



Volume

1

# UNHEARD AND UNSEEN

Indigenous Women's  
Path to Empowerment  
and Sustainable Development

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BANGLADESH, INDIA AND NEPAL



**UNHEARD AND UNSEEN:  
Indigenous Women's Path  
to Empowerment  
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***Volume 1***

**UNHEARD AND UNSEEN: Indigenous Women's Path  
to Empowerment and Sustainable Development—  
Bangladesh, India and Nepal (Volume 1)**

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*Volume 1*

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# Acronyms



ABSU	All Bodo Students' Union
ABWWF	All Bodo Women's Welfare Federation
AFSPA	Armed Forces Special Powers Act
AIWN	Asian Indigenous Women Network
AMMS	Adivasi Mahila Maha Sangh
BNC	Bodo National Convention
BTAD	Bodoland Territorial Area District
BrSF	Boro Security Force
BTC	Bodoland Territorial Council
BWJF	Boro Women's Justice Forum
CA	Constituent Assembly
CBOs	Community-Based Organizations
CBS	Center Board of Statistics
CDO	Chief District Officer
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CIPRED	Center for Indigenous Peoples' Research and Development
CPN/UML	Communist Party of Nepal/Unified Marxist Leninist
CRPF	Central Reserve Police Force, Govt. of India
CSOs	Civil Society Organizations
DADO	District Agriculture Department Officer
DCSI	District Cottage and Small Industry
DDC	District Development Committee
DFO	District Forest Office

FGD	Focus Group Discussion
FIMI	International Indigenous Women's Forum
HDPD	Head of District Police Department
IFA	Indigenous Film Achieve
ILO C. 169	International Labor Organization Convention 169
INGO	International Nongovernment Organization
IPC	Indian Penal Code
IPOs	Indigenous Peoples' Organizations
IPs	Indigenous Peoples
ISAWN	Interstate Adivasi Women's Network
IWFNEI	Indigenous Women Forum of Northeast
India	
JJVS	Jashpur Jan Vikas Sansthan
KII	Key Informant Interview
MoE	Ministry of Education
MoFALD	Ministry of Federal Affairs and Local Development
MoFSC	Ministry of Forest and Soil Conservation
MoL	Ministry of Labour
MoL	Ministry of Law
MoWCSC	Ministry of Women, Children and Senior Citizens
NCRB	National Crime Records Bureau
NDFB	National Democratic Front of Boroland
NEFIN	Nepal Federation of Indigenous Nationalities
NIDWAN	National Indigenous Disabled Women Association Nepal
NIWF	National Indigenous Women's Federation
NIWF	National Indigenous Women Forum
NGOs	Non-Governmental Organizations
NGOFONIN	NGO Federation of Nepalese Indigenous Nationalities

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PRI	Panchayati Raj Institutions or local self-governance system
PVTGs	Particularly Vulnerable Tribal Groups
PTCA	Plains Tribal Council of Assam
R&R Policy	Rehabilitation and Resettlement Policy
Rajya Sabha	Upper House of the Indian Parliament
RRN	Rural Reconstruction Nepal
SDGs	Sustainable Development Goals
SSA	<i>Sarva Shiksha Abhiyan</i> (Universal elementary education for all children)
STs	Scheduled Tribes
TiP	Trafficking in Persons
TU	Tribhuvan University
UN	United Nations
UNDRIP	United Nation Declaration on the Rights of Indigenous Peoples
VDC	Village Development Committee
WCIP	World Conference on Indigenous Peoples
WDO	Women Development Office
YFIN	Youth Federation of Indigenous Nationalities





# Foreword



This book is a significant contribution to operationalizing the global commitment to Agenda 2030 *not to leave anyone behind* and the Beijing Platform for Action (BPfA) due for review on its 25<sup>th</sup> year of implementation. Twenty-five years earlier, indigenous women acknowledged BPfA's critical areas of concern but posited that it failed to acknowledge the neo-colonial structures perpetrating the discrimination and violence experienced by indigenous women and their communities. The Beijing Declaration of Indigenous Women (BDIW) called for the recognition and respect for indigenous peoples' rights and a stop to human rights violations and violence against indigenous women. It also demanded for equality in political participation while calling for support to enhance their capacities and access to resources.

In 2000, 191 states agreed to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women through the Millennium Development Goals (MDGs). The MDGs is a milestone in recognizing the indigenous peoples' close relationship to their lands, territories and resources and their significance in environmental protection and management. Indigenous women's invisibility in the MDGs, however, proves that their calls in Beijing were not heeded.

Twelve years after Beijing, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted. While it is a landmark in the history of indigenous peoples, there is still a wide gap in its full and effective realization on the ground. In Asia today, this is complicated by the intersectionality of diverse factors which include histories of colonization, conflicts, social and cultural diversity, fundamentalism, and militarism.

The Sustainable Development Goals/Agenda 2030 followed the MDGs in 2015. From Agenda 21 of UNCED aimed at reducing poverty, advancing social equity and environmental protection to the current SDGs, indigenous peoples have consistently argued that development should be founded on the respect and protection of individual and collective rights including to culture. Substantive respect, recognition and protection of the rights of indigenous women as indigenous peoples and as women is a continuing call. Despite indigenous women's contributions to development and progress made in the policy realm, indigenous women generally remain unseen and unheard. If development is to be responsive and inclusive, the significant roles and contributions of indigenous women in sustaining life, people, the planet, peace and development need to be acknowledged and accounted for, and their rights protected.

The three country studies presented in this first of a 2-volume series are part of the efforts of the Asian Indigenous Women's Network to raise the visibility and voices of indigenous women. The studies take different themes and approaches reflecting the diverse priorities, experiences, situations, and capacities of indigenous women's organizations who have been engaged in the process. While the studies may be limited in scope and do not necessarily reflect the totality of the situations of indigenous women, these show how intersecting issues shape their lived realities, how they themselves are responding, and the challenges they face. These offer insights on how to approach substantive inclusion and empowerment of indigenous women.

We are grateful to the members of the Asian Indigenous Women's Network and Tebtebba partners who have taken up the challenge of documentation to collaborate in this endeavor. Special thanks to the women, men, and their families/communities whose experiences are included in this volume.

Eleanor P. Dictaan-Bang-oa  
On behalf of the Secretariat  
Asia Indigenous Women's Network

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## Women Participation and Representation in Nepal, India, and Bangladesh

Indigenous women are not separate from the struggles of their communities and peoples. Within the collective struggle, it is important to acknowledge the personal or individual building blocks and gender dynamics. The challenge remains how to make these struggles gender responsive and empowering towards women's full and effective participation in the context of strong patriarchal influences in customary institutions and practice. On top of this are colonial assimilationist policies that continue to be in place. Advancements in the recognition of women's and indigenous peoples' rights at the international level are not being felt on the ground, but these have influenced local discourse and mobilization for substantial implementation of these rights. Three country studies commissioned by Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education) present how these are being undertaken by indigenous women and their organizations in Nepal, India, and Bangladesh.

In Bangladesh, indigenous women in the Chittagong Hill Tracts (CHT) took the discussion forward in the context of their communities. Their starting point was their very own customary and traditional institution. As "Transforming Realities: Political Participation of Rural Indigenous Women of Chittagong Hill Tracts" by Women's Resource Network (WRN) points out, "...to advance the political participation of rural indigenous women, change needs to begin from the traditional and customary institution, as it is the very institu-

tion that most directly governs their lives in the communities and has greater impacts on their lives.”

The demands for gender equality and for a stop to practices that impede women’s full enjoyment of rights generated a decade of opposing discourse around the integrity of indigenous customs and struggle against state oppression in CHT. As women’s rights and indigenous customs were deconstructed in multilevel discourse, a campaign ensued to build consensus on the necessity of acknowledging and respecting women’s leadership and duly recognizing their right to participate in decision making without aggressively invalidating customary institutions and practices.

As the campaign gained traction, progressive leaders saw the unique governance status of the CHT as an inroad to gender reforms. The Chittagong Hill Tracts Regulation 1900 provides a pluralistic administrative, legal, and judicial system based on statutes, local customs, and practices. It also defines the roles and responsibilities of the Chief and traditional leaders which include appointive authority and judicial functions in relation to personal laws. The Chakma Circle Chief introduced the appointment of one woman *karbari* (village head) for each *mouza*, an administrative unit composed of several villages. The Mong Circle Chief soon followed, while the Bohmang Circle is yet to commit. The case study examines the impacts of this reform based on data gathered from in-depth interviews and focus group discussions in the three Hill districts among the 11 indigenous peoples communities in the Chittagong Hill Tracts.

At the individual level, the appointed women *karbaris* have increased their knowledge and leadership skills as they mobilized community women not only to attend village meetings but also to articulate their thoughts and opinions. These have increased the self-confidence, both of the women *karbaris* and community women engaged. On the other hand, they still have to contend with persistent traditional perceptions—that they are disrupting social coherence and sparking family disputes and divorce, among others. These socio-cultural dynamics may be reflected in the women *karbaris*’ level of en-



agement in case litigation. In most cases, they are not invited to mediations and/or trials. Nonetheless, some took this as an opportunity for asserting their rights and exercising their functions as karbari. Their participation in customary mediation and trial processes has reportedly influenced women's higher participation and bigger voice in recent years.

At the collective level, the women karbaris have increasingly evolved as the voice of indigenous women in the customary institutions and governance in the CHT. While skepticism persists on the capacities of indigenous women to perform traditionally male-dominated roles and functions in the public sphere, the women karbaris' performance since the reform has gradually generated support and recognition. A case in point is the bequeathal by the Chailyatoli karbari of his position to his adopted daughter.

A deeper understanding of the concept of indigenous peoples' right to self-determination among indigenous women in the CHT was also brought out by the study. Women karbaris articulated the importance of strengthening the customary governance system to be able to respond to the changing realities of their present situation. This includes acknowledgement of necessary changes like respect and recognition of women to exercise their equal rights and agencies in decision making.

Amid persistent gender stereotypes, the women karbaris draw strength from the CHT Women Headmen and Karbari Network which convened for the first time in 2015. Establishing ties with human rights activists and political actors, the Network has been instrumental in the campaign for gender equality and ending discriminatory customary laws. Women karbaris acknowledge the significance of engaging in and with the formal governance system at all levels to strengthen legislative changes in favor of women. They are further exploring other avenues such as elected positions where the chances to attain outcomes in favor of their constituents are greater rather than to simply influence actors towards the outcome they want.

In Nepal, indigenous women still have a long way to go in the discourse and realization of substantive and inclusive representation and participation in the domestic until the

national level. Non-recognition of indigenous peoples is a de facto reality for indigenous peoples and particularly for indigenous women despite the Constitutional provision on social inclusion and recognition of diversity. The scanning done by the National Indigenous Women's Federation, National Indigenous Women's Forum, and Center for Indigenous Peoples Research and Development in the paper "Participation and Representation of Indigenous Women in Decision Making from Home to Policy" provides insights on how social class, religion, and dominant ideology continue to influence the current state of marginalization of indigenous women despite their growing movement.

