

STATE AND CASTE SYSTEM (JĀTI) IN THE EIGHTEENTH CENTURY MARATHA KINGDOM*

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I. Introduction

Major aspects of existing caste system of India have been clarified by ethnologists and anthropologists (collectively called sociologists hereafter) since the late nineteenth century. They have mentioned, for instance, that there are about three thousand endogamous groups called caste all over India, that the caste membership is prescribed by heredity, that each caste has or had in the past its own council in each small region to punish its members who deviated from its customary rules, that each caste is prescribed to certain hereditary occupations, that there is a collaboration between different castes in a small locality and often in a village through the exchange of service and goods performed in their respective traditional occupations, that, however, interdining and other social contacts between castes are more or less restricted by peculiar ideas of purity and pollution, and that there is a hierarchy between castes in a region with the Brahmins at the top and the untouchables at the bottom.¹

These sociologists, however, have not undertaken any concrete historical study of the system apart from stressing various views as to its origins in the pre-historic period of India, such as the racial antipathy and mixture, the tribal division and specialization, the dominance of the ideas of pollution and taboos prevalent among some primitive peoples, the priestly and magical functions of Brahmins and their ideological influence, and so on.² When they study the existing caste system and express various views on its origins, most of them take it for granted that the caste system developed and has continued as such *spontaneously* without any relationship with secular political powers during the ancient and medieval India.

There are, however, at least two sociologists who have expressed a doubt about this general hypothesis. One is A. M. T. Jackson, who, in a small article of 1907, pointed out firstly that ancient Hindu laws had stressed that the king was to maintain the status-order of society by making the subjects conform with their status-duties and punishing the deviators. Secondly he showed a number of castes in modern India whose names had apparently derived from the names of kingdoms, capitals or administrative centres in ancient India. And hence

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¹ For instance, see N. K. Dutt: *Origin and Growth of Caste in India*, vol. 1, London, 1931, p. 3. J. H. Hutton: *Caste in India*, 3rd ed., Oxford Univ. Press, 1961, p. 49. I. Karve: *Hindu Society, An Interpretation*, Poona, 1961, pp. 15-16. E. R. Leach ed.: *Aspects of Caste in South India, Ceylon and North-West Pakistan*, Cambridge Univ. Press, 1962, pp. 1-10.

² Briefly see J. H. Hutton, *op. cit.*, pp. 170-82.

he supposed that state power in ancient India was at least "one important factor" for development and diversification of the caste system.³ The other sociologist is J.H. Hutton. He points out fifteen different factors for the rise, development, and continuity of the caste system, one of which is political. He declares, "the ultimate controlling authority (of the system) is secular," and mentions that in many of the princely states of India of 1930's the caste system was under the state control, and the important caste affairs of the subjects such as expulsion from or re-admission to the caste, and dispute of caste ranking were either decided by the king himself or at least with his recognition. Further the Hindu kings of the twelfth century Bengal and the fourteenth century North Bihar exercised similar authorities. Nay, even the Muslim Navabs of pre-British Bengal were the judges of caste affairs of the subjects, and the re-admission to caste was to be recognized by them.⁴

As compared with these assertions by sociologists, Indian historians appear to have shown little interest in this system. To be sure, there are works that have proved the *existence* of various castes during ancient and medieval periods.⁵ But to the best of my knowledge no concrete examination has been made on the roles of state power in the regulation of caste system in any period of Indian history.⁶

Accordingly this essay of mine is an attempt at examining the roles of state in the caste system in the directly administered regions (swarājya) of the eighteenth century Maratha Kingdom in order to suggest that this system was not only a spontaneous social order of the people but also a state order of society controlled and protected by the state.

The procedure to be followed in this essay is as follows:

First, we will try to demonstrate the fact that the state played a decisive part in the removal and more especially in the restoration of caste-status of *individual persons* who had deviated from traditional religio-social code of conducts.

Second, we will try to illustrate that regarding *individual castes* as status groups, the state often confirmed internal splits within a caste and enforced certain code of conducts to be observed by as well as between separate castes.

And third, we will suggest some probable reasons for the state regulation of caste system.

The source-materials on which this essay is based are about eighty contemporary official records written in Marathi and pertaining to the topic. They have been collected from the following source-books. (1) G. C. Vād prep.: *Selections from the Satara Raja's and the*

³ A. M. T. Jackson: "Note on the History of the Caste System," *Journal of the Asiatic Society of Bengal*, New Series, vol. 3, No. 7, 1907, pp. 509-15.

⁴ J. H. Hutton: *op. cit.*, pp. 93-97. For the function of Bengal Navabs over caste affairs of the subjects, see A. C. Patra: *The Administration of Justice under the East-India Company in Bengal, Bihar and Orissa*, Asia Publishing House, 1962, p. 22.

⁵ For instance, A. S. Altekar: *The Rashtrakutas and Their Times*, Poona, 1934, pp. 317-58. B. P. Mazumdar: *Socio-Economic History of Northern India (1030-1194 A.D.)*, Calcutta, 1960, pp. 77-115. T. K. Raichaudhuri: *Bengal under Akbar and Jahangir*, Calcutta, 1953, pp. 168 ff. D. Desai: *The Mahāman-daleshwara under the Calukyas of Kalyāni*, Bombay, 1951, pp. 415 ff. K. N. Seth: "Some Aspects of Social Life as Described in Early Medieval Inscriptions," *Indian Culture*, vol. 14, No. 2, 1947, pp. 51-60.

