



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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The Inherent Rights of Tribal women

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Received 21 April 2022; Accepted 12 May 2022; Published 17 May 2022

The human rights of tribal women are discussed in this article. The right to live as a human being belongs to everyone. Human rights are not bestowed or granted. They have already assimilated into society. The protection of basic human rights such as life, liberty, and property is referred to as human rights. All people, regardless of social class, caste, gender, race, or religion, are granted these rights. The preamble of the Indian constitution gives the central and state governments sufficient power to end human rights violations in the country. The human rights of tribal women are routinely and egregiously violated. As a result, it's critical to discuss tribal women's status and the various articles written to assist them. This article focused on this subject, and the recommendations made will help them secure their place in society. Tribal women have long been India's most vulnerable and marginalized group, suffering from various forms of social exclusion, gender discrimination, exploitation, violence, and abuse. The Indian government has promised several benefits, particularly for tribal people, and is working hard to raise their status to that of equals among all people. Despite these legal provisions and other significant efforts, Indian culture fails to attain the goal of equality and social justice to protect tribal women from marginalization.

Keywords: *tribal women, violence, constitutional safeguard, women status, gender discrimination.*

INTRODUCTION

The family comes in a variety of shapes and sizes. These families have a direct impact on women's status, not only in terms of the number and quality of relationships they must adjust

to but also in terms of function and role distribution and resource allocation. Religious beliefs consider women to be impure, so they are not allowed to use ploughs or interact directly with supernatural beings. It is not by chance that tribal women are in the state they are in. It has changed as a result of the actions of several forces in the past. In tribal areas, Women have a significant role in the economy and the division of labour because of the economic cycle and the division of labour. Women's social status has undoubtedly been influenced by their economic role, as they now have unprecedented levels of social freedom. Women from various areas have similar economic roles to play, which are necessitated by environmental demands to grow food for their consumption, resulting in cultural similarities among the various tribal groups in the particular areas.¹ India is a pluralistic country with a rich diversity of values, beliefs, and ethnic backgrounds. The status of tribal women is poor, as evidenced by numerous facts that point to their low status. Women, for example, do not have property rights unless they live in a matrilineal society, which accounts for a small percentage of the tribal population. For the same work, women are paid significantly less than their male counterparts. In some tribal groups, various tattoos discriminating against tribal women exist, signifying impurity and low status. Tribal women are not permitted to hold the position of priest. Tattoos related to menstruation are common in non-tribal communities, Some tribal women are not allowed to touch a plough or help with house roofing. That “Todas” of “Nilgiri” hills do not touch menstruating women for fear of destruction of harvest. In certain tribes, only the men are allowed to participate in ancestors’ worship.²

HISTORY OF WOMEN’S STATUS

In every human society, social differences are unavoidable. Gender-based differentiation is one example. Men were responsible for earning, while women were responsible for reproducing heirs and caring for the home. Women's status in early Indian society showed a downward trend, according to historical understanding. Women's status in ancient India was not treated equally to men, according to historical evidence. Women were only acknowledged as wives

¹ Sunitha N, 'Human rights and social status of tribal women' (2016) 4 (9) International Journal of Advanced Research, 2311-2314 <<http://www.journalijar.com/article/12321/human-rights-and-social-status-of-tribal-women/>> accessed 12 April 2022

² Azra Musavi & Juhi Gupta, *Women of marginalized community* (Sarup Book Publishers Pvt. Ltd 2020) 161-174

and mothers. Since time immemorial, Indian women have been disempowered and have had a lower status than men. The status of women in ancient India had both positive and negative implications. They were provided with opportunities, but they were also discriminated against. There was a link between a woman's financial situation and her social status. This, in turn, is dependent on the rights and opportunities to meaningfully participate in economic activities. As a result, women were frequently married off at a young age, denied access to education, and expected to perform household duties as well as care for family members' needs and requirements. Tribal women face discrimination in terms of education, income, consumption, status, and power; they have a worse health record than men; they face social, cultural, and legal discrimination; and they are frequently victims of violence. They are discriminated against based on equity, which entails equal access, choice, and efficiency. To assess women's rights, quantitative measurement of a comprehensive set of cultural and rights indicators is required. The rights of tribal women as women and their rights as indigenous peoples must be seen as intertwined. Indigenous women are an important part of indigenous peoples' collective identity, dignity, culture, and way of life. As a result, violations of indigenous peoples' rights affect indigenous women directly, and violations of indigenous women's rights affect indigenous women directly. As indigenous peoples, they are affected in different ways by their rights as women in terms of their welfare and well-being and as women. Despite significant investments in rural development, Adivasi communities, including women, reaped the smallest benefits. Indeed, the expansion and operation of mining and extractive industries, as well as the construction of large dams in tribal areas, resulted in massive Adivasi and tribal village displacements, resulting in food insecurity, poverty, violence, and abuse, especially among indigenous women and girls. They have become more vulnerable to human trafficking and sexual exploitation as they look for ways to survive and earn money. They are also particularly vulnerable to domestic violence, rape, sexual assaults, human trafficking, and witch-hunting, among other forms of violence. Violence against indigenous women is on the rise, and the state apparatus is failing to address it. Despite the existence of laws and measures designed to protect women from acts of violence and abuse, thousands of victims have gone unpunished.