Indigenous women's participation is seen as an involvement in decision-making processes in civil service, major political parties, civil society organizations, traditional institutions, indigenous peoples' organizations (IPOs), community, and home. On the other hand, representation means becoming a member of the central committees of main political parties, appointment to the civil service, holding key positions in NGOs, traditional organizations, and IPOs, and inclusion in the decision making activities within the community and the home. Both participation and representation further mean being able to engage effectively and bring out results in terms of securing the rights of indigenous women in particular and indigenous peoples in general.

The case study still reveals a bleak reality for indigenous women in Nepal and, optimistically, a stronger push for them to assert their rights. While there are indigenous women in the civil service, political parties, and traditional institutions, they are generally not in the decision-making positions to influence favorable results, specifically for indigenous women. In some civil society organizations (CSOs) political parties and government institutions, men and women from a specific caste are dominant, with indigenous women from different indigenous groups are still inadequately represented. For instance, representation is negligible for those in the development categories of "highly marginalized," "marginalized," and "disadvantaged" indigenous peoples and zero for "endangered" indigenous women and men in decision-making

positions in the civil service. Only the Thakalis and Newars who are categorized as “advanced” indigenous peoples have better representation.

In government ministries, the number of indigenous women is also negligible with only eight of them out of 147 members in five ministries. They are also absent in the judicial courts and Attorney General’s Office, while their number is insignificant in the security force’s decision making body. They are insufficiently represented in the central committee of all four political parties in Nepal, as well. While at varying levels and more diverse compared to the different development categories of indigenous peoples, their participation and representation in CSOs, IPOs, and indigenous women’s institutions is still low and, consequently, they do not have decision-making roles in IPOs. However, they are represented at the local level in elected bodies.

Participation and representation of indigenous women are also important during decision making in their homes, communities, and traditional leadership systems. Sadly, there was only one woman representative in the four traditional institutions covered in the study. In the home, it is the men who make decisions concerning matters relating to the purchase of land or house, affairs outside the home and politics, among others. The women decide on matters relating to the home such as planting, cooking, and childcare. Some claim, however, that both husband and wife make decisions together in relation to the home. For disabled indigenous women, participation in decision making is limited and often involves household chores only. At the community level, the major players in decision making are still the men.

Indigenous women in Nepal have made some gains despite this sorry state in the public and private spheres. They have some symbolic participation in political parties and in national and local government bodies. More importantly, they are more aware of their rights, are now better organized, and are raising their voices to fight for their rights. They have built leadership, and increased knowledge, are more confident, self-reliant, empowered, and are gaining respect.

In India, representatives of indigenous women's organizations, the Indigenous Women Forum of Northeast India (IWFNEI), Adivasi Mahila Maha Sangh and Jashpur Jan Vikas Sansthan-Chhattisgarh, Torang Trust, Borok Women Forum-Tripura, and Boro Women's Justice Forum provide glimpses into the situation of indigenous women in a very diverse and heterogeneous setting.

Indigenous women constitute half of the population of indigenous peoples in India. They play important roles in their families and communities. They are food producers, defenders of land, and custodians of traditional knowledge. However, they continue to face serious challenges and discrimination for being women, indigenous, and poor. The study provides an understanding of the status of indigenous women's representation and participation by looking at their current situations, experiences, and challenges. Belonging to different tribal groups, who are generally poor and wanting in basic social services, they are greatly vulnerable to discrimination, gender-based violence, harassments, human rights violations, and human trafficking. A disturbing phenomenon of witch branding is prevalent in 12 states inhabited by indigenous peoples. Most victims are indigenous women who are illiterate, old, poor, single, and widowed. They are blamed for causing sudden illness and death, series of misfortune in the village, family problems and even land disputes. Consequently, they endure miserable lives suffering from domestic violence, torture, and ostracism. In worst cases, some have been brutally killed.

Adding to this deplorable situation are rampant cases of trafficking targeting young girls and women in mainland and Northeast India. Women and young girls are trafficked for labor and sexual exploitation. Wanting to escape poverty and earn money, some families allowed traffickers to get their children with promises of work and education support. Traffickers preyed on their vulnerabilities leaving them exposed to conditions of enslavement, non-payment of wages, physical and sexual abuse. Some victims of trafficking were raped and murdered. Most cases were unresolved or amicably settled making perpetrators escape sanction while rescued victims continued to suffer from severe trauma and injustice.

Despite these serious challenges, the study captures inspiring stories of exceptional indigenous women overcoming one or more barriers towards advancement. Some overcame dreadful experiences as victims of domestic violence, witch branding, and human trafficking. They proved their worth in earning a living for their families and contributing to their communities' development by forming self-help groups and cooperatives. Some have emerged as leaders in their communities, helping indigenous women through awareness raising, capacity building, and income generating ventures. Despite marginalization of indigenous women, courageous and determined women leaders have admirably organized women in their communities to assert their rights, fight discrimination, promote sustainable forest management, and improve their lives.

## Hurdles to Women Participation and Representation

### *Structural Barriers*

The Convention on Elimination of Discrimination Against Women (CEDAW) is the most widely adopted international convention by countries in Asia. It clarifies the principles of equality and non-discrimination in relation to women and prescribes measures for states to address these. Some of these are national machineries established to look into and monitor the advancement of women and girls, including providing programs and services to leverage their positions, especially the marginalized sectors. Bangladesh, India, and Nepal have such national machineries and programs including gender quotas in relation to decision making. Gender quotas are one of the globally adopted positive measures to operationalize equality for women especially in policy and decision making. For most indigenous women, however, these are distant opportunities as the road is intermittently blocked by complicating situations and intersecting and reinforced barriers.

India's Panchayat Raj Act of 1993, for example, provides a 50 percent reserved quota for women in the lower levels of self-governance. Indigenous women, however, are disproportionately represented even in local governance structures due to prevailing gender stereotypes reinforced by women's internalization of these and weak counter narratives in a patriarchal setting. These manifest as women's lack of confidence resulting from lack of capacities, education, and information especially in matters of government policy and programs. It is also these same factors that undermine indigenous women who may occupy local governance positions. In general, while indigenous women may be able to take the quota seats or get elected into office, decision making is still highly male-dominated.

In Northeast India, patriarchal and traditional social structures, lack of government policy, absence of family support, and low level of education are among the major factors hampering participation of indigenous women in the decision making process. In Assam, for example, only four indigenous women have been elected to the State Assembly from 1972 to 2018.

### *Nonrecognition of indigenous peoples, continuing marginalization of indigenous women*

Key to indigenous women's advancement is full and effective recognition of their rights as indigenous peoples, which is lacking in substance despite the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by Nepal and India. Bangladesh abstained from voting on the UNDRIP but implicitly recognizes "tribes, minor races, ethnic sects and communities" in its Constitution and is a party to the Convention on the Elimination of all Forms of Racial Discrimination, which provides respect and protection of indigenous peoples' rights.

The three states are also parties to international human rights instruments and have policies that purport to operationalize them. De facto experiences, however, point to serious

gaps and lack of political will to meaningfully recognize indigenous peoples in the region. The tough realities of indigenous women described in the following studies detail the gravity of violence that they experience as women and as indigenous peoples with experiences of historical discrimination.

The social stratification heavily influenced by religious tradition in South Asia created a gap that has disadvantaged women of lower stature, including indigenous women, from accessing opportunities like positive measures for gender equality. Brahmanism in India has engendered racial supremacy and domination and discrimination of indigenous peoples by the Khas Arya. Patriarchy, strongly influenced by Hinduism, undermines the indigenous way of gender equity and equality and promotes male supremacy. Hindu jurisprudence is also claimed to contribute to the low participation and representation of indigenous women, as indigenous cosmology and jurisprudence are not recognized by the constitution. This results to dominance of one caste, one religion, and one culture that also fuel nepotism and favoritism. The so-called proportional representation has in effect favored more the non-indigenous dominant groups. The story of a Tharu woman who tried to get elected to the Constituent Assembly but failed twice is a stark testament to this situation. Disability also hampers indigenous women from participating in decision making activities.

Delivery of enabling basic services is still lacking in most indigenous peoples' areas. Even if there are basic services, persistent gaps exist in access, availability, affordability, and adequacy for indigenous women who are generally marginalized in terms of information, capacities, and resources. The volatile political situation and impunity in Bangladesh and India adds to the insecurity and violence that indigenous women face every day.

State obligations, such as allocating resources to implement laws and providing support programs and basic services, will go a long way in protecting indigenous women against violence, fulfilling their rights including those of governance and decision making, and enabling them to contribute to community development.

Yet, as indigenous women's movements grow, challenges emerge and multiply that can sidetrack or directly block empowerment. Among structurally related factors are: poverty in terms of knowledge, skills, time, and resources due to the lack of basic services or political will to implement state obligations; use of tradition and practice to maintain power and authority; insecurity emerging from fragile socio-political situations, i.e., Chittagong Hill Tracts, Bangladesh and India, characterized by impunity; strong influence and interference of formal governance and political parties, and inter-community dynamics and diversity. Women's empowerment therefore cannot happen in isolation and requires government intervention. It needs broader transformation from all sectors of the society.

For indigenous women, social transformation, though it may be slow, is possible.

The Women's Resource Network in Bangladesh traces the indigenous women's movement in the Chittagong Hill Tracts back to decades of collective struggle of indigenous peoples for autonomy. Against a male-dominated social backdrop, it describes how indigenous women turned a post-conflict situation to their advantage in relation to their traditional and customary institutions. The study gives insights on how they are navigating traditionally patriarchal practices and structures of decision making, i.e., village governance and leadership, justice system and inheritance in advancing the women's rights in a collective setting.

### *Traditional and behavioral barriers*

Indigenous women themselves recognize the need to overcome traditional and behavioral factors that hamper their access to the public domains of participation and representation. Aside from the impacts of inadequate basic services and patriarchy within domestic and community settings, they are hindered by stereotypes that they themselves have internalized, by the lack of family support and dependency on male relatives, and by the heightened competition for opportunities vis a vis the dominant or mainstream sector. Intersectionality



among these factors undermines the interests and confidence of indigenous women.

Major efforts are being made by indigenous women in overcoming these obstacles at different levels. The stories from India and Nepal reflect the strength they have to muster in response to discrimination and domestic violence emanating from the basic notion that women are secondary to men. It is sad to note that despite their leadership and economic potentials, they still have to prove their worth to be acknowledged. On the bright side, indigenous women's organizations and networks have taken multifaceted capacity building initiatives—indigenous women are entering the civil services, using electoral opportunities and taking their rights forward despite social and political backlash and setbacks. Though limited in scope and resources, good networking and advocacy on different fronts regarding various indigenous women's issues must be continuing endeavors that must be supported through different Agenda 2030 initiatives.

