

# THE MANJANI SYSTEM OF THE DANUWAR STATE OF THE KAMALA VALLEY: A BRIEF STUDY OF AN EGALITARIAN JUDICIARY

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## Introduction

The term 'Manjan' refers to a person or group of persons, clan and dynasty hereditarily enjoying special, respected status and powers invested to that status in a given community or social system. In the present context, the term is a corrupt and localized version of Sanskrit 'manyajanah' (the person/s to be respected). For the purpose of this paper, the term refers to a traditionally maintained Danuwar office with judiciary powers, functions and responsibilities associated with the status and prestige thereof. Similarly, the terms 'Danuwar State' loosely define the traditional system of political-judicial structure and institutions remaining in operation in the Danuwar community of the Kamala Valley (*khoj*), and other areas of Chure in Sindhuli district also known as the inner Terai plains (*bhitri madhesh*) of central east and eastern Nepal, until the recent past.

The Danuwar constitute one of the many indigenous tribal groups of Nepal. They have a supposedly long but an unrecorded and unresearched history in the country. The inner terai and river valleys of the Chure region and parts of the lower Terai are known as the traditional homelands of the Danuwar people. Today, the Danuwar people are dispersed over several districts of east and central east Nepal – from the Narayani zone in the west to Mechi in the east and Trisuli river valleys are in the Kathmandu, Kavre and Nuwakot districts also. Interestingly, Danuwar settlements are found almost always near small or big water systems. The popular legend behind such preference is that long ago the Danuwar left their homeland after suffering defeat in the hands of their enemy. They entered the Chure Valley and settled across the river. The enemy chased them but could not cross the river, so the Danuwar managed to stay safe. When the enemy force approached them, it is said, they hid themselves beneath the water. They had mastered the waters of the region. Their deep rooted attachment with water and the traditionally long association with the river valley systems are still facts of their life. The Chure Valley irrigated by the river Kamala in Sindhuli District of east Nepal could be rightly called the home of the Danuwar people, although there are offshoot Danuwar concentrations in the western Sindhuli region and northern Sarlahi districts inside the Chure system.

### **The *Manjan* in the Danuwar Judicial/Administrative Organization**

An authentic Danuwar history throwing clear light on their origin, migration and social evolution is unavailable. This is the case with many other indigenous tribes of Nepal. As the Gorkha polity and culture consolidated itself under the Shah regime, the constituent jati and ethnic groups of the new nation state began to go through a strenuous process anthropologists call acculturation. The civil Code of Sri Panch Surendra Bikram Shah promulgated in 1854 a.d. during the prime ministership of Jung Bahadur Kunwar Rana made a loose attempt to reorganize the different jati groups and provide them jati status and jati specific occupations as well as rules regarding social-ritual mobility. As a process of acculturation, the Danuwar reorganized their judicial administration in the pattern followed by the Ranas as part of their polity. The judicial terms and terminologies used by the Danuwar show that the different offices created and maintained by the Jati Assembly of the Danuwar were in common with the Rana offices, especially at the village level.

The Danuwar judicial system was organized under its presiding authority, the *manjan*, or the Chief judicial-administrative head. The *manjan* wielded judiciary power equal to that of today's judge of a court higher than the district. But, whereas the modern court, or for that matter the Rana court, functioned mainly under the guidance of the written code of the country and created as well as left behind the edicts of its deliberations, the Danuwar court presided over by the *manjan* followed unwritten, customary laws handed down by tradition.

The current *manjan* of the Sindhuli region now resides in a village called Patringa in the Kamalakhaj area in the Kamal river basin. The *manjan* family holds the title of dhami. In the Danuwar cultural tradition, this would mean that the *manjan* had to perform the duty of a ritual leader also. The last *manjan*, Jitnarayan Dhama, is today an ordinary citizen without a visible trace of the power of status his forefathers and he himself held for a long time. Yet Jitnarayan Dhama was able to facilitate the information needed during different phases of the current research.

