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Editorial

During the All India Santali Writers' conference at Dumka in January 2010, some friends from Durgapur, West Bengal desired to have a discussion on the ensuing Census operation in India and its impact on indigenous people in particular. The census operation through which vital statistics are brought out in every 10 years are very important for the decision makers and policy planner to have defined milestones/ programmes for the people at large or some specific section of people. Two aspects of the enumeration process viz. on mother tongue and religion bear importance and relevance in present day real politic situation. The main concerns expressed by our friends from West Bengal are on these two vital aspects of census operation. The views/concerns expressed by them cannot be simply ruled out or neglected. They were raising the issues concerning the status of religion and mother tongue pertaining to tribal people. They have proposed to convene a meeting/conference on this subject soon and it was advised to them to find out the workers first before initiating some activities in this regard. There are many forces who would be working overnight to derail this very important and paramount initiative and as such before going further, it will be worthwhile to find out interested and serious people for this cause. It is necessary to introduce the readers about the function of Registrar General and Census Commissioner, India. The following is their introduction which is reproduced below:

"The responsibility of conducting the decennial Census rests with the Office of the Registrar General and Census Commissioner, India under Ministry of Home Affairs, Government of India. It may be of historical interest that though the population census of India is a major administrative function; the Census Organization was set up on an ad-hoc basis for each Census till the 1951 Census. The Census Act was enacted in 1948 to provide for the scheme of

conducting population census with duties and responsibilities of census officers. The Government of India decided in May 1949 to initiate steps for developing systematic collection of statistics on the size of population, its growth, etc., and established an organisation in the Ministry of Home Affairs under Registrar General and ex-Officio Census Commissioner, India. This organisation was made responsible for generating data on population statistics including Vital Statistics and Census. Later, this office was also entrusted with the responsibility of implementation of Registration of Births and Deaths Act, 1969 in the country. In 2003 this office has been assigned the work of a pilot project on Multipurpose National Identity Card (MNIC). This pilot project is under implementation in 12 States and one Union territory covering a population of 3.1 million."

Another enthusiast friend Kaluram Murmu from Bisoi, Mayurbhanj was suggesting some action plans in this regard. It is about some concrete steps in the direction of modifying the format of enumeration to include "Sarna" as one of the religions. On studying the format designed during the 2001 census operation, it is found that only names of six religions namely Hindu, Muslim, Christian, Sikh, Buddhist and Jain are specifically mentioned whereas provision had been kept to write the name of the religion in full in case persons are professing other faiths apart from the above. It has been seen that the enumerators fill up this form as per their convenience and they do not give scope to the persons/head of the households being enumerated to specify his details as per his understanding and reality. There are allegations of doing this knowingly and in an organized manner. The data thus emerged give rise to some facts which are technically not correct.

We have been listening about this for quite some time and each time when the census operation

nears, there are talks of registering the data in a proper and better way. However, the initiative as usual is lacking the required impetus so as to spread awareness about this operation in a bolder, broader and effective way. The voluntary associations/societies working for the benefit and welfare of the people must come together to find out means and ways to make available all details and make the people aware what should and what should not be done. There can be series of meetings of likeminded

people to chalk out plan of actions so that people can be sensitized timely and in a better way.

There are plenty of ideas being floated by various agencies and formations, but in reality the determination is lacking to come together for a cause. The much needed fraternity and sense of belongingness are yet to take shape in the tribal communities to redress the common concerns and this avoidable hiatus could be overcome through mutual understanding and proper dialogue.

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

(Source: Planning Commission)

{Continued from March 2010 issue}

Although the Lohara have the highest dropouts, their enrolment status is the best (75 students in 58 households). This indicates the definite urge for education with a very high female enrolment rate but a compulsion to withdraw from education at an early age.

West Bengal

As we move to West Bengal, the pattern of enrolment and dropout among the Scheduled Tribes shows a similarity with that of Scheduled Castes in West Bengal, in terms of high enrolment of students (594 students in 557 households).

The dropout rate (22.4%) is somewhat lower than among the Scheduled Castes (27.2%), with a marginally lower female enrolment at 40.7 percent than its Scheduled Castes counterpart (42.2%).

Table-6.15: Enrolment and dropout at the level of elementary education (primary and middle school) of the Scheduled Tribes in West Bengal (age group 6-14 years) (not reproduced)

When we move to individual tribes we find that the dropout rate is the lowest among the Oraon (16.7 %), followed by the Santhal (19.8%), Mahali (23.3%) and the Bhumij (24.5%).

- The dropout rate is high among the Munda with (34.6%) and the highest among the Lodha (47.4%).
- It is interesting whilst the Munda have high dropout rate, their female enrolment ratio is female centric (57.7%).

- The Bhumij with 49.0 percent, the Mahali with 46.7 percent and the Oraon with 45.8 percent is very satisfactory to high levels of female enrolment.

Surprisingly, among the Santhal female enrolment is relatively low at 35.6 percent.

- The Lodha stand with the lowest total enrolment, highest dropouts and lowest female enrolment of 15.8 percent.

Reasons for dropout

While searching for reasons as perceived by the households we have not gone into their distribution with respect to individual castes systematically, except for highlighting some instances. This is because quantitatively the number of dropouts per caste is not substantially large. It is only at the aggregate state level that the patterns make some sense.

