



Munda-Manki System: An Anthropological Study of the Present Form of Traditional Tribal Governance System among the Ho Tribe of Jharkhand

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DOI : <https://doi.org/10.5281/zenodo.17928823>

ARTICLE DETAILS

Research Paper

Accepted: 26-11-2025

Published: 10-12-2025

Keywords:

tribe, traditional tribal governance system, local self-governance, Munda-Manki system, Panchayati Raj system

ABSTRACT

This research explores the traditional tribal governance system that is the *Munda-Manki* system in the Ho tribe of Jharkhand, India. The study focuses on the present form of the Munda Manki system which includes the concept of law and Justice among the Ho tribe along with the structure, electoral or selection system, judicial process and also the Penal Code of this traditional tribal governance system. This study also focuses on the problems and challenges raised by the current Jharkhand Panchayati Raj system and its impact on the *Munda-Manki* system in the study area. For the study, Primary data was collected through observation and interviews in the village Navagaon of West Singhbhum district. The study reveals that the Ho tribe has traditionally been governed by the tribal governance system in the form of the *Munda-Manki* system. This is not only a governance system but the cultural identity and sensitivities of the Ho tribe are also linked to it. This governance system is completely systematic and practical in which various structures and their roles are clear and this is also an important reason for its being in practice for a long time. Even today



this system is active in the study area, but in the changed environment, problems and challenges have arisen for this system due to the implementation of the Jharkhand Panchayati Raj system.

Introduction:

According to the Census of India, 2011; the *Ho* tribe had a population of 928,289 in Jharkhand. *Ho* tribe is the fourth largest scheduled tribe in the state, after the *Santhals*, *Oraons*, and *Mundas*. The *Ho* tribe primarily resides in the West Singhbhum and Saraikela-Kharsawan districts (Census of India, 2011).

The *Munda-Manki* system has been in existence since the beginning of the *Ho* tribe. There is no accurate information about when and how it started. Later, during British rule, it was given legal recognition by Wilkinson Rule, in 1837.

The cognitive project of colonial officials identified the *Ho* as culturally, ethnically and politically other. They believed that this identity had to be preserved as far as practicable from outside influence. With this mindset, the British mediation of *Ho*'s life began (Sen, A. K., 2011).

Formally incorporated into the British state system as part of the South West Frontier Agency (SWFA), in 1837 Kolhan was excluded from the operation of the general regulations that governed other parts of India (Jha, J. C., 1987)

Wilkinson founded an exclusive system of governance, which came to be called the Wilkinsonian system. This system was under the superintendence and direct control of the district head who was supposed to be the guardian of the simple Kolhan people. Civil and criminal rules were framed which administered justice with the help of village and *pir* heads (Sen, A. K., 1999).

Article 13 section (3) (a) and (b) of the Constitution of India gives statutory recognition to the Wilkinson Rule. PESA Act, which refers to the Panchayats (Extension to Scheduled Areas) Act, 1996, extends the provisions of Panchayati Raj (local self-governance) to Scheduled Areas in India and recognizes the traditional system of governance in the Scheduled Areas mentioned in Section 1 of Article 244 of the Indian Constitution (The Constitution of India).

At present, a three-tier panchayat system has been implemented in Jharkhand to give a concrete form to local self-governance through the Jharkhand Panchayati Raj Act, 2001, under which panchayat elections are being held regularly. Certainly, the three-tier panchayat system has ignored the special provisions for



local self-governance in scheduled areas, and at present, tribal intellectuals are demanding immediate implementation of the PESA Act in scheduled areas.

In the above context, this research paper attempts to assess the current form, functioning and effectiveness of the *Munda-Manki* system of the Ho tribe as a traditional tribal governance system in the Scheduled Areas.

Aims and Objectives of the study:

- To study the present form and functioning of the *Munda-Manki* system.
- Assessing the challenges of the three-tier Panchayat system on the *Munda-Manki* system.

Methodology:

The study was conducted in Nawagaon village, located in the Nawagaon panchayat of West Singhbhum district in Jharkhand. The village has a significant number of Ho families residing there. According to the requirement and nature of the study, using the purposive sampling method Nawagaon village was selected as the study area. Data collection involved observation and interviews, with qualitative data analyzed to present results and conclusions.

Results and Discussions:

Concept of law and justice in Ho tribe

There is no concept of any written law or justice in the Ho tribe. The concept of law and justice is being passed on orally from generation to generation.