During the present research, knowledgeable informants informed the writer that there was also a *manjan* in the village of Baltiya (Chisapani). Further information about this section of the parallel judicial structure of the Danuwar state of Kamalakhaj was unavailable. It appears that it existed briefly in the nearby settlements, but due to the comparatively wider popularity of the Patringa state the Baltiya *manjan*ship seems to have phased out gradually to no longer command the respect and attention of the Danuwar of the district.

As stated, the last *manjan* of the Sindhuli area was Jitnarayan Dhama of Patringa, Kamalakhaj, Sindhuli. Jitnarayan is 46 years old and comes from Birju Dhama's line as mentioned below:

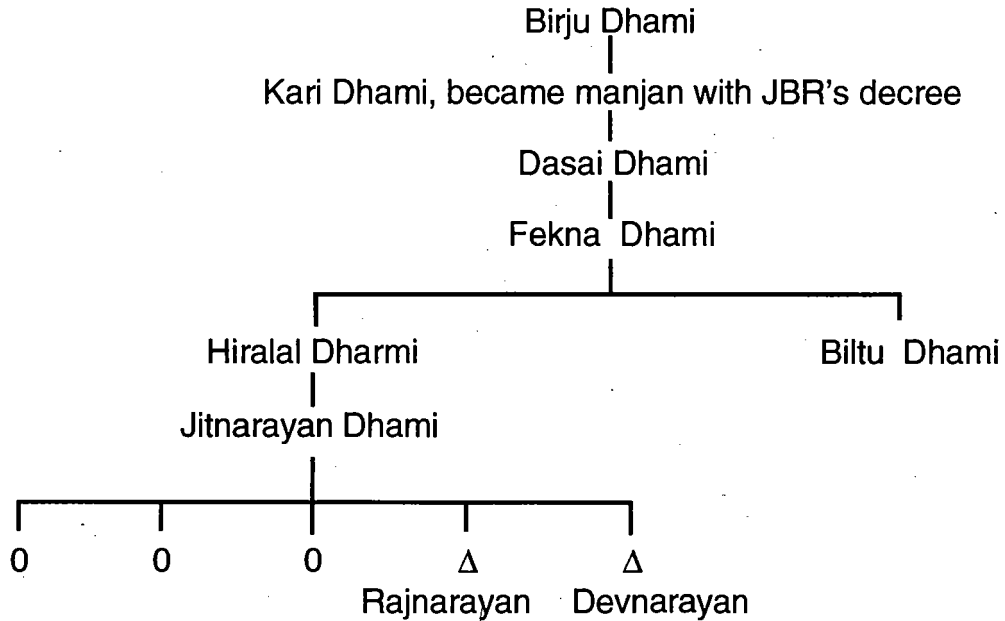


Table 1: Descent of the dhami

According to Jitnarayan, his family came from Chitwan as requested by the Danuwar of the Kamalakhaj area. Out of respect the Danuwar of Kamalakhaj even carried the first guest Chief on their backs. They had heard that this man could control even a tiger, and because of this power the simple Danuwar people brought him as a protector. In the beginning, the Danuwar of Sindhuli and Ramechhap paid Rs. 0.50 per household as fee for the *manjan* for the services he offered the people.

In a recognition of the service, Jit Narayan's ancestor received a *lalmohar* (royal 'red seal') during the time of King Surendra Bikram Shah authorizing them to serve as *manjan*. It was later renewed also as late as 2024 B.S. After 2028-29, when Panchayat became strong, the job of *manjan* slowly phased out and ultimately became defunct. Although his traditional status is no longer officially recognized and honored, Jitnarayan often receives invitation from the Danuwar people living in different parts of the valley and the *terai*. This happens when they have problems. In other words, the Danuwar as one cultural group have not forgotten his status and responsibility as their *manjan*.

Jitnarayan often reflects on his past and remembers that during the heyday of his grandfather his family raised two elephants as befitting the status of their family. After the death of his father, he succeeded as the *manjan* of Kalamalkhoj. He also remembers sitting in some of these judicial proceedings early in his life. He served for about a decade until the office and the entire customary Danuwar judicial structure suffered greatly once local Panchayats were constituted in 1962.

