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Editorial

The theme of the discussion was issues concerning Santals; individually and/or collectively. A group of friends was engaged in exchanging their thoughts. The issues covered were myriad, starting from religion and culture, rituals and festivals, language and literature, social system and institution, isolation and protectionism, process of integration and disintegration, trade and commerce, education and employment, political system and opportunity, political system and weakness, marginal existence, corruption and deprivation, overall identity and initiative for identity promotion, unity and belongingness, participation and co-operation for social cause, motivation and group activity, cultural emancipation, political awareness, preservation of cultural heritage and conservation of religious places to enculturation and socialization. Though discourse on political issues immediately attracts a mind, the topic on political issues was avoided and concentrated on social institution, cultural elements, participation and co-operation of people in continuing and protecting the cultural institutions and elements. Though conclusion was not arrived at on any issues nor roadmaps drawn, following are the gist of their sincere deliberation.

One of the issues which was paramount in the discussion was that whether people are sensitive and caring in preserving their institutions. A parallel comparison was drawn citing the events, festivals being organized by the concerned people in other societies. The requirement to organize socio-cultural events and the zeal and enthusiasm of the people to propagate their own identity and position in the contemporary society also were mentioned. The determination to highlight the cultural elements and relentless effort to inculcate the value system among the next generation are the driving forces in arranging and organizing such events. Though organizers are not many in numbers but the participation level is commendable and as such people share the feeling of oneness and belongingness through such events/occasions. There are news/information on festivals at various places in India through television

and media and the reach of technology has enabled to have a glimpse of festivals, their size and organization scale. It can be observed that day by day people are becoming more participative and particular in terms of size, scale and grandeur. There is a silent competition among the organizers to outsmart each other and in the process, result becomes excellent and outstanding. People at the organizational level try their best to display their immaculate precision product through thorough planning and excellent execution. The melas, pujas, festivals and various other events are organized across the county with some events having the privilege of being telecast worldwide live. Under this circumstance, what are the levels of preparation and for that matter state of institutions and places concerning Santals. Narrowing down the geographical areas where Santals are the majority or in sizable numbers, what these people are doing? Almost every places in the States of Jharkhand, Orissa and West Bengal where Santal population are sizable, various festivals, pujas are being organized and celebrated in a large scale whereas the festivals of majority population remain ignored and unnoticed. This is the irony with which people are living. The same state of affairs can be extended to other areas also and we are not used to tell or remember a festival of tribals on a pan Indian context.

The discussion highlighted the involvement of the people in other societies who make the events, festivals more meaningful and memorable. Their individual as well as collective approach and contribution have been a source to streamline the energy in society making and in imparting the cultural values. The same enthusiasm and involvement is missing in Santal community or for that matter in majority of tribal communities. As a result, gradually people tend to term their tradition as little or local tradition whereas others continue to raise the status of their tradition as great or mainstream tradition. The missing thing is the desired patronage which is lacking but can be generated only through a social drive and intervention.

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

(Source: Planning Commission)

{Continued from September 2009 issue}

Effective Literacy Scheduled Castes

Bihar

In our survey, we have defined effective literacy as referring to the population 6 years and above. In *Bihar*, this population in our sample is 2173, of which 1179 are males and 994 are females.

The overall literacy rate of all the sample households of Scheduled Castes is 42.2 percent with male literacy at 55.8 percent, female at 25.9 percent and a GDI

Table 6.1: Effective literacy among Scheduled Castes in Bihar (Percent) (Not reproduced)

GDI refers to Gender Disparity Index.

- The literacy rate among the Dhobi is highest at 84.5 percent, with the least gender disparity (GDI 0.771).
- Among the Musahar it is the lowest at 20.2 percent (GDI 0.389).
- The Dusadh with a literacy rate of 52.9 and a GDI of 0.541 come next to the Dhobi.
 - The of Chamar follow with 40.4 literacy and a GDI 0.433.
- Although the literacy level of Chaupal (33.2%) is better than the Musahar its GDI is the lowest (0.273).
- It is interesting to find that among the Dhobi and the Dusadh with very high to high levels of male literacy (92.2% and 66.5% respectively), the gender disparity is also comparatively less.

Jharkhand

In the Scheduled Caste sample population of Jharkhand, we have 152 males and 151 females constituting a total of 303 persons who are in the age group of six years and above.

The overall literacy rate of all the sample households of Scheduled Castes in Jharkhand is 62.4 percent with far better GDI (0.736) than Bihar.

Table 6.2: Effective literacy among Scheduled Castes in Jharkhand. (Percent) (Not reproduced)

Literacy among the urban based Chamar is very high at 80.5 percent, followed by Dom (58.8%). The gender disparity among the Chamar (0.767) is less than that of the Dom (0.706).

- The urban industrial impact is clearly in evidence.

West Bengal

In the case of Scheduled Caste sample population of West Bengal we have 1063 males, 970 females constituting a total of 2033 who are in the age group of six years and above.

The overall effective literacy rate of our sample households of Scheduled Castes in West Bengal is 57.4 percent which is substantially higher than in Bihar (42.1 percent). However, it is lower than the urban-based Scheduled Castes in Jharkhand. The gender disparity is considerably lower (0.740) than in Bihar and equals that of the urban Jharkhand.

