पैसेंजरवा भेलाकिन दोनों स्थिर
 अइले मैनेजरवा दोनों गीते गलबत
 कइले-कइले जुमले मुंगारिया के रे टिशन

उतरल राजा त्रिलोकी हो दास मुंगेरिया के रे टिशन
 आइके बाबू शक्तिदासा भेटे लकिन मुलाकात
 अरे करेला दोनों मैनेजरवा जाके बनगी करे सलाह
 सुनहो बाबू शक्तिदासा बचन हो हमार
 हम आइले दोनों मुंगेर केरे इजलास
 दुनियां-दुनियां भइवा हमार जो न करे याइ
 सब दिन से अहिरा हलइ बहिरा धरके नाम
 बहिरा नाम छोडबे बाबू यादव धरे नाम
 लिखिके संग हकिमा के देहो जिमा देहू लगाव
 हमे हे बाबू करहई जतिया के सुधार
 बटि-बांध के बापना हमार से भगड़ा करे लड़ाई
 दो चार दर्जन कर दो मिलिद्री के इंतजाम
 सुन हो राजा त्रिलोकी बाबू बचन हमार
 बजरा में कलके जल करई जलपान
 पाँचों दर्जन दे हो मलेद्री हो हो

पाँच दर्जन मलेरी दास त्रिलोकी देले लगाई
 अरे ले लो अइले एहो बाबू किउलवा के हो टीशन
 अरे उतरल दास त्रिलोकी हे बाबू बौद्ध संगे-संगे
 अहो ले ले मिलीटी संग में देले के लगाय
 देखई बाभना प्रसिद्ध अब नजर से वर्णन
 हाय रे बायिबा नारायण जुलूम के बीते बात
 गरे गोवरवा अहीरा कब से वर्णन
 चलइ अरे राज त्रिलोकी अब डगरवा बाट
 मरले कुटले जुमले अठघाटी के पोखर
 होइजे देवलकी अरे भाईजी डेरवा के गिराई
 गिरल सब भाई आवई अठघाटी के पोखर
 ऐही अठघाटी पोखरे जब सभा देले लगाई
 अरे दिनिया मंगल कितले भाईजी सभा दिले लगाई
 देलई बाबू शतिलदासा लेखर दे लगाई
 सुन रे भइवा वर्णन हर बचन बात हमार
 अरे दुनिइये-दुनिये देले चिट्ठियां भेजवाये
 दुनियां के भइवां हमार अइल सभा के इजलास
 अरे गोरखपुर के भइवन के हम देखिय के
 अरे धर्म जाने दुर्गा मइयां कर्म एकबाल
 अरे रविइह मैया दुर्गा मूंह के प्रति लाल
 सुन रे भाइयो अंधरा बहिरा कचन रे हमार
 अरे नाम धलको है अहिरा-बहिरा पड़को नाम
 अहिरा-बहिरा नाम छोड़बों हम 'वादव' धरबो नाम
 अरे सुनवो भाई दुर्गा धर्म ही बात
 सतयुग में हलई मैया सुरमा पे तैयार
 आज के दिन रहई हमरे पे तैयार
 जन-जन मैया दुर्गा तु रहियो तैयार
 कौन्दो निशानवा मैया हाल के दस्तान
 जेने योजना मांगवे मैया जितने जैवे बाड़ा
 सुन्दे भइवा बंधू कुले बचन हमार
 जब-जब जनयो मैया दुर्गा ऐजयो होते गे सहारा
 अरे पश्चिम राज से आवे बुद्धन अंधड के समान