## Conclusions

The three country studies reflect the disempowerment of indigenous women resulting from intersecting factors over time and space in heterogeneous societies in a part of South Asia. The complex barrier created by overlaying sheets of colonial oppression and discrimination, patriarchy and feudalism over traditional social stratification that justifies consolidation of power and authority by ruling clans and elites has yet to be addressed substantially if we are to achieve the goals set in Beijing and the present Sustainable Development Goals (SDG).

The relative but slow progress in attaining indigenous women's representation and participation is an inroad for substantive intervention in light of achieving commitments to the SDGs. Implementing women's quota system, for example, has to be contextualized within the recognition of socio-cultural diversity to develop sensitive and appropriate approaches and lasting solutions for gender equality and empowerment. In

Nepal, for example, even as the number of indigenous women taking up political spaces is negligible, these are more often just symbolic, being dictated by party politics, and are outside the core of male and elite dominated decision making structures. Equality of results, therefore, is still greatly wanting.

Indigenous peoples, however, have some semblance of self-governance at the local level recognized by the state, i.e., in the CHT, Bangladesh and India's Panchayat Raj. Their roles and functions may be limited but it is a space that can be maximized to strengthen customary institutions in asserting indigenous peoples' rights. These customary institutions, when gender-sensitized, are critical in advancing women's empowerment at the local level.

## Recommendations

In addition to recommendations made by the specific studies, strong collaboration is needed among states, the United Nations, and international development agencies, actors, indigenous peoples' agencies, indigenous women and the public to ensure that indigenous women and their communities are included in Agenda 2030. Further:

1. Provide full respect and effective recognition of indigenous peoples. Many ongoing local conflicts are rooted in indiscriminate policies that allow appropriation, land grabs, and displacement of indigenous peoples from their lands/territories and prohibit them from the use of or to benefit from their own resources. These have exacerbated poverty and violence against indigenous women and disproportionately impacted their capacities to access and effectively engage in structures of decision making and governance.
2. Strengthen the pluralist governance system and adopt partnership approach that advances indigenous peoples' right to self-determination. Processes and structures should be inclusive of indigenous women, and investments in indigenous women-led and targeted processes in governance and decision making

are necessary to ensure broad participation and meaningful engagement.

3. Poverty alleviation measures should ensure indigenous women's access to and ownership of land and property in the context of collective ownership of indigenous peoples' territories.
4. Indigenous women are repositories of knowledge and skills in resource management, conservation, and well-being. Their traditional livelihoods and occupations should be supported instead of being criminalized.
5. Ensure social justice for indigenous women through:
  - a. effective conflict prevention and resolution. Noting the roles of indigenous women in peace keeping, their right to be represented and to participate in any of these initiatives should be respected;
  - b. delivery of appropriate and gender-responsive social services in indigenous peoples' communities;
  - c. enabling indigenous women's access to basic services and other opportunities for economic empowerment;
  - d. enhanced monitoring and strict compliance with CEDAW especially in relation to violence against indigenous women; local authorities and customary justice systems should be gender sensitive and reach out to inform women of their rights and recourses when these are threatened or abused; make these recourses available and accessible; and ensure security of survivors of gender violence and their families and that perpetrators are brought to justice.
6. Invest on:
  - a. capacity building to leverage empowerment of indigenous women, i.e., ensuring their access to relevant information, provision of enabling trainings to strengthen and mobilize their agencies including strengthening their

- understanding of indigenous women's rights and access to policies and programs;
- b. disaggregated data based on ethnicity;
- c. documentation and support to sustaining and upscaling indigenous women's contributions to development and advancement of their right to representation and participation.

# Transforming Realities: Political Participation of Rural Indigenous Women of Chittagong Hill Tracts

By  
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*Prepared by*  
Rani Yan Yan

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BANGLADESH



## Introduction

Indigenous women's struggles are multipronged and are more complex than those of indigenous men. Their struggles need to be understood through the intersectionality of their identities, where their identity as a woman, their identity as a member of an indigenous peoples' community, and the dynamics of both individual and collective identities contribute significantly to their struggles for rights. Thus, indigenous women are visible in indigenous peoples' movements, women's human rights movements and, in some places, their own separate indigenous women's movements. By forging alliances with different groups based on various similar interests at the local, national, and global level, indigenous women have been demanding for equal rights and greater political participation at all the said levels.

The indigenous women of the Chittagong Hill Tracts (CHT) have long been part of the indigenous peoples' movement in the CHT.<sup>1</sup> They actively took part in the struggles against state oppression and for autonomy that have seen three decades of low intensity armed conflict in the region. The political party that spearheaded the movement had separate women's wing and women student's wing that took the lead to organize and mobilize indigenous women for the movement. At the height of the armed conflict, indigenous women directly participated in the guerrilla warfare and indirectly took part by tending injured guerrilla fighters and providing food and shelter, among other things. Though indigenous women

played a vital role in the collective struggle, their contribution has never been duly recognized.

It was only after the signing of the CHT Accord in 1997 that ended the armed conflict that indigenous women gradually started to address the discriminations they face, gender-wise, in their own indigenous communities. Non-recognition of their contributions to society, denial of equal rights, and discriminatory norms and practices towards women were some of the key issues that brought them together. Among of the most important demands of indigenous women of the CHT is the creation of opportunities to promote gender equality and appointments to decision-making positions in various bodies. It was appropriately realized that to advance the political participation of rural indigenous women, the change needs to begin from the traditional and customary institution, as it is the very institution that most directly governs their lives in the communities and has greater impacts on their lives.

This research documented and examined the ways indigenous women, more specifically rural indigenous women of the CHT, are transforming surrounding realities to pave a way for greater political participation in relevant decision making bodies. It is essentially a contextual analysis of the progress towards greater political participation for and by the rural indigenous women, where they are both the drivers and the beneficiaries of the transformation.

This case study focuses particularly on an unprecedented reform in the traditional and customary governance system in the CHT that had carved out space for indigenous women to represent and participate in the traditional institution. It sets out the sociopolitical context of the CHT within which indigenous women are situated, and analyzes the situations and status of the rural indigenous women in both private and public spheres. It then explores the particularities of the reform and analyzes subsequent changes against the backdrop of the contextual realities. Finally, it examines the challenges of indigenous women's meaningful participation in the traditional governance system to explore possible ways forward to address those challenges.

## I. Indigenous Women in Chittagong Hill Tracts

### Legal and Administrative Pluralism

The pluralistic and diverse nature of Bangladesh is manifested in the Chittagong Hill Tracts where indigenous peoples (IP) from 11 indigenous peoples communities, with their distinct history, culture, language, tradition, and customs, reside. What distinguishes the CHT region from the country's other IP-inhabited areas is that it has a plural administrative and legal system, among others. It has a semi-autonomous status that is unique in Bangladesh.

The Chief of the Chakma Circle Barrister Raja Devasish Roy aptly describes this in the following terms:

*“Formally, Bangladesh has a unitary system of government as opposed to a federal system of government. However, the legal and administrative system in the CHT is nevertheless separate and distinct from those in other parts of the country. Administrative authority in the region is shared by the central government—through its district and sub-district officers—the traditional institutions of the chiefs, headmen and karbaris, and elected councils at the district and regional levels. All of these institutions are supervised by a new ministry, the Ministry of Chittagong Hill Tracts Affairs. The officials of the district and sub-district civil administrations are almost exclusively of non-indigenous origin. In contrast, the majority of the members of the Regional and District councils are members of the indigenous peoples. Therefore, the CHT may be said to have a semi-autonomous self-government system that is quite ‘pluralistic,’ in that it combines traditional, bureaucratic and elective regional authorities with separated, and sometimes concurrent, responsibilities.”<sup>2</sup>*



Similar to the administrative system, the CHT has a legal system that is unique to the region. Several laws that apply to the rest of the country have no manner of application in the hill region while some laws apply specifically and solely to it. Thus, the Code of Civil Procedure 1908, which regulates the manner of civil litigation in the plains, has no application in the CHT.

Like the people belonging to Hinduism, Islam, and Christianity in Bangladesh whose family matters are governed by personal laws, indigenous peoples of the CHT are governed by the customary laws of the peoples concerned. However, unlike the rest of the country, the civil courts in the CHT generally have little to do with matters of personal laws of indigenous peoples as their jurisdiction is barred on account of the operation of the traditional courts of the Chiefs and Headmen.<sup>3</sup>

## Customary Justice System and System of Leadership

The CHT is divided in three Circles or administrative and jurisdictional boundaries: the Chakma Circle (Rangamati and some parts of Khagrachari district), the Bohmong Circle (Bandarban district and some parts of Rangamati district), and the Mong Circle (Khagrachari district). The three-tiered traditional institution is spearheaded by the Chief of the Circle (revered and addressed as “the King” or *Raja* by the peoples in their respective indigenous languages) who oversees the work of the *headman*, the head of the *mouza* (administrative unit consisting of several villages) and the *karbari*, the head of the village.

The roles and duties of the traditional leaders are specified in CHT Regulation 1900.<sup>4</sup> Apart from land administration, collection of revenues, and maintaining law and order in coordination with relevant formal government bodies, the traditional leaders have judicial functions to carry out in respect to the personal laws of different indigenous peoples, which govern marriage, divorce, maintenance, child custody, inheritance, and so forth.

The karbaris, which have less formalized functions, generally “arbitrate” or “mediate” rather than “adjudicate” in the formal legal sense. The headman adjudicates the unresolved cases in the headman court (similar to the district court) in his/her capacity as the judge at the mouza level. The Chief hears appeals against the decisions of the mouza headman at the court of the Circle Chief (similar to the Supreme Court) and issues the final verdict for the case.

Unlike in many indigenous peoples communities around the world, including in the plains land of Bangladesh where traditional institutions are not recognized and protected by the law, CHT's traditional institutions and traditional leaders play the most vital role in regulating the lives of individuals and the communities of indigenous peoples. This is especially true for the rural indigenous peoples who frequently engage with the traditional institution more than with the formal government bodies.

Inheritance of the leadership titles, rights and obligations for a competent male member of the family of the incumbent traditional leader is an integral component of the customary leadership system in the CHT. The general trend of succession is for the eldest son or the most competent son to inherit the headmanship or Karbariship of his deceased father or when the incumbent headman or karbari can no longer carry on prescribed duties due to old age or any disability. In cases where the headman or the karbari has no sons, the karbariship is handed over to his brother's most competent son, even if he has daughter/s who is/are equally capable.

The only exceptions to the general trend is when women are allowed to hold the positions because the headman's or the karbari's son has not attained the appropriate age to carry out the duties with due competence, or when the headman or the karbari becomes a government service holder, and, consequently, can no longer hold the traditional leadership position. In the first case, the mother (wife of the deceased or capitulated traditional leader) of the son retains the position for the future successor during the interim while in the latter case, the wife of the incumbent headman or karbari acts as the headman or karbari until a male successor in the family

is identified and handed over the power. These exceptions to the general practice stemmed from the overt motive of retaining the power associated with the position in the immediate family. Under no circumstances can it be considered as a manifestation of respecting women's equal rights.

