

Subject: Anthropology

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 **-Content for Post Graduate Courses****Paper No. : 05 Tribal Culture of India****Module : 18 Land Alienation**

Development Team

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Description of Module	
Subject Name	Anthropology
Paper Name	05 Tribal Culture of India
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INTRODUCTION:

Tribes in India have been facing various problems and issues. Sometime defining the very term “tribe” becomes debatable. Whereas at sometimes, the identity and existing of the tribal groups becomes difficult because of various problems and obstacles faced by them. Some of the major problems are indebtedness, land alienation, shifting cultivation, poverty, employment, health, drinking, housing, education, communication, industrialization, urbanization, migration and many more. Among all these problems land alienation is the most disturbed aspect for the tribals. In this chapter we will focus on the problem of land alienation and its impact on tribes.

LEARNING OUTCOME:

- Definition of Land alienation
- Different types of land alienation
- Tribal rights on land
- Methods of land alienation
- Tribal uprising and land rights
- Suggested measures for land alienation among the tribal societies.

1. LAND ALIENATION:

There have been many scholars who has been debating and focussing on land alienation and its impact on tribals. But first we must understand what land alienation actually means is. Saran (2005) has categorised the definition of land alienation into two categories, i.e. one is in broader sense and the other one in narrow sense. In broader sense, land alienation indicates huge lose of common property and rural commons; whereas in narrow sense, land alienation simply means alienating the individuals alienate from their land holdings and livelihood. Various research papers, micro studies and government actions and committees have been setup at different level to deal with the problem of land alienation, yet the issues exist in the full form. Many activists as well as tribal communities have also been raising their voice against land alienation, and continually struggling to get justice.

Land alienation has been occurring on two levels, one is at individual level and the other one is at institutional level. Saran (2005), further explains land alienation at individual level through four cross sectional categories. They are land alienation in urban and rural area, alienation from tribal to non tribal and tribal to tribal land alienation. The land alienation in urban areas has been induced by the outsiders for constructing houses, buildings, factories or other non-agricultural purposes. Such type of land alienation is usually regarded as illegal as the lands are taken away from the tribal groups by manipulating them or sometimes forcibly too. The other type of land alienation which is prevalent in rural areas is basically among the poor tribals to meet day to day needs. In such type of alienation, the tribals either outright sale their land at very low rates or are trapped by illegal mortgagers.

Institutional alienation of land is also prevalent in many parts of the country. This type of land alienation is done for “public purpose” which may include various big and medium projects of government like industry, mining, sanctuaries, dam etc. Ekka and Asif (2000). Many tribal groups has been agitation against land alienation for public purpose, which leads to various other issues like rehabilitation, displacement, resettlement, inadequate compensation, loss of culture and identity and many others

2. TRIBALS RIGHTS ON LAND:

Tribals and their culture has been always under-assumed to be uncivilised, primitive, backward, even some times forest-dwellers, janglies, by various sections of society. Beside this disrespect to the tribal culture, the tribal are often denied of their basic rights. The right to live with dignity and equality, their right to land, forest, water and other means of livelihood, their right to freedom of expression, etc. has been violated and denied from the tribals for the sake of national interest or public purposes (Parkasham, 2004). There is a symbiotic relationship between the tribal and natural resources, when we recognise the right of tribal to livelihood. These rights include:

- a) Right to food
- b) Right to water
- c) Right to work
- d) Right to forest and
- e) Right to land

Many a times, the tribals are harassed and are deprived of basic rights and freedom through dispossession of their land, territories and resources.

3. TRIBALS AND LAND:

According to rural development institute, 2001, around 45 percent of the world's population earn their food and livelihood from land. Land is not only a source of livelihood, but along with land holdings, and land ownership comes with social dignity, economic viability and a sense of security. For tribals land is very important, they are strong attached to their land and even emotionally. But the land alienation among the tribals, make them helpless and landless, leading to economical and mental insecurities. Moreover inequitable and unjust distribution of land and natural resources has increased further social issues like poverty, rural-urban migration and escalating violence.

The land distribution pattern is also responsible for tribal misery as it follows existing social hierarchy. Sankaran, 1996 and Mohanty 2001, discusses the land distribution pattern in India is distributed invariably in large amount to people belonging to the upper caste, the next category of people comes to be cultivators, who constitute the middle castes are given the next share of land and the agricultural workers who are largely tribes or dalits are given the least share in land distribution. Moreover there has been continual alienation of land among the tribals. No legislation yet has been able to halt to land alienation among these marginalised populations. Big landholders, outsider, institutions and various other actors have been grabbing large acres of land from the tribals either by using force or by manipulating them. According ministry of rural development, 2000, around 9, 15,442.57 acres of tribal land has been reported to be alienated. The tribal land is also taken away for setting up development projects, industries, national park, wildlife sanctuaries etc. further the advent of liberalisation, and privatisation and globalisation in our Indian economy has increased the mounting pressure on the tribal land for various development activities. Fernandes, (1998) has talked about few amendments which were done in the Land Acquisition Act of 1894 by the government of India, so that it can provide a shield to protect the tribal land.

4. METHODS OF LAND ALIENATION:

Tribal economy has been centred on land and land based resources since ages. Even today also, land continues to be the primary dependence of tribal population. Therefore land is the only tangible

productive asset among the scheduled tribes (E. Selvarajan, 2000). But there have been a number of methods used to take away the land of tribals. They are discussed as follows:

(a) Illegal sale of tribal land has been often reported by various people. Ekta, Parished, (2002) gives the example of Chambal region, where 51 cases were reported. According to these cases around 190 acres of cultivable land of tribals were sold to powerful families who reside in local areas and had good administrative and political connection.

(b) Manipulation of land records and documents is another way to grab the land of tribals. This is very much done by the patwaries and the land revenue officials to alienate land from the tribal people.