अरे तब हमें जानबो मैया प्रचंड हो तैयार
 अरे घड़ियो न पहरवा बितलौ उठलै हे बादर
 अरे बदरा उठले जैसे अंधड़िया उठे लागे
 अरे बूंद अन्त टीफलगलै मैया अंधिया रोके बिना
 भागे लगे भइवां बंधुआ बगिया में लूकाई
 बुढ़बक चाना लेके भागले गछिया के पास
 अरे अंधिया में गिरल गछिया मानी के जइतो जान
 छूपे के सब भइवा अइलो सभवा में
 जब बहत शक्तिदासा लेचर देलपी भाड़ा
 तापर दौडल भाई जतिया रे कुटुम्ब
 अरे लाखोचक के भइवन दौडल आवे
 सुन हो अहो बौद्ध खलीफवा बाबू कवन हो हमार
 अरे मइवा गाडी के कलियो हम तैयार
 अरे दस बीस मन पतलवा-चूडा कलिको इन्तजाम
 अरे दस बीस चउरा दलिया कलिको इन्तजाम
 मइवा गाडिके कलियो हम तैयार
 चेकरा में बाभना एहो बाबू चोडलक हे गोहारी
 अरे मइवा के देलको हे अगिया से जराई
 अरे चउरा लूका देलको है बोरवा में छिपाई
 अरे सरवा बाभना दौडले मारे ले भागी जान
 अरे सुन भाई बौद्ध खलीफवा के अब बरल है कृष
 अरे रे मैया दुर्गा अब जुलूम के बिते बात
 अगो बनल हमर सगुनवा कइलके बाभना बर्बाद
 अरे सुनहो मलेदी शिव डिप्टी कप्तान
 देख वे बाभना के जैसे-तैसे भगाडा येते जानी

[24]

देखलक प्रसिद्ध नरायण हो बाभना गइवा में दोलवा को पिटवाय
 अहो कालहो के दिना दास त्रिलोकी सज्जऊ गोहार
 ओकरा से पहले हमे अपना दलवा करब तैयार
 लुटबै लाखोचक और डेरवा देबे उखाड
 देखबे कैसे दास त्रिलोकी सभा लेक लगाय
 देखलक प्रसिद्ध नरायण हो बाभना गइवां में दोल हो पिटवाय

आहो - कालहो के दिन दास त्रिलोकी सज्जुव गुहार
ओकरा से पहिले हम ही अपना ढलवा करवे तैयार
लूटब लाखोचक और डेरवादेब उखाड़

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देखबइ कैइसे दास त्रिलोकी सम्भवा देहै लगाय
ढोलवा देलके पिटवाये प्रसिद्ध घर-घर देलके खबर
मानो रामपुर, चोर सिंगारपुर सगरो देलय खबर
बिल्कुल बाभना तइयार होगइल, लेके हथियार
बोलहै दोरिक खलीफवा देब है जवाब
सुन्ह चाचा प्रसिद्ध नरायण सम्भ बान हमार
सालवा और सगुनवा बूम सजिह हाल-गुहार
आरे मांगले दिनवा सजबइ हमें निकाल लेइ गुहार
बोले लगले प्रसिद्ध नरायण देबहै जवाब
सुन्ह बाबा गोबिंद चढ़इबो फन्जरी प्रसाद
फन्जरी प्रसादवा धरई देले हाथ सबे हथियार (तलवार)
धरवे जे बाबा गोबिंद के भाक्ना होगलौ
धरिके गोविंद बोले जब हन्ही जवाब
सुन्है प्रसिद्ध नरायण काहे बोलैलहु स्याम
रुह-रुह प्रसिद्ध नरायण विपतिया केरा हाल
बोले-लगने प्रसिद्ध नरायण देब है गोविंद के जवाब
सुन्हो बाबा हो गोविंद वचन के हमार
किरिया देलवो तलाक्वा गोवरवा दोहरी धिक्कार
एही नैनिया बाबा देहै आर्शीवाद
बिल्कुल गवारवा गोहरिया के
मार दिए जीव-जान
गुहार जीत के अइबो हमें घुरिके रामपुर गांव
रैनिया जीत के हम अइबो घुरके रामपुर गांव
बांतल पठवा देबो हम तोहै बलिदान
प्रसिद्ध के बोलिया सुन्के गोविंद देबहि जवाब
गतिवा मरलौ गतिवा हो प्रसिद्ध हरलौ रे बुद्धि-जान
आजूके तोर जतरवा खरामण्डल होले जाव
विघ्न के जतरवा तोरे बनहु रे शुद्ध दिन

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आज के जतरवा दादव के रैनिया पर धार
 फाट हो मैया दुर्गा हव जादव पे तैयार
 सात किलो सिंहरा होत बानिया के रो धुलाई
 आज के दिनवा अइसही बैठे दिवसवा के गवाई
 सुनले प्रसिद्ध नरायण बरले दिल में बड़ा क्रोध
 क्रोधवा वामना के माजवा पर चढ़ गलें
 जूतवा गोडवा से प्रसिद्ध नरायण निकलले मरले गोविंद के रे हो