On the accounts stated above, the customary leadership system as well as the justice system can be fairly described as a male-controlled, all-male domain.

## Status of Indigenous Women

As in all communities, indigenous and otherwise, prescribed gender roles and responsibilities for men and women are also present in indigenous communities in the CHT. The gender barriers are faced by both men and women in social, cultural, economic, and political life. However, these disproportionately affect indigenous women, because of the unequal power distribution that is directly attributed to patriarchy in the society.

Even though indigenous women play indispensable roles in the family and in effect in the community, they have been denied the right to make decisions in the family, let alone in the community. In addition, women's engagement in public affairs is discouraged or often deterred by men and women alike. In all the indigenous communities in the CHT, indigenous women can rarely be seen in authoritative positions.

Discrimination towards indigenous women is drastically manifested in the personal or customary laws of the indigenous peoples. While a recent study into the evolution of the societal context of the indigenous peoples' personal laws sheds light on the rationale of depriving women of certain rights, indigenous women rights activists believe that it, by no means, justifies the subjugation of women.<sup>5</sup> The study argued and consistently demonstrated that application or operationalization of the laws by the customary justice system has even greater gender implications than the laws' contents that effectively perpetuate discrimination against women.<sup>6</sup> Traditional leaders with gender perspectives tend to interpret and utilize

the laws disproportionately in favor of men. Much of it can be attributed to the fact that traditional leadership positions have always been confined to men only, with the tradition of a hereditary appointment system in place.

Indigenous women rights activists have pointed out that during dispute resolution adjudications or mediations in the traditional courts, absence of women's representation and active participation means that women's perceptions or understandings of the actions and events that lead to the disputes are not taken into consideration. In male-dominated or all-male mediation or trials settings, the woman plaintiff or defendant often feels cornered and, if she does succeed in making her claims, the chances of their being unjustly disqualified are far greater than their being considered with similar importance as the claims made by the male opponent. To ensure fair trials for indigenous women, rights activists have long demanded for women's representation in the traditional justice system.



## II. The Reform in Traditional Institution

As was the case of the women's movement in other parts of Bangladesh initially driven by urban professional and middle class women,<sup>7</sup> the demand for equal rights for indigenous women surged through the CHT with the help of educated middle class indigenous women, mostly from privileged backgrounds, with the signing of the CHT Accord in 1997. The relative political stability of post-conflict CHT provided a space for indigenous women to address the discriminations in society. Moreover, the growth of the NGO sector and donor-funded development programs for women created favorable conditions for indigenous women to forge alliances with mainstream women's rights movements.

Indigenous women's human rights activists steadily started to demand for the abolishment of discriminatory customary laws and to end discrimination toward women in indigenous communities. However, they were often cited as a disruptive force that undermined the integrity of indigenous

communities, weakening their collective struggle against state oppression. They were accused by the common public and members of indigenous peoples' political parties, alike, of importing foreign ideology that was often viewed as the state favoring and imposing an ideology that was incompatible with indigenous peoples' customs. Proponents of indigenous women's human rights, in response accused indigenous leaders of being oppressive of women in the name of tradition. The stark dichotomy of modernism versus traditionalism and the tension therein lasted for more than a decade.

While the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) played an important role in raising the demands of equal rights for women, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) became more instrumental in realizing these demands. Articles 4 and 5 of the Declaration recognize indigenous peoples' rights to exercise self-determination, autonomy, or self-government in matters relating to their internal and local affairs and to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.

The principles of CEDAW, along with these Articles of the Declaration, could be incorporated in the traditional system *if* indigenous peoples so wish to strengthen or reform their distinct, traditional institutions as they exercise their right to self-determination and self-government in their internal and local affairs. This essentially means that customs and traditions can be changed by the indigenous peoples' communities if consensus is attained, without having to accept any unwanted interference from the state.

Some progressive leaders and educationists, who in principle supported the indigenous women rights activists' cause but were rather wary of their approach to establish gender equality by bypassing or at times invalidating the merit of traditional institutions, started to seek an alternative way to address the issue without undermining the traditional system of governance and justice. Rather than invalidating traditional institutions, they envisioned to put forward a reform that will not only have positive impacts on indigenous women's lives but will also strengthen the institution. They firmly believed

that the elements of modernity can be incorporated in the traditional governance system if they are appropriately contextualized, and that modernity does not necessarily negate tradition, and vice versa.

This led the momentum of the pro-reformists campaign that continued for the next few years for the inclusion of indigenous women in the traditional institution, raising awareness and building consensus among the indigenous peoples on the necessity of women's leadership.

The pro-reformists faced a challenge to posit women in the traditional leadership system. While a consensus was building up to have women as karbaris, the age-old customary practice of a son's inheritance of the karbari post cannot simply be obliterated without reaching a consensus. The alternative way, they believed would adequately address the challenge, was to appoint women karbaris who will perform responsibilities alongside existing male karbaris.

Subsequently, the Chakma Raj formed and presented a guideline for the nomination criteria and selection process at the first-ever karbaris convention of the Chakma Circle in July 2014. The potential candidates would be nominated by the villagers, seconded by the headmen. The woman karbari would be selected, based on her educational qualifications, merits, and eligibility to perform the duties, and popularity and acceptance among the constituency. While educational qualification is one of the evaluation criteria for the post, it is given equal importance along with other merits.

To set off the reform, the Chakma Chief announced to appoint, at the least, one woman karbari from each of the mouzas. The upper limit for possible appointments in one mouza was left unindicated. The rationale behind this was that the villagers would utilize their agency to pursue the reform in their own villages, if they wish so; thus, the reform would be effectively driven by the people.

The initiative received overwhelming response from the villagers, especially from indigenous women who essentially became the drivers of the reform. Indigenous women rights activists along with newly appointed women karbaris from the Chakma Circle launched a series of advocacy campaigns

to initiate the reform in the other two Circles. Realizing the merit of such a reform, the Chief of the Mong Circle quickly followed suit, but the Bohmang Circle is yet to commit itself to introduce the reform. Since the reform was initiated, the number of women karbaris stands at 216 in the Chakma Circle, 168 in the Mong Circle, and 1 in the Bohmang Circle.<sup>8</sup>

The pro-reformists envisaged that the reform would not only empower women in the society, but would also pave the way to mainstream the idea that women are equally capable of bearing duties and responsibilities and can hold traditional leadership positions. The empowerment of rural indigenous women would also eventually result in increased political participation of rural indigenous women.

## Defining Political Participation of Rural Indigenous Women

In a democratic country, political participation may entail a range of activities. It is not only limited to electoral participation where the citizens vote for the candidates of their choice or run as candidates to hold legislative decision-making positions. It also entails non-electoral paths of influence, including efforts to influence decisions made by politicians or legislation makers.<sup>9</sup> While this characterization of political participation adequately addresses the common traits in a democratic country, this definition is not adequate and broad enough to capture the complex dynamics of indigenous peoples' context where both formal and customary forms of governance exist. The above statement is even more significant for the indigenous women, the marginalized section of the indigenous peoples' communities who stand furthest in the receipt of full citizenship benefits. Hence, it is imperative that the defining characteristics of political participation of the indigenous women be reconceptualized.

Even before engaging in the electoral system, stepping out of the private sphere to enter the public sphere poses a challenge for the majority of indigenous women in CHT. Breaking the boundaries of the traditional gender role and engaging

in public affairs to convey and communicate their demands and opinions within their communities like their male counterparts mark the beginning of their political participation.

Politics is essentially about exercising power and, for rural indigenous women, political participation encompasses “the form of opportunities to ‘attend’, to be present, speak and decide for themselves. For them, participation means visibility within the community and the ability to express their desires, ideals, position and struggle.”<sup>10</sup>

Political participation, in the context of rural indigenous women’s realities, needs to be understood as an incremental advancement of exercising power by exploration of different avenues where they can influence decisions that will have impact on their lives and communities. Thus, political participation of rural indigenous women entails being able to exercise and consolidate power in immediate surroundings, and then extending outwards and engaging with the non-traditional system.



### III. The Study and Findings

The proponents of the reform rightly understand that having more women leaders in the customary system is essentially only the first step towards achieving gender parity and ensuring gender justice in indigenous societies. Moreover, representation does not automatically translate into effective participation. The social, political and cultural dynamics play a significant role in either deterring or inhibiting, or at best, limiting empowerment of women as leaders, thus curtailing their scopes of political participation in the traditional administrative system. Hence, this analytical study was undertaken to examine the full extent of the impacts of the reform on political participation of rural indigenous women in the public sphere as well as on the social changes it might have brought about. The research specifically aimed to examine the reform’s impacts on the political participation of indigenous women in the public sphere and on social change in indigenous com-



munities, and to identify the challenges indigenous women face in their efforts to participate in public affairs.

Since no study was previously conducted on the aforesaid reform, this is an original research based predominantly on primary data collected through various information-collection methods. Secondary data on the status of indigenous women of the CHT, particularly on political participation, are extremely scarce and limited in scope, but the available secondary data were appropriately utilized. The study is essentially a qualitative research that cautiously analyzed information against the various dynamics of the sociopolitical and economic realities of the subjects concerned.

Information was collected through focus group discussions (FGD) in the three Hill Districts with relevant open-ended questionnaires for different targeted groups of informants, mainly women karbaris, male karbaris and community leaders. Special attention was given to ensure inclusion of representatives from all 11 indigenous peoples communities of the CHT. Considering that social perceptions may vary depending on the level of exposure to city-centric realities, a mix of informants from various geographical locations were invited to contribute to the research.

In-depth interviews were made with key persons who contributed in various ways to the reform, and who are playing different roles or are likely to play important roles in the reform. They included women's human rights activists, civil society members, NGO personnel, and members of local government bodies. In addition, the years of experience of the research team members in the promotion and protection of indigenous women's rights and with the reform served as a valuable asset in conducting the research work. Where appropriate, their insights and knowledge were incorporated in the research findings, though with extreme caution, to prevent observational biases.

Within the time constraints and limited budget, the research fell short of accommodating voices of the remotest residents of the CHT. To mitigate the impact of such lack in comprehensiveness, the researchers have drawn in experi-

ences of women's rights activists and advocates who have long been working with the communities. A cross analysis of the contextual realities of different indigenous peoples' communities is beyond the scope of the research. Thus, the following findings should not be viewed as exhaustive but rather as providing a holistic understanding of rural indigenous women's demands, struggles, and results in pursuing greater political participation.

## Consequences of Reform: from Individuals to Collective

While the study primarily focused on examining the impacts of the reform on indigenous women's political participation, it also looked into the extent to which it has impacted on the collective, the indigenous peoples.

### *Empowerment of indigenous women<sup>11</sup>*

At an individual level, the most significant impact the reform has brought about is the increase in self-confidence of the indigenous women who have been appointed as karbaris. The majority of the women karbaris have had previous experience in attending NGO or local government run projects and programs in the villages,<sup>12</sup> and some were already engaged in community mobilization for various purposes.<sup>13</sup> Exposure to the ways of the "outside world" through various trainings and workshops has already shown a rising level of confidence.<sup>14</sup> It was further increased when the potential candidates for karbaris went through the selection process, where they had to seek for nomination from the headman, create a support base in the village and, in many cases, contend with other potential candidates from their own village while going through a screening process at the Raj offices.