(c) Another common way of alienating land is demarcation of land. In this way, the patwaries of the villages show some land to the tribals and allow them to cultivate it. But later, at onset of harvesting season, the patwaries give the land to the influential farmers of the villages by alienating land from the tribals.

(d) Mortgaging lands to repay loans is another method of land alienation. But usually the tribals are unable to repay the loan because of less agricultural productivity, thus leading to alienation of their land.

(e) Many tribal lands are alienated on the account of development projects. Although these people are later rehabilitated and given land entitlements, but many a times the patwaries did not demarcate the land in accordance with the land entitlement. This also leads to further alienation of land among the tribals, which occurs without the knowledge of tribes.

Land being the only tangible asset of a tribal family has not only the social implications and religious rituals tied with it, but also has emotional connotation among the tribals. Thus land is much more than merely a source of livelihood for a tribal family. There has been various instance and cases where tribal land and its alienation has caused various disruption and violation throughout the nation. May it be the case of Vedanta or POSCO in Odisha or the Singbhum in West Bengal or the Tamil Nadu or Madhya Pradesh or Andhra Pradesh or the Chhattisgarh, every time the land is alienated from the tribals in a mass level, the tribal life and surrounding environment is disturbed a lot.

Initially, the tribal communities relied upon food-gathering and hunting. Later the population of these communities grew and the communities gathered the knowledge and skill of agriculture, and they started clearing forest to occupy land. The individual tribal considered himself as owner of the land he occupied. However the pressure from other advanced communities in a variety of forms forced the tribal to leave his land. The tribe area remained out of reach from the outsiders for a long time because of their geographical isolation and inaccessibility. Therefore, the tribal communities had their own

way of managing their land in a traditional manner. The landownership thus was categorised broadly into three types; they are: community land, land belonging to clan and individual holdings. With the advent of British administration in India, there was introduction of three main systems of land revenue and land rights. They are: Zamindari system, Mahaldari System and Roytwari system. Under these newly introduced land revenue, various tribal areas also came and these new systems dominated over the tribal area, further more leading to situation and factors that led to land alienation.

5. LAND ALIENATION AND TRIBAL UPRISING:

The British rule in India, through its land revenue policy and elaborate exploitative bureaucratic structure, made land alienable on a large scale especially in tribal areas. The tribe, who were cultivating land and cutting down forest with their own customary norms and practices, were now compelled to work as labours in their own lands and were also subjected to various kinds of exploitation and oppression by outsiders. Such kinds of situation and repeated oppression led to various rebellion and movements among the tribal communities. The Chotanagpur Tribal Revolt of 1807-08, The Munda Rebellion of 1832, 1867-90, The Kol Rebellion of 1831-32, The Santhal Rebellion of 1885-86, The Rampa Rebellion of 1879-90, Madri Kalo Revolt of 1898 and various other revolts by the tribals posed a major threat to the British administration in India. Resistance and violence by the tribals for their land rights in the British raj forced the British administration to come up with some policies and acts to pacify the anger of these tribal communities. The Chotanagpur Tenancy Act of 1908, Central Provinces Land Alienation Act of 1916, Bihar Tenancy Act of 1885 and Bombay Land Revenue Code (section 73A) were enacted as a result of tribal revolts.

Again various revolts among the tribes aroused because of land alienation through debt mechanism, tenancy and other illegal and dishonest practices by non-tribal. (Haimendorf 1945; Pathaiak 1971; Rao 1987; Mohanty 1997). The tribal movements like The SriramaRaju's Uprising of 1922-24 in west Godavari, Gond Revolt of 1940 in Adilabad, Telengana Revolt of 1946-51 in Nalgonda, Warli movement of Maharashtra in 1946-48, Santhal Agitation in Purnea in 1937-40, Munda Rising in Sundergarh, Orissa and Jharkhand in 1936-39 are to be named a few tribal protest, which create pressure on state to protect and promote the land rights of the tribals. This led to various legislative measures for protection of land rights of scheduled Tribes. The Andhra Pradesh Scheduled Areas Land (Extension and Amendment) Regulation of 1963, Bihar Scheduled Areas regulation of 1969, Kerala Land Assignment Rules of 1964, Madhya Pradesh Land Revenue Codes of 1959, Hyderabad Tenancy and Agricultural Land Act of 1950, Orissa Land Reform Act of 1960, Rajasthan Bhoodan Yojana Act of 1954, Uttar Pradesh Zamindari Abolition and Land Rules Act (Amended) of 1969, West Bengal Land Reform Act of 1955 are some of the legislative measures of independent India, that were brought

about in our constitution to protect and safeguard the land rights of the scheduled tribes and curb down the process of land alienation among the tribal. (Mohanty, 2001)

6. SUGGESTED MEASURES FOR DEALING WITH THE PROBLEM OF LAND ALIENATION:

As Land alienation is a multi-dimensional problem, affecting involving various aspect of life, thus we need a long-term strategy with multiple levels and factors to deal with this problem some of the suggestions are as follows:

- (a) There should be a formation of an appellate authority involving members from the judiciary revenue department and Scheduled Tribes department. The formation of such an appellate authority would help in improving the procedure of restoration cases, which usually takes a long time.
- (b) Few legislative measure and changes has to be taken place so that the gram sabhasat village levels become more active. This would in return help in identification and restoration of alienated land.
- (c) Various steps should be taken regarding restoration of cases and timely disposal. Establishment of fast track and mobile courts would be a great step towards disposing of large number of pending cases. Even monitoring cells also be recommended to set up at district as well as state level so that the restoration of alienated land becomes faster and easier.
- (d) Ignorance regarding the procedures of filing a case or regarding the provision of various acts is another problem faced by the majority of people. Thus, programmes and campaigns at level should be conducted and organised to disseminate the knowledge regarding the procedure and various provision of act.
- (e) Women have been kept away from their rights and land, as they have no right of inheritance or ownership on immovable properties. But the tribal societies have customary provision for safeguarding the rights of women. The Madhu Kishwar's case, who filed a case on the behalf of a Ho woman in Supreme Court, becomes one of the important landmarks on the right and ownership of women over land.
- (f) Institutional alienation is yet another problem very large amount of land has been alienated from the adivasis in the name of public purpose and very few people are provided with the facility of rehabilitation and resettlement. In many cases even compensation is not all given, if also compensation is given to some group, the amount tends to be very minimal. Thus under the provision of the PESA 1996, it become mandatory to take the consent of the community before acquiring their land for any purpose. In fact the state has also to ensure that the quality of life of the displaced and rehabilitated people has to be protected and safeguarded.