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खसिया भेडवा खोलके जंगल में दले रगेद
 सुनरे लुचवा मरदे गोविंद बचन रे हमार
 बनलो हमार जतरवा हमार करले भंगड
 सुन ले बेटा दोरिक तनि बचन रे हमार
 चढ़ई मकुनी हयिया बेटा होबहे तैयार
 ऐतना बतिया सुनकी दोरिक धनुष के भेल तैयार
 नार हाथ के लगका देलके हयिया में सूद के बांध
 आपे मकुनी हयिया चलल जाई गोहारी
 जहमे और सयवा चले गरदा कइले गोहारी
 अरे गोहरिया जूटले लाखोचक गांवा
 छपरा अब डामनय खपड़ा चकाकुन्द
 जहां लोग अदमिया आपु में पड़ी गेल
 अरे मारे कुल गोहरिया देह फोलटाई
 मरले कुटले जूटले जे गोहरवा

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चलल दास फलट मैनेजर धरीलेले डगर
 चलत जाह फलट दासा अठघाटी के पोखर
 मरले कुटले जूटले अठघटिया के हो नजदीक
 पडगइले फलट दास के अठघटिया पर नजर
 बोलेहई फलट दास हैहन दे जवाब
 सुनहु दास त्रिलोकी हो मैनेजर बचन हो हमार
 किही हो बैठलइ महफिल तु हो लगाय

बाभन प्रसिद्ध नरायण कर देलको लाखोचक चढ़ाई
 घरवा हमार देलको हे कबार
 सौचरने गांव लाखोचक में छपरा देलो चूर
 चितना चूरवा दहिया होले कुल देलको चरराय
 दलिया चूरवा सब कर देलको बर्बाद
 बूट के कटवा देलको हथिया में हिलाई
 कइलो धेइलो सब चोज कलके बर्बाद
 खइलके फिलके बूटवा कलके बर्बाद
 सुन हो दास त्रिलोकी बौद्ध के कोने गेले सरगाम
 चढ़लई दललें चनवा बौद्ध के भीड़से डरे काल
 छडे लगल बौद्ध खलीफवा जैसे भैंस विरहवान
 धर्म जान मैया दुर्गा के कर्म हयें एकबाल
 फिर न दास त्रिलोकी लेबे मरदा में जन्म
 कलह दास त्रिलोकी साल दल गोहार
 सेजिया राही लगलई जल्दी धरले डार
 देख सब गोहरिया कुल नजर से वर्णन
 बाभना के गोहरिया देखे नजर से वर्णन
 भलवा देखे तलवरिया चमके विजुली के समान
 भलवा-तलवरिया देखिके चढ़ अइहे क्रोध
 वे हो मैया दुर्गा हो परचन ले तैयार
 बाभना के गोहरिया देख भलवा के तैयार
 हमार गोहरवा लठिया पैनवा के तैयार
 देखिकी कुल यादवा रे भाई जी कौपे है

[27]

अहो साजी देले दास त्रिलोकी हो बाबू दलवा अपने गोहार
 देबे लगल दास त्रिलोकी मैया दुर्गा के दुहाई
 धर्म जाने मैया दुर्गा के कर्म जाने एकबाल
 सुनै-सुनै कुल गोहरिया भाईजी बचन के हमार
 भलवा देख तलवरिया भिज्जवा गेलो डेराई
 जइस्ने सूर्जनरायण ओकरे हाथ हो तैयार
 जइस्ने बदरिया घेरके ओक्केन हवे आई
 जइस्ने सूर्जनरायण बदरिया में छुपले रहई सूरज

लठिया जइखने पटकनवा भाय बजरिया रे धमसाय
 भलवा और तलवरियां उडलै बिन्दू के रे समान
 सुनिके कुल लेचरवा गोहरिया धरे झार
 मरले और जे पडले नदिया किउलिया के ऊपर
 देले जाहे कुल गोहरिया दुर्गा के दुहाई
 मरले कुटले जोभिगेले मिट ठेकहिया चढिगेले

[28]