Most Danuwars of Kamala (*khoj*) basin opine that their *parbate* neighbors, most of them from high *jatis*, have always discouraged them from the *jati* administrative-judicial system from functioning effectively. But the observation indicates that it is the rich Parbate as well as the rich and modernizing Danuwar themselves who have actually substituted the traditional office with modern ones.

### **Main aspects of the Danuwar Judicial System**

A system survives, thrives and functions if the people constituting it follow its basic rules and continue to play the game according to the prescribed rules. Its continuously felt need by the people also keeps the system going. In this perspective, it is obvious that, primarily based on feudal polity, the *Manjani* system stood and survived on the Danuwar feeling and attitude regarding the need of *jati* solidarity and purity, integrity, cultural affluence as well as cultural relativity.

The Danuwar society is organized on the principles of *jati* or clan solidarity and purity of blood. The *jati sabha*, or meeting, could be convened annually on the recommendation of the members to solve some problems. The system, for instance, kept some issues such as listed below in order of priority.

1. Illegal marriage especially with low, untouchable *jati*.
2. Physical attack, fighting, with serious injuries.
3. Adultery, (*jari*) marriage.
4. Other legal problem.

Besides these occasions, the *sabha* could also be called by *saurath*, the *Jati* Assembly.

### **Main Functionaries of the Judicial System**

The Danuwar settlements of Kamala used to have certain important functionaries such as the *pagari*, *jaybar*, *gorait*, *sabhapati*, *bichari*, *jamadar*, *gauro*, *guruwa*, and so forth, depending on the strength of the Danuwar population and the needs of the society.

#### ***Sabhapati* or the Chairman**

As the name implies, the *sabhapati* or chairman was the presiding authority of the organization. Although the *manjan* was the real head of the Danuwar State, he was the final judge and thus only the de jure head of the judicial system. The *sabhapati* was then the "Speaking Chief". The last *sabhapati*, Parva Kunwar, a resident of Sirthouli Village of Kamala River, was interviewed during the research. Parva threw light on the functions and the responsibilities of the post. Now aged 60 yrs and member of Sirthouli VDC Ward 8, he served as *sabhapati* of the Danuwar Judicial Assembly for several years. Parva functioned effectively as the president of the assembly during that period. The post and the responsibilities came to him through his father.

Before him his grandfather and father also served as president of the *sabha*. The *jati* assembly of the Danuwar gave important status to the president's position. The Rana regime also kept the system in operation. Parva said he was president of the assembly for a decade, from 2011 to 2020 B.S. As stated earlier, the *sabhapati* was actually the speaking chief of the assembly, for the *manjan* would mostly listen to the deliberations and not speak unless the case could not be settled by the assembly functionaries.

As mentioned, the Danuwar *jati* assembly remained active during the Rana regime but slowly died out after the advent of the Panchayat system in 1960.

### **Duties of the *sabhapati***

When the judicial assembly met to deliberate the issues of the day, its members would request the *sabhapati* to chair the deliberation. He would conduct the deliberation and help reach a conclusion. He also had authority to decide cases such as *jari*, *khat*, and other crimes. His most important job was to decide cases in the absence of the *manjan* (Banskota 1993:122)

The president functioned virtually under the shadow of the *manjan*, but as stated, he himself was responsible for most of the cases under discussion. He and the *manjan* would always receive cash fees, but the other functionaries would mostly receive food and feast only. So serving the people in the assembly was only a matter of prestige.

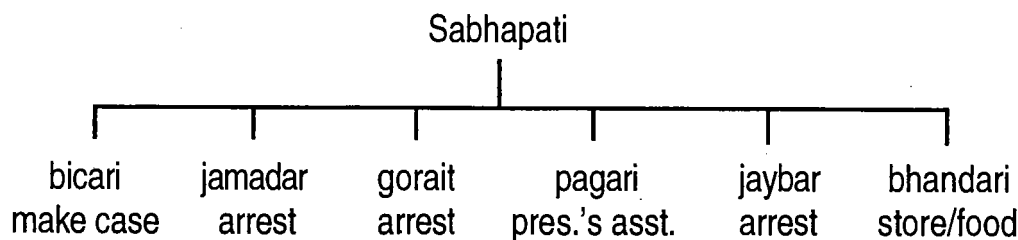
Normally a *mauja* (geographical/political unit such as a village) would have an administrative-judicial unit that functioned as the permanent body and consisted of the following authorities.

