An Introduction

Jharkhand which came into being on 15 November 2000 as the 28th State of The Union is the homeland of the tribal's for which they had been dreaming for Centuries. According to legend. Raja Jai Singh Deo of Orissa had declared himself the ruler of Jharkhand in the 13th century. It largely comprises forest tracks of chhotanagpur plateau and Santhal Pargana and has distinct cultural Traditions. In post-Independence era. The Jharkhand Mukti Morcha started a Regular agitation which impelled the government to establish the Jharkhand Area Autonomous Council in 1995 and finally a full-fledged State According to prominent historians like SC Roy. The Mundas were spread all over the north of India in the 3rd Millennium BC. And they were constantly on the move. Their wanderings were sometimes due to natural causes, but often due to invasion by outsiders The Mundas fled to the hilly regions to Preserve their independence and identity.

At one time, they inhabited what is presently Punjab. Later they came down to Utter Pradesh, then to Bihar and finally they settled in chotanagpur or Jharkhand. The Oraons . Representing the Dravidian tribes, were originally in the Konkan region of what is presently Karnataka. Later they moved towards
Maharastra. Bihar and finally to Chotanagpur a few centuries after the Munda.

The Santhal tribe had lived prosperously for some centuries in the Champ region (now in Chattisgarh). Later they moved towards Bhagalpur. and finally to Saont in Midnapur, from which they derived the name Santhal Adivasis inhabited the Gangetic plains during the pre-Vedic period and were an agrarian society. When the pastoral Aryans invaded the Gangetic plains they succeeded in conquering the fertile area since they had horses which enabled them to be more mobile.

One of the main characteristics of the Adivasis in the course of their history of struggle with alien cultures was the fact that they were always away from the centre of power, they were frequently on the fringes. In the era of small kingdoms developing into empires such as the Magadha empire and the Ashoka Mauria during the 800 BC. And the Guptas and Cholas around 10th and 12th AD,

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evidence of the marginal existence of the Adivasis community is to be found. In all the records we find references to Adivasis people as dasyu, danavs, rakshasha and savage, etc.

The Aryan people were more dominant and aggressive. They had a monarchical system of governance based on the vama system and a standing army with fighting skills. Egalitarian Adivasis communities did not have a kingship system, since it was based on hierarchy — a concept alien to the tribal ethos. Instead of Kingship the Adivasis had clan groups among the Kill system the clan system. This later developed into the Khutkati system Nor did they have a standing army, since the self-sufficient Adivasis communities did not have a division of labour based on workers and non-workers.

Marginalisetion of the Adivasis continued during the medieval period. During this period, the Muslims came to India, as early as 711 AD. As a part of, an expedition led by the Arab General Muhammad bin Qasim Shortly thereafter, Sindh, part of lower Punjab, was incorporated into the Arab Umayyad Caliphate In the course of time, the Muslims conquered a number of Hindu kings. However, the Muslim Emperors were not interested in invading the Adivasis areas, except for collecting malgujari - tax. Even during this period. The Adivasis continued their traditional system of socio-cultural and political governance .

The Parha and the Manki Mundua system was the basis of the social union among the Adivasis in Jharkhand. Kingship developed amongst the Adivasis as a result of the necessity to protect their natural and livelihood resources from alien predations and to pay taxes to more powerful emperors. The kings would appoint someone from amongst their kin to be an agent to collect tax. The revenue thus collected was then used for paying the taxes to the emperor. The Nagbashi Rajas, the Jaria garh Raja, the Ratu Raja, etc., were amongst some of these small kings. They would collect malgujari from the people to pay to the Emperors. This system of kings can be seen in the Oraon areas, in the western region of Jharkhand.

This kingship system was resisted by the Adivasis. The Hos resisted the malgujari. and so too did the Santhals and the Mundas. This resistance

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became more prominent during the British rule in India which resulted in the Chotanagpur Tenancy Act, the Santhal Parganas Tenancy Act, and the Wilkinson Rule. These rules and Acts recognised the distinctiveness of the social-cultural and political institutions of the Adivasi people. They also provided the British government with a better way of collecting tax from a people who refused to part with the lands that had been cleared and cultivated for several generations. It is clear that the customary system of self-governance of the Adivasis has existed and evolved in the course of the history as far back as we can trace it Their customary practices have been one of the main strengths of the Adivasis people. This is how they have been able, in the past, to resist outside forces encroaching into their freedom.

The economic effects of forcible incorporation of Adivasis into a stratified market economy have been well recorded. However, as well as the economic exploitation and land alienation, the incorporation and subordination of the Adivasi society in to the market economy, has led to the destruction of the community as a whole. This disempowerment was done through a very conscious destruction of the Adivasi institutions of governance.

