



ASECA CHANNEL

(A monthly Journal from All India ASECA)

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Volume: VII Issue: 9 September, 2009 Annual Subscription Rs50/- Single copy Rs5/-

Editorial

We have been participating in various occasions, festivals and gatherings. Spontaneously, the spirit of enquiry thrust a desire to acquire more knowledge about the occasion(s). Occasionally one happens to participate in some festival/gathering those are being organized in his native place may be as a spectator. It has become quite common in the present time as most of the educated people have migrated to some other place away from their native place where traditional occasions are difficult to organize or may not be organized. From a number of such occasions, let us consider the festival of "Sendra". The Sendra is being organized now-a-days sporadically at different places to keep the culture alive and it is in its format of preservation and education. One needs to carry out research to find out how this occasion was being conducted at least in the recent past. From the limited learning through limited association in such occasion, it can be broadly said that this occasion is being used for knowledge sharing, dissemination of cultural values through song and dance form. If one recounts the present trend, it is found that groups of people (male only) assemble at the hilltops and in the night after offering obeisance to gods, goddesses and ancestors they engage themselves in imparting lessons on social order, control & regulation. The occasion is being used as a training centre also for adolescents to groom them for conjugal life. At the dawn, all come down to the foothills and everybody irrespective of gender, age group assemble during the day. This day is dedicated for knowledge sharing and people are being narrated through songs and accompanying dance about the good things and as well as bad things. This includes how they should behave and how they need to respect the relationship and associated restrictions. The special attraction is the dedication and toil of the artists and musicians who sing and dance for 24 hours uninterruptedly.

Simple society regulates its affairs through a simple way but with necessary checks and balances. The administration of justice and welfare is done through a system or systems which are framed with the consent of members and the rules therein are followed in letter and spirit. Though most of the rules are taught and passed on from one generation to another orally, still it can be seen that the procedures and formats have remained unchanged or retained their near original form for not being disturbed or distorted over a period of time. The system of control and regulation in the society needs to be understood in its proper sense and with desired intensity. Though the rules are not written nor it is implemented through a mechanism of strict control regime still it is continuing and retaining its proper form and spirit. This is something a tribal community should continue to preserve and propagate.

A person born in Santal society generally is aware of the existence of a system or systems which encompass all the members from village to country (Desh) level. The members of the society learn about the existence of the village level institution of Majhi monehor to the Pargana then Pirh level up to the ultimate institution of "Lo Bir Sendra" through association and participation. People were/are organized through a system with associated authority. The authority flows from the will of the people and the people at the helm of affairs exercise the canon of authority by winning the confidence of people. These arrangements are so designed to bring about an order in the society so as to foster prosperity, peace, understanding and brotherhood among the members of the society. The traditional arrangement of social education and dissemination of knowledge is still relevant in this present time so should be retained and strengthened. The artists, musicians are in dire need of patronage and society must provide the same as they are the medium for sharing rich tradition and building camaraderie.

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

(Source: Planning Commission)

{Continued from June 2009 issue}

CHAPTER VI Literacy and Education

It goes without saying that since time immemorial education has been regarded as a key variable determining power and influencing the level of wellbeing and prosperity. We are familiar with the structural restrictions imposed on castes regarding access to education. The concern with disempowerment and empowerment since the beginning of 20th century has been related powerfully to education. The call given by Swami Vivekananda for man- making education, the primacy of basic education for all emphasised by Gandhi, and stirring slogan of

Ambedkar “educate, unite and agitate” for Scheduled Castes, demonstrate how keenly they felt the need for universalising the education to build a strong egalitarian country and a nation. Baba Saheb knew in his heart of hearts that education and emancipation of the Scheduled Castes and Tribes in India go hand in hand.

It is in this perspective that the performance of the State with regard to universalising literacy and education has to be perceived. Scholarships, stipends, free hostel facilities have generally been the strategy adopted by the state to

promote literacy and education among the SCs/STs.

In our study we have undertaken an analysis of effective literacy of the SCs/STs. It needs to be

clarified at this stage that effective literacy in 1991 Census covers the population seven years and above. Considering that elementary education begins at the age of six, we argue that effective literacy also begins at the same age. Notwithstanding this one year difference in the identification of effective literacy, we feel that our data collected close to census 2001 will be more or less comparable. Literacy includes all those who have gone through various levels of education. In our survey we have classified the educational attainments in terms of levels of education completed. To clarify, 1. those who have attended but not completed primary education have been classified as ‘incomplete primary’; 2. those who have attended but not completed middle school, or are continuing their study in middle school, are classified as “Primary plus incomplete middle”. This logic is followed consistently at other levels. In the analysis of literacy, we have not only averaged male and female literacy, but have gone further in calculating a Gender Disparity Index (henceforward GDI). This is a ratio of female to male at any level of education expressed in the range 0 to 1.000. Thus if the gender disparity index for education at the incomplete primary/primary level is 0.802 it means 802 females per 1000 male are educated at this level, which is also to say that 80.2 percent of males at this level of education are females.*

* Given that:

- (i) x is the total male population above 6 years, and above
- (ii) x_p is the population at a given level of education.
- (iii) y is the total female population 6 years, and above.
- (iv) y_p is the population at the same given level of education.

This follows index used by Gurupada Chakravarty.

Gurupada Chakravarty: Quality of Life of Scheduled Castes and Tribes in Rural India, Yojana, June 99, pp. 34-40.