- manjan* – the high leader
- sabhapati* (i) – president
- gumasta* – the advisor to President
- pagari* – Secretary

### **Gumasta**

The *gumasta* was an advisor to the president or *sabhapati*. Traditionally each *mauja* had one *gumasta*, and small-scale problems were taken to him for decision (Banskota 1993:128). Only the cases beyond his control were taken to the president and the *manjan*. Any new construction in the village required his final approval. The new harvest was first given to him as a token of respect. Several village level pujas were to be officiated by him. Non-Danuwar people also paid similar respect to the *gumasta*. But the more common and full-fledged body consisted of several other functionaries under the *manjan* and the *sabhapati*.

The judicial structure was organized to complete the process from the beginning to the end. It consisted of several authorities structured under the *sabhapati* (table 2).



*Table 2. Danuwar Judicial Structure*

As is clear from the chart, the Danuwar borrowed these terms from the contemporary judicial/administrative system. It is interesting to note here that some of these titles are used by some Danuwars as their family surname or *thar* even today.

It would be relevant here to describe the function of some of the important officials under the system.

**Bicari:** This term was borrowed from the old judicial system prevalent during the Shah-Rana period. Like the Gorkha system, the Danuwar *bicari* would make a case against the convict and put him forward for judgement.

**Jamadar:** *Jamadar* is an intermediary military rank in Nepal. Often this term also received an extended meaning. In the Danuwar system, this official functioned to arrest the convicted person as instructed by the *manjan* or the *sabhapati*.

**Gorait:** He is also known as “*godair*”. People often define this term in terms of movement, walking (using “god” or feet in Maithili). This means that he would go around the village arresting people wanted by the judicial system.

**Pagari:** The *pagari* was assistant as well as the secretary to the *sabhapati*.

**Bhandari:** The *bhandari* was responsible for the food grain and other materials in the collection of the assembly.

### Other Functionaries

**Adhikari:** The post of *adhikari* continues to function in village. He is also known as *jamindar*. He is supposed to take care of the *pitri* of the village, kinfolks, and he stops the evil spirits from coming to the village. His house was *mukam* for the discussion. This title was given to an influential person who could maintain peace in the village, function as the village judge to

settle minor disputes, and function as ritual head of the village unit. In the context of the *jati* assembly the *adhikari* functioned under the *manjan* and represented his village in occasions. In other words, because of their descent from the family of Adhikari or headmen of the village, many Danuwars have now adopted the title of Adhikari as their family title or *thar*.

The *adhikari* was and still is the headman of the village. Besides being the guardian, he was also the main ritual head of the village. Normally, the *adhikari* provided place for the *jati* assembly as he was the guardian of the village. In the beginning, the assembly would lay some rules for deliberation, for examples a layman could speak only by the command of the leader or the *manjan*.

As the chief ritual authority of the village, the *adhikari* would do all he could to keep the village safe from evil forces. He would bind the village by his spiritual power (fig. 1).