ओहिचिंग बौद्ध खलीफा हो भाई जी मांग है जवाब
 बौले लागल बौद्ध खलीफवा दे है मनेचरवा के जवाब
 सुनो हो दास त्रिलोकी बाबू बचन हो हमार
 मइवा हमार कबारिके केई बाभना कर देलो कर्बा
 लूटिया ओहर ठेकहिया आगिया दिये लगाय
 बोलहाफिन राजा त्रिलोकी बाबू हन है जवाब
 सुन हे बौद्ध खलीफवा वचन हो हमार
 जै ह्य कम करेउली लाखोचक गोंव
 धर्म जाने मइवा दुर्गा के कर्म जाने एकबाल
 कुलके है सरवा बाभना धर्म के अन्याय
 चलल सब गोहरिया लाखोचक गोंव
 चलले है कुलके गोहरिया जैसे बौद्ध के शरण

(कैसेट नम्बर - 2)

आए हैं मइवा दुर्गा धर्म केरा मने बात
 ह्य अब करेहैं आहे मइवा जतिया के सुधार
 कलजोरी के बाभना हमार से जोड़त हे गृहार
 चलल हे शिव डिप्टी और मलेरी संगे-संगे
 कौवनो काल जाके देखहे बाभना के गृहार
 देखहि बौद्ध खलीफवा देहि मइवा दुर्गा के दुहाई
 सुनरे मइवा कुले हमार वचन बात हमार
 फेनू ह्य नाहि मइवा कोशिया लेब हे अवतार
 मरदा बनके अरे लेहाई मरतों राज भुवान
 देखलक कुल गोहरिया बाभना नजर से वर्णन
 तापर चुटले वही रामन्दरपुर के गोहार
 तापर चुटले वही रामपुर बड़हिया के गोहार

सुन रे बाभना हमरा जतिया के वचन हे हो हमार
 गोवरवा के हमें गोहरिया देखिके जउन जाय बेदार
 घरिके जब गोवरवा के जतिया सरवा मरते जै हो हो

[29]

बढ़को देबहो जवाब
 सुन रे भइया जतिया हमारा वचन हमार
 तीनों दल बाधे तीनों बगल हमार
 देखबो गोवरवा के तन बल के हो बलवान
 तीनों दल बंधलक भइया बलबे गोहारि
 बोलहि त्रिलोकी बाबू हनु (दबही) हे जवाब
 सुनहो मिलिंदी शिव डिप्टी हो कप्तान
 देखह हम करहि जतिया के सुधार
 बल से बरियार बाभना जोडलके हो गोहार
 बोलहे मलेद्री बाबू देहि जवाब
 सुनहो त्रिलोकी बाबू वचन हो हमार
 जहियो हमें आइ कहियो दस्तान
 काइ जानके भगड़ा करे जहियों
 कह सुनके बाभना के देबि सम्भाव
 आगे-आगे मिलिंदी होये तैवार
 पाहुन से खलीफवा दस गो होहु है तैवार
 एक गो खलीफवा चांटल हाई जवान
 पाहु से मलेद्री के चल जाय
 जुमले भइया मलेद्री जाके बाभना के रे पास
 बोले है मलेद्री जाके हनु हे जवाब
 सुन हो जमींदरवा भाईजी वचन के हमार
 जानके भगड़ा नाहि करू रे तकरार
 जल्दी कल होई हे रौतान केरा काम
 सुनले बाभना दोधारगो हनु हई जवाब
 अरे गोवरवा गुस्ता खलके है गवारवे संग होगेल
 नाहिरे बुम्बो तोरा हाल के दस्तान
 चलवे लगले बाभना रे सरणा के रोड़वा जे पयला