⁶ K. T. Telang discussed that the Maratha Government widely interfered in the caste affairs of the people and that the kings, ministers and their high-class officials were rather loose in observing their own caste rules. See K. T. Telang: "Gleanings from Maratha Chronicles," 1892, in M. G. Ranade: *Rise of the Maratha Power*, Bombay, 1900, Chapt. XIII (Appendix). This essay is interesting, but was written before major source materials of the period were published, nor is it well documented. Therefore I have ignored this in my essay.

Peshwa's Diaries (*Sātārkar Mahārāja va tyāñchā Peshve hyāñchā Rojnishintil Utare*), 9 vols., Poona, 1906-1911.⁷ (2) G. S. Sardesai ed.: *Selections from the Peshwa Daftar* (*Peshve Daftarātūn Nivadlele Kāgad*), 45 vols., Bombay, 1930-34.⁸ And (3) R. V. Oturkar ed.: *Peshve-Kālin Sāmājik va Ārthik Patravayavahār*, Poona, 1950.⁹

II. Forfeiture and Restoration of Caste-Status

1. Forfeiture of Caste-Status (*bahishkār, vāḷit, apañkta*)

Our source-materials show that there were not a few persons who behaved or were suspected to have behaved against the established code of conducts and consequently forfeited their caste-status. It appears that they were excluded by their caste-fellows from participating in marriage, interdining, ceremonies and all other social intercourses, although it is not always clear how the members of *other* castes treated them. At any rate caste-status could be removed either through the internal decision among the caste-fellows or through the external decision by the Government. We can find at least fifty-five cases in fifty records that refer to the forfeiture of caste-status. These cases are itemized as follows:

Group A. Thirty-eight cases of forfeiture decided by caste-fellows

- a. nine cases caused by conversion into Islam or certain religious sects¹⁰—eight cases about Brahmins and one about a man whose caste cannot be ascertained
- b. ten cases caused by confirmed or suspected sexual offences¹¹—six cases about Marathas, one each about a Brahmin woman, a woman of Merchant caste (*Vāṇi*), a Temple-keeper (*Gurao*), and a Cowherd (*Gauli*)
- c. five cases caused by confirmed or suspected murders¹²—four cases about Brahmins and one about Marathas
- d. four cases caused by one's own, his wife's or mother's caste-status getting suspected¹³—one case each about Brahmin, Temple-keeper, Carpenter (*Sutār*), and Gardener (*Māli*)
- e. two cases caused by impure interdining¹⁴—two cases about Brahmins

⁷ These nine volumes will be abbreviated as *SSRPD* in the following footnotes. In regard to them, see M. G. Ranade: "Introduction to the Peshwa's Diaries," *Journal of Bombay Branch of the Asiatic Society*, vol. 20, 1920; reprinted in *Shivaji and the Rise of the Mahrattas*, ed. by Susil Gupta Ltd., Calcutta, 1953, pp. 53-86. Also *vide* G. S. Sardesai: *Hand-Book to the Records in the Alienation Office Poona*, Bombay Govt., 1933.

⁸ These source-books will be abbreviated as *SPD* in the subsequent footnotes. Regarding them, see J. N. Sarkar: *Foreword to the Selections from the Peshwa Daftar*, Bombay Govt., 1933.

⁹ This book will be abbreviated as *Oturkar* in the footnotes.

¹⁰ *SSRPD*, vol. 1, Nos. 373, 384; vol. 2, No. 323; vol. 8, Nos. 1122, 1136. *SPD*, vol. 43, Nos. 25, 107, 140. *Oturkar*, No. 180. They are the cases where the conversions took place in distant places, and the converts thus having lost their caste later returned home in repentance and applied for the restoration of their caste-status. The names of certain sects are not mentioned. (*SSRPD*, vol. 1, No. 384; vol. 2, No. 323)

¹¹ *SSRPD*, vol. 1, No. 396; vol. 2, No. 316; vol. 7, No. 350. *SPD*, vol. 43, No. 168. *Oturkar*, Nos. 154-57.

¹² *SPD*, vol. 43, Nos. 131, 134, 151, 162. *Oturkar*, No. 178.

¹³ *SSRPD*, vol. 1, No. 388; vol. 2, No. 333; vol. 7, No. 765. *Oturkar*, No. 173.

¹⁴ *SPD*, vol. 43, No. 29. *SSRPD*, vol. 8, No. 1127.

- f. eight cases caused by other reasons¹⁵—three cases about Brahmins, and one each about Mendicant (Gosain), Peasant (Kunbi), woman of Weaving caste (Sālī), woman of Wine-drawing caste (Kālār), and woman whose caste is not clear

Group B. Seventeen cases of forfeiture decided by Government

- a. four cases caused by impure inter-dining¹⁶—all about Brahmins
- b. three cases caused by killing men or cows¹⁷—one case each about Brahmin, Peasant and Washerwoman
- c. three cases caused by failure to observe mourning at the death of relatives¹⁸—two cases about Brahmins and one about Temple-keeper (Pujārī)
- d. two cases caused by violation of marriage rules¹⁹—both about Brahmins
- e. one case caused by illicit sexual intercourse²⁰—about Brahmin woman
- f. one case caused by conversion into a certain religious sect²¹—to apply to all the castes
- g. three other cases²²—all about Brahmins

When we compare the number of cases as shown in Groups A and B, Group A cases are fairly more numerous than Group B. This may indicate that forfeiture of caste-status was for the most part decided and carried out by the internal decision among the caste-fellows. And it does not appear that caste-fellows applied for the permission of the Government whenever they excommunicated their members. Moreover they often expelled their members only on the basis of a suspicion by neighbours without examining the fact.