(g) One of the major reasons for illegally alienating land has been the missing or mutilated land records because of which it becomes difficult for the tribes to claim their right on the land. Thus it becomes very essential that the land records at both district as well as circle level should be updated and upgraded using the help of computer technology. This would help in maintaining a proper record of the land and also help tribes to claim on their land.

(h) Land alienation is so much prevalent among the rural people because of less or low return from the agriculture and poor irrigational facilities. As a result the tribes and the farmers are not able to repay their debt for mortgaged and fall as a victim of land alienation. Therefore irrigation facilities should be improved in these tribal and rural areas. Even focus should also be given towards development of agriculture so that the need for non – institutional credit gets diminished from the surroundings, which is a major reason for land alienation.

(i) Many a times the farmers and tribes take institutional credit from various banks to improve agriculture. The recovery of these credits was initially very slow; creating an impression that the credits need not be paid at all. But later the adivasis were forced to alienate their lands to recover their loans. In some cases, the interest was multiple times compared to principle amount. In many cases it was reported that even the farmers had no idea about the loans, sometimes the loan was contracted by their previous generations too. Thus to stop such type of land alienations, laws need to be passed which would not allowed the interest to go beyond the principle amount of loan taken.

(j) According to the Fifth Schedule of our constitution, the governor has a major role to play in land alienation. According to this provision the Governor's secretariat has a special cell which can prepare its own report on the land alienation. But unfortunately use of such provisions has not been done by many of the governors. Thus if these constitutional provisions would be practiced then, the additional pressure on government can help in curbing out the problem of land alienation.

(k) Formation of self – help groups, seed- banks, and various other institutions should be encouraged in the tribal areas to fulfil short term credit needs which in turn can be helpful for tribes to prevent mortgages and alienation of land.

(l) Social awareness is also very important among the tribal communities to prevent land – alienation. In many cases the habits like alcoholism, gambling, cock- fight, drinking, and other such habits and practices have been quiet common in tribal villages, because of which they face the problem of land alienation. These bad habits and social practices, which are a kind of weakness among the tribes is used by local – traders and non – adivasis to alienate the tribal lands. Thus social reform and social – awareness is very much important among the tribes which would help in restricting land alienation.

SUMMARY:

Land alienation has been an important issue in the tribal areas. Historical and situational factors and agencies have been responsible for the alienation of land. But land alienation has become a problem for most because of lack of proper addressing to the tribal communities. But with rising consciousness and struggle by the tribes, there has been a decline in the pace of the land alienation. Yet the basic issue of land alienation remains the same i.e., the illegally alienated land of the tribes should be restored back to them. Further a more integrated and fresh approach should be adopted towards acquisition of land so that the tribes are no more the victims of land alienation, but they can be of use and help like partners in the process of development and growth.



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Module : 15 Denotified Tribe

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7. Welfare of Denotified Tribes in India
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Learning objectives:

- Students will be able to identify criminal as well as non –criminal categories of tribe.
- Students will be able to classify criminals of India.
- Students will be able to explain about the Denotified tribes and their characteristics.
- Students will be able to explain the role of caste system in propagation of criminal tribes.
- Students will be able to understand the importance of the welfare of Denotified tribes of India.

1. Introduction:

Tribes may be defined as collection of families or groups of families bearing a common name which as a rule does not denote any specific occupation generally claiming common descent from a mythical or historical ancestor and occasionally from an animal but in some parts of the country held together rather by obligation of kinship; usually speaking the same language and occupying, professing, or claiming to occupy a definite tract of country.

The tribes in India are of two kinds:

1. Criminal Tribes – are made up of those people who traditionally follow criminal activities as their profession. This category is called as Denotified tribes or *Vimukta Jatis* after the result of the Criminal Tribes Act and enacting the Habitual Offenders Act of 1952.
2. Non – Criminal Tribes – are those groups of families bearing a common descent from a mythical or historical ancestor. However these tribes do not accept criminal means of livelihood as their profession. This category constitutes the present Scheduled tribes who enjoy special privileges under the present constitution.

The term “Backward Classes” include Scheduled Tribes (STs), Scheduled Castes (SCs), Denotified Tribes and Other Backward Classes (OBCs). These classes of Indian population have laboured under different and distinct disadvantages in the Indian social system. They have suffered from social and economic disabilities and have come to be known as Backward Classes. The SCs and STs are identified as a result of different lists revised and issued under the scheduled castes and scheduled tribe lists modification order, 1956 whereas the Denotified tribes are defined under the Criminal Tribes Act, 1924.

From many centuries these criminal tribes existed in India, becoming marauders, living by illegal methods chiefly robbing and thieving. Because their *modus Vivendi* was by criminal propensities, they were called “*criminal tribes*”. Criminal tribes can be defined as those sections of the people of India traditionally follow criminal activities for example stealing, robbery and decoity, and such criminal acts which serve approved occupations to gain their livelihood.

