



ASECA CHANNEL

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Editorial

The belief of a secret malevolent force creating havoc in one's life is still continuing in Indian psyche and tribals are not the exception. Poor health, health related problems or not being cured soon are the causes of becoming superstitious. Sometimes it breeds animosity to such a level that people are not able to see reasons on various critical issues. The extent of challenge and anger rise to an alarming high forcing the affected parties to take extreme steps as a measure to stop recurrence of the event. The reports of witch hunting normally female, killing of persons out of suspicion of being the trouble creator are a regular feature in the eastern part of India. This engages a person to try to understand how and why people become so furious to take extreme steps.

The root causes being cited are ignorance and illiteracy among the people who believe in black magic and or existence of some malevolent force. The extreme steps like beheading the female witches are taking place in regular interval. In a Conference, a question "If witches are believed to be existing why it is understood only female witches and not the male witches?" was asked to the Delegates. There was an overwhelming response that existence of male witches cannot be ruled out. Then came the question if it is so then why we do not come across an instance of male witches being either beheaded, beaten or berated. It was felt that the issues and logic should be discussed in the conferences for general understanding to change the perception about certain things/aspects. Conferences/meetings are the necessary tools in disseminating awareness and at the same time can contribute at least in preventing the gory events to take place.

People suffering from some ailments and are not being cured and illness prolongs for a considerable period of time make them vulnerable to believe in superstitions. Quite often the frustration

level in a person forces him to believe in operation of some evil forces for which the cure becomes difficult or impossible. This feeling is not confined to the illiterate or poor people alone and also can be observed in vast section of literate people with low income level.

Poverty is rendering these people helpless as they cannot afford the cost of modern medical facilities. It becomes prohibitive for them. Even for water borne and communicable diseases causing gastro intestinal disorders particularly dysentery, they are not able to afford the cost of medicine and or hospitalization. Malaria and tuberculosis are common in tribal areas. Malnutrition, genetic disorders, health problems due to excessive consumption of alcohol particularly commercially available liquor, absence of safe drinking water and sanitary conditions, poor maternal and child health services are the major contributing factors for health related problems. The fruits of advancement in the field of preventive and curative medicine still elude them. The health care delivery services are still poor which is contributing the people's belief in some unseen forces.

Superstitions, bad omen are cited as the root causes of misunderstandings. The health related issues take the predominant position in shaping the opinion about the existence of evil forces and its practitioner(s). It is not uncommon to notice that people are being divided based on such perception and there is tremendous amount of rivalry and hatred among the people. When virtues of non violence, cooperation and good will are espoused to be the golden virtues for peaceful co-existence, the contrary are in practice in the majority tribal communities. But considering the level of modern or even traditional health care facilities at the disposal of any tribal individual, it's natural for a suffering person to think wildly and unwieldy.

Scheduled Communities: A social Development profile of SC/STs (Bihar, Jharkhand & W.B)

(Source: Planning Commission)

{Continued from October 2009 issue}

Scheduled Tribes

Jharkhand

Coming to the tribal population of Jharkhand we have in our sample 1302 males, 1319 females, constituting a total population of 2621 of the age 6 years and above.

The overall literacy rate for all the tribal households in Jharkhand is 55.2 percent with a GDI of 0.707.

Table 6.4: - Effective literacy among the Scheduled Tribes in Jharkhand (Percent) (Not reproduced)

For the Oraon and the Munda, who are urban based, the literacy figures are as high as 92.6 and 85.5 percent respectively. Correspondingly, they have very low gender disparity (0.926 and 0.858).

- Considering that the Lohara are predominantly in Ranchi, they have a comparatively lower literacy rate of 55.9 percent, coming close to the rural based Santhal (56.6 percent). But their gender disparity is almost at par with the Munda (0.826). However, the Santhal (0.738) have the least gender disparity among the rural-based Ho and Mahali.
- The Ho with the lowest literacy of 38.2 percent have the highest gender disparity (0.476). The Mahali comes next with a literacy of 44.2 percent and somewhat lesser disparity than the Ho (0.548).
- The urban factor stands out in Jharkhand.

West Bengal

In West Bengal, 1331 males, 1263 females constitute the total tribal sample population of 2594. In West Bengal, the Scheduled Tribes have an overall literacy of 56.8 percent which compares favourably with that of Scheduled Castes in the State. However, gender disparity is lower among the Scheduled Castes.

Table 6.5: - Effective literacy among Scheduled Tribes in West Bengal (Percent) (Not reproduced)

- The Bhumij tops the list with a literacy of 77.3 percent and a low gender disparity (0.813).
- The Munda (64.4), Oraon (62.9%), and Mahali (60.4%) all have high literacy rates with correspondingly very low to lower levels of gender disparities (0.910, 0.728, 0.664 respectively).
- The Santhal is the only tribe in the middle range with a literacy rate of 51.5 percent and gender disparity of 0.625.
- The situation of the Lodha is at the bottom with a low literacy of 35.5 percent and a gender disparity of 0.613.

It may be noted that although the effective literacy of SCs and STs is more or less at par, when it comes to gender disparity there is greater internal differentiation among the castes as compared to the tribes.

- The variations in gender disparity ranges from 0.378 to 0.924 for the SCs, whereas for the STs this ranges from 0.613 to 0.910.