- **Concept of law in Ho tribe**

The law in the Ho tribe is determined as follows:

Religion:- The Ho tribe believes in the Sarna religion. Whatever is considered right in their religion is also justified as a law. Conduct against religion is considered a crime. The Ho tribe of the study area also considers religious conversion as a punishable crime. People who convert are boycotted from the village.

Customs and traditions:- The people of the Ho tribe consider customs and traditions to be equal to law. Any act or behavior against customs and traditions is considered a crime.



Social acceptance:- In the Ho tribe, the law is also determined by social acceptance. Any act or conduct that is not accepted by society is considered against the behavior and ideals:- The Ho tribe is egalitarian, libertarian, just and simple. Some behavior and conduct are considered good and some are considered bad. For example, helping others is good conduct and is ideal; on the other hand, hurting and harming others is considered bad conduct. In the Ho tribe, good conduct is considered ideal and bad conduct is prohibited. A person who behaves wrongly or immorally is also punished.

Prohibitions(Taboo):- There are various types of religious and social prohibitions in the Ho tribe. Order and control are maintained in society through these prohibitions. Those who do not follow the prohibitions are punished.

- **Concept of Justice in Ho tribe**

Justice in the Ho tribe means making decisions in the social interest to maintain social harmony and order. There is also a provision to punish those who violate social rules to reform them. In the concept of justice, social interest is given more importance than individual interest. Therefore, justice is also based on social interest. The culprit is also allowed to correct his mistake. There is no court system for the justice system in the Ho tribe. In the Ho tribe, justice is done by the Gram Panchayat. The following are the basis of justice in the tribe:

Damage:- Causing physical, mental or economic damage to someone in the Ho tribe is a condition for justice. Social damage is also included in justice. In such a situation, justice is done by the Gram Panchayat.

Compensation:- Compensation plays an important role in the justice system of the Ho tribe. When a person is harmed physically or financially, the culprit is compensated in the form of money, animals, grains etc. The form and amount of compensation is decided by the village panchayat.

Forgiveness:- Forgiveness also has a special importance in the justice system of the Ho tribe. Petty crimes are ignored. Even in the village panchayat, if the crime of the culprit is pardonable, he is pardoned. Sometimes the culprit is also asked whether he agrees with this decision or not. Many times the culprit is asked what punishment should be given to him for the crime he has committed. Thus, the justice system of the Ho tribe is flexible in that the opinion of the plaintiff, the defendant and the culprit is also taken into account and he is given a chance to reform by pardoning him.



Witness and Evidence:- Witness or evidence has special importance in the justice system of the Ho tribe. Witness or evidence is sought to prove a crime and on this basis, the accused is proved guilty.

Conduct:- Conduct also has special importance in the justice system of the Ho tribe. The people of the village are familiar with each other's conduct and behavior. Based on conduct also it is decided whether the accused is guilty or not in the related crime.

Proceedings of the Gram Panchayat:- The proceedings of the Gram Panchayat have special importance in the judicial system of the Ho tribe. The judicial decision is taken in the Panchayat after discussion in front of the entire village residents.

Structure of the 'Munda-Manki' governance system

The traditional tribal governance system of Ho tribe is called *Munda-Manki* system. Under Wilkinson Rule 1837, *Munda* and *Manki* were given the powers of police, revenue and justice.

