

## **Rights of Tribal Women in Democratic in India.**

**Mrs. Vijayata G. Uikey**

Assistant Professor  
Post Graduate Teaching  
Department of Law  
RTM,Nagpur University

### **Abstract**

The history of the tribes, especially from the time colonial annexation to present day, has been, in essence, the gruesome story of their enslavement, exploitation, expropriation and extermination. Even after independence government fail to generate qualitative human scenario. Government planning programme has by passed the tribal and their efforts to improve them has not succeed. Tribal people in general and tribal women in particular continue to be neglected despite of special programme being implemented for their upliftment. India being a democratic country there is a development of people no doubt. But tribal women are still lacking behind. Since independence government of India concentrated on the development of all the section of society but women development is bit neglected. Less number of Women in India enjoys there democratic rights by participating in politics, economic activities, cultural activities. Women are progressing high in each and every field. But if we look into the rural area especially tribal women, they are lacking behind. This paper focuses on problems of and discrimination on tribal women in India.

### **Introduction**

The history of the tribes, especially from the time colonial annexation to present day, has been, in essence, the gruesome story of their enslavement, exploitation, expropriation and extermination. Even after independence government fail to generate qualitative human scenario. In colonial era British adopted the policy of separating them from others and keep them in jungle and not to interfere with them. Post-independence era is a complex for the tribal because of domination and subjugation by the government in the name of development. Government planning programme has by passed the tribal and their efforts to improve them has not succeed. Tribal people in general and tribal women in particular continue to be neglected despite of special programme being implemented for their upliftment. All the programmes made by the government benefited the tribal male more than tribal females.

India being a democratic country there is a development of people no doubt. But tribal women are still lacking behind. Since independence government of India concentrated on the development of all the section of society, including communities. Above all with the passage of time women started working outside besides man. But tribal women were not among them. Even women those who are the victim of domestic violence or any type of harassment are protected with stringent laws. Not only in domestic country even at international level women protection and their development is considered as a significant matter. Non-tribal Women in India enjoys there democratic rights by participating in politics, economic activities, cultural activities. Yes today women are progressing high in each and every field. But what about tribal women, why they are still lacking behind? Why they don't have any voice in democratic country like India? This article will try to answer the entire question by looking into the ground reality of tribal women's life. This article is divided into three sections, section A will focus on the how democracy played significant role in development of women in India. Section B will provide status of tribal women in democratic India. Section C will conclude this article with few suggestions for upliftment of tribal women.

## **SECTION A**

### **DEMOCRACY AND DEVELOPMENT OF WOMEN'S RIGHTS IN INDIA:**

The Word 'democracy' is the Greek word which means rule of the people. The nature and scope of the concept of democracy is corresponds to the concept of Right to self-determination and development of people. The nature of democracy provides the free hands to the citizens to elect the representatives to govern them in all spheres be it political, social and economic. Similarly right to self-determination is the prerequisite right to enjoy unique nature of democracy. In the world India is recognize as country having largest democracy. Citizens in India get voting rights to elect the representatives; it can be at Panchayat (at village level), Municipalities, and state assemblies and in parliament. If we look into the history, the democratic rules were seen in the Rig veda, Arthveda, Ramayanas and Mahabharatas, where the people freely enjoys the equality among themselves. It's the British people who had brought the concept of democracy in India. The British did not intend to introduce them. It was accidentally introduced in India. This can trace, when British introduce western education in India with the intention to successfully rule the India. Aftermath of this gave rise to idea of Nationalism among the

educated Indians this gave blow to use western ideas of democracy, social justice against the discriminative and undemocratic colonial rule. Post-independence government made reform in the society with the framework of Industrial development only, thus setting aside the issues of poverty, social discrimination and gender inequalities. The concept of Democracy and development in led to the question that is the democracy is all about political freedom only or the concept Is capable enough to cover the other issues like poverty, social justice, economic freedom and equal rights of women.

In the post-independence era women unequal treatment in the society and in political sphere was the major concern. Globally women unequal treatment was considered as a hindrance in the development of the country. Man and Woman both play important role on the development of the country. In India, women's unequal treatment was mainly due to presence of patriarchal structure in the society. An Indian woman has witnessed inequality in each phase of their life. Domestic violence, rape, sexual harassment, sub-ordinate to male are few instance which show that women has no democracy in their life. India with democratic framework realized the women equal treatment is a significant factor to achieve overall development. The framer of the Indian Constitution were aware of women situations and treatment they get in the society and thus framer of the Indian constitution incorporated special provisions for the upliftment of the status of women and to bring gender equality in the society.

