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Q3(b)

Examine the contributions of S. C. Roy in highlighting the role of customary laws in tribal life

UPSC Civil Services Mains 2021 · Anthropology GS 2 · 15 marks · Evolution of the Indian Culture and Civilization

1.1 Evolution of the Indian Culture and Civilization-Prehistoric (Palaeolithic, Mesolithic, Neolithic and Neolithic-Chalcolithic), Protohistoric (Indus Civilization). Pre-Harappan, Harappan and post-Harappan cultures. Contributions of the tribal cultures to Indian civilization.

Core demand of the question

- Discuss **S. C. Roy's** views on customary laws in tribal life
- Keep the answer to a 15-mark length of about 200 words

Revision summary

Roy treated tribal custom as real law, not as leftover culture.

Mundas and Oraons used clan and village councils as courts.

Land custom blocked free sale to outsiders.

Colonial title created a dual legal world.

His file feeds later Schedule and PESA claims of self-rule.

Introduction

S. C. Roy treated customary law as the living constitution of tribal society, especially among Mundas and Oraons of Chotanagpur. It was kinship, land, and council, not a footnote to the Indian Penal Code.

Body

Custom as law

- Roy's monographs on the **Mundas** and **Oraons** recorded clan, village, and **parha** or panchayat as courts of first instance.
- Land was a community and lineage trust. Custom barred free alienation to outsiders, which colonial landlords and later courts often overran.
- Offence was against clan purity, grove, and village peace. Sanction was fine, feast, outcasting, and sometimes ordeal, not only jail.

Political reading

- **He showed that British courts and zamindari titles created a dual system:** custom for insiders, deed law for the dispossessor.
- **Munda** uli-hatu and **Oraon** village offices were government, not folklore. Later **Wilkinson's Rules** and Chotanagpur tenancy echoes sit on that file.

- Roy wrote as a lawyer-ethnographer. Customary law was evidence for tribal self-rule, a seed of later **Fifth Schedule** and **PESA** arguments.

Limit

- He worked a century ago. Mission, mining, and statutory panchayats have layered new forums on the old council.
- Custom was not always gentle to women and juniors. Recording it is not the same as freezing it.

Flow diagram

Colonial court zamindari. Village parha council. Roy -> Munda Oraon custom
Munda Oraon custom -> Lineage land
Munda Oraon custom -> Village parha council
Colonial court zamindari -> Dual law

Conclusion

Roy made customary law the core of **Munda** and **Oraon** political society. Land, clan, and council were the code. State courts were the disruption, not the original law.

Facts & figures

S. C. Roy

Ranchi lawyer-anthropologist of Mundas and Oraons who recorded customary law as a system.

Munda

Chotanagpur people whose village-kin land rules Roy treated as a constitution.

Oraon

Companion monograph people with parha organisation and village offices.

Parha

Inter-village council that heard disputes beyond a single hamlet.

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