खलीफवा हो भाइजी दूर्य दरोगवा के धम्मसाई
 तावे बम्ना मलेद्री के धम्मसाय
 टोपिया देखेलेक गिरल बौद्ध नजर से वर्णन
 पड़ाले बौद्ध खलीफवा के द्वारिका पर नजर
 बड़लैहले चरणवा भीडलै बौद्ध के मुलाकत
 छड़पल बौद्ध खलीफवा जइसे देलके ललकार
 साय त्रिलोकी बौद्ध लठिया हाथ लेलके सरिहार
 एके सठिया जाके मार देहि लेके दुर्गा जी के नाम
 बारह हाथ के लागहि गिरगेले चक्राचर
 बारह हाथ के लगले हथिया के सिर फूट्येले बर्बाद
 दोसर लठिया मारे द्वारिका के रे ले धम्मसाय
 गिरले द्वारिका बम्ना धरती में अरराय
 राम राम करके द्वारिका तेजले हो प्राण
 देखलक प्रसिद्ध नरायण नजर से वर्णन
 भगलइ प्रसिद्ध नरायण लेके भलवा तलवार
 देखलक दरोगवा नजर से वर्णन
 देलके सब मलेद्री के हो हुकुम
 मारे अब जर्मींदरवा के गोलीया करे निशान
 चलवे गोलीया के निशान
 एक गोलीया निशानवा मारे दस-बीस गोट लटाई
 जितना हैले गोहरिया बम्नस के होगेले बर्बाद
 लाखोचक में चले लगले खून के धार
 कुले कप्तानवा घुरे गले आगे
 जे कुछ बचे गोहरिया मीरवा गेदले जे हो

रगेद के गोहरिया के लइनिया के हो पार
 घुरले शिक्दयाल भाइजी आवहि गोहार
 देखले भइवा हमार अब नजर से वर्णन
 सुनहो मीलिद्री बाबू वाभना घुरे गेले
 इतना जे बरियार बम्ना दौड़ल आवे आगे

कइलके भाई मलेद्री भाईजी गोलिया के तैयार
लगले गोलिया भाईजी चाइके गिरले धरती में हो

[32]

हाथ रे मइया दुर्गा अब जूलूम के बितले बात
बाभना के रगेदे गइले लइनइया केरा पार
बाभना के करदेलेक ओहि पार
घुरेल शिवदयाल अब अपना घर के रे प्रकान
यादव सब देखले से ओंस से वर्णन
सिनुरा के टोकवाहेले भाईजी धोखवा में परीगले
बाभना जानिके डीलके भाईजी गालिया चलाई
मरीके हले बाभना भाई जी गोवरवा मरीगले
मरी गेल शिवदयाल धरती में घोलटाय ओ हो

[33]

जतिया खातिर तेजलक प्राण
हाथगे मइया दुर्गा अब जूलूम के बितल बात
मंगनी के मइया ओकर घर में कनो होगइस बिलाय
बार-बार हम बरजलै मगर ना मनलक बात
मरले हे शिवदयाल ना भाईजी आपन हकलक हे प्राण
जतिया केरे खातिर देलके रे प्राण
जतिया खातिर शिवदयाल तेजलक रे प्राण
बोलकिन दास त्रिलोकी मलकेरा दस्तान
हाइगे मइयां दुर्गा जूलूम के किल्लो बात
शिवदयाल खलीफवा के तू चुनिके बलिदान
रखिह मैया दुर्गा रैनिया केरा सल
पांच दिनवा कइले मले तलाक
पांच दिने मइले शिवदयाल के मवना रोसगदी
रखिह मैया मोह केरे लाज
रहले शिवदयाल के धरती पर नाम-निशान
ओचिर और खलीफवा लेलकिन धरती में जन्म
यादव के कुल गोहरिया बैठइले बगीचवा के लगाव

यादव के कुल बाल गोहरिया बैठइले मिटीगिया के लगाय
अरे करे लागल दास त्रिलोकी मैनेजर बात के बयान (लेक्चर)
ओजगिन देलकिन दास त्रिलोकी जनेउमा बंटवाइ (पहनवाई)
गवारवा के सिंगारवा मिरजा ओजगा से उपदले ऐ हो

APPENDIX - B

**THE TRANSCRIBED VERSION OF THE PERSONAL INTERVIEW RECORDED
IN MARCH 1994 FROM LAKHO CHAK**

प्रश्न - आपका क्या नाम है ?

उत्तर - बुंदी प्रसाद यादव ।

प्रश्न - आपकी उम्र ?

उत्तर - 77 साल का हूँ । उस समय में लगभग 6 साल का था ।

प्रश्न - आप किस गाँव के रहने वाले हैं ?

उत्तर - सिंहचक गाँव का ।

प्रश्न - आपकी शिक्षा ? फिल्हाल क्या कर रहे हैं ?