Because of a poor education system or a lack of quality education, tribal women remain illiterate. Their health is also poor in comparison to the majority of the population. Tribal women die at a higher rate than non-tribal women, and tribal children, particularly girls, suffer from malnutrition at a higher rate. They are economically disempowered due to their lack of land tenure, despite their role and contributions as custodians of the land and natural resources. Millions of tribal women rely on the land, forest, and water for their livelihoods and to ensure food security for their families and communities. Despite the MNEREGA national scheme, which mandates equal pay for equal work, tribal women's labour is valued and paid less in the private and public sectors. As a result of their degraded socio-economic and political status, tribal women have continued to face severe violations of their human rights, both within their community and in the wider society.³

THE PROBLEM FACED BY ADIWASI WOMEN

Women's violence is widespread and frequently goes unpunished. Every 60 minutes, two women are raped, and every six hours, a young married woman is found beaten to death, burned, or driven to suicide, according to reports. There were at least 213,585 cases of crimes against women in 2010, with 22,172 cases of rape, 29,795 cases of kidnapping and abduction, and 8391 dowry deaths. The National Bureau of Investigation (NBI) published a report in 2010 that stated: Discrimination against women is also prevalent, owing to caste, sexuality, and other factors. Sexual violence against tribal women is a systematic means of maintaining the tribal status quo in society and reinforcing the upper caste's right to control and exploit tribal women's sexuality (National crime records bureau, 2007). The NCRB reported 1,557 and 772 rape cases involving SC and ST women, respectively, in 2011, with the caveat that the number of victims in some states/UTs/cities may be higher. SCs have previously been kidnapped and abducted, with Uttar Pradesh accounting for nearly 58.8% of the 616 cases reported in 2011. Lesbians, transgender women, and women with disabilities face stigmas, systemic persecution, and violence with little or no legal redress (National crime records bureau, 2011). Single middle-aged and elderly women from both tribal and non-tribal backgrounds are the targets

³ Dr. Jagdeep Singh, *Myth and Reality of Human Rights* (Oxford Book Company 2015) 138

demographic. India is one of the world's worst countries for fighting human trafficking.⁴ There are numerous incidents in which tribals are detained by the police, tortured, maimed, and forced to live with 'criminal' records and insecurity for the rest of their lives. In police custody, many Tribal women have also been subjected to this inhumane treatment. When their husbands are on trial, the women must mortgage their lands and livestock to secure bail for their husbands, leaving them as the family's sole wage labourers. Many tribal families have been ruined by the vicious nexus between police, politicians, and lawyers in the agency areas.⁵ There are many cases where a custodial death of Tribal women brutally raped by the police officers these cases are not being reported be of a lack of justice and also the women are not aware of their rights. Even there are many false charges against women like their being arrested in the suspect of a member of Naxalite. In Jharkhand, women have a stronger connection to the land than men. The lands that keep them occupied are acquired in the name of development without providing any opportunities for them to work.

ISSUES AND CHALLENGES OF TRIBAL WOMEN

For Indian girls, gender equality and justice are fundamental concepts that begin early in life, or rather before birth. In India, the girl child is still subjected to inequity and neglect. Three indicators are commonly used to assess women's status. The first is intrahousehold decision-making power, which is determined by education, employment status, and intrahousehold decision-making power.