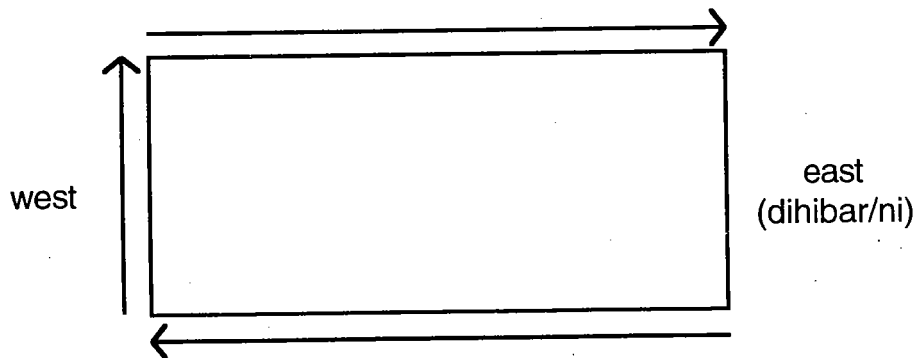
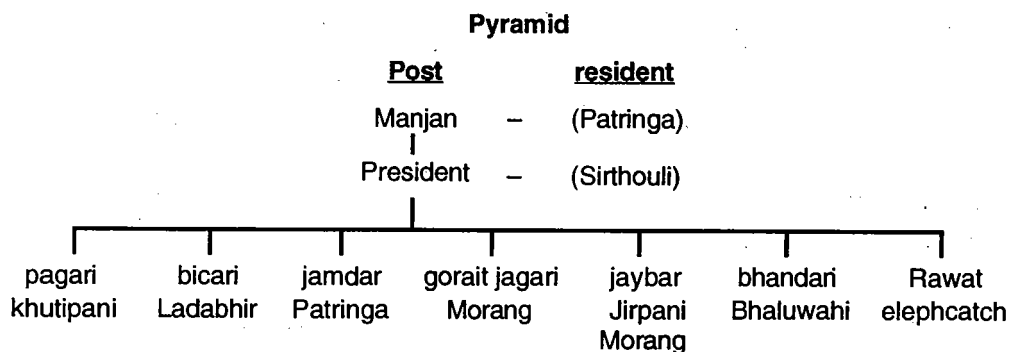


Fig 1. The binding of the village from evil forces by the *adhikari*.

**Gauro:** He followed the instruction of the *Adhikari*, shouted the summons (*urdi*) to the villagers.

**Dhami:** Like in the past the *dhami*'s duty is to perform rites and so forth for the families and clan community. A *dhami*, along with the *adhikari*, binds the village to keep evil spirits out of the human settlement. His expected and recognized duty thus follows the concept of the village security system.

The pyramidal structure of the last judicial organization of the Danuwars of Kamala khøj stood according to table 3.



*Table 3. Judicial Structure of the Danuwars of Kamala Khoj*

Some other important Danuwar settlements that fell under the broad judicial umbrella are reported as follows:

- Morang
- Chandrapur
- Padam
- Juri
- Kharibas
- Jagichour
- Mechi

Note: This is the version provided by the Danuwar authorities of the Kamala khoj where the field work was carried out. Establishment of the truth of this statement requires more work in outer regions with Danuwar settlements.

### The Punishment Pattern

One common Manjani pattern of punishment is known as *thadi* or 'standing'. The *thadi*, also known as *supari* (betel nut) punishment, was most common. It was considered an important and effective method to force the criminal to confess. According to this method, the convict who failed to confess the crime was placed before the assembly and a pitcher full of cold water was put on his head. A hard nut (*supari*) was placed between the head and the pitcher thus generating continuous pain. He was sprinkled with cowdung all over the body and fanned strongly thus causing more pain and cold at the same time. It is said that most convicts could not stand *thadi* for long and would soon confess.

If a person lost caste status because of a grave crime, the *saurathi* or special Danuwar *pancha* assembly could bring the lost *jati* status back after deliberation on the issue.

Cash fines were also very common. These were done in the phrase of 36, that is, for every crime and denial of payment of the fine would be punishable by Rs 36. Instead of saying Rs 72 for two counts of 36 they would say two thirty-six, three thirty-six and so forth. The Danuwar people made the number 36 a catch phrase.



### **Punishment Related to Marriage**

The Danuwar *jati* assembly controlled and regulated marriage rules among the Danuwar population of the region. A marriage was a strong bond, not to be broken easily. Certain punishments regarding the breach of marriage custom were as follows:

- a) If a marriage failed and the concerned person could not present valid explanation, then 2 to 3 instalments of 'thirty-six' punishment were inflicted on the person. On most occasions no explanation was sought.
- b) In cases such as marriage in bone relationship (*hadnata*), a person lost the Danuwar *jati* status also. For example, a cross cousin – or Mother's brother's daughter (MBD) and Father's sister's daughter (FSD) marriages – was not tolerated and could bring extreme punishment, including loss of status in the *jati* group. It meant that the person or family could not cook food for the Danuwar, but water was not polluted from their hands. This rule followed the traditional Hindu code on marriage as opposed to simple marriage rules prevalent in several ethnic groups of the hills and plains of Nepal.
- c) If a Danuwar married outside the tribe, for example, with Tharu, Sunuwar, and so forth then the marrying Danuwar party would pay a goat to the *manjan* as a tax or gift. Most often the animal was slaughtered to make a feast for the assembly members.