The forfeiture of caste-status affected either only the persons concerned or also their family-members and close relatives according to the nature of the case and the decision by the caste-fellows. At any rate even those who associated or were suspected to have associated with the outcast would be excommunicated by their caste-fellows.²³ So far as the forfeiture of caste-status was concerned, the caste-group certainly performed a fairly strong autonomy.

As Group B suggests, however, there were also many cases where the Government through its local agents exposed and examined (*shodh, choksi*) the misbehavers, deprived them of their caste, and ordered the local bureaucrats, hereditary officers of the place, and the

¹⁵ A Brahmin addicted to drinking (*SPD*, vol. 43, No. 159), a Brahmin committing animal sacrifice (*Ibid.*, vol. 23, No. 11), and a Brahmin possessed by an evil spirit (*SSRPD*, vol. 8, No. 1114). Other cases are found in *Ibid.*, vol. 1, Nos. 382, 383; vol. 2, No. 314; *Oturkar*, No. 177.

¹⁶ *SSRPD*, vol. 8, No. 1136. *SPD*, vol. 43, Nos. 25, 107, 140.

¹⁷ *SSRPD*, vol. 7, Nos. 597, 767. *Oturkar*, No. 171.

¹⁸ *SSRPD*, vol. 7, No. 772. *Oturkar*, Nos. 175, 176.

¹⁹ Brahmins who either sold their daughter for marriage or did not get her married after her certain age (e.g. nine) (*SSRPD*, vol. 5, No. 241), or Brahmin who concluded a marriage with another Brahmin who had been deprived of his caste by Government. (*Ibid.*, vol. 8, No. 1133)

²⁰ *SPD*, vol. 43, No. 154.

²¹ *SSRPD*, vol. 8, No. 1128. This is Mānbhāu sect that was prohibited from missionary activities and whose members were declared to lose their caste by the Government in June of 1782 for the reason that they destroyed Hindu temples and idols, shaved their heads in their own way, and wore their own special clothes. Regarding the sect, see I. M. P. Raeside: "A Bibliographical Index of Mahānubhāva Works in Marathi," *Bulletin of the School of Oriental and African Studies*, University of London, vol. 23, Part 3, 1960, pp. 464-507.

²² Brahmins who disputed over the kinship relation among themselves and failed to attain an agreement. (*SPD*, vol. 43, No. 168. *SSRPD*, vol. 7, No. 535) A Brahmin who officiated a marriage ceremony without knowing that the girl had been kidnapped. (*SSRPD*, vol. 8, No. 1119).

²³ *SSRPD*, vol. 8, No. 1124.

caste-fellows to carry out the matter. And such an order appears to have been *usually* carried out in fact, because whereas ten cases out of Group B only show the Government order for excommunication without their result being clear, remaining seven cases are those where persons *actually deprived of their caste by Government* applied to the Government for its restoration.²⁴ And moreover Government ordered those to be excommunicated who ignored the command of Government and continued to associate with one who had been expelled out of his caste by the Government.²⁵

On the other hand, thirteen cases out of seventeen in Group B are in connection with Brahmins forfeiting their caste-status. This shows that the Maratha Government, while assuring the highest status for Brahmins as will be discussed later, tried to enforce them to observe the strictest religio-social code of conducts.

2. Restoration of Caste-Status (*jātinī ghenēn*)

Not all who lost their caste remained outcast for the rest of their life. Most of them appear to have been restored to their former caste by the Government and thus assimilated into the established order of society. Out of the fifty records mentioned above in connection with forfeiture of caste, only three are concerned with 'permanent loss of caste' (*ghaṭasphoṭ*) as will be referred to below, while thirty-three records show that Government allowed the restoration of caste. Three out of the remaining fourteen records depict the request to Government for reviving the caste-status, and the rest eleven are concerned with caste-status removed or ordered to be removed by the Government; but these fourteen records also implicate that the outcast would recover their status later.

'Permanent loss of caste' (*ghaṭasphoṭ*) appear to have seldom occurred. The contents of three records concerned with it are as follows: The first is the case where eleven years after a Brahmin converted into Islam in a remote region, he returned home and was re-admitted to caste by his caste-fellows, but Government did not allow the matter and permanently removed the caste-status of the man and his wife.²⁶ The second is the case where Government arrested a Brahmin woman for a charge of illicit sexual relation with a Muslim, deprived her of her caste-status permanently, and imprisoned her.²⁷ And the third is the case where the Government arrested another Brahmin woman for the same charge with a low-caste man, removed her caste-status permanently with a due consent of her caste-fellows, and imprisoned her.²⁸

Excepting these special cases, caste-status once removed could be later restored to the persons. And it seems that restoration of caste-status was possible only when Government specifically sanctioned it after accepting the application by caste-fellows, by the outcast himself or by his close relatives.

Three points are important here in regard to the procedure by which Government sanctioned the restoration.

Firstly the principle of Government about the matter was that "in order to re-admit one into his caste, the consent of caste-fellows and the sanction of Government are required" (*tyās*

²⁴ *Ibid.*, vol. 7, Nos. 535, 597, 767. *SPD*, vol. 43, Nos. 25, 140. *Oturkar*, Nos. 171, 175.

²⁵ See *SSRPD*, vol. 8, No. 1133.

²⁶ *SPD*, vol. 43, No. 140. No mention is made as to what consequently happened with this couple. They may have migrated to other place and become Muslims forever.

²⁷ *Ibid.*, vol. 43, No. 154.