Criminal tribes were treated as born criminals and were subject to vigilant watch by government officials beginning in 1871, the year the First Criminal Tribes Act was enacted. Their freedom of movement was restricted until the Criminal Tribal Act was repealed in 1952.

2. Crimes in India and Classification of Criminals

Crime is considered a violation of the criminal law. Generally law may be defined as a principle established and enforced by the State. If there were no criminal laws, there would be no crime. Whenever a criminal law is passed and enforced, acts that were not crimes previously then become crimes. However, according to law, crime may be defined as “the commission or the omission of an act which the law forbids or commands under the pain of a punishment to be imposed by the state by a proceeding in its own name.” In other words the State has the responsibility of taking action against the criminal. Thus, one may say that a criminal is one who has committed a crime and is found guilty by a court of law.

According to Haikerwal, the criminals in India could be classified as follows:

1. *The incorrigible* – The incorrigible is the one who deliberately chooses crime as a profession. The incorrigible finds it a profitable and easy way of obtaining a livelihood. Though he is given an opportunity to earn as honest livelihood, he will never take it, because he does not believe in it. He does not always commit crimes himself. More frequently, after a successful career of crime, he employs others to execute his plans and sees that the punishment falls upon them and not upon him. His own immunity from punishment hardens him in his career of crime. He persuades people to commit crime and is always on the lookout to make sure that no member in his federation gives up his profession. He is fully familiar with the secrets of crime and imparts his knowledge freely. He employs lawyers to defend his clients. If he fails in all his trials to defend his clients, he will often support the family of the imprisoned man. He is so organized that he cannot be easily apprehended by the police.
2. *The habitual* – The habitual criminal like the incorrigible is one who commits crimes continually. He is to a large extent the victim of circumstances and economic stress and he cannot escape from this. A habitual offender is not necessarily incorrigible. This distinction is necessary. The incorrigible deliberately takes up crime as a profession where the habitual offender does not. The habitual offender, however sincere he may be in his desires and efforts to reform, ordinarily has no chance of doing so. When one or more convictions are against his name, reformation is impossible.
3. *The accidental criminals* – Accidental criminal is a very careless type of individual. He is neither a professional criminal like the incorrigible nor does he commit crimes as a habitual

without being much prepared or intended. For instance, a person riding a cycle without a light during the night is against the law. But, if he should not reach his destination before night fell, and there is no place for him to stay along the way, he must continue on without the use of the light of his cycle. Thus, he commits crime.

4. *The criminal tribes or caste* – This category also known as Denotified tribe are neither habitual offenders nor are they incorrigible, though they accepted crime as a profession. This section of people traditionally follows criminal activities to obtain their livelihood.

3. A Brief History of Criminal Tribes or Denotified Tribes

The earliest history of the criminal tribes is not known. However we have the views of Risley, Ghurye and others who conclude that the tribes were the original inhabitants of the country in which they lived.

Elwin Verrier called the *Baigas*, one of the criminal tribes as original owners of the country. The exact origin of the criminal tribes is unknown. Our purpose here is not concerned with the tribal origin but to know when these tribes came to be considered as criminal. Sher Singh noted that the criminal tribes were first dealt with by the regulation of 1773 and finally in the year 1871 officially recognized as an illegal social organization. They were shown as a separate category for the first time in the 1911 census.

In the Criminal Tribes Act of 1871 the Government proceeded on three basic assumptions:

1. First, all persons born in a particular group or caste would become criminals from the birth because they take up the fathers profession;
2. Second, when once they learn such law violating behaviour, they will always continue to be criminals because they believe it to be a profession; and
3. Third, because of continuous criminal practices, they become hardened criminals.

The Act is provided for registering all the members of the tribes declared as criminal tribes. The Act also required that the registered members have to report themselves at the police authority and notify their place of residence. The Act authorized the authority to restrict any criminal tribe or his movements to any specified area and whenever he crosses the limits to which his movements were restricted even for few hours or for an innocent purpose. They were subject to punishment of imprisonment for longer duration and also a fine which may extend to Rs 500 or \$67.

However, this approach of the government was wrong. It postulated that the criminal tribes represented a group of born criminals and that crime was hereditary with their members, and that criminals, could be reformed by ruthless punishment and life – long harassment.

4. Denotified Tribes or Criminal Tribes

Denotified tribes were of two kinds which may broadly be classified into nomadic groups and settled communities. The nomadic group includes gypsy like people, while the settled and the semi – settled groups trace their descent irregular fighting clans, who were uprooted from their original homes on account of invasions or political upheavals in the distant past. Before settlement in colonies, they used to make a living out of hunting, snake charming, selling medicinal herbs and other goods. The innate spirit of adventure coupled with extreme poverty, lack of openings for better economic conditions and also other psychological factors led them to take to criminal practices which later became a tradition and a part of their heritage.

Under the Criminal Tribes Act, 1924, these groups which numbered about 127 and whose population was 24.64 lakhs in 1951, were dubbed as criminal tribes. Thus, when a child was born of these tribes, he was considered to be criminal, even though he might have been totally innocent. These peoples were kept in colonies, sometimes fenced with barbed wire and under strict vigilance of the police. Quite often, they were made scapegoats for undetected crimes. In these settlements, the registered persons were interned for a prescribed period during which they were taught agriculture or certain handicrafts. The movement of these settlers was restricted within that area. Thus these notified groups had to wear dark cloak of notoriety around them. This deprived them to all channels of employment.

These people were bound by their own morals. They were physically well – built and mentally sound. They seem to have their own standards which they observed scrupulously. The *Bampta* steals neither during the daytime nor from the body of a person asleep. The *Tagoos of Karnal*, the *Sonarias* and the *Oudiahs*, on the other hand steal in the daytime, near in the night. The *Bamptas* and the *Sonarias* never steal in their own villages. The *Burias* usually rob the well-to –do as they detest depriving the poor of their hard-earned income. *Minas of Shahjahanpur* in the Punjab give plenty to all those who come to

them for alms. The charity of the *Minas in Saddabarat*, is perpetual, and invites all comers to partake of it.

