

Crime and Future challenges in India: A Study of Raji

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ABSTRACT

One phenomenon inherent in the nature of the plural society of the India is the coexistence of populations varying greatly in the level of material and intellectual development. Tribal community in India has been most vulnerable community in the in equal, domination and exploitation ridden society. They are on the breadline of their socio-economic and political rights. Even after centuries, the unchanged condition of Tribal communities is leading in India. The violation of fundamental human rights and the state brutality has been perpetrated on them, particularly on tribal women. Tribal communities have faced isolation and social discrimination like that of Dalits from the mainstream society. The Indian democratic state accords several statutes in the constitution where the rights of Tribal communities are protected and social justice is determined for. However, the democratic experiment has not been successful in this respect. Therefore, there is a surge of Tribal movements in the country for their rights. All tribal people of India have a thing in common- they all share a history of injustice. Raji are a primitive and numerically very small tribal community in northern India. The present paper explores within the larger framework of human rights crime and future challenges in general and how tribal rights violated in particular, in India.

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INTRODUCTION

One phenomenon inherent in the nature of the plural society of the India is the coexistence of populations varying greatly in the level of material and intellectual development. Confrontation and eventual harmonization are the two possible outcomes of such a state of affairs, focuses on the social problems created by the mounting influence of economically advanced and politically powerful groups on autochthonous societies which persisted until recently in an archaic and in many respects primitive life-style. A full understanding of the disruption caused by this impact within the whole fabric of tribal life cannot be gained from generalizations embracing the totality of the forty millions of Indian tribal populations. The diversity of ethnic groups and cultural conditions is so great that such an approach would be impracticable, and it is for this reason that have concentrated on micro studies, each dealing with a specific tribal society and with particular problems cognate to the process of social change.

TRIBAL PEOPLE: INDIAN CONTEXT

The Tribal people in India have a long history even before the arrival of the colonial government. The Tribal societies that existed prior to the colonial intervention had their own rights and duties within their autonomous sovereign framework. Apart from the encounter of the Tribal with the various civilizations, there was also the influence of the foreign missionaries in the past and of the dominant society through the fundamentalist forces in the recent past. There is a little doubt that Tribal communities continue to be the most marginalized group in India. Social indicators of developments tell that Tribal people have life expectancies that are decades shorter than the non-tribal are. Any other social indicator, be it standards of health facilities education opportunities and attainment, level of employment or standard of housing, sees Tribal communities enjoying fewer opportunities, and suffering greater burdens, than the rest of the Indian population.

About The Rajis or Van Rawat (king of Forest) or Vanrajis (Royal people of forest) who claims themselves to be Rajputs and the original inhabitants of Central Himalaya and are a native endangered ethnic minority group are of special interest because of multiple reasons. They are being one of the few population groups who represent a food gathering and hunting lifestyle in the part of Pithoragarh, Champawat, Udham Singh Nagar districts part of the country with a contradictory and dwindling population. They are quite different from their Kumauni neighbour in terms of social origin, cultural traits, economic pursuit and life style, etc. though a few scholars have studied the tribe, but a systematic

study by taking various historical aspects and particularly of society and its development aspects to understand the Rajis in totality is missing. For better understanding of Rajis society, we will have to understand the Kumaoni social structure that has deeply influenced the society of the Rajis. The social structures of Kumaun and Garhwal share marked similarities. The largest ethnic stratum is made up of the Khasa or Khasia which comprise the traditional peasantry, while the next largest stratum consists of the Doms serving the cultivating body as artisans and farm servants. Numerically the smallest but ritually the highest are the Thuljat – Brahmins and Rajputs claiming to be descendants of later immigrants from the plains. Rajis consider themselves Rajput meaning thereby Thuljat of the society. They believe that they are having royal origin. However, due to their backwardness and primitive nature of the society they have been classified as PTGs by the government. Earlier the society of the Rajis did not exhibit remarkable changes, however, the pattern of continuity were more common but later on due to settled life they are attaining growth and development. When they were first noticed in the British period by Mr. Trail, they were considered as a primitive tribe and till decades of 1980 there were no remarkable changes in their society but thereafter due to some planned and unplanned initiatives their development process could be initiated.