For the women karbaris, the reform provided them with a first time experience of extensive engagement with the institution. Unlike the male karbaris, they had to secure the

karbariship, which reinforced their confidence level and at the same time instilled a sense of entitlement that the position is rightfully theirs. It is indeed significant as it effectively explains the origin of the drive and commitment of the women karbaris to fight against all odds in the days ahead of them, in creating a space for themselves in a society where women's capability to handle a "man's job" is frequently questioned.

In the early days of their terms, the women karbaris even had to face and, in response, challenge derogatory remarks, being called *miley karbari*, a term that has a spiteful, negative connotation.<sup>15</sup> As insignificant as it may seem given other larger and pressing challenges in the society, this term brought them together in committing themselves to changing the societal perception and prejudices against women's leadership. At the first CHT Women Headman and Karbari Network convention in 2015, the women karbaris pledged to adorn the term as a sign of indigenous women empowerment and changing realities in the indigenous peoples' communities.<sup>16</sup> They understood that the position would not grant them instant leadership; rather they would need to emerge as leaders.

The appointment of women karbaris has not only empowered the women who had come to hold the position. It also resulted in empowering women in the villages to a various extent. The women karbaris proactively encouraged women to participate in village meetings, raising awareness on the need to have women's representation. Having a female representative presiding public meetings offers women comfort and confidence to attend and at times to present their opinions. On the other hand, the presence of other women in a male-dominated, often male-only, gatherings aids the women karbaris with confidence to voice their opinions. The power dynamics between the women karbaris and the women in the villages can be described as a relationship of co-dependence where they empower each other.

However, in many villages, it created social rifts. Women karbaris were often accused of inspiring women to rebel against social norms, disrupting social coherence. The relative self-reliance and increased confidence to voice opinions have been considered as women becoming "obnoxious" and

“disrespectful.” Some, both male and female, associate the increased rate of family disputes including divorces to the empowerment of women.

Aside from having to deal with challenges generated by social perceptions, the women karbaris face challenges with their lack of experience and expertise in certain aspects of the administrative tasks of a karbari. Though it is evident that they are more educationally qualified than their male counterparts, it is also apparent that the latter have extensive knowledge on and expertise gathered through years of experience in land related administrative matters that require working closely with the headmen and local government bodies.<sup>17</sup> The women karbaris acknowledge it and have been calling for better cooperation from the male karbaris and headmen to assist them in gaining required knowledge and skills.

### *Gender justice*

The major objective that drove the reform forward was to ensure gender justice in indigenous peoples communities. Justice is an intangible term in that it can be perceived in many different ways, varying at length. The notion of justice depends on the values defined within a specific socioeconomic and political context of a society. With changes in the realities, values ascribed to different acts tend to change, such as to what is considered just or unjust in a given period of time.

It is not the intention of this research to set a standard for what should be accepted as “just” in the indigenous communities. Rather it examines whether the changes brought in by the reform have been able to shift practices that are more aligned with the universal standards of human rights and principles of non-discrimination based on gender. This part presents whether indigenous women have been able to exercise power to shift discriminatory practices in the justice system to less discriminatory forms.

Some FGD participants detailed cases of family disputes where they were involved.<sup>18</sup> Others could not present a case, as cases of such nature had not been available since their ap-

pointment as karbaris.

On the cases presented by the women karbaris, apart from only one occasion, they had to assert their rights as karbaris to engage in the trials. The male karbaris and the headmen of mouzas are required to invite and include women karbaris in mediations or trials, but this has not been the case in most of the occasions. Some women karbaris, however, attended the trials uninvited, insisting on exercising their right and responsibility as karbari.

In a few cases, recently appointed women karbaris refrained from contributing to the verdict during mediation, as they felt they did not have adequate expertise. Nevertheless, they encouraged women to share their side of the stories and to elaborate their claims or defense. The karbaris claimed that because of their persistence, the presence of women during mediation and trials had increased in recent years.

In other instances, women karbaris provided opinions, led the mediation side by side with male karbaris, and were able to secure “fair” verdict for the women after persuading villagers and male karbaris. In one case where a woman sought redress from the village court against her abusive alcoholic husband, the woman karbari challenged the male karbari’s intention of and approach in vilifying the wife instead of holding the husband accountable for recurring offenses. In the end, she was able to secure apologies from the husband to his wife. She further proceeded to ask both spouses of their intention to get divorced, which both were unwilling to pursue at that time. The final verdict reached through consensus was that if the husband physically abuses the wife, their marriage will be terminated and he has to provide her compensation.

The women karbaris, recounting two accounts of near similar cases in their villages, pointed out that in the past the prevailing judgment in such domestic abuse cases was to advise the woman to behave appropriately and to act cautiously so as not to provoke a fight that would result in physical violence towards her, and the man would be cautioned to apply restraint, implicitly implying that the woman was at fault for the abuses she had to endure. In separate interviews, veteran women’s rights activists narrated similar cases with similar conclusions.

The change in the justice system is quite significant compared to the past. Women karbaris were able to exercise their rights not only to participate in mediations but to provide opinions leading to the formulation of judgment.

## Analyzing Political Participation

The appointment of indigenous women as traditional leaders has evidently opened up a vast array of opportunities for political participation. Though the scale and nature of engagement in public affairs varies depending on differing socioeconomic and political contexts and the individual's capacities and aspirations, a general image emerges from this research.

Seeking support from the villagers for the nomination of the karbariship and taking part in the selection and nomination of a representative of their choices were the defining moments of greater political participation for rural indigenous women. Both involved making decisions that will not only affect their lives but also have impacts on the community in the course of time. For the majority of the indigenous women from those villages where women karbaris have been appointed, it was the first ever opportunity to contribute their opinions in traditional governance. Prior to the reform, there had been little or no scope for indigenous women to influence the traditional system in any way.

It had been observed that the longer serving women karbaris exhibit better understanding of the sociopolitical dynamics in their own villages and in the CHT than those recently appointed. The karbaris have also demonstrated that they were aware of the complex power dynamics within which they were situated as well as their capability to examine the extent to which they can exercise their power as karbari. Indicative of the fact that the traditional institution does not stand in isolation from the formal governance system, they have placed emphasis on collaboration with formal government bodies.

Some have extensively noted that the elected members of different tiers of local government bodies are in a greater position to work for the welfare of villagers as they are in charge of fund allocation and distribution among the constituency. Some karbaris, on the other hand, invalidated that opinion, though not entirely. Pointing out to widespread mismanagement of funds and corruption in fund distribution, they opined that villagers' welfare could only be ensured if the funding is properly channelled to the right persons and for the right purposes. Though the karbaris are not in a position to "bring money" to the villages, which is equally necessary, they can effectively influence the elected members to utilize the funding for the betterment of the villagers. Those karbaris view the positions of the traditional institution and the formal institution as complementing each other rather than one being superior or inferior to the other.

Few of the karbaris have shown considerable interest in holding elected positions in local government to provide them with access to greater decision making power, both in the formal and traditional institutions and in their communities. They believe that they can contribute more to their communities if they can consolidate power in the formal institutions. Rather than limiting their power in influencing elected officials to attain an expected outcome, they hope to expand it by holding key positions where they can exercise the power to attain the outcome. However, some women karbaris are not in favor of such ambitions in the apprehension that conflict of interests would arise, as party politics would dominate and eventually steer decisions, compromising the freedom the karbaris generally enjoy in exercising their power.<sup>19</sup>

The women karbaris were quick to realize the merits of organizing themselves. The creation of the network of women traditional leaders has enabled the women leaders to collectively voice their opinions and to demand for change. The network is also a source of strength for the members as they frequently use it to create favorable conditions while handling complicated situations.

For instance, in several cases women karbaris reportedly created pressure on alleged male perpetrators, who were re-

luctant or were preventing the trial from taking its course, to stand trial in family disputes by warning them of the severe consequences they might face if the network gets involved. Since the network has been able to maintain strategic ties with powerful actors, such as the regional political parties, prominent rights activists and Regional Council, the women karbaris were able to use it to their advantage.

It needs to be noted that at the initial stages of the reform, the network played one of the most vital roles, along with rights activists and other pro-reformists, in pursuing the appointment of women karbaris in the Mong Circle. Apart from this, it has been raising awareness on gender equality at the local level, calling for ending discriminatory customary laws.

Since the network is an exclusive collective of women traditional leaders, standing independently of the CHT Headmen Network and the Headmen Associations in the three Hill Districts, it is widely considered to be the voice of the rural indigenous women. It has also engaged in demanding for equal rights of indigenous women, especially in the context of rural indigenous women's realities, by forging alliances with some women's rights organizations at the national level.

However, even though the network has progressed over the past three years, its contributions in advancing indigenous women's rights are not far from substantial. The lack of resources and capacity to mobilize resources and, most importantly, of organizational skills mean that the network often has to rely on other organizations to carry out and, at times, to formulate activities. Such dependence effectively limits its freedom and forces it to compromise its objectives. Its members and rights activists alike firmly believe these impediments need to be dealt with if the network is to emerge as the true representative of the rural indigenous women. As such, the members envisage the network to play an instrumental role in bringing legislative changes at the national level.



## Challenges to Political Participation

Rural indigenous women face manifold challenges for greater political participation. This section analyzes the key challenges and barriers to their access and meaningful participation in the traditional governance system, presents the underlying factors to these challenges, and sets out possible ways to address them.

### *Prejudice, lack of gender awareness and exposure to worldview*

The prejudice against indigenous women governing the way of life in indigenous communities can be considered the greatest barrier for indigenous women's access to their effective participation in the traditional governance system. The latter is particularly critical as it carries the potential to negate any level of progress that has been made in securing access to traditional decision making bodies. The lack of gender awareness helps perpetuate the social perception that women are intellectually incapable of dealing with public affairs.

### *Gender practice and family responsibilities*

One of the prescribed gender roles for indigenous women in indigenous communities is to be the carer of the family. It is naturally expected that women will be responsible for taking care of the children, sick and elderly as well as for ensuring health and daily nutrition of the family members. It implies that men comparatively have greater time to engage in public affairs due to their lesser everyday responsibilities in the family as compared to the women. Though the indigenous women leaders do not question but rather accept their specific roles in the family, they identified the gender role as a big challenge to participate in public affairs. They firmly believe that gaining support, both morally especially from the male members and physically from able family members, is paramount to address this challenge.

Synonymous in all respondents' statements was that moral support and/or consent from the family head or key decision maker, usually the husband or the father, is of absolute necessity to participate in the traditional governance system.<sup>20</sup> In the few cases where consent or "permission" was initially not given, the respondents eventually obtained it by sensitizing and somewhat convincing the family head that their role as karbari would not diminish their expected role in the family. In terms of fulfilling a karbari's responsibilities, they opined that they could engage in the traditional institution more intensely and effectively, the greater the family support is.