They have their own code of conduct and secret dialect to communicate with each other in the performance of their work. This code of conduct was strictly followed. Contravening these rules met with severe social disapproval, which was a stronger sanction than laws.

After independence, the national government realized the injustice of dubbing the whole community as criminal without exception. Apart from being repugnant to the fundamental principles of jurisprudence, it was socially unjustifiable and nationally wasteful to maintain a whole community, generation after generation, in bondage. The Government therefore appointed a Criminal Tribes Enquiry Committee in 1949 and on its recommendation repealed the Criminal Tribal Act with effect from August 31, 1952 and the restrictions imposed on those people were withdrawn.

5. Some Characteristics of the Criminal tribes

1. The *Bhamptas* are railway thieves par excellence.
2. The *Minas* of the Punjab, U.P, and Rajasthan are more prone of decoity which is preceded by a heavy pelting of stones.
3. The *Kallan* considers robbery a duty and a right sanctioned by descent.
4. The *Jandna* are swindlers who pretend to turn metals into gold.
5. The *Gopals* engage themselves only in cattle stealing.
6. The *Manggarodis* are cattle poisoners and cattle lifters.
7. The *Kolis* commonly steal only bullocks and buffaloes; the *Manggarodis* steal goats and sheep.
8. The *chapper-bands* are known for pilfering and petty larceny, though at times they take to counterfeiting coins.
9. The *Lamanis* kidnap women and children.
10. The *Baurias* engage only in house burglar and cattle stealing at night. They are expert at wrenching jewelry off the persons of sleeping women. The radius of their burglary is beyond 50 miles of their village.

11. A *badall* would be stealing all the edibles including food, fowls, and eggs.
12. A *Barwar* would commit theft after sunset or before sunrise, would readily surrender.
13. The *Baurias* sometimes pose as members of caste and manage to marry their daughters to well-to-do people whom after wards they plunder in collusion with them.
14. The *Soonarias* are daytime pickpockets and petty thieves.
15. The *Sansis* often disguise themselves as constables and in the course of a mock search rob travelers.
16. The *Harnis* are adept at masquerading as religious mendicants.
17. The *Kasikadis*, who take to robbery and decoity, disguise themselves as Jangams (lingayat priests), fortune tellers, medicine men or shepherds to pick up information.
18. The *Chandrawadi* will often disguise himself as a woman and travel in the third class, woman's carriage and carry on his trade.

6. Role of the Caste System in formation of criminal tribes

A peculiar social system known as the Caste System was developed. Probably thus was originally based on the division of labour, but its gradual development led to a rigid social structure by which a person who was born into a caste or group named after birth with that caste. The caste became the shadow of the individual. The caste never ended until he died. The caste was his own world. An individual was born into it, lived in it and died in it. The caste was ascribed by birth. The strict caste system was maintained by strict observance of rules such as prohibiting inter-caste marriage, inter-dining and drinking, fixed occupation, fixed hierarchical ordering of status and restricted social intercourse. This system divided the society into several thousand mutually exclusive, non – overlapping and permanent social units. Nobody was allowed to go out of the social units into which he was born. This led other groups and tribes to follow the same pattern since they were under the influence of the caste system. Out of ten people, if nine persons lived as mutually exclusive and permanent individuals, the tenth member would automatically become another exclusive unit. The same principle applied to the tribes. After some generations, the tribes also acquired the characteristics of a caste such as prohibition of inter-caste marriage, ascribed status by birth, etc. The caste system was strengthened and no social mobility was possible. A child born to Vaisya (trading community) automatically becomes a Vaisya, and a son of a criminal tribe, naturally enough became to a criminal. So without having any guilt in their minds, the tribes became criminals. The caste system produced merely four million criminal tribes because of its nature and function.

7. Welfare of Denotified Tribes in India

The Backward Classes Commission 1955 had recommended that:

1. The nomenclature of these classes may be changed from “criminal” to “Denotified Communities”.
2. These communities may be divided into Scheduled Tribes, Scheduled Castes and Other Backward Classes for getting the benefits available to the categories concerned.
3. These communities may be distributed in small groups in towns and villages where they will ultimately come in the contact with the other people and will eventually be assimilated in society.
4. Normal instruction together with basic education followed by vocational and technical education at secondary level should be given to them.
5. The children of the criminal groups should be removed from their parents on attaining the age of seven and should be put in suitable hostels.

After the legal withdrawal of the limitations and restrictions in 1952, the first problem was to wean them away from the criminal tendencies, particularly the younger generation and removed the stigma attached to them and secondly to put before them opening to useful occupations which would make it possible for them to live honourably. The total allotment under the First Five Year Plan both at the centre and states for these communities and other backward classes was Rs. 3.5 crores. By the end of this plan period, about 17 settlements and 30 colonies had been set; more than 36000 families had received assistance for agricultural development; 113 cooperatives had been organized and 337 industrial centres were set up for their benefits.

The Second Plan made an allocation of Rs. 3.12 crores for the welfare of these communities. The major schemes were housing and educational development. Apart from agriculture and cottage industry, another possibility of leading a life of honest means can be getting employed in government services, private firms, factories etc. But even though the Act has been repealed and theoretically there

is no bar to getting employment, yet the stigma attached to those belonging to these communities does not make it easy to secure them employment.

In view of the small results achieved thus far, their needs should be studied in each area and programs could be drawn up on the basis of the following suggestions of the Study Team setup by the Committee on Plan Projects:

1. The need for a combined correctional and welfare approach for the rehabilitation of Denotified communities which should be supported by a program of social education;
2. Formulation of special economic programs which keep in view the character of the population, in particular, their adventurous spirit and traditional skills;
3. Organization of industrial and other cooperatives;
4. Provision of opportunities for employment in the public services supported by way of additional training and orientation facilities; and
5. Where the Denotified tribes constitute a sizeable population, cadres of trained workers, who are familiar with their social and cultural background and can work closely with them, should be built up.