Table 6.3: - Effective literacy among Scheduled Castes in West Bengal (Percent) (Not reproduced)

The Dhobi scores the highest with a literacy rate of 86.5 percent and has the least in gender disparity (GDI 0.924).

- The Bhuiyan, Patni, Sarki and Kami all have literacy rates above 70 percent. Among them the gender disparity is also low with GDI 0.788, 0.702, 0.806 and 0.782 respectively.
- The Chamar (54.0%), Bagdi (52.3%), Dom (57.1%) and Mal (49.2%) are in the middle range of literacy. Among them gender disparity is least among the Chamar (0.870), followed by Mal (0.717), Bagdi (0.627) and Dom (0.500).
- The Bauri have a relatively low literacy rate of 42.1 percent with high gender disparity (0.414).
- The condition of Konai is the worst with literacy rate of only 16.7 percent with the highest gender disparity (0.378).
- What stands out in West Bengal is the high levels of literacy among scheduled castes with low gender disparity. The only real exception is the Konai. This is a reflection of the state policy aggressively engaged in strengthening the primary base of education in West Bengal. {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 September 2009 issue}

7. Mr. Rajiv Sharma, learned counsel appearing for the appellants, assailed the impugned judgment and decree mainly on the ground that the courts below have wrongly shifted the onus upon the plaintiffs to prove by evidence that the widow had not adopted the child. Learned counsel submitted that a Santhal widow has no legal right under the custom to adopt a son.

8. Before deciding the substantial question of law, I would like to discuss the customary law of Santhal and the right of female under their customary law with regard to adoption, although the finding has been conclusively recorded by two courts. It is worth to mention here that the counsel for the appellants has confined his argument on the question of law formulated at the time of admission of the appeal.

9. The Santhals are justly described as the largest, most integrated and possibly the most resilient tribe in eastern India. They made the Santhal Parganas their home early in the colonial period and spilled over the Gangas into Purnea. They have played a crucial role as a reclaimers of land and excellent at the transplantation of paddy.

10. W.G. Archer, a renowned officer during British period, spent most of his administrative career in Bihar. He stayed many years in Santhal Parganas as Deputy Commissioner and as a Special Officer of judicial department to record the Santhal laws. He also became Joint Editor with Verrier Elwin of *Men in India* founded by S.C. Roy. Archer had close link with scholars and administrator who were active in the area of tribal studies. He has spent many years to know the customs and other history of Santhals. In the introductory chapter of adoption among the Santhal Communities, the author, W.G. Archer, in his book *Tribal Laws and Justice*, said:

"IN HIS paper on Santal rules of succession, Campbell says:

'Adoption is not practised by the Santals' and Boddling while dissenting remarks, 'I have heard of one or two instances'. Sir Robert Russell, on the other hand, made enquiries in 1924 from 'an assembly of parganaits in the Dumka Damin, the parganaite of Amrapara, the Sardars of Sikaripara, Rajbandh, Banspahari, Masanjor and a number of others' and found that such a custom existed from very early times. At the present day there is no uncertainty for the practice is not only a Santal custom but is a common expedient in Santal life.

The most usual situation which results in adoption is when a Santal has no son. 'It is for love and joy that we want sons' said Salku Soren, deshmanjhi of Durgapur. But beyond this delight in male children is the knowledge that a son is the main support in old age.

A Santal ploughs so long as his health and strength remain but sooner or later these must end and then if he has no son there is only the decrepitude of old age, its weak helplessness, the plight of 'an old man, a dull head among windy spaces'.

It is in circumstances such as these that a Santal often resorts to adoption—sometimes only to secure a son but more usually to gain a prop in his fading years."

IV. THE PERMANENT WIDOW IN A JOINT FAMILY

If this is the position when a widow remarries what are her rights if she does not take another husband but remains a widow?

In such cases she is virtually a substitute for her husband. She steps into his place, acts as his representative and exercises almost all his rights and duties.

If her husband was joint with his brothers she will continue to live in the family and the situation will not differ materially from what it was in her husband's lifetime. Her right to maintenance will continue and if her husband's family neglects her without cause she can demand sufficient land to keep her. If there is a complete family partition the widow

and her children will get the share which would have gone to her husband had he been alive.

11. So far adoption made by a widow, the author says:-

"In almost all cases adoption is done only by men but there is no bar to a widow adopting a son or daughter 'for her dead husband'.

As in all cases of adoption village approval is a necessary condition but such cases almost always occur only when there are no agnates to oppose or where the husband's brothers fully approve.

Moreover it is generally accepted that if a widow so adopts she will do so from her husband's greater family. There have so far been no cases in which the village has overruled the agnates and has allowed adoption by a widow against their will.

The widow of Sital Soren of Raghunathpur adopted the son of her dead husband's brother's son. In Jhanjhko the widow of Bhondo Murmu took a son of her husband's brother as posu putra and the same was done by the widow of Tilak Marandi of Dahua and the widow of Jiban Soren of Litipara.

In a case from Birgaon the widow of Chandra Soren adopted an outsider. Her dead husband had left no agnates and the boy was adopted from outside the family with the approval of the village."

{To be continued...}

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