उत्तर - मैं मैट्रिक पास हूँ और अध्यापक हूँ ।

प्रश्न - आप उन दिनों 6 वर्ष के थे । आप कह रहे हैं कि आपके बाबा और पिता इस घटना से सीधे जुड़े थे । आपको उन लोगों के साथ रहने का और कितना मौका मिला ?

उत्तर - बाबा के साथ मैं बीस वर्षों तक रहा और पिता के साथ तीस वर्षों तक । बाबा की मृत्यु 1938 के आस-पास हुई और मेरे पिता की मृत्यु 1967 के आस-पास ।

प्रश्न - आप 1925 के लाखोचक राइट से किस तरह जुड़े हैं ?

उत्तर - चानन की धरती पर बापनों और यादवों के बीच जो लड़ाई हुई थी, अभी मैंने बताया कि उस वक्त मैं 6 साल का था । तो मैंने उसे देखा भी था और बहुत कुछ अपने पिता भ्रमन महतो और बाबा महदेव महतो से सुना भी था । इन लोगों ने अलग-अलग जगह से यादवों को बुलाया था । चूंकि वह लड़ाई बौद्धिक स्तर पर मेरे बाबा द्वारा ही संचालित थी इसलिए इसके बारे में मेरी जानकारी स्वाभाविक है ।

प्रश्न - जरा विस्तार से इस घटना के बारे में बताइये ।

उत्तर - 18 गाँव की चानन भूमि, उन्हीं गाँवों में से लाखोचक भी एक है जो प्रसिद्ध नारायण सिंह की जमींदारी से पड़ता था । लाखोचक में प्रसिद्ध नारायण सिंह का खूब अत्याचार चलता था । यादवों के बीच जब जागरण की शुरुआत हुई तो भूमिहारों ने उसे आड़े हाथों लिया । सुधार के दरम्यान हम लोग मानते थे कि जनेऊ पहन्ना यादवों का भी जन्म सिद्ध अधिकार है । लाखोचक के यादवों से भूमिहारों का कहना था कि कहीं और ऐसा होता हो तो हो लेकिन यहाँ के यादवों को यह छूट नहीं दी जायेगी । यहाँ के यादवों में प्रमुख पलटदास थे । जाति के सम्बन्धित गनौरी गाँव के त्रिलोकी दास खबर पाकर लाखोचक आये यहाँ सभा की । उन्होंने एलान किया कि अगर प्रसिद्ध नारायण सिंह यादवों को जनेऊ पहन्ने से