The Concept of Equality is a result of democracy and these both can be seen in the Indian constitution. First and foremost this can be seen in the preamble. Preamble is the key to open the minds of the makers and show the general purpose for which they made several provisions in the Constitution. The preamble itself declare that men and women of all castes, religion etc. have adopted, enacted and given themselves the constitution. Above this, preamble wishes to render "Equality of status and of opportunity" to every man and woman. It also ensures "dignity of individuals" which again includes the dignity woman. On the basis of preamble, several important enactments have been brought into operation, pertaining to every walk of life- be it in family, succession, guardianship and employment which aims to provide and protect the status, rights and dignity of women. Since then number of legislation passed which ensure and guarantees Gender Equality: Indian Succession Act, Immoral Traffic (Prevention) Act, Dowry Prohibition Act, Special Marriage Act, Hindu Marriage Act, Hindu Succession Act, Maternity

benefit Act, Indian Divorce Act, Protection of Women from Domestic Violence Act, Hindu Widow Remarriage Act, Sexual Harassment of women at workplace Act etc.

Aftermath of these legislative enactment resulted into the women position got changed, they are now standing beside man. True there is a development of women in general but no development of tribal women in particular. Above few legislations does not apply to tribal women like Hindu Succession Act, Hindu Marriage Act. Tribal women's equality gets unheeded as compare to Hindu women. Next section will show the status of tribal women and explain why the tribal women are lacking behind.

## **SECTION B**

### **DEMOCRACY AND TRIBAL WOMEN'S RIGHTS IN INDIA**

Tribal groups inhabit widely varying ecological and geo-climatic conditions (hilly, forest, desert coastal regions etc. They live in the unique concentrations area in various parts of the country and have distinct biological features with the different features of cultural and socio-economic background. Tribal groups are homogeneous, culturally firm, have developed strong religious system and they wish to survive and live in their own style. There are more than 500 tribes notified under schedule under article 342 of the Indian constitution in different states and union territories. Large range of population lives in isolated areas and practices either primitive agriculture or no agriculture practice and most of them are still in food gathering stage with almost stagnation population. And few tribes live in urban area, follow their own culture, sometime follow Hindu culture and speak their own language. In urban areas many tribal women has done higher education, and some are holding the higher post in government offices. But in remote area tribal women are badly affected by open policy of the government and industrialization. These has resulted into their economic poor condition, both male and female of the family has to work in industries like labor, they show less interest in education, ultimately children also neglect education as parents working as labor in industries. Influence of non-tribal in working areas has affected the tribal groups like male member of the family becomes alcoholic, which resulted in poor condition in tribal family. For instance, women are considered as subordinate to male; there equal status has been lost. Historically in Tribal communities the status of women has been better than in caste Hindu society. Women in many tribal communities enjoy equal status and have rights to inherit property according to their customary laws. Tribal

women get married relatively later than Hindu women. Additionally, widow burning (sati), occupational segregation, dowry culture and a hierarchical family structure with women placed in the lowest rung of the social order have been absent from many tribal communities across centuries. Few tribal communities follow matrilineal structure in post marriage and inheritance of property and women in such social structures enjoy inheritance rights and privileges that are absent in patriarchal societies. Non-tribal Women in patriarchal societies often do not enjoy economic independence and are therefore subjugated to lower household and social status. With the passage of time or it can be said that the wave of industrialization first and foremost affected the tribal this has largely affected the tribal women, their Decisions regarding marriage, fertility, and divorce on the women's part are severely constrained.

India being a democratic state ensure that each of their citizen are equal, but in reality this is absent in many Indian families including tribal family. Tribal Women in general are badly affected by this modernization, it was thought that modernization will bring equality among the man and women, but it gave birth to new crimes against the women. For instance sexual harassment at working place, brutal rape, cyber-crime etc. has affected the women in general but also tribal women in particular. Their position today is same like non-tribal women, for example of victim of dowry, domestic violence, brutal rape by police officers at village level. They are now governed by patriarchal law and patriarchal system inside their family. Their equality is lost due to liberalization. It is seen that Fights for equality is mostly seen in civilized world where women fight for equality while enjoying their special status. These waves are away from women of tribal areas. We all know that women play crucial role in securing livelihoods of their families. Same is with tribal women they also play crucial role in securing livelihoods of their families, while preserving the cultural worldviews and values of their tribal groups. Tribal women mainly face three forms of discriminations i.e.:

1. Tribal women are poor; have to face lot of financial crunches. Main cause is illiteracy, poor condition of bread earner etc.
2. Most important is being tribal women. They face twin discrimination as compare to non-tribal women.
3. Besides above 2, they face discrimination for being women. Women's ability to communicate with and convince their spouses or other members of the family indicates

their decision-making autonomy. Women with great decision-making power are supposed to have a higher status in the household. In India, women are discriminated on her every sphere of life. A girl or women are suppressed or dominated from the moment she is born. She is made to undergo the feelings of being inferior and feeble. She is denied the prospects for personal expression. Earlier this was not followed in tribal community but in post-liberalization era concept of democracy is being understood in different way. for example, thinking of man got changed they are more influenced by the IT world, which gave birth to cheating, silent violence against women like uploading nude photos without their permission, bigamy etc.

As seen above in Tribal communities the status of women has been better than in caste Hindu society. Women in many tribal communities have equal status and rights in property according to their customary laws. But these positive aspects got eroded with penetration of patriarchal society. Today customary law got converted in patriarchal law. For instance in state of Bihar the Chotanagpur Tenancy Act, 1908 had considered by Apex court which denied the right of succession to the females in favour of the males. The constitutionality of this Act was challenged as being biased against females. But the Apex Court by a majority of 2:1 held that the impugned provision could not be held to be unconstitutional. They decided that the right of the male successor would remain in suspended animation until the right to livelihood of the surviving female members of the deceased male is satisfied. This show that how the customary laws of tribal are biased against the tribal women. Not only have these tribal women lived in worst condition in Kerala but also they are victim of sexual harassment and atrocities by the official and guards of the Forest Department. Not only has this, there literacy leveled low as compare to non-tribal women. Study conducted in 2014 in tribal area of Madhya Pradesh show half of the tribal women were clueless about the modern day family planning methods, despite the false claims of state government.

### **Urgency to save**

The most significant factor is education. Conducting survey on their literacy level is good but result out of survey needs immediate actions, government under the state policy should take initiative to make them aware on education. Education will expose them to skill education, this need to be done free of cost. Through education they will get aware of their basic human rights and duties. Policies should be made to aware them regarding all the basic rights. Tribal

community has ancient knowledge of tree and plant that need to be Utilize by providing them patent rights. Their cautiousness and protective nature of environment can be seen in 1974 through ChipkoAndolan by north-east tribal women. Second factor is Women empowerment which has reached to all the state. State government through women commission and national human rights commission should make such programme to empower the tribal women and to prepare them to participate in decision making procedure. These are some of the factor which need to take into consideration for protecting tribal women in the globalize era.

## **Section C**

### **Conclusion:**

It clear from the above discussion that the women in general are worst affected by modernization but in particular tribal women's life has also changed. There equal status in family got big blow due to liberalization. They live in very pathetic condition especially in tribal areas. Their participation in politics is very low but participation in society and cultural activity is very high. They all face discrimination as being tribal women, being poor and above all being women. Everyone knows that women play very important role in a family as well as in society. In order to evaluate the status of any cultural group women status are evaluate first. In same many study was conducted to evaluate the status of tribal women, all the time result was worst, for instance either they are more illiterate, sexually harass by officers, work as maid servant, victim of domestic violence, deprived of basic rights and duties etc. this was not a new result for government this was since British rule. Prolong policies of government even after independence fails to change the life of tribal women's. Though India succeeded in achieving the gender equality in general but the concept of gender equality needs to be seen via lens of various sections of the women. The lifestyle of nontribal women may not be equal to lifestyle of tribal women. Moreover the life of tribal women in middle India is not same to tribal women of northeastern region. Thus the development of the tribal community can be seen if the gender equality be practiced.

### **References:**

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- **Article 342.** (1) The President<sup>3</sup> [may with respect to any State [or Union territory], and where it is a State, after consultation with the Governor thereof,] by public notification<sup>6</sup>, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State [or Union territory, as the case may be]. (2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.
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- MadhuKishwar v. State of Bihar,**996 AIR 1864, 1996 SCC (5) 125**
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**Online Resources:**

- <http://www.jstor.org/action/showJournals?browseType=title>
- <https://www.eccresearch.com/>
- <http://www.lexisnexis.com>