Figure 1: Levels of *Munda-Manki* system

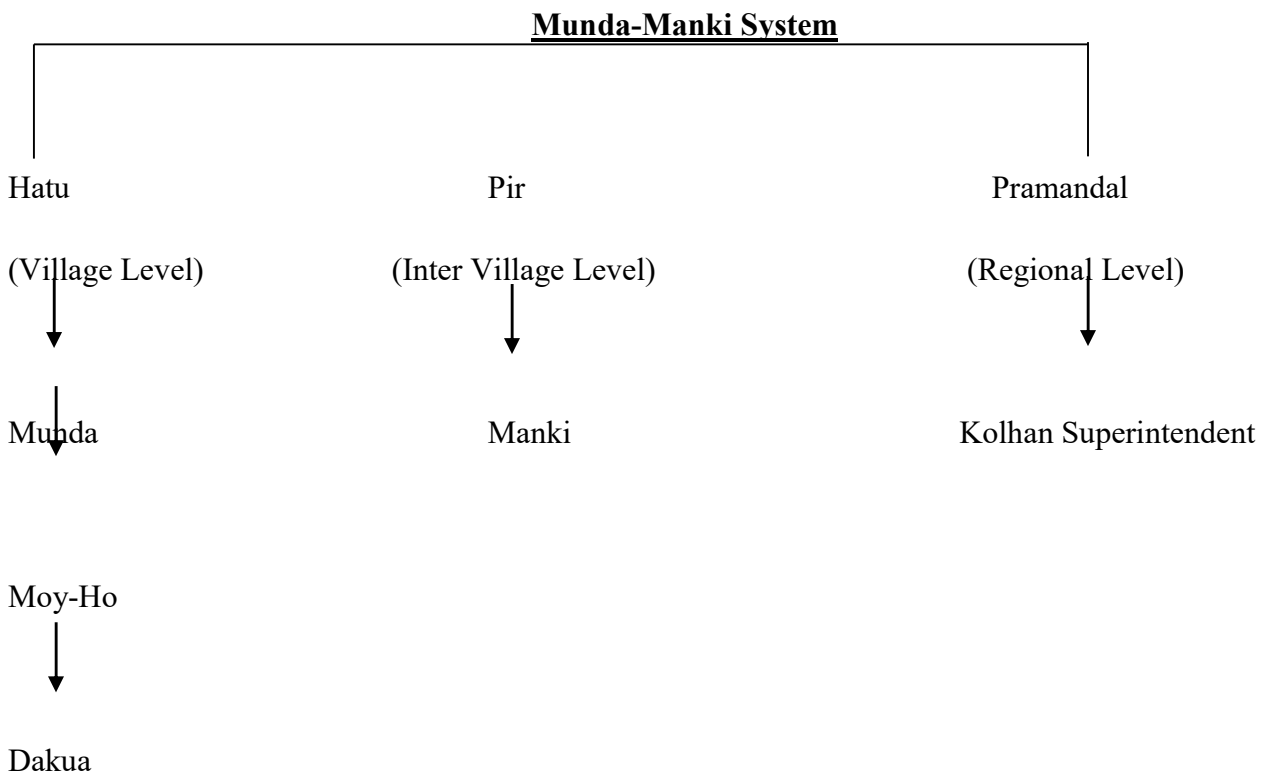


Table1: Structure of *Munda-Manki* system(in descending order)

S.L.	Post	Level
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1	Kolhan Superintenden	Regional Level (Pramandal)
2	Manki	Inter Village Level (Pir)
3	Munda	Village Level (Hatu)
4	Moy-Ho	Village Level (Hatu)
5	Dakua	Village Level (Hatu)

- **Kolhan superintendent**

Role:- The post of Kolhan Superintendent is the highest in the *Munda-Manki* system. Traditionally, this post did not exist in the traditional political system of the Ho tribe. During British rule, the post of Kolhan Superintendent was created in the Kolhan region under Wilkinson Rule 1837. The post of Kolhan Superintendent is special in the Kolhan region. *Munda* and *Manki* are answerable to the Kolhan Superintendent in the Kolhan division.

Nature of the post:- The post of Kolhan Superintendent is a government and formal post. Earlier, the British government used to appoint to this post. At present, the state government appoints to this post.

Qualification:- To adorn the post of Kolhan Superintendent, a person must pass the State Administrative Service or Indian Administrative Service examination. The state government makes the appointment to the post of Kolhan Superintendent.

Functions:- *Munda* and *Manki* of the Kolhan division are answerable to the Kolhan Superintendent. Kolhan Superintendent gives directions to *Munda* and *Manki* to maintain the administration and also monitors them.

Salary and Allowance:- The salary and allowance of the Kolhan Superintendent is given by the State Government.

- ***Manki***

Role:- A '*Pir*' is formed by combining several villages ('*Hatu*'). There are 20 to 25 villages in a *Pir*. *Manki* is the head of the *Pir*.

Nature of the post:- The post of *Manki* is formal. This post is hereditary. This post is passed on from generation to generation to the son or daughter of the descendant of *Manki*. The post of *Manki* can be held by a person of any caste. That is, only a member of the Ho tribe doesn't need to hold the post of



Manki. Similarly, any man or woman can be a *Manki*, provided that he or she is a descendant of *Manki*, that is, a daughter or a son. Since the Ho tribe is patriarchal, these posts are generally transferred from father to son. In special circumstances, these posts can also be transferred from father to daughter.