रोकता है तो हम वही जेऊ पहनें और हमारी लड़ाई की शुरुआत वहीं से होगी । सभी लोगों ने कृष्ण की जय ध्वनि की और कहा कि अंतिम लड़ाई भी वही होगी । बाहर से जो यादव बुलाये गये उन सबको कहा गया कि हर परिवार से एक लाठी, एक अँटी, एक स्प्या और एक किलो चावल अपने साथ जरूर लायें । भूमिहारों ने सोचा कि अगर यादव जेऊ पहनने पर आमादा हो जायेंगे तो अंत में गाँव को उजाड़ दिया जायेगा । अलग-अलग गाँवों के यादवों ने उस बात को कुतूहल की तरह लिया और ठान लिया कि लाखोचक गाँव का बाल भी बाँका न होने देंगे । इस तरह जेऊ पहनने का यज्ञ शुरू हुआ । पुरोहित बने लाखोचक गाँव के यादव, अक्कल दास । जाहिर है, भूमिहारों ने ब्राह्मणों को भी मना कर दिया कि कोई भी जेऊ यादवों को देने न जाएं । कोई ब्राह्मण नहीं आया । सिहचक गाँव गिद्धौर महाराजा के अधीन था, वहाँ के ब्राह्मणों को भी मनाकर दिया गया । यज्ञ का दिन 27 मई 1925 (यज्ञ का निश्चित दिन उन्हें याद नहीं था इसे मैंने फाइल नं. 7/1926, पौलिटिकल स्पेशल, गवर्नमेंट ऑफ बिहार एण्ड उड़ीसा के आधार पर उनको बतलाया) तय किया गया । उस दिन कृष्ण भगवान की मूर्ति लाखोचक झींघा में स्थापित किया गया । यादवों को अदेशा था कि भूमिहार जरूर कुछ न कुछ करेंगे, इसलिए ब्रिटिश सरकार को पहले ही खबर दे दी गई थी । खबर के मुताबिक ब्रिटिश मिलिट्री यज्ञ की रक्षा करने आ गई । उन्होंने आश्वासन दिया कि आप लोग शांतिपूर्वक यज्ञ करें, अगर गुहार आये तो हम उसे सम्भाल कर लौटा देंगे । यज्ञ की जब शुरुआत हुई तो सचमुच ही रामपुर, मानो, रामचन्द्रपुर, बड़हिया, खुटहों आदि गाँवों के भूमिहार हाथी घोड़े पर सवार होकर प्रसिद्ध नारायण सिंह के नेतृत्व में गुहार बांध कर आये और यज्ञ को नेस्तनाबूद करना चाहा । एक बार ब्रिटिश फौज ने उन्हें सम्भाल कर भेज दिया । लेकिन दुबारा फिर वे लोग आ धमके । अंग्रेज कप्तान ने उन्हें रोकने की कोशिश की तो उन्हें बुरी तरह मार मिली । बदले में फौज ने भी उन लोगों पर गोली चलाई और यादवों से पीछे-पीछे आने को कहा । सैकड़ों भूमिहार इस लड़ाई में और कुछ यादव मारे गये । मुझे आज भी अपने गाँव के कंतु यादव की वह तस्वीर याद आती है जब उन्हें गले में बर्छी लगी थी । उन्हें जब भी दुध पिलाया जाता था, कण्ठ से होकर रिसने लगता था । उस लड़ाई के औजीरामल, गोईठा खलीफा, बौद्ध खलीफा, बुद्धन पहलवान खास यादव पहलवान थे । इसके अलावे त्रिलोकी दास, अमृत खलीफा, बुंदी दास, रामदयाल खिरहरी, भग्न महतो, महादेव महतो, शंकर दास, शक्ति दास जैसे लोगों का नाम गौरव से लिया जायेगा । शौबी महतो, भप्सत भगत और फकीरा दास जैसे गैर-यादवों ने भी इस लड़ाई में दिल खोलकर साथ दिया ।

प्रश्न - आज जबकि इस घटना को गुजरे 70 साल हो चुके हैं, इन लड़कियों के परिवार की क्या हालत है ?

उत्तर - कुछ की स्थिति तो बहुत अच्छी है और कुछ लोग साधारण तरह से गुजर-बसर कर रहे हैं । बुद्धन पहलवान का परिवार शैक्षणिक दृष्टि से सबसे आगे है । बौद्ध पहलवान भी

ठीक ही हैं । त्रिलोकी दास की स्थिति साधारण है । बुंदी दास का परिवार ठीक-ठाक है । उनका पोता अभी पंचायत का मुखिया है । महदेव महतो का परिवार शिक्षा की दृष्टि से चानन में अभी सबसे आगे है । उनका परपोत्र अभी बिहार सरकार के राज्य सिंचाई मंत्री हैं । भग्न महतो का पोता सुरेश प्रसाद यादव डी.लिट. का छात्र है । परिवार की लड़कियाँ भी पढ़ी-लिखी हैं ।

प्रश्न - ग्वाला सभा के मुद्दे क्या थे ?

उत्तर - ग्वाला सभा खासकर जनेऊ, बैठ बेगारी और जमींदारों के किस्म-किस्म के शोषण के खिलाफ बुलाई गयी थी ।

प्रश्न - आज विरोधियों के परिवार की क्या स्थिति है तथा उन लोगों का यादवों के प्रति क्या रुख है ?

उत्तर - प्रसिद्ध नारायण सिंह के परिवार की स्थिति पहले जैसी नहीं है । अब वे यादवों के साथ अत्याचार नहीं करते । लाखोचक के नन्दकि के जमीन को बटाई पर दे देते हैं ।

प्रश्न - क्या इस घटना से संबंधित कोर्ट के निर्णयकी जानकारी आपको है ?