A specific challenge for unmarried indigenous women to hold a position in the traditional institution stems from a gender practice tied to marriage. An indigenous woman is expected to relocate to her husband's home village to reside with his family, or to her husband's residences elsewhere after marriage. Since karbaris need to be permanent residents of the villages where they are appointed, the practice deters indigenous peoples from selecting or nominating an unmarried indigenous woman for the post in her paternal village. It is the reason why indigenous peoples do not consider an unmarried indigenous woman to be a suitable karbari of her paternal village, regardless of her proven capacity.

As this traditional practice is not anticipated to change in the near future, the indigenous unmarried women have addressed and resolved this particular challenge by assuring villagers that they will not leave their paternal villages and relocate to their husbands' after marriage. Though it is not a permanent solution, it is believed that those unmarried aspiring to be karbaris will continue resorting to it until they find more appropriate solutions.

### *Restrictions on movement and insecurity*

Indigenous women have historically enjoyed greater freedom of movement compared to women from the mainstream community in Bangladesh. The public-private divide applies to decision making only, not to restrictions on movements

in different spheres. However, there has been some level of restriction on indigenous women travelling to destinations of unfamiliar territory without being accompanied by another person, preferably a male.

Due to developments in communication and transport systems, indigenous women's mobility has increased, and women can be seen travelling frequently to nearby sub-district towns or districts. On the other hand, the rising insecurity in the CHT has severely curtailed indigenous women's free movement. The impunity of perpetrators of rape, murder and sexual assaults on indigenous women, presence of security forces' camps, continuous infiltration of non-indigenous settlers that has brought along fear of communal attacks, and inter-regional political party conflicts have resulted in additional restrictions to their movements.

Women karbaris view insecurity as one of the great barriers to their free movement, and in effect, to their effective political participation. They are often forced to avoid travelling to nearby towns or to shorten their length of stay to return home before dark, fearing for their safety; male karbaris enjoy relatively more freedom.

### *Lack of knowledge and language barrier*

Most of the indigenous women karbaris lack knowledge on the laws and regulations, especially those applicable and relevant to the CHT. The women karbaris who are required to engage with local government bodies find themselves in a difficult situation due to their lack of knowledge on local government mechanisms. While they have shown a great level of capacity when dealing with public social affairs in their villages, they often get perplexed when it comes to land related matters, including land administration, that require knowledge on formal government administration and procedures at government offices and expertise to deal with government officials.

It has been noted that, most of the time, women karbaris left such matters to male karbaris who they believe are more

efficient, are in an advantaged position and, being men, can “handle government office matters.” The apparent low self-confidence stems from the lack of knowledge on relevant matters as well as the lack of experience in dealing with such matters. Few women karbaris stated that they insisted on accompanying their male counterparts to government offices to gain hands-on experience with the procedures. In addition, a poor command of Bengali, the national and official language, is a barrier to effective communication with government officials.

Inadequate knowledge on duties and responsibilities of elected members of local government bodies signifies that women karbaris cannot hold them accountable for their actions or inactions. Moreover, they often fail to identify the right person or authority to approach and give their demands for any economic or social development needs of their villages. Women karbaris opined that to be able to effectively perform their duties, they would need to obtain more knowledge on these relevant matters.

### *Financial insecurity and poverty*

Indigenous women karbaris stated that poverty or financial insecurity is a major impediment in carrying out duties and responsibilities effectively. As a public duty bearer, karbaris attend various meetings and should be available on call, and while this does not have any direct monetary implications, it has other financial implications. For the rural indigenous women most of whose livelihood depends solely or heavily on cultivation and homestead gardening and who equally contribute to the family's welfare, a day spent elsewhere than in the fields implies foregoing a day's production. The lack of financial stability and necessary resources have deterred many women karbaris from attending meetings.

The honorarium (500 Bangladeshi Taka per month equivalent to approximately USD6) male karbaris receive from the government for their services is so meagre that it often fails to pay for the travel cost for one meeting at the

sub-district level or at the residence of the mouza headman (if he resides in another village of the same mouza). Though the amount is insignificant, the appointed women karbaris have not yet been considered eligible to receive the honorarium. They have been advocating strongly for this benefit and for a substantial increase in the honorarium amount. They believe that securing some level of financial security will enhance their performance as public duty bearers.

### *Dominance and interference of regional political parties*

The regional political parties in the CHT whose members are indigenous peoples have provided moral support for the reform from its beginning. The three parties have secured dominance and control over specific territories and exercised their power to control various aspects of indigenous peoples' communal and political lives within their jurisdictions. Though the party members are neither part of the formal or traditional governance systems, they have become over the past decades important actors in decision making bodies through various means.

The respondents exhibited a great level of understanding of the complex dynamics of power play among various actors and the tensions within.<sup>21</sup> While they felt great appreciation for the regional political parties, they also noted the challenges they face due to undue interference by some rogue party members in decision-making processes. In some cases, as mentioned in previous sections, regional political parties played an instrumental role to ensure that women karbaris, facing non-cooperation from male karbaris or accused men in disputes, were able to perform their roles effectively.

In other cases, party members posed a hindrance to justice. In multiple occasions, family or social disputes do not reach karbaris' trials, as members of the parties have already arranged and conducted the trials without notifying or including the karbaris. The karbaris feel that by bypassing them, not only do the party members undermine the traditional justice system but also potentially open up avenues for miscarriage

of justice. It is not also uncommon to have party members attempting to steer the judgement for a favored party involved in a dispute or to impose their decision, overriding consensus decisions.

The respondents were of firm belief that regional political parties can play an instrumental role in advancing women's equal rights in the traditional system of governance and ensuring gender justice in indigenous peoples communities as had been evident on many occasions. However, they also opined that unjustified interference in the decision making process is not the right way to achieve those purposes on any account. The relationship between women karbaris and members of regional parties needs to be one of cooperation, camaraderie and respect for each other if those purposes are to be achieved in the future. Otherwise, it becomes an additional challenge for the already challenge-burdened women karbaris to effectively participate in the traditional governance system.

### *Lack of organizational capacity*

The network lacks organizational capacity to sustain an effective network of women traditional leaders. Most of the members lack operational knowledge and skills especially in managing an organization. Inadequate knowledge and capacity to source funding from potential donors has severely restricted its activities and goals. While its potential in contributing to indigenous women's greater participation and representation in decision-making bodies is immense, without a targeted and systematic intervention to enhance members' organizational capacities, the network will only be able to play a minor role in ensuring effective participation of indigenous women in the traditional governance system. Facing such challenges, it has not yet been able to fully utilize its potential to become a platform for indigenous women leaders to voice their concerns and demands on issues of the rights of indigenous women.

### *Greater reliance on formal governance, dominance of national political parties*

In the Bohmang Circle, demand for the reform has been weak, and thus women's political participation in the traditional system is lowest in all three Circles. Analyzing the key observations suggest that some additional factors contributed in retaining greater barriers for women's access to leadership positions in the traditional institution. Unlike the two other Circles, Bohmang Circle has been the stronghold of national political parties and a fierce ground of contest for members of indigenous peoples' communities representing these parties. The party members, regardless of ethnicity, express allegiance to their respective political party and are overtly supportive of state institutions and the formal governance system.

While in all three Circles the traditional governance system struggles to coexist with the formal governance system, the former has long been sidelined and overpowered in the Bohmang Circle. The legitimacy of traditional institutions has frequently been challenged, and demands for their abolition have been made multiple times in the past decade by both indigenous and non-indigenous members of national, especially ruling, political parties and by the non-indigenous population in Bohmang Circle.

In the plural administrative and governance system of Bohmang Circle, the traditional institution is deemed insignificant, which has severely constricted the scope of authority of leaders of the traditional institution over the period. As it gets marginalized, the indigenous peoples have become more reliant on the formal governance system. Hence, strengthening, reforming, and enhancing capacities of the traditional institution have not been a priority of the indigenous peoples of this Circle. Against this backdrop, the disinclination of indigenous men and women alike to embrace change and more so to instigate change in the traditional governance system can be understood. The apparent reluctance poses a great obstacle for indigenous women to become leaders in the Bohmang Circle.

### *Formal, rigid and distant relationship between traditional leaders, constituencies*

As identified by all respondents, rigid class stratification maintained through consolidation of power by families of headmen, karbaris and the Chief in Bohmang Circle is one of the most crucial challenges for initiating any social reform in the traditional governance system. The relationship between traditional leaders and the indigenous people, and between traditional leaders of different hierarchies is apparently feudal in nature. It has also been reiterated that the leaders demand loyalty, obedience, and undisputed compliance to their decisions, leaving no room for mutual exchange of ideas and dialogue. This formal and rigid relationship has distanced the leaders, especially the Circle Chief, from their constituencies, and the concerns and aspirations of common indigenous peoples are left unheard and unaddressed. According to the respondents, it is partially responsible for the indigenous peoples' greater reliance on formal and electoral institutions and for their reluctance to place their efforts in a system that disregards their opinions.

In this context where the traditional system is incapable of accommodating public opinion to preserve conservative governance, it is even harder for indigenous women to make demands for equal opportunities to access traditional leadership in the Bohmang Circle.

### *Diversity as challenge*

Of the three Circles, ethnic diversity is greatest in Bohmang Circle, which is home to all 11 indigenous peoples' communities. While diversity can be an asset, it also poses a challenge in regard to generating support for indigenous women's equal rights.

Within these 11 communities, smaller indigenous groups mostly residing in the remotest areas of Bohmang Circle have faced marginalization by the few dominant indigenous groups. They have not been able to secure equal or equitable represen-



tation at the Hill District Council and the Regional Council. In the traditional institution, there are fewer headmen belonging to smaller indigenous ethnicities. While an inter-communal relationship is amicable, dominance by the larger indigenous groups can partially explain why the indigenous peoples of Bohmang Circle have not taken a unified stand against state oppression unlike in the other two Circles. The different indigenous groups have formed separate ethnicity-based organizations, and the lack of inter-community dialogues has kept them cocooned in their own ways of lives.

Most of the marginalized groups are strictly against any change in their social structure. Some opined that it is simply a survival strategy for them to remain conservative and to obstruct what they believe as a foreign ideological invasion. However, it disproportionately and adversely affects indigenous women. Those in Bohmang Circle have not been able to come together to push for equal rights. Understandably, the reform could not be initiated in Bohmang Circle, as it needs public support to sustain it.

## **Social Change in Indigenous Communities**

Social change is inevitable in even the most conservative societies. And in the Chittagong Hill Tracts, there are compelling indications that the reform has set into motion social change in the indigenous communities.

### *Recognition of rural indigenous women's leadership roles*

Gender perception of women's roles and women's capabilities has been observed to have changed over time to different degrees in different localities, depending on various socioeconomic and political contexts in the CHT. Prior to the reform, villagers were to some extent already sensitized, though with some skepticism, on women's capabilities to perform a traditionally male role through exposure to various worldviews. However, widely acknowledged and believed by

both men and women alike was that women cannot exceed men's level of competence in managing public affairs. Women, at best, have the capacity to assist the male public duty bearer.