In the case of Jharkhand, with the establishment of British rule we find a conscious effort to destroy the traditional Adivasis institution of self- governance, self-regulation, such as Munda Manki system and the Parha system. These representative institutions were supplanted by a new set of institutions to enable the British not only to appropriate the economic and labour resources of the Adivasis communities in the form of land revenue and indentured labour, but also to make these new institutions independent of the control of the Adivasis community.

It is no accident that unlike the Munda Manki system. which was communitarian and not necessarily hereditary, the new system was always based in an individual authority and in several cases hereditary. These offices of revenue extraction were vested with authorities of a feudatory chief or raja.

A part from the system of revenue and labour extractions a new and bureaucratic civil and criminal administration was also set up. Bureaucracy, police and courts were encountered by the Adivasi communities for the first time. These institutions not only destroyed the Adivasi communities, since they were completely out of the control of the

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society, they also eroded the communitarian principles that permeated the self- regulatory mechanism of the Adivasi society. The impact of this ethos was evident in mechanism of dispute settlement in the traditional Adivasi institutions.

In the case of disputes, such as inter-clan clashes, murders or debts.the emphasis of the community panchayat was on justice, ratherer then judgment or punishment. All this changed with the advent of the modern bureaucracy that was based on individualism and impersonality. The Adivasis notion of justice was replaced by the modern binary of crime and punishment. The inability of the Adivasi people to grasp this subtle but deadly shift often led to tragic consequences. In the initial year of the establishment of police stations there are several recorded instances of the Adivasi warrior's reporting to the police station with the body of their victims.

What has been patronizingly recorded by the police officials as the "innocence and simplicity of the savage tribal's" was in fact the result of the failure of the Adivasi communities to understand the full import of the modem judicial principle crime and punishment. Rather than endeavoring to resolve the cause of acrimony between the Adivasi individuals or groups so that harmony could once again be restored, as was the traditional custom of the Adivasi panchayat the modern institutions resorted to punitive action, since for them an individual was solely responsible for its acts of omission and commission.

The Adivasi mechanism of grievance redress was therefore trespassed and violated. Furthermore, in its dealings with modern bureaucracy, judiciary and police the Adivasi notion of self-respect was violated. The elitist attitude of the colonial and Indian mindset was largely responsible for this. It either treated the Adivasi as a barbarian or as a simple or genial savage who was incapable of taking care of himself.

Apart from the attitude of the officials, the mystifying processes and functions of these new institutions made it impossible for the Adivasis to engage with these institutions on an equal footing. Official work during the colonial period was done entirely in English and in the post independence era in Hindi. Given the preponderance of these non Adivasis languages, the Adivasis were either compelled to learn the language of their conquerors and the attached cultural baggage or

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depend on the non-Adivasis in their efforts to seek justice from the modern institutions.

Either way, the Adivasis lost their autonomy, self sufficiency and self respect. It is not an accident therefore that in every Adivasi institution; of police, judiciary and bureaucracy were made targets of attack. It is noting here the curious case of the shooting of an arrow by Birsa Munda on a seminary in Sarvada to mark the beginning of his protest. This act has been interpreted by certain communal minded people as an attack on the religious beliefs of the inmates of the seminary however, if the intention of Birsa was to destroy the seminary rather than shooting a single arrow from a great distance he would have organised a full fledged raid on the institution.

However, what a western anglophile failed to recognise is that the problem of Adivasis is not only the inability to successfully represent their case in the modern institutions, but the very act of incorporation of the Adivasi society within the modern institutions. The arrow shot on the pastor by Birsa was not

aimed at his religious belief, but was intended to draw a line of demarcation between the Adivasis desire to retain their traditional autonomy and the desire of an anglophile to facilitate an easy and civilized way of coopting the tribal community into the modern system.

Oral tradition as a basis of customary practices

The Adivasi customary practices evolve from the praxis of oral traditional. In other words, the culture defines the customary practices. It is reflected in what people give value to and what they value. The event is important rather than the time in which it took place. It is not important that it is published but that it is remembered and recounted through the generations. The past is not a catalogue of facts but an encoding of events as the marker of Adivasi valor, justice, dignity, etc. Oral traditions are expressions of communality and community unlike the written script which becomes individual and personal.

The manner in which the Adivasi oral traditions were weakened was through the imposition of the written script by the ruling class. So today any and everything has to be written down in order to have validity. Whatever is unwritten and oral has been put in the category of myths and superstition. Once the commonality of the material resources gets

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