Education: Education is an essential element of any society or any country. It is the basic right that provides a vision for social-economic upliftment. Still, the tribal girl child is deliberately denied this very crucial right and the future opportunity for the total progress and development in comparison with other children of the country. Still, there is a mentality that boys are assumed as a family name in a hair loom. And they are perceived as father prestige to

⁴ *Ibid*, 142

⁵ Naresh G., 'Work participation of tribal women in India: A developmental perspective' (2014) 19 (12) IOSR Journal of Humanities and Social Science, 35 <<https://www.iosrjournals.org/iosr-jhss/papers/Vol19-issue12/Version-2/G0191223538.pdf>> accessed 14 April 2022

the family. So boys are given preference to get an education rather than girls. Like other social groups, Tribal women are also far behind in education.

Health: Men and women do not enjoy equal opportunity in decision making and they do not have equivalent access to health care and nutrition gender disparity in poor health care and nutrition hit mostly in the tribal area and backward classes of the society. Tribal women suffer from various health issues in terms of hygiene poverty and lack of safe drinking water causing major health problems including diarrhea, malaria, TB, anemia, etc.

Work participation: Economic growth gain full employment and high literacy are significant components of development and in terms of development, the schedule tribes among the social groups are the most marginalized section. Most of the Tribal women work in the informal sector like agriculture labourers do husbandry-related work such as animal husbandry management household work manages their domestic affairs.

They perform the dual role of taking care of the family and competing for jobs balancing hard to maintain in the male dominant society.⁶

THE SAFEGUARD OF THE WOMEN IN THE INDIAN CONSTITUTION

India's constitution guarantees social, economic, and political rights to the country's most vulnerable citizens. The following are some provisions that are specific to the scheduled tribes:-

Social safeguard

- Article 14: "Equality before the law"⁷
- Article 15(4): "The state to make special provisions for the advancement of any socially and educationally backward classes of citizens or the schedule caste and the scheduled tribes."⁸

⁶ Kankana De, 'Health Awareness Among Tribes of Rural India' (2017) 11 (1) Journal of Molecular and Genetic, 1 <<https://pdfs.semanticscholar.org/62f7/ed0c2b336b13a60baa2c2ec6d0b11dd3e31e.pdf>> accessed 16 April 2022

⁷ Constitution of India, 1950, art. 14

⁸ Constitution of India, 1950, art. 15(4)

- Article 16: “Equality of opportunity for all citizens in the matter related to employment or appointment to any office under the state.”⁹
- Article 16(4): “The state to make provisions from a reservation in the appointment post in favour of any backward class citizens who in the opinion of the state are not adequately represented in the service under the state.”¹⁰
- Article 16 (4A): “The state to make provisions in the matter of promotion to any class or classes of the post in the services in favour of the scheduled caste and the scheduled tribes.”¹¹
- Article 338A: “A national commission for scheduled Tribes to investigate monitor and evacuate all matters related to the constitutional safeguard provided for the scheduled tribes.”¹²
- Article 339 (1): “Appointments of a commission to report on the administration of the scheduled area and the welfare of the scheduled tribes in the states.”¹³
- Article 340: “Appointments of a commission to investigate the condition of social and educationally backward classes and the difficulties under which they labour and to make recommendations to remove such difficulty and to improve their conditions.”¹⁴
- Article 342: “To specify the tribal or tribal community to be scheduled tribes.”¹⁵

Economics safeguard

- Article 46: “The state to promote special care for the educational and economic interest of the vehicle section of the people and in particular of the scheduled caste and the scheduled tribes and protect them from social injustice and all forms of exploitation.”¹⁶

⁹ Constitution of India, 1950, art. 16

¹⁰ Constitution of India, 1950, art. 16(4)

¹¹ Constitution of India, 1950, art. 16(4A)

¹² Constitution of India, 1950, art. 338A

¹³ Constitution of India, 1950, art. 339(1)

¹⁴ Constitution of India, 1950, art. 340

¹⁵ Constitution of India, 1950, art. 342

¹⁶ Constitution of India, 1950, art. 46

- Article 275 (1): “Grants in aid to be made available from the consolidated fund of India each year for promoting the welfare of the scheduled tribes and administrations of scheduled areas”.¹⁷
- Article 335: “The cleaning of the member of the scheduled caste and the scheduled tribes in the appointment to service and post in connection with the affairs of the union or a state to be taken into consideration consistent with the maintenance of efficiency of administration.”¹⁸

