

## TRIBAL WOMEN IN DEMOCRATIC INDIA.



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### 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

#### D E M O C R A C Y A N D DEVELOPMENT OF WOMEN'S RIGHTS IN INDIA:

We are all familiar with the idea that democracy is a government of the people by the people and for the people. Ours is a representative democracy. Every citizen has the important right to vote her/his representative. People elect their representatives to all levels from Panchayats, Municipal Boards, State Assemblies and Parliament. If we look into the history, the British people who had brought the concept of democracy in India. The British did not intend to introduce them. For instance, they sought to introduce western education to create a western educated Indian middle class that would help the colonial rulers to continue their rule. A western educated section of Indians did emerge. But, instead of aiding British rule, they used western liberal ideas of democracy, social justice and nationalism to challenge colonial rule. This should not, however, suggest that democratic values and democratic institutions are purely western. Our ancient epics, our diverse folk tales from one corner of the country

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to another are full of dialogues, discussions and contrasting positions. Democracy was in thought much before independence. In 1931 Karachi Resolution reflects a vision of democracy that meant not just formal holding of elections but a substantive reworking of the Indian social structure in order to have a genuine democratic society. In colonial India the undemocratic and discriminatory administrative practice of British colonialism contrasted sharply with the vision of freedom which western theories of democracy adopted and which the western educated Indians read about. The scale of poverty and intensity of social discrimination within India also led to deeper questioning of the meaning of democracy. Is democracy just about political freedom? Or is it also about economic freedom and social justice? Is it also about equal rights to all irrespective of caste, creed, race and gender? And if that is so how can such equality be realized in an unequal society? After independence government made reform in society aftermath of such reform is development in society. An Indian woman has witnessed inequality in each phase of their life. Domestic violence, rape, sexual harassment, sub-ordinate to male are few instances which show that women have no democracy in their life. Keeping in view of the discriminatory treatment given to women since time immemorial, the framers of the Indian constitution were conscious enough to incorporate several general as well as specific provisions for upliftment of status of women and also to bring gender equality. 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 declares 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 of women. On the basis of preamble

several important enactments have been brought into operation, pertaining to every walk of life- family, succession, guardianship and employment which aims to provide and protect the status, rights and dignity of women. Aftermath of this enactment resulted into the women's 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. Next section will show the status of tribal women 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. in different concentrations throughout the country and are distinct biological isolates with characteristic 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 have 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. This has resulted into their economic poor condition, both male and female of the family has to work in industries like labor, they show 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; their 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 have equal status and rights in 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. Earlier Many tribal societies are matrilineal and women in such social structures enjoy inheritance rights and privileges that are absent in patriarchal societies. Women in patriarchal societies often do not have 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 affect 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 democratic state ensure that each of their citizen are equal, but in reality this is absent in many Indian families including tribal family. 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. this wave 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 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 more discrimination as compare to non-tribal women.
3. Above all last discrimination is 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 due to several historical, religious and other reasons. A girl child is suppressed from the moment she is born in terms of personal development. 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 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 shows 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 victims of sexual harassment and atrocities by the officials and guards of the Forest Department. Not only has this, their literacy levels are low as compared to non-tribal women. Study conducted in 2014 in tribal areas of Madhya Pradesh shows that half of the tribal women were clueless about the modern day family planning methods, despite the false claims of state government.

### SECTION C

#### CONCLUSION:

It is 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. Their equal status in family got a big blow due to liberalization. They live in very pathetic conditions 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 a very important role in a family as well as in society. In order to evaluate the status of any cultural group women status should be evaluated first. In some many studies were conducted to evaluate the status of tribal women, all the time the result was worst, for instance either they are more illiterate, sexually harassed by officers, work as maid servants, victims of domestic violence, deprived of basic rights and duties etc. This was not a new result for government this was since British rule. Prolonged policies of government even after independence

fails to change the life of tribal women's.

#### **REFERENCES:**

- J. S. Bhandari, Subhadara, Mitra Channa, "Internal Self-Determination and Tribal Sustainable Self-Determination", 1997, Tribes and Government Policies.
- The Story of Indian Democracy, Available at <http://ncert.nic.in/ncerts/l/lesy203.pdf>
- Sayed Maswood, 'Women and the constitution of India', 2004, Law Relating to women.
- Tribe, Tribal India, Tribal History', available at <http://shodhganga.inflibnet.ac.in:8080>
- Aparna Mitra 'The status of women among the scheduled tribes in India', 2007, The Journal of Socio-Economics.
- Madhu Kishwar v. State of Bihar, AIR 1996 SC 1864
- The Hindu Marriage Act, 1955.
- The Immoral Traffic (Prevention) Act, 1956
- The Protection Of Women From Domestic Violence Act, 2005
- The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013.
- **Vishaka and others V. State of Rajasthan** and others, AIR 1997 SC 3011.
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979 available at <http://www.un.org/womenwatch/daw/cedaw/> accessed on 08/11/2017.
- Freeman M.D.A., (2008), "Lloyd's Introduction to Jurisprudence", 08th ED, Thomson Reuters (Legal) Limited UK, pg. no. 1285-1400.