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 immence interest to the members of the Santal Society in particular. The same is being reproduced for the common knowledge and benefit of all.}

APPEAL FROM APPELLATE DECREE NO.292 OF 1987(P)

(Against the judgment and decree dated 21.7.1987 passed by 3rd Addl. District Judge, Dumka in Title Appeal No. 04 of 1983 / 31 of 1985 affirming the judgment and decree dated 10.12.1982 passed by 2nd Additional Subordinate Judge, Dumka in Title Suit No. 34 of 1978 / 24 of 1982.)

Narayan Soren and others... .. Appellants.
Versus
Ranjan Murmu and others Respondents.

For the Appellants: Mr. Rajiv Sharma
For the Respondents: M/s. Dilip Kumar Prasad,
S.K.Mahto & K.K.Mishra

P R E S E N T
THE HON'BLE MR. JUSTICE M. Y. EQBAL

Reserved on: 25.11.2008 **Pronounced on: 12th
December, 2008**

J U D G M E N T

M.Y. Eqbal, J. This second appeal is directed against the judgment and decree dated 21.7.87 passed by 3rd Additional District Judge, Dumka in Title Appeal No.4/83 affirming the judgment and decree passed by 2nd Additional Subordinate Judge, Dumka

in Title Suit No.34/78 whereby the suit filed by the plaintiffs-appellants was dismissed.

2. At the time of admission of the appeal the following substantial question of law was formulated:

“Whether the courts below have erred in law in placing the onus on the plaintiff to prove that there was no custom of adoption by females among the Santhals?”

3. The facts of the case lie in a narrow compass. The plaintiffs-appellants filed the aforementioned suit for declaring that defendant no. 3, Rani Hansda, wife of Sundar Soren has no right to adoption and Balak Murmu is not the adopted son of Rani Hansda. The plaintiffs' case is that the plaintiff no.1 is the agnate of Chandar Soren, husband of Rani Hansda. Other defendants are members of the same family being agnates and claiming inheritance in the property of Sundar Soren. Sundar Soren died leaving behind his widow Rani Hansda, who allegedly was maintained by the plaintiffs. During life time Chandar Soren alleged to have executed a Jimmanama on 5th March, 64 with respect to his entire properties and since then the plaintiffs-appellants are in possession of the property of Sundar Soren. It is alleged that taking advantage of complicity and oldness of Rani Hansda, the defendant no.1 who is grandson of the common ancestors, got a deed of adoption executed on 17.5.77. The plaintiffs' case is that in Santal community a widow is not entitled to adopt any child and if her husband died issueless the properties are inherited by other surviving agnates.

4. The defendants contested the suit by filing written statement on the ground that according to Santhal custom a widow is also competent to adopt a child. It is pleaded that formal ceremony like Bonga Tola and Nim Da Mari were duly performed. Subsequently a deed of adoption was also registered. The defendants' case is that after the death of Sundar Soren the plaintiffs started creating trouble, which resulted in initiation of criminal proceedings and after the plaintiffs failed in their attempt, the instant suit has been filed.

5. The trial court framed five issues including the issue with regard to Santhal custom of widow adopting a child. The trial Court recorded a finding that a widow can adopt a child and all ceremonies were performed while defendant no.1 was adopted by the widow.

The trial Court, after considering both oral and documentary evidence, recorded a finding that a Santhal widow is fully competent to adopt a child. The Court further recorded a finding that all customs and ceremonies were performed at the time of taking delivery of a child from the mother.

6. Aggrieved by the said judgment and decree passed by the trial court, the plaintiffs-appellants preferred appeal before the District Judge, Dumka being Title Appeal No. 4/83. The appellate court after reappreciation of the entire evidence affirmed the finding of the trial court and held that the defendants by adducing positive evidence proved that a Santhal widow is competent to adopt a child in absence of her husband.

{To be continued....}

OBITUARY

Shri Bipra Charan Mohanty passed away on 25th August 2009 at his Bhubaneswar residence around 1200 hrs. midnight. He was about 82 years old. He is survived by 5 sons and a daughter. Late Mohanty had made many Bronze statues including of Birsa Munda and when approached by All India ASECA during the Centenary Celebration of Pandit Raghunath Murmu in 2005, he gladly accepted the proposal to sculpt the statue of Guru Gomke.

We place on record our sincere thanks and gratitude to Late Mohanty for making the life size bronze statue of Pandit Raghunath Murmu during the Centenary Celebration in 2005 which has been installed at Hadhadi, Baripada. We are proud of him for his support and kindness as the statue was being given to us at concessional rate but for which it could have never been made.

His contribution in raising the standards of Sculpture, Arts and Crafts through Bronze statues will be written in golden words and he will be remembered in India as a master Sculptor. His creations are all masterpieces. India lost an Eminent Sculptor and the void created after his death is difficult to be filled.

Members of All India ASECA join the family members of Late Mohanty in mourning. We pray God to grant the soul an eternal peace and give the family members strength to bear the irreparable loss.

CORRECTION

THE DATE FOR CENTENARY SEMINAR ON SHYAM SUNDAR HEMBRAM AT BHANJA BHAWAN, ROURKELA, ORISSA WAS PUBLISHED AS 6TH JULY 2009 INSTEAD OF 6TH JUNE 2009.

Error is Regretted.

FROM:

If undelivered please return to:

ALL INDIA ASECA,
SFS Flat No. 326, Pocket 10,
Sector 11 (Extension), Rohini,
Delhi - 110 085.

• *Editor: Purna Chandra Hembram* • *Published and Printed by Kuanr Chandra Kisku on behalf of All India Adivasi Socio Educational and Cultural Association (Registered), New Delhi* • *Printed at S. K. Enterprises, B- 975, Mangol Puri, Delhi 110 083 and published from SFS Flat No. 326, Pocket 10, Sector 11 (Extension), Rohini, Delhi 110 085.*