We are basically trying to identify certain *economic* (affordability, compulsion for child labour), *domestic*

(sibling care, household duties) and *other reasons* (health, indifference) which have been generally cited as reasons for dropout.

When we observe the reasons for dropout amongst the Scheduled Castes in Bihar, Jharkhand and West Bengal, a pattern emerges.

Scheduled Caste

Bihar

The predominant reason cited by the Scheduled Castes in Bihar is affordability (75.0%) for pursuing studies at the elementary level. Associated with this is the compulsion to earn as child labour (37.5%). Household duties (28.1%) and sibling care (25.0%) also figure as reasons which cannot be discounted.

Table-6.16: Reasons for dropout among the Scheduled Castes in Bihar (not reproduced)

Now highlighting some pattern at the level of individual castes, among the Chamar affordability is the predominant factor; among the Dusadh both affordability and child labour provide the compulsion; and in the case of Musahar it is the whole range of factors, including affordability, child labour, sibling care and household duties. The multiple compulsions of the Musahar indicate small number of enrolment (13 students). Only the Chaupal and Dhobi in Bihar register no dropout.

Jharkhand

As we move to Jharkhand household duties (52.6%) becomes the conspicuous reason. The factor of affordability is not insignificant (36.8%). It is interesting that the compulsion of household duties as well as affordability is entirely concentrated among the Chamar and the Dom who constitute 37 out of 56 households. It means that none of the rural households of Jharkhand cite affordability and household duties, and for that matter, compulsion of child labour, sibling care or health as reasons for dropout. The only reason cited by the two Scheduled Caste households of Jharkhand is indifference.

Table 6.17: Reasons for dropout among the Scheduled Castes in Jharkhand (not reproduced)

Significantly amongst the Dom, household duties weigh heavily whilst affordability is no less significant a reason. This may be attributed to be higher cost of living index in Ranchi.

West Bengal

As we move to West Bengal, interestingly enough, indifference is cited as the reason in the case of 70 dropouts (54.3%). Close to that is the factor of affordability (49.6%). The compulsion for child labour is cited in the case of 46 dropouts (35.7%). Whilst in 34 cases (36.4%) household duties come in the way.

Table-6.18: Reasons for dropout among the Scheduled Castes in West Bengal (not reproduced)

Note: Since a single dropout can give more than one reason the summarization of each percentage which is calculated with respect to total dropouts, will not add up to percent.

- In West Bengal, significantly 'affordability' and 'indifference' figure prominently as reasons for dropout amongst the Chamar, Kami, Konai and the Patni. Amongst the Bagdi and Sarki, the 'indifference' factor is cited more than 'affordability'. Amongst the Bauri, the 'child labour' factor is predominant. Amongst the Mal the reason cited most is 'indifference', followed by 'household duties', affordability, 'sibling care' and 'child labour'.

- The Konai like the Musahar in Bihar face problems like indifference, affordability, household compulsions and child labour even when its enrolment is very poor. One conspicuous feature among the Scheduled Castes in all the three States is that health is not cited as a reason for dropout.

We note that in the case of Bihar and West Bengal there is a broad band of reasons. What is significant is citing 'indifference' by the highest number as the cause for dropout among the Scheduled Castes of 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 February 2010 issue}

The Scheduled Castes, Scheduled Tribes and women, from time immemorial, suffered discrimination and social inequalities and made them accept their ascribed social status. Among women, the tribal women are the lowest of the low. It is mandatory, therefore, to render them socio-economic justice so as to ensure their dignity of person, so that they be brought into the mainstream of the national life. We are conscious that in Article 25 which defines Hindus, Scheduled Tribes were not brought within its fold to protect their customs and identity. We keep it at the back of our mind.”

18. The customary law of adoption prevailing in the Santhals has been recognized in the *Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949*. Section 20 of the said Act put a restriction in the transfer of raiyati holdings by a raiyat except with the written permission of the Deputy Commissioner. Section 20 of the Act however, provides some relaxation in the transfer of raiyati land by way of usufructuary mortgage to Bank and the Society registered under Bihar and Orissa Co-operative Societies Act, 1935. Section 24 of the Act makes registration of certain transfers of raiyati holdings mandatory. Section 24 reads as under :

“24 Registration of certain transfers of raiyati holdings-(1) When a raiyati holding or any portion thereof is transferred by sale, gift, will or exchange in accordance with the provisions of this Act and the record-of-rights, the transferee or his successor in title may cause the transfer to be registered in the office of the landlord of the village.

(2) Notwithstanding anything to the contrary contained in the record-of-rights or any law or anything having the force of law in the Santal Parganas, the landlord shall allow the registration of such transfers, and shall not be entitled, except in the case of a transfer by sale, gift or will, to levy any registration fee. In the case of a transfer by sale, gift or will, the landlord shall be entitled to levy a registration fee of the following amount, namely,—
(a) when rent is payable in respect of the holding or portion, a fee of two per centum on the annual rent thereof;

Provided that such fee shall not be less than eight annas or more than fifty rupees; and (b) when rent is not payable in respect of the holding or portion, a fee of one rupee:

(To be continued...)

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