It could be said that the main idea behind the punishment was to settle the *jati* cases in the village and prevent their people to go to the Rana court. It was an indigenous cultural-political method to solve the problems arising in the Danuwar federation.

### ***Jati* Integrity: the Idea of the Assembly**

The main philosophy behind the Danuwar political-judicial structure seems to be to keep *jati* unity, integrity, and solidarity. The tough rules and severe punishment pattern were made and executed with a view to minimizing deviant behavior.

Our informant and the last notable Danuwar *manjan* Jit Narayan Dharni explains that the introduction of the Panchayat system and the judicial-administrative role given to the popularly elected chief or the *pradhan pancha* heralded the demise of an old cultural tradition. The danuwar of the Chure-Kamala Valley and the Terai region are till aware of the fact that their administrative-cultural structure is the rightful as well as the appropriate *jati* institution to deal with Danuwar affairs. Therefore even today they sit as *samaj* to discuss important issues among themselves, and when the elders make some decisions in the absence of their traditional chief of *manjan*, they separate certain portion of the income as is *bhag* (share as fine, tax, etc.) and hang it on their roof. The defunct *manjan*, Jitnarayan, is often invited to come and collect those shares. Often such invitations come from long distances, so it is not always easy or worthwhile to make the trip, he says.

According to Basudev Adhikari of Harsai, the Manjan had received the *lalmohar* (royal seal) from King Surendra Bikram Shah. But the document could not be made available for study during the field work.

Basudev says that the *manjan* was the final authority as far as the judicial deliberation was concerned. His decision was the final one. Similarly, the *sabhapati* was to make the first step in making the decision in a case. As indicated elsewhere, the *gorait* and *jamdar* arrested the criminal, and if the criminal didn't confess, then the *gorait* would whip him.

The Danuwar also had a title called *guruwa* or priest. It was a title common to the Tharus of Terai.

As stated earlier, at the present time the title of *manjan* has lost its value or status. The assembly was devised in the old times to maintain Danuwar solidarity and *jati* integrity. Marriage rules, for example, were strictly and forcibly followed so that the members of the Danuwar tribe would not face extermination, impurity of blood, and other problems. The assembly survived on the premises of cultural integrity and continuity.

On certain occasions, five villages from Jagari to Daman in the southern Kamala basin sit together to discuss the issue.

On the occasion of a feast, the *gorati* used to receive the goat's sex organ. The *jamadar* was considered slightly up from *gorait*.

### The Saurath Assembly

The Saurath was an All Danuwar Conference (ADC) which sat for special cases. It imposed strict sanctions on those who violated basic codes of the tribe. Violators of the existing Danuwar customary rules were often made to leave the village. Such person would also face loss of their *jati* status.

Sukra Dhami of lower Daman is an influential chief of the village. Sukra's family has functioned as the *dhami/adhikari* or chief of Daman village from the Rana period (table 4). Their job was to worship Dihibar and Dihibarni on several occasions. Dihibar and Dihibarni are the guardian spirits of the Danuwar village, who live in the east part of the country. Therefore, the Danuwar keep the Dihibar and his spouse on the east side of the village.

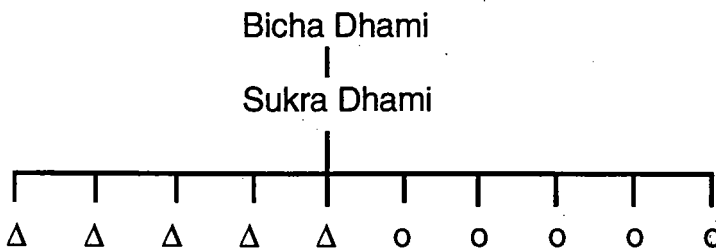


Table 4. The Short Family Tree of Sukra dhami

A father of ten children, Sukra thinks the *dhami/chief* has a very important role to play in order to preserve the Danuwar culture and tradition from modernization and imitation of the other cultures now encroaching the region. But can he hope that his sons and nephews will follow the *dhami* way of life as he and his predecessors did? Sukra is unsure about it. He feels the process of change is already underway.