The Objective of assimilation, emphasized by the Third Plan should guide the program of rehabilitation and development from the very start and progressive and forward – looking elements among the Denotified tribes themselves should be assisted and encouraged to play an increasing part in this effort.

In pursuance of these observations and recommendations and in view of the urgency of early rehabilitation of the Denotified tribes, all the schemes were implemented under the centrally sponsored programs. Economic development and social progress of these communities were given due emphasis for which around four hundred lakhs was made available in the Fourth plan, all the schemes were continued with an allocation of around four fifty lakhs.

The pattern of implementation of schemes was again changed in the Fifth Plan Period when all the welfare schemes for the Denotified tribes were transferred to the state plan sector. These schemes have continued to be implemented in the 6th and 7th Plans by the respective state governments. The Schemes include educational programs in the form of granting of scholarships and stipends to eligible students, tuition and examination fees, provision of mid – day meals and establishment of Ashram schools, residential schools and hostels; programs for economic development, rehabilitation, colonization, assistance for agriculture and organization of cooperative societies; Miscellaneous schemes like setting up of community welfare centres, balwadis, digging of drinking water wells etc.

Much more could have been done for the welfare of the Denotified tribes, had there been a statutory provision for their welfare as there has been for the protection and promotion of interests of scheduled castes and tribes in the various articles of our constitution. The Denotified tribes are entitled to certain benefits and concessions under the general provision of Article 41 of the Constitution of India which stipulates the promotion of educational and economic interests of the scheduled castes, scheduled tribes and other weaker sections. It is desirable that the various safeguards, concessions and benefits available to the schedule castes and tribes should be extended to them also under the statutory provisions to be made by the parliament through an amendment of the Constitution.

There is also the need to identify their complex problems which vary from state to state due to their habitation, ecology, traditions and cultural ethos, and to find their remedies especially to their rehabilitation in vocations suited to their genius and to wean them away from their criminal tendencies, particularly the children. This can be achieved to a great extent by formulating comprehensive and integrated plans to provide them land and the financial facilities in the form of loans/subsidies for agriculture, agro – based cottage industries, housing education etc. Voluntary organizations have been playing appreciable role in their rehabilitation and welfare. They need to be involved in larger measure to complement the government efforts in ameliorating the lot of the Denotified tribes with a view to integrating them in a mainstream of the Indian society and enabling them to live as respectable citizens of the country.

8. Conclusion:

The criminality of these tribes was a social product, and it did not evolve over night. It was neither inherited quality nor was it planned with malicious intention. Most of the criminal tribes seem to be original inhabitants of the respective areas in which they lived. Most of them adopted Hindu practices with tribal identity. Some embraced Islam and other turned to other cults. All these people gradually, after a generation or so, identified themselves as tribal criminals. But when legally recognized as tribal criminals in the year of 1871, after the enactment of the Criminal Tribes Act in that year, these tribals

lost their lands and properties to foreign invaders such as Aryans, Dravidians and Muslims. They became helpless, hapless and hopeless due to the defeat by the invaders. Having lost their lands and properties, they were left with no source of income, and therefore resorted to illegal means for earning a livelihood. These people had no particular profession, but they lived by means of nefarious activities. Socio – economic conditions of these Denotified tribes are responsible for becoming the criminals. Though originally they were not criminals, were a period of time through changing circumstances, they became poor. As such they were forced to take up certain activities which were easy for earning their livelihood. And gradually caste system strengthened and the exclusive groups have been developed, thus keeping them in their social groups continuing their criminal activities.



Subject: Anthropology

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Paper No. : 05 Tribal Culture of India

Module :14 Gender and tribe



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4. Tribes and Gender

Summary

Learning objectives

Through this module, one will able

- To know about the concept of gender
- To know about the concept of tribe
- To know about the status of women in tribes
- To know the relationship between all these concepts

1. Introduction

Study of Tribes in India concerns, for a focus on women in tribal studies has been very recent. It emerged out of general interest and concern with women's issues the world over. The value system governing larger Indian society has been in the process of change. With this there has been a shift in the image of tribal women who are thus invariably portrayed as enjoying a better social status than their counterparts in the larger Indian society. Tribal society in the post-Independence era has been witness to unprecedented change, which has been most marked in respect of culture, modes of making a living and social differentiation. Their bearing on women's status in society and gender relations has been far-reaching.

Arya and Kapoor said that Gender was first conceptualized as distinct from sex in order to highlight the social and cultural processes that constructed different social roles for females and males and that prescribed sex appropriate behaviour, demeanor, personality characteristics, and dress. Gender studies is an interdisciplinary academic field that emerged in the last two decades of the twentieth century and is located mainly in English-speaking academia and its associated publishing industry. Its emergence is a direct result of the particular definition of "gender" that has developed in English-speaking universities under the influence of feminist thought. India as a whole is characterized by sharp gender disparities, although women status varies considerably by region. There are large and persistent gender gaps in many indicators of well-being across the world. They include gender gaps in control over economic resources, education, earnings, mortality, and access to employment, play, time use, and power in the public and private sphere. From the Gender differentials numerous problems emerge. To ensure gender justice through gender equality the National Policy for Empowerment of Women set its major objective to eliminate gender discrimination on priority basis. In line with this, the Tenth five year plan India calls for a survey/search to identify areas with gender inequalities.