With the reform set in motion, this perception is changing gradually over time, especially in villages where women karbaris were able to assert and exercise their power defying all challenges. However, establishing wide recognition of rural indigenous women's leadership roles in all strata of society will require addressing above-mentioned challenges and taking appropriate steps accordingly.

### *Indication of change in inheritance of customary leadership*

Some male karbaris who over the years have become convinced that women are equally capable of performing the duties of a karbari. Hence, they have exhibited and affirmed their willingness to consider their daughters as successors to their position, although they have opined that their sons will always remain the priority in inheriting the position. As compared to the pre-reform practice of inheriting customary leadership positions, this can be considered a shift towards social progress in recognizing women's equal rights. Even though the change is not yet substantial as to guarantee that women will be equally considered as rightful successor to customary positions, it indicates the opportunities that are present and can be exploited to further their equal rights.

## CASE: ASSUMPTION OF ADOPTIVE DAUGHTER TO HEREDITARY KARBARISHIP

Ms. Mahlaching Marma is an adopted child of Mr. Baawai Marma, karbari of Chailyatoli village in Vushonchora Mouza, Borkol Upazila. Though a Chakma by birth, she was raised as a Marma woman by her adoptive Marma family. By the accounts of her father and villagers, she is considered a “good daughter” who not only has looked after her father and his properties but had also assisted him in performing his duties as a karbari of the village that has more than 200 families. After her marriage, she continued to live with her elderly father until her two daughters needed to stay in the district town of Rangamati to obtain better education.

Mr. Marma has a younger brother with an adult son. Despite having a rightful successor to the karbariship, he chose and nominated his daughter to succeed him. He believed that Mahlaching Marma, who has been accustomed to Marma custom, has gained insights into the karbari’s duties and responsibilities, and is liked and favored by the villagers, would be the suitable person to inherit the office.

Mr. Marma’s nephew, who had been living in neighboring India for a considerable amount of time, returned to contest his decision and to claim the hereditary office that is rightfully his. He based his claim on the customary law that dictates that the nephew of a karbari will inherit the karbariship if the karbari has no sons. Furthermore, he objected that Ms. Marma who is biologically Chakma is an adopted child, and hence should not inherit the hereditary office.\* He also accused Ms. Marma of producing and selling liquor for her livelihood; he added that a person of such social stature should not be doing so if she became a karbari and that she had no other means to sustain a livelihood.

His claims were rejected on the following grounds:

1. According to Marma customary law, distinctions are not made between adopted and biological children, irrespective of their sex;
2. Adopted children from an ethnic descent other than that of adoptive parents generally identify themselves with the adoptive parents’ ethnic identity and are considered to belong to that ethnic community;
3. The level of competency of the nephew to perform the karbari’s duties is substantially lower than that of Ms. Marma, considering she had been exposed to those responsibilities and experiences for many years;
4. The incumbent karbari’s decision was overwhelmingly supported by the villagers, and the headman had accepted the nomination;
5. Ms. Marma was willing to write a promissory note indicating she would refrain from producing liquor once she assumed the office.

Eventually, Ms. Mahlaching Marma inherited the hereditary office and became the karbari of her paternal village in 2017. She said that the villagers and headman have been cooperative since she started her role as karbari. She has also been encouraging women to participate in village meetings and trials. She would like to continue the legacy of her exemplary case of inheriting a hereditary office by handing it down to one of her daughters based on one condition: that the daughter is competent enough to carry out the duties and responsibilities of the karbari.

\* In the case of inheritance of hereditary offices, the customary laws are flexible. In a similar case of succession to the office of the Mong Chief, an adopted daughter of the previous Chief was not allowed to inherit the position. However, a number of adopted sons of headmen have inherited the position of their departed adoptive father.

### *Greater consciousness of right to self-determination*

One of the most interesting changes observed after the reform is the development and rise of consciousness of the right to self-determination and to exercise the right to self-govern among rural indigenous women. The right to self-determination, especially in those specific terms, is an alien concept to women. However, the clear views expressed by the women karbaris on the customary institution and self-governance system all encapsulate the concept of self-determination in their own terms.

The women karbaris stated that the customary system of governance is an integral part of indigenous peoples communities<sup>22</sup> governing their societies since time immemorial, and it has so far sustained them and hence needs to be upheld so they can continue governing themselves.<sup>23</sup> But they also acknowledged the need to change some of its aspects to suit changing realities.

Moreover, they noted that rural indigenous peoples should be able to exercise their agency to decide what is “good or bad” for them. Sharing their insights, the rural indigenous women cited Articles 3, 4 and 5 of the United Nations Declaration on

the Rights of Indigenous Peoples that state that indigenous peoples have the right to self-determination and by virtue of that right they freely pursue their economic, social and cultural development; they have the right to self-government in matters relating to their internal and local affairs and to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.



## Ways Forward

To ensure indigenous women's meaningful and effective participation in the traditional governance system, relevant actors and authorities need to take the following steps, as based on respondents' suggestions and recommendations.

The Hill District Councils, Regional Council and Ministry of Chittagong Hill Tracts Affairs should take appropriate measures to empower traditional women leaders. Issuing formal recognition of women karbaris as "karbaris" can be the first step towards empowering them and women in general. Efforts should be made to sensitize local government officials and members on the issue of indigenous women in leadership roles and to engage women karbaris in various local level decision making processes (i.e., Union Parishad meetings). In this regard, the government should remunerate women karbaris with appropriate honorarium for their services in the community.

Various donor agencies, local and national NGOs, and UN organizations should continue to provide and to scale up gender awareness and gender sensitive trainings to their target beneficiaries. In this effort, they should consult with traditional leaders, especially indigenous women leaders, to formulate gender-sensitive and indigenous culture-appropriate training modules. The capacity enhancement training initiatives for indigenous women leaders should include training needs assessment to address their specific training needs. Development actors need to coordinate their projects and actions so that no women leaders will be left out of various

capacity enhancement trainings. In addition, targeted programs should be designed and implemented to strengthen the network of women traditional leaders and to build the organizational capacity of its members.

Members of civil society and various social organizations should scale up public awareness campaigns on gender equity and the rights of indigenous women and continue promoting and advocating for their representation and participation in decision-making bodies. Indigenous and mainstream women organizations need to engage women karbaris in various programs at the local, national and international levels.

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## Endnotes

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- <sup>2</sup> Raja Devasish Roy (2004, p.124). “Challenges for Juridical Pluralism and Customary Laws of Indigenous Peoples: The Case of the Chittagong Hill Tracts, Bangladesh” in *Arizona Journal of International and Comparative Law*, Vol. 21, No.1, Spring, 2004, pp. 113-182.
- <sup>3</sup> Section 8(3) of the Chittagong Hill Tracts Regulation 1900.
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- <sup>5</sup> For in-depth gender analysis of the personal laws, see Rani Yan Yan and Raja Devasish Roy, “Personal Laws of the Indigenous Peoples of the Chittagong Hill Tracts: A Gender Perspective,” (to be published, BRILL Publications).
- <sup>6</sup> Ibid.
- <sup>7</sup> Sohela Nazneen, 2017. *The Women’s Movement In Bangladesh: A Short History and Current Debates*, FES Bangladesh. [http://www.fes-bangladesh.org/files/daten/publications/Feminism-in-Bangladesh\\_Online-version.pdf](http://www.fes-bangladesh.org/files/daten/publications/Feminism-in-Bangladesh_Online-version.pdf).
- <sup>8</sup> After a controversial appointment of 8 women karbaris by the Headman of the Rowanchari Mouza, the Bohmang Chief rejected their appointments on the basis that only the Chief has the authority to appoint karbaris. For various reasons, including family pressure and non-acceptance by villagers, 7 of the women karbaris have since resigned from their office.
- <sup>9</sup> Classical definition by Verba and Nie (1972:2): “Political participation refers to those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take.”
- <sup>10</sup> *Study on indigenous women’s political participation at the international, national and local levels*. Study conducted by Forum members Myrna Cunningham and Sena Kanyinke and presented at the twelfth session of the UN Permanent Forum on Indigenous Issues, 2013. E/C.19/2013/10.
- <sup>11</sup> In this research, empowerment has been conceptualized as a process, not a means to an end. It is a multi-dimensional social process that helps people gain control over their lives.

<sup>12</sup> Community worker of UNICEF, UNDP organized PDC and PNDC programs, health worker of BRAC, etc.

<sup>13</sup> Women's cooperation collective, monastery management committee, member of school committee, etc.

<sup>14</sup> "Outside world" was termed by the women to indicate exposure to the worldview.

<sup>15</sup> The translation of the term reads "women karbari." The term has been widely used to define a woman who is far from being subdued and is rather bold and authoritative, the characteristics expected of a karbari. The cynical element in this term is that women could never be a karbari.

<sup>16</sup> The researcher attended the convention.

<sup>17</sup> It is also noted by the male karbaris that some women karbaris are more capable than male karbaris in different aspects. However, because of their inexperience, some villagers find it difficult to rely on their opinions.

<sup>18</sup> Since records are not kept for the cases tried or mediated at the village level, it was not possible to elaborately analyze the full impact of the reform on that matter. The analysis was made based on information provided by the interviewees and FGD participants.

<sup>19</sup> The respondents have noted that to contest a position in the local government bodies with any chance of winning, one must seek nomination or support from a political group. Once elected, he/she is required to adhere to party ideology and to act accordingly. Hence, his/her acts are generally driven by party interests.

<sup>20</sup> Few have used the term "permission" instead of "consent."

<sup>21</sup> Members of state institutions, national political parties, three regional political parties and members of traditional institutions.

<sup>22</sup> The terms "our way of life" and "part of our lives" were used.

<sup>23</sup> In their words "... we can decide our own fate."



# Participation and Representation of Indigenous Women in Decision Making, from Home to Policy

*By*

The Center for Indigenous People's Research and Development,  
National Indigenous Women's Federation and  
National Indigenous Women Forum



## Introduction

Nepal's Constitutions since 1991 have recognized Nepal as a multicaste/ethnic, multilingual, multireligious and multicultural country. The Interim Constitution of 2007 that was promulgated in the spirit of the people's movement of 2005, the Madhesi and the indigenous peoples' movement of 2006 explicitly stated to end all forms of caste, ethnic, linguistic, religious, cultural, gender, and regional discrimination. The current Constitution promulgated in 2015, however, is racist as it defines the dominant caste group, i.e., Khas Arya, but not Indigenous Peoples, Dalit, Madhesi and Muslim. Due to the continuing ideology, policy, and practice of Bhramanism and patriarchy, the domination of one caste (Bahun-Chetri), one language (Khas Nepali), one religion (Hindu), one culture (Hindu), one sex (male), one region (the Hills) and one class (the elites) continues. As Nepal finally abolished the monarchy in 2007 and has adopted federalism since 2015, the indigenous peoples' movement is exerting pressure for constitutional guarantee of identity-based federalism.