According to Sukra, the *gauro* is like the peon today. He receives some land for his house and a garden because of his service to the nation. It is the *adhikari* who usually gives a piece of land as the *gauro* helps the *adhikari* to perform duties in the villages. The *gauro* is busy for twelve months of the year.

Sukra's family did the *adhikari* job for several generations. He is also the *dhami* for the Daman village community and does *phukpak* for the victims of *lagu*, and so forth with the help of his power. His clients are from different *jati* groups. In the past, other *jatis* living in the village had to respect him as chief like other Danuwar, but today other *jatis* do not follow this rule though they regard him as a 'janne' (a person with magical healing power).

### Meeting of the Jati Council

Normally the council sat once a year. It was called in the night and all the Danuwar people attended it. Asked as to why they met at night, Danuwar elders reply that they had to work in the farm during the day, and the night was the only time when they could sit and relax a little and/or think of problems and solutions. By deliberating at night they could avoid disturbances from other, non-Danuwar people, who would not know what was discussed or decided there in the middle of night. In order to have the attention of the council a person had to file a formal petition.

The main function of the Danuwar *jati* judicial-political structure seems to be to maintain the *jati* unity, integrity, and solidarity. The tough rules are mainly aimed at keeping deviant behavior to a minimum.

Despite the introduction of Panchayat and election of the chief having caused the death of the indigenous social-cultural tradition, the Danuwar of the inner Terai are still aware that their administrative-cultural structure is the rightful institution to deal with Danuwar affairs. So, they sit as *samaj* to discuss important issues, and when the elders make some decisions in the absence of the chief or *manjan*, they separate a certain portion of the income (fine, tax, etc.) and hang it on the roof. Jitnarayan is often invited to visit them and collect those shares but he does not go. It is not worth making such long trips, he thinks.

### Conclusion

The traditional Danuwar political structure of the Sindhuli basin maintained an administrative/judicial system that was based on a loose, egalitarian hierarchy of functionaries. The system evolved out of the need of the

Danuwar population which spread across the Chure hills and lower Terai. The judicial system attempted to maintain a social system within the framework of customary laws. Breach of marriage rules met severe punishment. Other crimes were also dealt with, often severely. The main functionaries such as the *manjan*, *sabhapati*, *gumasta* and so forth commanded respect from the Danuwar in general, although none of them actually made their life out of the services they offered the society.

Recent changes observed nationwide in socio-economic and political arena have hit the Danuwar society and culture of the Sindhuli region. One major factor of change in the Danuwar culture could be regarded the influx of the many hill people of Hindu origin to the region. The main flow came from 1930s and later, according to the senior Hindu and the Danuwar informants. Once in the region, the new comers would establish fictive kinship (*mit* etc.) with the Danuwar. In the beginning, the shy and highly introvert Danuwar found reliable, educated and patron-like friends in the new comers. In many cases, the hill people gradually bought, exchanged and captured the most fertile lands by means of mortgage or even as gifts associated with the *mit* relation. During the Panchayat regime, most middle and upper class *parbate* immigrants captured the influential political positions through the Danuwar votes and firmly established their supremacy, thus further reconfirming their power to run the local administration including Danuwar affairs. Thus the rise of the *parbate* economic and political power rendered the Danuwar political administrative system virtually ineffective and the Danuwar themselves began to see their economically prosperous Parbate neighbors politically powerful and judicially effective as well. The Danuwar prosperity on the other hand was already marred by their tacit willingness to accept external cultural pressure and reservation as well as indifference to internal reform and sociopolitical consolidation.

#### Note

This article is based mainly on my field work among the Danuwar in the Kamalakhaj (Kamala Valley) area in the Fall of 1994 and Winter of 1995. Part of the funding for the field work was made available through T.U. – Bergen Human Ecology Program. I thank Prof. Gunnar Haaland for this arrangement and also for his comment on the first draft of this article.

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