Gender is a social institution as encompassing as the four main institutions of traditional anthropology-family, economy, religion and symbolic language. Women and men have different gender-based roles and responsibilities in their own lives, families, households, and communities. Oakley mentioned that the word sex is used for biological differentiation between male and female. Gender is the division of people into two categories, "men" and "women". Gender is a matter of culture and refers to the social classification into "Masculine" and "Feminine" characters. We use the term 'gender' rather than "sex" since the latter only describes biological characteristics, whereas the former-encompasses socially constructed categories of gender. The term sex and gender are sometimes used interchangeably but there is a strict distinction between them.

In Gender studies the term 'gender' is used to refer to the social and cultural constructions of masculinities and femininities. It does not refer to biological difference, but rather cultural difference.

In the view of Bird and Melville gender is “psychological, sociological and cultural aspects of being male and female.” Marcela who also defines gender as a social category that refers to and facilitates the analysis of the different roles, responsibilities, rights and opportunities and limitations of men and women within the family, the community, the society, the culture etc. Gender is a social construct while sex is a biological condition. Gender refers to the beliefs, personality traits, attitudes, sentiments and values, conducts and activities that distinguish men from women through a process of social formation that demonstrates specific characteristics. When we speak about Gender we are referring to the experiences of both men and women. Gender refers to the different social and cultural roles, expectations, and constraints placed upon men and women by virtue of their sex. It also refers to the differences and relations between men and women, that are learned, vary widely within and between cultures and which are changeable over time. In fact it is the gender that determines the position of male and female in society.

Gender refers to the different social roles that women and men play, and the power relations between them. Gender relations influence how communities, households, and institutions are organized, how decisions are made, and how resources are used. Gender studies are sometimes related to studies of class, race, ethnicity, and location.

Gender is omnipresent in the formation and in the studies of humanities and social sciences. The recognition of research problems, definition of scientific objects, and theoretical models of explanation, and furthermore, the distribution of innovative or risky outcomes is embedded in social-science and humanities where gender plays a central role. Gender interacts with life sciences mediated by social structures, symbolical representations and individual experiences. The agenda of gender research is correspondingly broad and ranges from the utilization of environmental resources (energy and water), the design of spaces and mobility organization to the management of knowledge, information and communication. It includes the politics of bodies, health and sustenance. In order to come to terms with these dynamical complexities the interdisciplinary of women’s and gender studies needs to be developed further and broadened in order to engage with the fields of science, social sciences and different cultures. It also arose with the feminist critique that questioned women’s ‘analytical visibility’ as well as ‘representation’ of women in traditional anthropological studies and expose male bias in the anthropological interpretation. Conventional anthropological studies have been strongly consumed for trivializing women’s activities, relying on male informants to know their women.

The study of variation in gender and gender roles across different cultures have been shaped by the symbolic and sociological approaches. The symbolic approach use cultural variation and ideology to analyze gender symbolism and sex stereotypes. The sociological approach influenced by Marxism uses economic relation of production to study gender and to explain issues like status and subordination of

women, which it does not see as a universal fact. In the past, these approaches have been used independently. But today, a combination of both is being used since it is being realized that these approaches are mutually inclusive and when one is used independently on the other it is found to be inadequate. In 1978, Indian Anthropological Society brought out a region wise survey of tribal women. It points out that studies of women have either been ignored or, when discussed, such discussions have been brief and sketchy. Except in some works by Elwin, Van Furer Haimendorf and a few others, there has been no explicit discussion on the status of women in tribal society. Even in these, the assessment on the status of women has been far from uniform. While some say that tribal societies generally assigned high status to women, others opine that women's position in tribal society is the same as in other societies.

2. Gender and Culture

Gender is a cultural category that contains the roles, behaviour, rights, responsibilities, privileges and personality traits assigned by that specific culture to men and women. Gender role may be seen as the constellation of behaviour as culture deems appropriate for males and females and may include the attitudes and emotions that are seen as fundamental to being a man or a woman. Gilmore observed that the culture must socialize its women to be obedient and except a position in the hierarchy that is subservient to its males. Carroll et al worked on gender and culture and finds out those gender roles may be seen as the constellation of behaviour a culture aims appropriate for males and females and may include the attitude and emotion that are seen as fundamental to bring a man or a women. Cyrus observed that feminine behaviour is characterized by passivity, domesticity, dependency, emotion expressiveness, and a preoccupation with one's physical appearance, the presence of nurturing and maternal instincts.

3. Tribes and Women

The recent studies provide a more careful rendering of the situation of tribal women than the ones presented in the earlier accounts. One can see this in the works of Chauhan, Mann, Zehol, and Kapoor et al,. The more recent writings also mark a departure from the earlier ones on the status of tribal women. These are now increasingly moving in the direction of what in social science literature is described as gender studies. In recent years, there has been more analytical discussion on the status of women in tribal society. Earlier, they were portrayed as having a better status than women in caste societies, with physical mobility, choice in marriage, divorce and remarriage, access to property and resources. Consequently, tribal women were invariably depicted as having higher social status than

their counterparts in caste society. However, the economic burden and workload of tribal women as well as their access to education, food and nutrition, modern occupation and political participation, especially in the modern context, has not been given the kind attention it deserves. Mead in her classic study 'Sex and Temperament in Three Primitive Societies' challenged that gender differences not only vary across cultures but within a culture they differ over time. Millet mentioned that principle of patriarchy appear to be two-fold. Male shall dominate females, elder male shall dominate younger. Indra et al found that in India, both in the upper and the lower caste, the girl children are discriminated against boys, ranked unequally with lower status and prevented from realizing their full potential. Anand recorded that gender justice means rights of women against exploitation and victimization. For women, who are victims of criminal assault, the material wealth and status symbols have no meaning. Bhatt (2001) observed that women in our country suffer from lack of awareness of their rights, illiteracy, oppressive practices and customs. In India, it has been computed that about six million abortions take place every year. Prasad recorded that women's lack of control over their own sexuality and fertility remains one of the most threatening aspects of their lives. Gender role ideologies subjugate women to patriarchal and traditional forces, girls and women, who defy gender expectations particularly with respect to family roles, are faced with harsh social penalties. Soundari and Sudhir (2003) claimed that women bear primary responsibilities for the well-being of their families yet they are discriminated systematically and denied access to resources such as education, health care services, job training etc.