²⁸ *Ibid.*, vol. 43, No. 168.

jātinī gheṇē ti gotāchi rājāvāndi va sarkārchī ādnyā pāhije).²⁹ No cases are found that caste-fellows were stubbornly opposed to the re-admission sanctioned by the Government. But when caste-fellows revived the caste-status to their member at their discretion 'without getting sanction of Government' (*sarkārchā ādnyeshivāye*), the Government did not acquiesce in it, but expelled all the caste-fellows involved in the matter from their caste³⁰ or imposed a heavy fine (e.g. Rs. 3000) upon the man who was unofficially re-admitted to the caste.³¹

Secondly when the persons who got their caste-status revived by the Government were Brahmins or members of other high caste, Government ordered them to receive 'purification' (*prāyashchitta*) at a holy place (*kshetra*). There were several different ways of purification such as donating certain amount (fixed by the Government) of money to Brahmin priests of the holy place (*prajāpatya*), walking certain fixed times around temples of the holy place (*pradakshinā*), drinking 'liquid mixture of five things derived from the cow' (*panchagavya*) given by Brahmin priests of the holy place, and so on. At any rate what is important here is that while it was priests who officiated such a purificatory ceremony, it was the Government that sanctioned and ordered them to do so. Those priests, who performed the ceremony on their own accord without a permission of Government, were deprived by Government either of their caste-status or of their hereditary perquisites (*inām*).³²

And thirdly when Government restored the caste-status, the person concerned was often imposed to pay into the Government a certain amount of money (e.g. Rs. 25, Rs. 50, Rs. 1001, or Rs. 25,001).³³ This may indicate that the financial interest of the Government was one of the reasons why the revival of caste-status had to be sanctioned by Government whereas it could be removed without official permission.³⁴

III. Government and Castes

Besides the forfeiture and revival of caste-status of individual persons as discussed above, various disputes and problems took place between castes as well as inside a caste, and they were often brought to the central Government for solution. Some ideas on judicial institutions and procedures at the Maratha Government may be obtained from Dr. V. T. Gune's work.³⁵ Here only a few words may be mentioned about the matter. Judicial procedures of the Maratha Government were by no means uniform; they varied according to the nature of the case. During King Shahu's regime he would preside over cabinet-meeting (*rājmandal* or *majālsī hujūr*) composed of his ministers, and during Peshwas' period the Peshwa (hereditary prime minister) would consult the matter with his law minister (*nyāyādīsh*), chief secretary (*fadnis*) and other high-class officials, and the decision would be made in the name of King (or Peshwa). Or, when it was deemed necessary, Government would summon representative

²⁹ *Ibid.*, vol. 43, No. 17.

³⁰ *Ibid.*, vol. 43, Nos. 25, 140.

³¹ *Ibid.*, vol. 43, No. 78.

³² *Ibid.*, vol. 43, Nos. 25, 140. *SSRPD*, vol. 8, No. 1122.

³³ *SSRPD*, vol. 2, Nos. 314, 316, 333; vol. 7, No. 765; vol. 8, No. 750.

³⁴ This point cannot, however, be generalized for not all the records concerned with the revival make mention of payment. Moreover there is a case where Government gave Rs. 200 to a Brahmin to meet the expenditure for his purification. (*Ibid.*, vol. 2, No. 323)

³⁵ V.T. Gune: *Judicial System of the Marathas*, Poona, 1953, pp. 38, 44-46, 73-86.

Brahmin priests from various holy places, and make a decision based on their expert opinions. Otherwise, King or Peshwa would preside over a justice-assembly (*sabhā* or *panchāyet*) consisting of his ministers as well as the parties concerned and their witnesses, and the parties and witnesses would submit their statements and evidences respectively. The King (or the Peshwa) and his ministers would consider over them, make a decision usually after obtaining a consent of both the parties, and give them a Royal Decree (*rājapatra*), a Decision Certificate (*nivāḍḍpatra*) or an Assurance Letter (*abhayapatra*). In whichever way the decision might be made, what is important here is that the Government did inform local bureaucrats and hereditary officers of the place as well as other persons concerned of the decision, and ordered them to carry it into practice.

Now disputes and problems regarding castes may be divided into two categories: one is those that took place between factions that were created inside a caste, and another those that were concerned with the code of behaviours to be observed either between different castes or by a certain caste. We will examine decisions made by Government on the basis of above categories.

1. Confirmation of Internal Splits in a Caste

Our source-materials suggest following causes for the development of internal factions in a caste: A. Factions caused by a section of the caste that resided in an abnormal surroundings for a long period of time and therefore deviated from traditional social usages of the caste; B. Factions caused by the development of superior and inferior pedigrees in the caste; and C. Factions caused by some section of the caste either abandoning its traditional occupation and adopting new one probably due to an economic necessity or participating in a certain religious sect. We will illustrate Government confirmation and consolidation of these various kinds of internal splits.

A. Peshwa's Government sent the following order (*sanad*) dated June 24, 1744 to a bureaucrat posted in Bassein (Vasāi) region:

"Ranchhod Nāik Vaidya, resident of above region, represented to Hujūr (Peshwa), 'In the (above) region that was formerly ruled by the Portuguese (from 1532 to 1739 A.D.), some of Yajūrvedi Brahmins agreed one another to give maternal uncle's daughter to a nephew (viz. to her cross-cousin) and some people were married in such a way. But the kingdom of *dharma* (*dharmarājya*=Maratha Kingdom) has been established now (over the region). Therefore looking at law books (*dharmashāstra*) this is an improper conduct. Accordingly please take Rs. 50 from such people as behave in that way, and make their caste separate.' Therefore this letter is issued to you. Then take a fine of Rs. 50 to the Government from those Yajūrvedi Brahmins in the (former) Portuguese region who might conduct in such a way, and separate their caste. Take a copy of this letter and give the original to above Vaidya for his possession."⁸⁶ (brackets mine)