Qualification:- To become a *Manki* of a *Pir*, a person must be a descendant of the *Manki*, i.e. a son or daughter of the *Manki*. In case the *Manki* is childless, a capable person from the lineage of the *Manki* is chosen as the *Manki*. In case the *Manki* is a minor, an assistant of the *Manki* is chosen who helps the *Manki*. No other qualification is required to obtain the post of *Manki*.

Functions:- *Manki* makes the final decision on issues at the Peed level. *Manki* presides over the Panchayat called to resolve disputes arising between villages under the Peed.

Salary and Allowance:- *Manki* is the head of a Peed. There are many villages under him. *Mankis* were usually rich, so traditionally *Manki* did not receive any kind of salary or allowance. Currently, the state government provides a monthly salary of Rs 1500/- to *Manki* since 2011, which has been increased to Rs 3000/- per month in 2018.

- ***Munda***

Role:- The place of *Munda* is important in the traditional political system of the Ho tribe. *Munda* is traditionally the head of the village.

Nature of the post:- The post of *Munda* is formal. Like *Manki*, this post is also hereditary. The terms and conditions related to the post of *Munda* are the same as that of *Manki*.

Qualification:- To become the *Munda* of a 'Hatu' or Village, a person must be a descendant of that *Munda*. The rules and conditions related to the qualification are the same as that of *Manki*.

The main functions of the *Munda*:- *Munda* is traditionally the head of the village. The final decision in the Gram Panchayat is taken by the *Munda*. *Munda* can call a Panchayat and preside over the Panchayat. He listens to the decisions taken unanimously in the Gram Panchayat. To resolve disputes in the Gram Panchayat, the *Munda* also gives consent to the election of 'Moy-Ho' who advises the *Munda* to make decisions.

Other works of the *Munda*:- Collecting land revenue from the village and depositing it in the block, verifying applications for certificates such as scholarships, birth and death certificates, caste certificates,



income certificates, residential certificates, etc., settling non-cultivated land of the village and providing land to needy persons, making rules with the help of the Gram Panchayat for social welfare.

Salary and Allowance:- Generally, the descendants of the people who settled the village are the *Mundas*. They were rich in terms of land and money, so traditionally they did not take any kind of salary or allowance. Currently, the state government provides a monthly salary of Rs 1000/- to *Munda* since 2011, which has been increased to Rs 2000/- per month in 2018.

- ***Moy-Ho***

Role:- '*Moy-Ho*', '*Moy*' means five, '*Ho*' means man. That is, the literal meaning of '*Moy-Ho*' is five men. '*Moy-Ho*' is a committee of five people that is temporarily formed during the Gram Panchayat and advises the *Munda* to make decisions. This post is below the *Munda* in the Gram Panchayat.

Nature of the post:- *Moy-Ho* is a temporary committee. After every Gram Panchayat, this committee automatically gets dissolved.

Qualification:- There is no need for any special qualification to become a member of *Moy-Ho*. Learned and enlightened people are selected for *Moy-Ho* from the village panchayat itself who can advise the *Munda* impartially.

Functions:- The function of the *Moy-Ho* is to advise the *Munda* during the Gram Panchayat so that the *Munda* can reach the final decision. The decision which is supported by three members of *Moy-Ho* is considered the decision of the Panchayat and the *Munda* announces it in the Gram Panchayat. This committee is generally formed to resolve disputes.

Salary and Allowance:- *Moy-Ho* does not receive any salary or allowance.

- ***Dakua***

Role:- The post of *Dakua* is important in the *Munda-Manki* system of governance. There is only one *Dakua* in a *Hatu* or village. In this system of governance, the role of *Dakua* is that of a messenger.

Nature of the post:- The post of *Dakua* is hereditary. Members of any caste can hold the post of *Dakua*.

Qualification:- For the post of *Dakua*, no special qualification is required other than being a descendant of *Dakua*.



Functions:- *Dakua* works as a messenger. *Dakua* carries out the work of delivering any kind of message in the village. In case of any problem or dispute, the *Munda* asks *Dakua* to inform the Panchayat. *Dakua* roams around the village and informs the Panchayat. *Dakua* also conveys information related to festivals to the people of the village.

Salary and Allowance:- Traditionally, *Dakua* was given rice from every house in the village during the festivals. *Dakua* used to roam around the village and collect rice. After harvesting, two 'Pankira' (tied paddy) are given to *Dakua* from each house. Currently, the state government provides a monthly salary of Rs 500/- to *Dakua* since 2011, which has been increased to Rs 1000/- per month in 2018.