उत्तर - इस घटना से संबंधित कोर्ट के निर्णयकी जानकारी मुझे नहीं है । इसकी जानकारी आपही के द्वारा लाये फर्स्ट क्लास मजिस्ट्रेट के निर्णय की कॉपी से मिली ।

प्रश्न - फर्स्ट-क्लास मजिस्ट्रेट के निर्णय के अनुसार भूमिहारों को चुर्माना किया गया । क्या आप बतला सकते हैं कि वह चुर्माना ग्वाला सभा के उद्देश्यों की पूर्ति के लिए या या भूमिहारों के हिंसात्मक प्रवृत्ति के कारण ?

उत्तर - चूंकि रामपुर (भूमिहार बहुल) और लाखोचक (यादव बहुल) ब्रिटिश सरकार के ही अधीन थे । ब्रिटिश सरकार दोनों को बराबर और अपनी प्रजा मानती थी । अतः एक द्वारा दूसरे पर अत्याचार उसे ठीक नहीं लगा । ब्रिटिश सरकार का मानना था कि दोनों को जनेऊ पहनने का अधिकार है । परन्तु भूमिहार को वह लगता था कि यादव उसके अधीन है, तथा उनका जनेऊ पहनना शास्त्रसम्मत नहीं है । यादवों ने ब्रिटिश सरकार को बताया कि उनका जनेऊ पहनना बिल्कुल शास्त्रसम्मत है, बल्कि भूमिहार ही वर्ण-शंकर हैं । इसी आधार पर ब्रिटिश सरकार ने यादवों का साथ दिया ।

प्रश्न - आपको ऐसा कोई संदर्भ याद है (जिसे यादव ब्रिटिश सरकार को पेश किये थे) जिससे यह साबित होता हो कि यादव कहीं भूमिहार से उच्च कोटि के हैं ?

उत्तर - यादवों ने बताया कि हम क्षत्रिय हैं । हमारे प्रथम पुरुष राज खडू हैं जो सबसे पहले चक्रवर्ती राजा मर्यादित के पुत्र हैं । इसी वंश में सहस्रार्जुन का जन्म हुआ जिन्होंने परशुराम के साथ कई बार युद्ध किया । परशुराम ने जो क्षत्रियों को नष्ट करने का प्रण किया था वे क्षत्रिय कोई और नहीं यादव ही थे । उनकी लड़ाई सूर्यवंशी से नहीं बल्कि चंद्रवंशी क्षत्रियों से थी । सूर्यवंशी क्षत्रिय उनके साथ ही थे ।

अनेक देवों और देवियों का जन्म खडूवंश में हुआ । एक श्लोक के अनुसार दुर्गा का जन्म

यद्वंश में बताया गया है - "नंदगोपा गृहे जाता यशोदा गर्भ सम्भवः" । अतः भागवत पुराण के अनुसार दुर्गा का जन्म नन्द की बेटी यशोदा के गर्भ से हुआ था । इसी प्रकार गाक्री का भी जन्म गोकूल के गोपगृह में हुआ था । कृष्ण तो साक्षर परब्रह्म विष्णु अवतार ही माने जाते थे ।

साथ ही साथ यादवों ने कहा कि भूमिहार चक्रवार हैं जो कुम्हार से पैदा लिये हैं । उनके अंदर बड़ई, नाई, ब्राह्मण आदि सभी हैं ।

प्रश्न - 1925 के बाद इस तरह के आन्दोलन क्यों समाप्त हो गए ?

उत्तर - यह क्षेत्र किसान आन्दोलन का भी केन्द्र था । कार्यान्वयन समिति और राहुल सांकृत्यायन जैसे किसान नेता कभी सक्रिय थे । उन लोगों ने चानन में काफी सभाएं की और भूमिहारों को ही गलत बतलाया । एक प्रकार से सम्भौता करने में इन्हीं लोगों की भूमिका थी । ये लोग भी यादवों के ही पक्ष में थे ।

प्रश्न - सामाजिक न्याय की दिशा में इस घटना की क्या भूमिका है ?

उत्तर - यह एक क्रांतिकारी पहल थी जिसके बाद जमींदारों के तमाम अत्याचार बंद हो गये । आज जो सामाजिक न्याय की लड़ाई में सक्रिय है उनको इससे सबक लेनी चाहिए ।

[Mr. Bundi Prasad Yadav is 77 years old. He lives in the village of Singh Chak. I recorded my interview with him as transcribed above in March, 1994.]

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