⁸⁶ SSRPD, vol. 2, No. 317. "Shankarāji Keshav nāmjād Vasāi yāshin patra kin, Ranchhod Nāik Vaidya vāstavya prānt majkūr yānin hujūr vidit kelen kin, pūrvin firāngāṇ prāntin Yajūrvedi Brāhmaṇ hote tyānt kityekānnin saṁmat deūn, māmānchi kanya bhāchyas dyāvi aisen karūn, eka doghānnin shar-irsaṁbaṁdh hī kele. tyāns atān dharmarājya jhaleñ. dharmashāstra pahātān heñ ayogyā karm, yākaritān jo aisen karm karil tyajavaḷūn dānd rupaye 50 pannās gheūn yāti vegḷa karāva hmañūn vinānti keli. tyajavarūn heñ patra tuhmās lihilen ahe. tari firāngāṇ prāntin Yajūrvedi Brāhmaṇ jo aisen karm karil tyajavaḷūn sadarhū rupaye pannās gunhegāri sarkārānt gheūn yāti vegḷen karñen. yā patrāchi prati lehūn gheūn asal patra Vaidya majkūr yajavaḷ bhogavaḷiyās deñen hmanūn sanad 1."

Here the Yajurvedī Brahmins were one of the Brahmin castes in Maharashtra (see footnote 46 of this essay). And ancient Hindu law books had provided for complicate matrimonial rules one of which was the prohibition of inter-marriage among the members of same kinship group called *sapinda* that was composed of relatives extending up to the maternal fifth and paternal seventh degree. And according to Hindu method of degree-counting, cross-cousins were of the third degree to each other, so that cross-cousin marriage was considered illegal.³⁷

The record translated above indicates that during two hundred years of Portuguese rule some of the Yajurvedī Brahmins of Bassein region had relaxed their marriage rule and practised cross-cousin marriage probably because their sphere of life was so limited that they could not find out legitimate partners to their children, and that Government accepted an appeal from an orthodox Brahmin and divided or tried to divide the caste.

B. In December 1768, Poona Government made a decision on a dispute about pedigrees in the Weaver (Koshti) caste, and gave a certificate to the leaders (*mehetre*) of the caste who resided at Shahāpūr Ward of Poona City. This certificate as shown in the *Diaries* is too lengthy to be reproduced here. Only its summary may be shown as follows:

While the Weaver caste had been split into 'weavers of good pedigree' (*chāngle jātiche Koshti*) and 'descendants from female slaves' (*batkichā vānsh*), some sections of the former and of the latter had continued to practise marriage and other associations with each other at Poona. Leaders of the caste at Poona, however, were strongly opposed to the practice and appealed to the Government. Accordingly, the record says, the Government summoned leaders of the caste from various places and enquired into the custom as practised in respective places. The leaders unanimously stated that there was no custom of inter-marriage between the two factions. Therefore Government decided, "there is no reason to get him (descendant from female slaves) marry with good lineage; he should associate within lineage of female slaves.... You (good lineage) hereafter should not admit into group anyone of the female slaves' lineage. The latter should not associate with good lineage."³⁸ (brackets mine) And the Government issued a certificate of that effect to the leading Weavers of Poona and levied a tribute of Rs. 5,000 upon them.

This record suggests that whereas splits had already taken place within the Weaver caste on the basis of different pedigrees, these splits were not yet definite and some marriage and other social intercourse were being performed between them, and that it was Government that confirmed the obscure splits and systematized the division.

C. Four records concerning Tailor (Shinpi) caste illustrate an example where Government confirmed internal splits caused by the change of occupation or by the participation in a sect. According to these records that will be discussed below, at the beginning of the eighteenth century a section of the Tailor caste had adopted the profession of dyeing (*rangāri-paṇa*), another section had specialized as Indigo Dyers (Nilāri), and some other section had

³⁷ The prohibition of cross-cousin marriage, however, has not always been observed throughout India. At least in South India such a marriage has been practised since ancient period, and some Hindu jurists of ancient and medieval India were inclined to regard it as legitimate. *Vide* P. V. Kane: *History of Dharmashastra*, Poona, 1941, vol. 2, Part 1, pp. 452ff.

³⁸ SSRPD, vol. 7, No. 763. "yajla chāngle jātiñt soyrikā karāvyačhā sañbandh nāhin; kaḍū jātiñt vartāven.... tumhi yāupari kaḍū jātičā got patakarūn chāngle jātiñt koni gheūñ naye kaḍū jātiñch chāngle jātiñt vartū naye."

joined Nāmdev sect. Regarding the first two groups (viz. Shinpīs proper and Rangārīs) we can find the following record:

In May 8, 1728 King Shāhū issued the following order to hereditary officers of thirteen provinces of his kingdom: "A justice is going to be held regarding Shinpīs and Rangārīs. Therefore marriage, re-marriage, ceremonies and festivals between their families have been prohibited (until the decision is made). Do not let the ceremonies and festivals take place."³⁹ (brackets mine) This record shows that while marriage and other ceremonies had been heretofore performed between two groups, some dispute had taken place between them and been brought to Government for settlement, and that the Government forbade marriage and so on between them until the decision was made. And in fact, the next record below suggests that King later formally divided the two making Rangārīs a sub-caste of Shinpīs, and that he made two more decisions in regard to division of Shinpīs. This record which is, however, not an original (asal) but a copy (nakal) is as follows:

In October 11, 1783 the seventh Peshwa issued the following order to all the Shinpīs of the Sāsward region: "When a dispute about caste took place between Shinpī Dyers and Indigo Dyers, the late King Shāhū made a decision, 'Shinpīs belonging to Nāmdev sect (Nāmdev Shinpī) should keep themselves aloof from the association (sivane) (with other Shinpīs), those Shinpīs who are engaged in the occupation of dyeing should be kept separate, and (they) should have no relation of dining and other intercourse with Indigo Dyers.' Although such a royal decree was issued, an information reached Hujūr (Peshwa) to the effect that Shinpī Dyers and Indigo Dyers are united and exchange marriage among them. Accordingly the matter is to be enquired into. Then send a detailed report as to how you are behaving."⁴⁰ (brackets mine)

The Nāmdev sect that appeared in the above record was founded by a Shinpī saint named Nāmdev probably during the first half of the fifteenth century.⁴¹ This record indicates that King Shāhū made three decisions when a dispute about caste occurred between Rangārīs and Nilārīs; viz. (1) those Shinpīs who belong to Nāmdev sect should be separated from Shinpīs proper; (2) those Shinpīs who are engaged in dyeing should also be separated; and (3) Rangārīs (Dyers) and Nilārīs (Indigo Dyers) should be clearly separated from each other. The above record also suggests three more points; (1) the first two of the three decisions were being observed in fact or were at least understood by Peshwa's Government as having been observed, for the record keeps silent about their results; (2) the third decision was, however, not carried out; and (3) when an official decision was not put into practice, the Government did not always connive at but examined the matter.

Above two records are concerned with the separation of Nāmdev Shinpīs and Shinpī Rangārīs from the Shinpīs proper on the one hand, and of the Shinpī Rangārīs from Nilārīs on the other. But they show nothing about the relationship between Shinpīs proper and Nilārīs.

³⁹ SSRPD, vol. 1, No. 375. "shinpī va rangārī yāñchā insāf hoñēñ āhe, yābadal tyāñche gharīñ lagna, muhūrta, kārya, prayojana manā keleñ. kārya prayojana hoñ na deñēñ."

⁴⁰ Oturkar, No. 137. "sipī ragārī va nilārī yāche jāñchā kajīyā paḍon peshjī Shrimat kailāsvāsi Shāhū Mahārāja yāñi insāf karūñ Nāmdev sipī ahet tyāñi sivane vagaire uḍim karūñ asāve sipī ason ragārī-paṇāche kasab karitāt tyās nirāle thevāve va nilārī yās anna vyavahārādi samadh karūñ naye yāpramāñe rājpatra karūñ dīlhi astā sipī ragārī va nilārī yekatra hoñ paraspare soyerikā karitāt mhañūñ hujūr vidit jāle yaishās sadārhuñchi chauksi karāvī lāgti tar tumchī vartañuk kasi āhe ti tapasīlvār lehūñ pāṭhavne."

⁴¹ A. L. Srivastava: *Medieval Indian Culture*, Agra, 1964, pp. 69-70.

This relationship is referred to in the following undated two records issued during the fourth Peshwa's regime (1761-72 A.D.).

According to one record some Shinpīs of Poona City used to exchange marriage with Nilārīs, and other Shinpīs of the city also approved of the practice. But Shinpīs of Sāswad Town objected to it and reported the matter to the Government. Government summoned and examined the Shinpīs of Poona, who stated that Shinpīs of other places also were in the habit of marrying to Nilārīs. Accordingly Government instituted an enquiry into the matter.⁴²

And then another record states that sometime later when a Shinpī of Poona accustomed to that habit tried to marry into other Shinpī of good descent without waiting for the result of the Government enquiry, the Peshwa ordered the marriage to be suspended and the order was duly executed.⁴³

From the examples shown above, we may say as follows: internal splits often took place inside the caste due to various causes such as change in social usage and occupation, development of different pedigrees, participation in a certain sect, and so forth, and disputes were created between the fissions; these disputes could not always be solved inside the caste itself but were brought to Government for settlement; and Government decided the case on the basis of certain evidences, and thus confirmed and systematized such spontaneous and therefore often obscure splits.

2. Code of Behaviour and Ranking

Maratha Government did not only confirm obscure splits inside a caste and divide it as illustrated above, but also sometimes tried to suggest, formulate and enforce certain code of behaviour to be observed by members of a caste or between different castes. We will now turn to this topic.

Regarding code of conducts for Brahmins we have already shown that Government tried to separate those Yajurvedī Brahmins from the caste who used to practise cross-cousin marriage in the Bassein region that was contrary to ancient matrimonial rules of the Hindus. In the same Bassein region, another caste of Brahmins (Sāmavedī Brāhmaṇ) was ordered by the Government in 1753 that they should recite holy words after performing ablution, and conduct themselves according to the *dharma* of Brahmins; otherwise they should be punished.⁴⁴ Again when a dispute took place among Brahmin priests in holy places of Nāsik and Trimbak regarding the precedence among holy Vedas to be recited by them, Government invited to Poona representative Brahmin priests from various holy places all over India and held their meeting (*sabhā*). The meeting decided to the effect that the first should be Rigveda, the second Taitriya (a part of Yajurveda), then Vājasanīya and Kātyāyana (both a part of Yajurveda), and then Sāmaveda and Atharvaveda. Accordingly Government ordered Brahmins of the two holy places "to follow this precedence. Those who defy it would be punished according to law books (*śāstra*)."⁴⁵ When other dispute occurred among Brahmins of Nāsik in 1779, Government invited their representatives to Poona, had them consent with a code of conducts (unfortunately no details are shown) to be followed by Brahmins of the place, and sent a copy of agreement (*tahānāma*) to the local bureaucrats, the hereditary officers and the

⁴² SPD, vol. 43, No. 41.