The constitutional safeguards as provided in the 5th Schedule of the Constitution of India and various other State level laws which among others prohibit transfer of the lands of the Tribal communities have failed to prevent widespread land alienation of the Tribal people in Raji Tribe. The core cause of the land alienation has been the Land Acquisition Act- 1894 under which the government can exercise its sovereign power to take away any land in the name of public purposes.

DISPUTE SETTLEMENT AND PUNISHMENT

Generally, disputes and crimes occur where property, wealth, money etc. have uneven distribution but in case of Rajis, neither there is as such property nor other type of wealth. Their mode of living and occupation are very simple and primitive type. Rajis are still individualistic in their every act of life. Nowadays due to allotment of lands and house building programme of the government some concept of property has been developed. Due to this, some disputes have taken place in between Rajis and with their neighbours. Usually and generally, these disputes are resolved amicably because of submissive, docile and shy nature of Rajis. Prevalent crimes among Rajis are pre or extra marital affairs; however, same is not taken very seriously within the society of Rajis. In some cases, parties are asked to take oath

in the name of their child or God and in this cases, it is believed that if the parties are telling lie they would face divine wrath. There is another peculiar method to test the truthfulness of the parties. In this method, the party is asked to urinate on the red hot iron. Further, if any Raji male commits any offence punishable under Indian penal code then he flees to his Nepali relatives in Nepal to avoid imprisonment.

FAILURE TO ENSURE FOREST AMONG RAJI TRIBE

After the emergence of private property and the emergence of modern nation states, as Tribal communities have no legal rights over the lands they have been living on and cultivating for generations, it became easy for the non-tribal to acquire the land of Tribal people. Often, the law declares these unregistered lands as reserved or protected forests, or sanctuaries and national parks. The access of Tribal communities to forest produce or to the grazing of cattle is rendered illegal, they are threatened and penalized for entering into the forest. A large number of these people belong to the Tribal communities. They live every day under the unpredictable threat of being evicted from their homes; the only legal protection they have is the due process of law. Over the years, when these people have protested against oppression by the forest department or raised their voices to demand legal rights, the State has used force to suppress them- to the extent of denying them the right to life.

Most of the Raji tribes have built their settlements in the interior regions of the forests. However their dependence on forest produce has not ceased completely. Their traditional occupation now occupies secondary position. Many of them are work as forest laborers. It is well recognized that timber felling damages forests. But even if you take away dead trees or fallen trees that are full of nest holes and cavities, a lot of species get affected. For the wildlife community that uses it, even a dead tree is a very useful resource. And, there is the so-called Minor Forest Products (MFP) or Non-Timber Forest Products (NTFP). These could be the bark of some species of trees, the fruit of some others or the seed from a third one, or they may simply be products like cane and bamboo. All these products are now being exploited, not for subsistence consumption by a few forest dwellers in remote areas, but to supply organized industries.

The National Forest Policy of 1988 recognizes symbiotic relationship between forest and Tribal communities yet; the Tribal people have been systematically victimized under the Forest Act of 1927. When the Forest Conservation Act of 1980 came into implementation, thousands of acres of land of

Tribal communities were encroached overnight. In the meanwhile, Tribal continues to be prosecuted for accessing minor forest produce.

The other thing about NTFP is that the method of exploitation itself is often very dangerous to wildlife and forests. Many of the extractive methods involve destroying the tree or the plant; others involve heavy usage that affects regeneration. Many minor forest product collection methods are cruel- for example, the use of fire is a common method to collect various kinds of fruits and nuts; fire is commonly associated with minor forest product collection or honey collection. So, the impact of these very innocuous sounding collection activities is quite hard on wildlife and natural habitats.

The man- made fires caused by graziers, minor forest product collectors, hunters or careless people. These repeated fires mostly have a severe and negative effect on wildlife. What such repeated arson does is gradually remove the kinds of trees or under storey plants that are not able to withstand repeated fires, and replace them with hard, thick barked, often inedible plants.