Educational Attainments

While examining the levels of education, our attention is confined to the literate population. Literacy rate by itself does not provide sufficient indication of the process of formation of an educated elite. It is through an analysis of attainments at different levels of education that assessment can be made about the potential of a Scheduled Caste or Tribe to generate an elite.

Scheduled Castes

Bihar

In Bihar, amongst the Scheduled Castes, those who have not completed primary education or have completed it, account for 27.3 percent of the population 6 years and above. Of these, 33.5 percent are male and 20.1 percent are female. The gender disparity score at this level is 0.602.

{To be continued...}

ISSUE OF ADOPTION, SUCCESSION AND INHERITANCE IN SANTAL SOCIETY

Source: Jharkhand High Court

{Santal Society is continue to be managed and governed by the laws, rules, customs, precedents which are unwritten nor properly documented. Due to absence of properly documentation of accepted laws, traditional / customary judgement on similar cases differs from place to place. Here is a judgement from Jharkhand High Court on adoption, succession and inheritance which is of immense interest to the members of the Santal Society in particular. The same is being reproduced for the common knowledge and benefit of all.}

{Continued from October 2009 issue}

12. In an article “*Contextual Need for Change in Santhal Customary Law of Inheritance*”, the author of the article, Mr. Ramesh Chandra has gone in detail and said: -

“As mentioned earlier, the Santhal customary law provides for movement of landed property in the male line. Other immovable property also gets restricted at that level. As per local understanding, there is no codified law in this respect for Santhali women. However, according to Gantzer’s Settlement Report (1935) a clear picture of customary law is visible. A few of expressions derived from Santhali oral traditions to give some understanding about the position of women in Santhali society are “Jinis Knako” meaning ‘they are things’ indicating women as object and their position not more than any other object owned by Santhali men and she is taken as an appendage along with other commodities. “Sashhamrao Hivali” meaning ‘wife is the property of her husband’.

The Santhals are patriarchal and patrilineal people. The inheritance of property moves in male line; in exceptional cases it can also go in hands of females, but only temporarily. In case of inheritance of landed property the Santhali customary law does not provide safeguarding the interest of landed property. However, some westernized interpretation of Santhal Customary Law is available from Gantzer’s

Settlement Report which portrays the customary law favouring Santhal women.

According to Santhal tribal law only males can inherit land, some jointly succeed their father. If brothers are co-sharer in a holding and one brother dies without issue, the surviving brothers and the sons of predeceased brothers inherit his share. The Hindu or Muhammadan laws of succession do not apply to Santhals. Santhal tribal law is quite definite in not allowing females to inherit. But this law is gradually undergoing a change.

As regards widows, the entries have tendered to be even less uniform. There have been not a few cases in which no objection has been raised to the recording of the widow in her own right, and in such cases, she has been described as wife of so and so. As in the case of Hindu widow, this entry is intended to indicate that she has inherited the property from her late husband and that when she dies it will revert to those male relations who would ordinarily have inherited it at once under Santhal Law. In other cases, the widow, like the daughter, has been recorded only in the remarks column as a Khorposhdar for certain plots sufficient to maintain her until her death.

For the sake of interpretation of ongoing practice of customary law it may clearly be said

that in relation to their landed property the situation is that where a Santhal woman has been recorded as wife of so and so, she holds a widow's right as if she were a Hindu widow or she may be taken to have full rights of inheritance somewhat in the manner of a woman inheriting Stridhan property under the Hindu Law. The question of succession in such cases still remains in doubt as they system is new, but there seems little doubt that the property should revert to her nearest male relatives.

No transfer by a Raiyat of his right in his holding or any portion thereof, by sale, gift, mortgage, will, lease or any other contract or agreement, expressed or implied, shall be valid unless the right to transfer has been recorded in the record of rights, and then only to the extent to which such right is so recorded."

13. In the final report on the 'Revision Survey and Settlement Operations in the district of Sonthal Parganas, 1922-35', J.F. Gantzer said:

"45. Females, - Entry of Women's names in the records, The relevant portion of Khanapuri Rule no. 46 reads as follows:-

"If a female is the cultivator of a field her name should be accompanied by that of her father if she inherited the property from him, or by that

of her husband if she inherited from him. It may be assumed, therefore, that the revision settlement records have been prepared in accordance with the prescribed rule, but in the absence of any definite finding on the point at issue embodied in a dispute list or other order passed by an Assistant Settlement Officer, the value to be attached to the entry of a father's name or a husband's name, as the case may be, is open to challenge when the exact nature of the woman's title is under consideration in a subsequent suit. The position may be summed up in Mr. Dain's observation in his judgment dated 9th April 1934 in Commissioner's Santal Parganas Settlement Appeal no. 128 of 1933-34 :-

"When a woman holds land, it has not been the practice in the Santal Parganas to make any entry indicating the exact, nature of the right by which she holds it and any observations made on the subject at this stage would not bind a court before which the issue may be directly raised at some future time."

46. Santal Tribal Law of Inheritance.- According to Santal tribal law only males can inherit land. Sons jointly succeed their father. If brothers are co-sharers in a holding and one brother dies without issue, the surviving brothers and the sons of predeceased brothers inherit his share per stripes.

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