⁴³ *Ibid.*, vol. 43, No. 54.

⁴⁴ SSRPD, vol. 2, No. 328. "tyāvarūn yā Sāmavedī Brāhmaṇāññiñ snānasandhyā karūn Brāhmaṇa-dharmāche rītipramāṇēñ ācharaṇ karāveñ. na karil tyās shāsan karāveñ."

⁴⁵ SPD, vol. 43, No. 69.

representatives of five Brahmin castes of the region, and ordered them to carry it out.⁴⁶

While Government would thus suggest and formulate certain codes of behaviours for Brahmins, it also assured them the highest social status by expressly forbidding lower castes to imitate usages and customs only practised by the former. For instance lower castes were prohibited by the Government to wear the sacred thread (*jānaveñ*)⁴⁷ or to perform certain specific rites⁴⁸ both of which were allowed only to Brahmins. Especially interesting is that Government commanded Prabhū Kāyastha caste (important literate caste next only to Brahmins) to behave like Shūdras: In the year 1790 Brahmins of Pen Town, Sakseñ District appealed to the central Government that Prabhūs were secretly practising in their houses the privileges only enjoyed by Brahmins, and requested the Government to settle the matter; and Government, re-confirming the code of conducts (*karmācharan*) consisting of nine items that had been formulated for the Prabhū caste by the Government during the reign of the fifth Peshwa and agreed upon by the then representative Prabhūs, sent ninety-five and one hundred and one order-letters to local bureaucrats and representative Brahmins respectively all over the Kingdom and commanded them to have Prabhūs strictly conform with the code and to punish the defiant. This code of conducts stipulated that Prabhūs should not recite Vedic mantras in their ceremonies; that they should not pronounce the Vedic mantras which they knew; that they should recite only Puranic mantras in their prayers; that they should visit only such temples as visited by Shūdras; that they should announce the greeting word of *dañḍvat* among themselves as well as to Brahmins (greeting word used by Brahmins being *namaskār*, that used by Shūdras *dañḍvat*, and that used by untouchables *johar*); that they should not employ Brahmins as their servants; that they should not oppose to re-marriage of widows in their caste (contrary to the usage among Brahmins that prohibited the re-marriage of their widows); and so on.⁴⁹

The same policy of clarifying the distinctions between castes was applied to the untouchables. We may find three records to that effect issued during the regime of the seventh Peshwa.

The first record of May 1784 states that Government formulated seven rules of worship at the holy place of Pandharpur and ordered the bureaucrat of the place to carry them out, which contained this: "there is a stone-image of Chokhameļā (untouchable saint of the fourteenth century) to the north of the (main) temple (dedicated to Vithoba, an incarnation of Vishnu), and there the untouchables (*atishūdra*) frequent for worship. The place is so narrow and crowded that the visitors are touched to one another and the Brahmins are opposed to this. Therefore the untouchables should perform worship from near the stone-lamp (in front) of the image of Chokhameļā or from a nearby untouchable hamlet (*mahār vāḍā*). They should not approach the temple (of Vithoba). Those who do shall be punished"⁵⁰

⁴⁶ SSRPD, vol. 8, No. 1121. Five castes of Brahmins mentioned here are Deshastha, Chitpāvan, Karhade, Yajurvedī and Kañva.

⁴⁷ *Ibid.*, vol. 2, No. 324.

⁴⁸ SPD, vol. 43, No. 108.

⁴⁹ SSRPD, vol. 8, No. 1144. But Government allowed the Prabhūs to perform thread-ceremony in 1797 which had been forbidden to them for some years (*Ibid.*, vol. 5, No. 235)

⁵⁰ *Ibid.*, vol. 8, No. 1129. "devālayāche bāher Chokhāmelyāchā dagaḍ uttareche āngeñ āhe, tetheñ atishūdra darshanās yetāt. jāgāsankoch galichī āhe. tetheñ jāñārān yeñārāns sparshāsparsh hoto, he brahmañāns virūddh yāstav atishūdrāntiñ Chokhāmelyāche dipamālejavaḷ athvā mahār vāḍyānti sthaḷ asel tetheñ puḷā karit jāvi. devālayājavaḷ atishūdra yeñ naye. koñi ālā tari pāripatya karāveñ."

The second record indicates that Government had untouchable castes (Mahārs, Māngs, and Chambhārs) of a village demolish their huts that were located too closely to the village, and build them anew in other place by giving them a certain amount of money and timbers.⁵¹

The third record, however, describes that not all the untouchables accepted discriminations as their predestined fate, but some of them demanded a better treatment. The record dated June 6, 1786 states the following story: Mahārs in the Konkan region demanded some Brahmin priests of the place to officiate their marriage ceremony, and this demand was incidentally supported by the local bureaucrat of the place. But the priests rejected it by saying that according to ancient usage (*purātan chāl*) the marriage among the untouchables was not to be officiated by Brahmins but by untouchable priests (*medhe mahār*) and that a new usage (*navin chāl*) should not be started. Then the local bureaucrat who had been supporting the demand of the untouchables forcibly attached the office of the Brahmin priests, who, therefore, appealed the case to Poona Government. Government summoned the hereditary officers (*jamidār*) and priests of the place for enquiry, who gave evidence that there was no usage for Brahmins to officiate the marriage of untouchables. On the other hand a Brahmin priest of Junnar region hearing of this story by chance wrote to the Poona Government to the effect that when his region was under the Mughals some thousands of untouchables made a similar demand and appealed its execution to Emperor Aurangzeb, who made an enquiry into the custom and decided against their demand, and since then this decision was being observed there. Accordingly Poona Government decided, "whereas this ancient usage was not violated nor innovated even under the former Mughal rule, it is quite improper to threaten (the priests) and enforce a new usage in our Maratha Kingdom (*svarājya*)" (*māgen moglāi amalānt hī purātan chāl moḍūn naven kelen nastān svarājya tuhmiñ āgraha karūn navin chāl karneñ anuchit*); the Government reprimanded the local bureaucrat to restore the attached office to the priests on the one hand, and commanded on the other the untouchables to have their marriage officiated by their own priests, and threatened them, "if they trouble the Brahmin priests in the future, no good result will come out."⁵²