Political safeguard

- “Article 244(1): Special provision spelled out in the fifth schedule for the administration and control of the scheduled area and the scheduled tribes in any state (other than the states of Assam Meghalaya Tripura and Mizoram). Annual reports are to be submitted by the government to the President of India regarding the administration of the schedule area. Tribes’ advisory councils are required to be set up (especially in the fifth schedule States) to advise on such matters as the welfare and advancement of the scheduled tribes.”¹⁹
- “Article 244(2): Special provision spelled out in the 6th schedule for the administration of tribal areas in the states of Assam Meghalaya Tripura and Mizoram by designating the certain tribal area as Autonomous districts and autonomous regions and also by constituting district council autonomous councils and regional council.”²⁰
- “Article 330: Reservation of seats for scheduled caste and scheduled tribes in the house of the people”²¹
- “Article 332: Reservation of seats for scheduled caste and the scheduled tribes in the legislative assembly of the states.”²²

¹⁷ Constitution of India, 1950, art. 275(1)

¹⁸ Constitution of India, 1950, art. 335

¹⁹ Constitution of India, 1950, art. 244(1)

²⁰ Constitution of India, 1950, art. 244(2)

²¹ Constitution of India, 1950, art. 230

²² Constitution of India, 1950, art. 232

- “Article 243: Reservation of seats for scheduled caste and scheduled tribes in every panchayat.”²³

HUMAN RIGHTS RELATED TO TRIBAL WOMEN

- Article 1, 2, 4, 5: Discrimination, Temporary Special Measures, Sex Roles, and Stereotyping.²⁴ Even though our Indian constitution states that all citizens are equal, tribal women continue to face discrimination based on their ethnicity, gender, and social class. Women from scheduled tribes are not subjected to temporary special measures aimed at empowering them.
- Article 6: Trafficking Exploitation and prostitution. Tribal girls and women are being trafficked on a large scale to exploit their labour. Thousands of Tribal women have migrated to cities in search of work due to the loss of traditional livelihoods, a lack of quality education, and a lack of long-term income opportunities.²⁵
- Article 10: Equality in Education. Discriminatory practices against tribal girls in schools and higher education institutions, such as poor educational quality, insufficient facilities, admission policies, and scholarship provision, among other things.²⁶
- Article 13,14: Social and Economic Benefits, Rural Women.²⁷ Despite some improvements in their socio-economic status in both rural and urban areas, tribal women's rights and priorities remain unmet in legal frameworks, national and local policies, budgets, and investment strategies at all levels. They continue to face disparities in resource access and control. Gender-responsive and gender budgeting are two important tools that can be used to promote equality and empowerment.²⁸

²³ Constitution of India, 1950, art. 243

²⁴ Constitution of India, 1950, art. 1, art. 2, art. 4, and art. 5

²⁵ Constitution of India, 1950, art. 6

²⁶ Constitution of India, 1950, art. 10

²⁷ Constitution of India, 1950, art. 13, and art. 14

²⁸ Haque T., *Empowering rural women in developing countries* (Concept Publishing Company Pvt. Ltd. 2015) 1-20

IMPLICATION SUGGESTION

- Education and employment are the keys to the empowerment of women in every society. They believe that only boys should pursue education as they will grow up to be bladder news due to large family sizes and financial problems tribal girls cannot avail of school education.
- Tribal women fall victim to immoral trafficking in collieries and mines and by a labour contractor.
- In rural and tribal areas parents and their daughters are in school only up to secondary the to get them married as soon as possible.
- Changes in experience in sexual harassment exploitation, gender Biases, and rape are ever higher in the workplace. These barriers make women more vulnerable disempowering and discouraged.
- Gender inequality intersects with healthcare insufficient education and limited income to drive these deviations. Boys generally enjoy preference over girls in the matter of healthcare and the nutrition status of the girl is always less or inadequate than that of boys.

CONCLUSION

Disaggregated data on tribal women are needed in the social, economic, and political fields so that appropriate policies and programs can be developed to meet their needs and improve their living conditions while respecting their rights as women and indigenous peoples. There has never been a legal framework in place to promote and protect the rights of female domestic workers on a national level. The ministry of tribal affairs, the national commission for scheduled tribes, and tribe sub-plan integrated tribal development projects must all be implemented to improve the situation of indigenous peoples, particularly women. Committees on the welfare of scheduled castes and scheduled tribes, as well as the commission for the scheduled area and scheduled tribes marketing development federation and “*National Scheduled Finance*” and “*Development Corporation*”, In addition, effective monitoring

mechanisms for how these agencies are working to address the rights, welfare, and needs of tribal women, are required.