Electoral or selection system of the Munda-Manki governance system

The following is the electoral system of the *Munda-Manki* system of the Ho tribe:

Basis of election(selection) :- In the *Munda-Manki* system of the Ho tribe, the basis of election or selection is hereditary. The post of *Manki*, *Munda* and *Dakua* is hereditary.

Qualification:- In the election(selection) system of this traditional governance system of the Ho tribe, no special qualification is required to obtain a post. The position is handed over to the descendant of the person holding the post, i.e., his son or daughter.

Process of election(selection) :- In the traditional governance system of the Ho tribe, when a post becomes vacant, then through the Gram Panchayat, only the descendant of the person related to the post is appointed to that post. The formal announcement of handing over the post is made in the village panchayat itself. After that, a celebration is organized in the house of the person assuming the post.

Resignation and dismissal:- In the *Munda-Manki* system, when a person holding a post dies, the post is given to his descendant. In case of helplessness or due to personal reasons, a person can voluntarily resign from his post in the Gram Panchayat. If a person is found guilty of corruption or any serious charge while in post, he is removed from his post by the Gram Panchayat.

Judicial process of the Munda-Manki governance system

Determination of crime:- In the Ho tribe, crime is determined based on religion, custom and tradition, social acceptance, customs, prohibition and established beliefs. Conduct against these is classified as a crime. A person or group of people who act against these are declared criminals.



Notice of a crime or dispute:- Information about a crime or dispute is first given to *Munda*. This information can be given to *Munda* by the victim, plaintiff or any other person who considers someone a criminal. *Munda* tells *Dakua* about the crime or dispute and instructs him to inform the Panchayat by fixing the date and time.

Information about Panchayat:- After getting instructions from the *Munda*, the *Dakua* goes around the whole village and informs people about the day and time of the Panchayat.

Proceedings of the Gram Panchayat:-

On the decided day and time, the Panchayat is organized at the Gram Panchayat venue and the proceedings are started.

The formation of the '*Moy-Ho*':- When the proceedings of the Gram Panchayat begin, a five-member temporary committee is formed to advise the *Munda* in the decision or verdict, which is called '*Moy-Ho*'.

Framing of charges:- Charges are framed against the accused in the Gram Panchayat.

Witness or witnesses:- To prove the guilt of the accused, a witness is presented from the victim or plaintiff's side. The accused also has to present a witness to prove himself innocent.

Decision:- Based on the statement of the witness or witnesses, the '*Moy-Ho*' discuss among themselves. After the discussion, they advise the *Munda* to reach a final decision. The final decision in the Gram Panchayat is announced by the *Munda*.

Appeal against the decision:- If the accused has any objection to the decision of the Gram Panchayat, he can object to the Gram Panchayat itself at the same time.

Enforce the decision:- After the decision is made, it is implemented. If the accused does not accept the decision, he is threatened with a village boycott or social boycott.

Punishment:- In the Gram Panchayat, the guilty person is punished with a fine, compensation, village boycott or social boycott. In special circumstances, physical pain is also given as punishment.

Penal code of the *Munda-Manki* governance system

The penal code of the *Munda-Manki* system of governance is oral and unwritten. The jurisdiction and nature of punishment by the Gram Panchayat depends on whether the crime is normal or serious. For normal crimes, punishment is given in the Gram Panchayat itself based on custom and tradition. The



decision on serious crimes is not taken in the Gram Panchayat and in such a situation, this responsibility is handed over to the police administration. Following is the list of common and serious crimes.

Common crimes

- (a) Assault
- (b) Theft
- (c) Robbery
- (d) Abuse
- (e) Threat
- (f) Religious conversion
- (g) Molestation
- (h) Immoral sexual relations
- (i) Marriage within the same '*Kili*' (Totem)
- (j) Inter-caste marriage
- (k) Damage to agriculture or livestock
- (l) Damage to property
- (m) Violation of religious and social rules.

Serious crimes

- (a) Attempted murder
- (a) Murder
- (b) Rape

Punishment for common crimes:-

In the traditional governance system of the Ho tribe, there is a provision for giving the following punishments for common crimes:

Physical torture:- Physical torture is the punishment given for crimes like assault, theft, robbery and molestation. In the Panchayat, physical torture is given by beating with a stick. In the present changing environment, the practice of giving physical torture is decreasing.