Secondly, fire has a tremendous impact on ground nesting birds, reptiles or even young ones of larger animals like deer and tiger. So, the effect of fire is largely a negative one and we need to treat it as such. However, you cannot generalize too much, since we need location specific research to understand the effects of forest fires and for that matter a lot of other thing.

VIOLATION OF PESA ACT IN INDIA

To reinforce the constitutional provisions for protection of the Tribal communities, this important Panchayat (Extension to the Scheduled Areas) PESA Act1996, has been enacted in recent years. The act empowers the scheduled Tribes to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution through the Gram Saba. Interestingly, the provisions of the Panchayat Act hardly find its due place in latter and spirit. However, there are extensive violations of the PESA Act, 1996, before resettling or rehabilitating persons affected by projects in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level (Memorandum, 2010). Despite the above provisions for the rights of the Tribal communities, no necessary initiations are taken up during any developmental project to take the opinion and consent of the GramSabha, which constitutes people's opinions. The recommendations of Gram Sabha are not made mandatory prior to granting prospecting

license or mining lease in many cases. The Constitution entrusts the Governor the task of ensuring 'peace and good governance' in Schedule Five Areas, with absolute powers over the state government towards this end. Governors were also required to submit an annual report to the Parliament, which was meant to be an independent assessment on administration in Schedule Five Areas. However, since the enactment of PESA, Governors have slowly but surely been neglecting their duties towards the law, and towards the welfare of the Tribal communities. Even The government of India has also failed to materialize Tribal sub plan in the country.

CONCLUSION

India, one of the youngest countries in the world, where youth accounted for 20% of the total population in 2011, however unemployment remains high in India. India has an unrivalled youth demographic: 65% of its population is 35 or under, and half (50%) of the country's population of 1.25 billion people is under 25 years of age.

The Indian population in 1973 was 57 crores and the increase in Rapes to 2011 is 9 times, in Kidnapping & Abduction 7.5 times, Robbery increased by 2 times, and Riots increased by 2.5 times. On the other hand Dacoity and Burglary/House Breaking have declined by 25 % and 40 % respectively (data rounding has been done). The decrease in Dacoity and House Burglary indicates shunning of the nomadic way of life. Violation of human rights creates many economic and emotional problems. It affects the nature and welfare of human beings, and creates many disorders. It is possible to imagine the life chances of Tribal communities improving through the implementation of practical measures along with considering the rights accorded. However, silence on rights will always carry with it the danger of a return to paternalism and the treatment of an identifiable group of people as a 'problem' worthy of charity, not as a group of human beings to whom society has responsibilities and duties. The constitutional guarantee, which governs and protects the rights and sovereignty of Tribal communities, need an immediate implementation. Otherwise, this would lead to a disappearance of the various Tribal communities from the human picture. The Tribal communities' sovereignty is at stake by the intervention of non-tribes in their area. Therefore, there is an immediate need to constitute Tribal autonomy councils so that the Tribal communities themselves can look after the rules, implementation and development of the localities.

The denomination of certain castes and tribes as “criminal” emerged from the various administrative depictions of groups that preoccupied military and police agencies of government. The genesis of criminality attached to certain people and professions like gypsies, nomads and wandering groups goes back to the ‘mother country’ itself (Radhakrishna: 2001). It was a popular perception that mobile people were vagrants, drifters, lazy, not given to any kind of ‘disciplined’ life and therefore needed to be disciplined. The CTA redefined the notion of crime, criminals, criminality and tribes and led to a completely new.

The Criminal Tribes Act of 1871 was a link in the chain of a whole conundrum of repressive measures enacted to control and rule. It reified crime and criminals and was aimed at the sedentarization of peripatetic and itinerant communities. This was achieved through certain ‘investigative modalities’ like the census, gazetteers and surveys and colonial disciplines like anthropology and anthropometry that divided the country into ‘marital races’ and ‘criminal castes’. By the end of the nineteenth century, the triad formed by the three C’s that is crime, caste and census became the defining features of British India.

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