4. Tribes and Gender

Singh worked on women issues and reported that, in rural India poorer people were made victims of severe injustices and discriminations. The sufferings of women were many times greater than the sufferings of men. Agnihotri, et al conducted a study on women's issue and claimed that women movement as we find today, is the result of several political, educational and cultural forces. Mehta worked on tribal women among Rajasthan reported that the district with higher proportion of the scheduled tribes exhibit higher female participation rate. Butter reported that greater dependence of rural poor women on natural resources due to lack of alternatives affects women disproportionately and gender differences in time and mobility due to different roles and responsibilities greatly constrain women's economic opportunities often lead to high degree of dependence on locally available resources.

Concern for a focus on women in tribal studies has been very recent. It emerged out of general interest and concern with women's issues the world over. The value system governing larger Indian society has been in the process of change. With this there has been a shift in the image of tribal women who are

thus invariably portrayed as enjoying a better social status than their counterparts in the larger Indian society. Tribal society in the post-Independence era has been witness to unprecedented change, which has been most marked in respect of culture, modes of making a living and social differentiation. Their bearing on women's status in society and gender relations has been far-reaching.

Mishra and Kapoor observed that among the Meena tribe of Rajasthan parents do not send the girl child to school because they think that there is no point in educating a girl because she will be married and sent away. The girls perform domestic work. The girl child is given full diet. She is not given milk and fruits. Arya & Kapoor worked on Gender issues in caste and tribal society and concluded that problems of gender issues vary from society to society. Indian society can be divided into caste and tribal society. Gender issues are at different levels in both these societies. In caste society women suffer from rape, dowry, crime against women, political violence whereas in tribal societies women work harder than men and they have no share in land and they are beaten badly also. Xaxa conducted study on women and Gender of Tribes in India and reported that the tribal women have a better social status than their non-tribal counterparts in the larger Indian societies.

Summary

Study of Tribes in India concerns, for a focus on women in tribal studies has been very recent. It emerged out of general interest and concern with women's issues the world over. The value system governing larger Indian society has been in the process of change. With this there has been a shift in the image of tribal women who are thus invariably portrayed as enjoying a better social status than their counterparts in the larger Indian society. Tribal society in the post-Independence era has been witness to unprecedented change, which has been most marked in respect of culture, modes of making a living and social differentiation. Their bearing on women's status in society and gender relations has been far-reaching. The article attempts to highlight the issues involved on the basis of existing ethnographic accounts. Gender was first conceptualized as distinct from sex in order to highlight the social and cultural processes that constructed different social roles for females and males and that prescribed sex appropriate behaviour, demeanors, personality characteristics, and dress. Gender studies is an interdisciplinary academic field that emerged in the last two decades of the twentieth century and is located mainly in English-speaking academia and its associated publishing industry. Its emergence is a direct result of the particular definition of "gender" that has developed in English-speaking universities under the influence of feminist thought. India as a whole is characterized by sharp gender disparities, although women status varies considerably by region. There are large and persistent gender gaps in many indicators of well-being across the world. They include gender gaps in control over economic resources, education, earnings, mortality, access to employment, play, time use, and power

in the public and private sphere (UNDP 1995, World Bank, 2001). Gender is a cultural category that contains the roles, behaviours, rights, responsibilities, privileges and personality traits assigned by that specific culture to men and women. Gender role may be seen as the constellation of behaviour as culture deems appropriate for males and females and may include the attitudes and emotions that are seen as fundamental to being a man or a woman. The recent studies provide a more careful rendering of the situation of tribal women than the ones presented in the earlier accounts. One can see this in the works of Chauhan, (1990); Mann, (1996); Zehol, (1998); and Kapoor et al, (2007). The more recent writings also mark a departure from the earlier ones on the status of tribal women. These are now increasingly moving in the direction of what in social science literature is described as gender studies. In recent years, there has been more analytical discussion on the status of women in tribal society. Earlier, they were portrayed as having a better status than women in caste societies, with physical mobility, choice in marriage, divorce and remarriage, access to property and resources. Consequently, tribal women were invariably depicted as having higher social status than their counterparts in caste society. However, the economic burden and workload of tribal women as well as their access to education, food and nutrition, modern occupation and political participation, especially in the modern context, has not been given the kind attention it deserves. Singh (1973) worked on women issues and reported that, in rural India poorer people were made victims of severe injustices and discriminations. Agnihotri, et al (1995) conducted a study on women's issue and claimed that women movement as we find today, is the result of several political, educational and cultural forces. Mehta (1999) worked on tribal women among Rajasthan reported that the district with higher proportion of the scheduled tribes exhibit higher female participation rate. Butter (1999) reported that greater dependence of rural poor women on natural resources due to lack of alternatives affects women disproportionately and gender differences in time and mobility due to different roles and responsibilities greatly constrain women's economic opportunities often lead to high degree of dependence on locally available resources. Mishra and Kapoor (2001) observed that among the Meena tribe of Rajasthan parents do not send the girl child to school because they think that there is no point in educating a girl because she will be married and send away. The girls perform domestic work. The girl child is given full diet. She is not given milk and fruits. Banu (2002) worked on Gender issues in caste and tribal society and concluded that problems of gender issues vary from society to society. Indian society can be divided into caste and tribal society. Gender issues are at different levels in both these societies. Xaxa (2004) conducted study on women and Gender of Tribes in India and reported that the tribal women have a better social status than their non-tribal counterparts in the larger Indian societies.