In short it may be said that there was a demand even among the untouchables for a better treatment, and that it was *ultimately* state power that suppressed such a demand and kept them in the lowest position in the society.

IV. Conclusion

The above discussion may have made it clear, at least partly, that so far as the eighteenth century Maratha Kingdom was concerned, the state played a vital role in the caste-matters of the subjects from the forfeiture and restoration of caste-status of individuals to the division of caste, the formulation of caste-code, and the stabilization of caste distinctions. In other words the caste system in this kingdom was not only a self-contained autonomous social order of the people, but also a state order of society protected, controlled and stabilized by the Government.

There seem to have been certain practical as well as ideological reasons behind the state protection of the system. First there was an administrative reason in that Government utilized

⁵¹ *Ibid.*, vol. 8, No. 1142.

⁵² *Ibid.*, vol. 8, No. 1132.

this system for punishing the misdemeanants by depriving them of their caste-status. Second there was financial reason as well: Government did not only often impose a payment of money upon the people concerned on the revival of their caste-status or on the arbitration of their caste disputes, but also charged certain regular forced labour (*veṭhbegar*) upon artisan and professional castes.⁵³ And third there was above all certain ideological traditionalistic reason, too, which was sometimes indicated by the concept of *dharma* (see pp. 38, 41 of this essay). According to traditional Hindu ideas rulers were morally bound to protect and maintain the status-order of society,⁵⁴ and the Maratha rulers were no exception.⁵⁵ Of course I am not prepared to extend the same argument to other kingdoms of medieval India, whose social history is yet to be studied. But at the same time it is highly significant that even the allegedly bigoted Muslim Emperor Aurangzeb seems to have adopted this same traditional attitude to caste-matters of his Hindu subjects as indicated in this essay (see p. 43). At any rate it may be said that as long as the state power was vitally involved in maintaining the caste system, its stability and continuity would be strengthened.

Now not only other kingdoms of medieval India but also even the British India is not yet studied in terms of legal aspect of the caste system or the history of the system itself. We may say only a few words on the caste system in Maharashtra during the British period to conclude this essay.

Surveys of castes conducted during the first half of the present century show that Dyers (Rangārīs) and Nāmdev Tailors who were formally separated from Tailors proper (Shinpīs) by the Maratha Government as we have shown in this essay have indeed become two of the endogamous sub-castes of the Tailor caste,⁵⁶ while the Indigo Dyers (Nilārīs) who were also separated from both the Tailors and the Dyers by the Government have, on the contrary, amalgamated completely with the Dyers and two terms (*nilāri* and *rangāri*) have become mere synonyms;⁵⁷ that the Prabhūs who were forbidden by the Maratha Government to imitate usages and privileges of Brahmins have adopted many of them;⁵⁸ and that even the Brahmins who were demanded by the Government to practise the strictest code of conducts have relaxed some parts of it and started intermarriage between different castes of Brahmins.⁵⁹

More recently some lower castes have been changing their names and usages and adopting those of higher ones; Peasant caste (Kunbī) has largely disappeared and assimilated itself into the higher Maratha caste.⁶⁰ Conflicts and even fighting between untouchables and higher castes, and many other such cases have been started.⁶¹ In short the caste system and especially the inter-caste relations seem to have got more or less confused in the modern period as compared with the Maratha time.*

(March 15, 1968)

⁵³ See my Japanese essay, "Forced Labour (*veṭhbegar*) in the Eighteenth Century Maratha Kingdom," *The Hitotsubashi Review*, vol. 48, No. 3, Sept. 1962, p. 130.

⁵⁴ See for instance, K. V. Rangaswami Aiyangar: *Aspects of the Social and Political System of Manusmṛiti*, Lucknow University, 1949, pp. 117, etc.

⁵⁵ G. S. Sardesai: *The Main Currents of Maratha History*, revised ed., Bombay, 1949, pp. 18-19.

⁵⁶ R. E. Enthoven: *The Tribes and Castes of Bombay*, Bombay, 1920, vol. 3, p. 327.

⁵⁷ *Ibid.*, vol. 3, pp. 135, 301.

⁵⁸ R. V. Russell: *The Tribes and Castes of the Central Provinces of India*, London, 1916, vol. 4, pp. 399, 402.

⁵⁹ *Ibid.*, vol. 2, p. 393.

⁶⁰ I. Karve: *Hindu Society, An Interpretation*, Poona, 1961, pp. 44-47.

⁶¹ G. S. Ghurye: *Caste, Class and Occupation*, Bombay, 1961, pp. 230-38.

* After writing this essay I have seen W. C. McCormack's "Caste and the British Administration of Hindu Law," *Journal of Asian and African Studies*, Vol. I, No. 1, Jan. 1966, pages 32 and 33 of which are relevant to my point. (May 30, 1968)