Compensation:- In case of any damage to agriculture or someone's property, a sentence is given to compensate.



Fine:- In case of abuse and threat, the culprit is sentenced to pay the fine by the Panchayat.

Social boycott:- The guilty person is socially boycotted for violating religious and social rules. No relation of any kind is maintained with him. Social boycott is also done for crimes like marriage in the same 'Kili', immoral sexual relations etc.

Village boycott:- A person found guilty of converting his religion or not following the orders of the village panchayat is sentenced to village boycott.

Feast:- If a person is caught having inter-caste marriage or pre-marital sex, the culprit is punished by making him feed a feast for the entire village.

Problems and challenges arising from Jharkhand Panchayati Raj system

The three-tier Panchayati Raj system has created the following problems and challenges in the *Munda-Manki* system:-

Attack on traditional governance system:- In the study area, traditionally the Ho tribe is being governed by the *Munda-Manki* system. Based on the Jharkhand Panchayati Raj Act 2001, the implementation of the three-tier panchayat system here has affected the *Munda-Manki* system. It is worth noting that the *Munda-Manki* system is linked to the culture and identity of the Ho tribe. In this way, the culture of the Ho tribe has also been directly attacked in the form of a blow to the *Munda-Manki* system through the three-tier panchayat elections.

Curtailement of rights of *Munda*:- In the study area, the *Munda-Manki* system is followed as a traditional governance system. In this system, since traditionally the *Munda* is a village head, all the traditional village-level Gram Panchayats were headed by him.

Financial powers were also given to the *Munda* through the Wilkinson rule. As village head, *Munda* also had an important role in the development of the village, in which the important things to do were to monitor the expenditure and to preside over the Gram Panchayat for consultation before land acquisition. After the three-tier Panchayat elections, the rights of development work, monitoring of expenses, presiding over the Gram Panchayat for land acquisition etc. were given to the elected village-level representatives of the Panchayat.



Also, *Munda* had the right to verify birth and death certificates, caste certificates, income certificates, local residential certificates and other types of certificates. At the same time, *Mukhiya* and *Panchayat Samiti* members have also started doing the work of verification of applications for certificates. *Munda* still does the verification, but at the same time, this right has also been transferred to the elected *Mukhiya* and *Panchayat Samiti* members of the Panchayat.

Increase in corruption:- The post is hereditary in the *Munda-Manki* system. Also, the person occupies the related post for life. Due to such a system, one does not have to participate in elections for the post in the *Munda-Manki* system. At present, one has to contest elections to get a post through three-tier panchayat elections and also has to spend money in the elections. Also, their tenure is five years. Therefore, during these five years, bribery and commission are done to earn money while being in the post. This has increased corruption.

People are confused:- In the *Munda-Manki* system, the role of the *Munda* is important. For any problem or other government work, people would first go to *Munda*. At present, after the Panchayat elections, many rights have been given to the elected *Mukhiya*. Due to this, people are always confused about whether this work will be done by the *Mukhiya* or the *Munda*. People have to go to *Munda* and *Mukhiya*.

Dissension in the village:- At the time of three-tier panchayat elections, politics and factionalism start in the panchayat, village and hamlets regarding elections and posts and due to the feeling of competition, mutual dissension increases. Instead of harmony and love, a situation of envy and jealousy arises in the village and this internal dissension continues for a long time even after the elections are over.

The feeling of resentment among the people:- The *Munda-Manki* system has been traditionally prevalent in the study area. It has been a part of their culture. The cultural sensibility of the Ho tribe is linked to the *Munda-Manki* system. According to the local people, despite Jharkhand being a scheduled area by the *Panchayati Raj* system, three-tier panchayat elections were imposed here. This has created a feeling of resentment and rebellion among the people. The people here do not consider panchayat elections to be good and do not give as much respect to the elected representatives as *Munda-Manki* used to get.

Conclusion:

As a traditional tribal governance system in the Ho tribe, the *Munda-Manki* system ensures self-governance. There are three levels in this system in which the village or *Hatu* level acts as a unit. In village-level governance, the role of *Munda* as the village head is special, he ensures local self-governance through other partners of the village-level system. The procedure, structures and roles of this



governance system are clear, which maintains social control based on the religion, traditions and ideals of the Ho tribe. Due to its clarity and flexibility, this system has been traditionally in place for a long time, but at present, problems and challenges have also arisen for it with the implementation of the Jharkhand Panchayati Raj system.

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