The Government of Nepal has formally listed, by law, 59 indigenous peoples since 2002. Some indigenous groups have yet to be included in the government list. The 59 indigenous peoples can be grouped by eco-region as follows:

**Table 1.** List of 59 Indigenous Peoples formally recognized by Government

Eco-Region	Indigenous Peoples
(1) Mountain	(1) Bara Gaunle, (2) Bhutia, (3) Byansi, (4) Chhairotan, (5) Dolpo, (6) Larke, (7) Lhomi (Shingsawa), (8) Lhopa, (9) Marphali Thakali, (10) Mugali, (11) Siyar, (12) Tangbe, (13) Thakali, (14) Thudam, (15) Tingaunle Thakali, (16) Topkegola, (17) Sherpa, (18) Wallung
(2) The Hill	(1) Bankaria, (2) Baramo, (3) Bhujel/Gharti, (4) Chepang, (5) Chhantyal, (6) Dura, (7) Fri, (8) Gurung, (9) Hayu, (10) Hyolmo, (11) Jirel, (12) Kushbadia, (13) Kusunda, (14) Lepcha, (15) Limbu, (16) Magar, (17) Newar, (18) Parí, (19) Rai, (20) Sunuwar, (21) Surel, (22) Tamang, (23) Thami, (24) Yakkha
(3) Inner Terai	(1) Bote, (2) Danuwar, (3) Darai, (4) Kumal, (5) Majhi, (6) Raji, (7) Raute
(4) Terai	(1) Dhanuk (Rajbanshi), (2) Dhimal, (3) Gangai, (4) Jhangad, (5) Kisan, (6) Meche, (7) Rajbanshi (Koch), (8) Satar/Santhal, (9) Tajpuria, (10) Tharu

Source: Bhattachan (2012:4).

Another classification by the National Foundation for the Development of Indigenous Nationalities (NFDIN) groups these 59 indigenous peoples under the following five categories based on development indicators such as literacy, income, land holding and health:

**Table 2.** Five Categories of Indigenous Peoples based on Development Indicators (NFDIN)

Developmental Category	Indigenous Peoples
(1) Endangered Indigenous Peoples	(1) Bankariya, (2) Hayu, (3) Kisan, (4) Kusunda, (5) Kusbadiya, (6) Lepcha, (7) Meche, (8) Raji, (9) Raute, (10) Surel
(2) Highly Marginalized Indigenous Peoples	(1) Baramu, (2) Bote, (3) Chepang, (4) Danuwar, (5) Dhanuk, (6) Jhagad, (7) Lhomi, (8) Majhi, (9) Satar (Santhal), (10) Siyar, (11) Thami, (12) Thudam
(3) Marginalized Indigenous Peoples	(1) Bhote, (2) Bhujel, (3) Darai, (4) Dhimal, (5) Dolpo, (6) Dura, (7) Free, (8) Gangai, (9) Kumal, (10) Larke, (11) Lohpa, (12) Mugali, (13) Pahari, (14) Rajbansi, (15) Sunuwar, (16) Tajpuria, (17) Tamang, (18) Tharu, (19) Topkegola, (20) Walung
(4) Disadvantaged Indigenous Peoples	(1) Bargaule, (2) Byansi, (3) Chhairotan, (4) Chhantyal, (5) Gurung, (6) Jirel, (7) Limbu, (8) Magar, (9) Marphali Thakali, (10) Rai, (11) Sherpa, (12) Tangbe, (13) Tinganule Thakali, (14) Yakkha, (15) Yolmo
(5) Advanced Indigenous Peoples	(1) Newar, (2) Thakali

Source: Bhattachan (2012:5).

Endangered Indigenous Peoples have very low population size, no land holding, no education, no income, and no access to health care services. Their language, religion and culture are on the verge of extinction. Highly Marginalized Indigenous Peoples have low population size and most of them have insufficient lands, low level of education, and low income. They are rapidly losing their language, religion, and culture. Marginalized Indigenous Peoples have significant population size but some of them have insufficient land, education, and income. Their language, religion and culture are in decline, as well.

Disadvantaged Indigenous Peoples have significant population size and more varied socioeconomic conditions: some are rich and some are poor; some are highly educated but the greater number have low level of education; some own land but many do not have enough of this asset to make a living. Advanced Indigenous Peoples are in a better position in terms of land holding, education, income and access to health services but their language, religion and culture are going downhill.

These five categories were developed by NFDIN to help the government and international development partners to set their development programs in priority order so as to ensure that the Endangered and Highly Marginalized Indigenous Peoples would get maximum benefits, and the Marginalized and Disadvantaged, some benefits. Advanced Indigenous Peoples need no such support.

Nepal's indigenous women suffer from multiple discrimination, i.e., racial, gender, linguistic, religious, cultural, and regional. The movement of indigenous women of Nepal are in multiple fronts:

- a. Indigenous women as a part of the indigenous peoples' movement are fighting against Brahmanism, all forms of colonialism, imperialism, capitalism and feudalism, and are fighting for the enjoyment of distinctive identity and collective rights, including the rights to self-determination, autonomy, self-rule, ownership and control over lands, territories and resources,

customary laws and institutions, and free, prior and informed consent (FPIC);

- b. As part of the women of Nepal, they are fighting for gender equality and for the elimination of all forms of gender discrimination;
- c. They are fighting against women belonging to the dominant caste and against linguistic, cultural, religious and regional groups for the recognition of diversity among women with distinct identity of indigenous women and respect for their collective rights;
- d. Within the indigenous peoples' movement, they are fighting for gender equity and equality among indigenous women and men, and indigenous girls and boys.

One of the significant issues taken up by all the movements—indigenous peoples, women and indigenous women—is the issue of full and proportional representation and meaningful participation of indigenous peoples including indigenous women at all levels of decision making. This include the Council of Ministers, Parliament, judiciary, civil service (Secretary, Joint Secretary, Undersecretary and Section Officers), local bodies (Chief District Officer, Local Development Officer, Mayor, Village Council Chief), police (IGP, AIGP, DIGP), armed police, army, ambassadors, constitutional bodies such as Public Service Commission, National Election Commission, National Human Rights Commission, and National Women Commission and the executive committee of political parties at the national and local levels.

The indigenous peoples in Nepal have intensified this move and advocacy as Nepal had ratified the Convention on Elimination of Discrimination Against Women (CEDAW) in 1991 and International Labor Organization (ILO) Convention No. 169 in 2007, and adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and the Outcome Document of the World Conference of Indigenous Peoples (WCIP) in 2014.

## I. The Study

In line with the current issue of proper representation, the National Indigenous Women's Federation (NIWF), National Indigenous Women Forum (NIWF) and Center for Indigenous Peoples' Research and Development (CIPRED) undertook a research<sup>1</sup> to analyze the participation and representation of indigenous women in decision making in Nepal. The specific objectives were to:

- a. Identify participation and representation of indigenous women in decision making in government civil services, major political parties, civil society organizations (CSOs), traditional institutions and indigenous peoples' organizations (IPOs),
- b. Determine the root causes of deterring factors, obstacles and challenges for meaningful participation of indigenous women in decision making at household, community, institution and policy levels, and
- c. Recommend suggestions for policy changes to increase indigenous women's participation in decision-making levels.

Selected as the study sample were five ministries based on their relevancy to women and indigenous women issues (Ministries of Women, Children and Senior Citizen; of Labor; of Education; of Law; and of Forest Soil Conservation), four political parties representing large, old and new parties (Communist Party of Nepal before its unification, i.e., CPN-UML, Nepali Congress, Federal Socialist Party, and Rastriya Prajatantrik Party), and civil society organizations—federations, NGOs, IPOs and women-led organizations. Three traditional institutions from different indigenous women categories were also included. Data were collected from available government official and leader/head of these respective groups.

Three focus group discussions were conducted in Kathmandu with: (i) elected indigenous women and non-indigenous women representatives, including the Deputy Mayor of Tokha Municipality, (ii) Pahari indigenous women in Badikhel, Lalitpur, and (iii) executive committee members

of Nepal Federation of Indigenous Nationalities (NEFIN). Three case studies were documented elucidating stories of success and of failure that indicate the challenges indigenous women face in gaining representation and participation in decision making in the public and private arenas.

## Definitions of ‘Participation’ and ‘Representation’

Both “participation” and “representation” are very important for the wellbeing of people(s), governance, and democracy but there is no consensus on their meaning and definitions as scholars, practitioners, people(s) and others differ widely (Brodie, Cowling and Nissen 2009:4). The English Oxford Living Dictionaries defines the term “participation” as “The action of taking part in something.”<sup>2</sup> Brodie, Cowling and Nissen (2009:4) write, “The term participation is frequently qualified with an array of prefixes, such as civic, civil, vertical, horizontal, individual, political, public, community, citizen and so on. To simplify the language used in this review, we use three broad categories of participation—public, social and individual participation.” In democracy, participation implies people’s or peoples’ participation in decision making and its implementation, monitoring and evaluation.

Similarly, the English Oxford Living Dictionaries defines the term “representation” as “The action of speaking or acting on behalf of someone or the state of being so represented.”<sup>3</sup> Hanna Fenichel Pitkin has stated that representation means “acting in the interest of the representative, in a manner responsive to them” and that “representative must act independently,” “his action must involve discretion and judgment,” and “he must be the one who acts” (Pitkin 1967:209).<sup>4</sup>

Since this research is about indigenous women, both “participation” and “representation” are of indigenous peoples. Thus, the definitions of “participation” and “representation” of indigenous women used in this study are as referenced in Articles 5 and 18 of the UN Declaration on the Rights of Indigenous Peoples. Article 5 states, “Indigenous peoples have the right to maintain and strengthen their distinct political,

legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.” Article 18 states, “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”

As this research was conducted with limited time, financial and human resources, an operational definition of the term “participation” for the purpose of this study is “involvement of indigenous women in the decision making process in civil services, major political parties, civil society organizations, traditional institutions, indigenous peoples’ organizations, community and the home, and being able to engage effectively and able to bring out results in terms of securing the rights of indigenous women in particular and indigenous peoples in general.”

In the same vein, the operational definition of the term “representation” is “becoming a member of the central committees of the main political parties, appointment in civil service, holding key positions in NGOs, traditional organizations, indigenous peoples’ organizations, and decision making at the community and the home, and being able to engage effectively and able to bring out results in terms of securing the rights of indigenous women in particular and indigenous peoples in general.”



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## II. Indigenous Women in Decision Making

This section analyzes the participation and representation of indigenous women in decision making, specifically in selected civil society organizations, political parties and government institutions.

### Social Inclusion

A dimensional and composite social inclusion index was used to gauge social inclusion in the following areas—economic, political, gender, health and education—based on a score of .0 to 1 with 1 equating to 100 percent representing highest inclusion. The findings showed that by caste/ethnic group, the economic, education and health indexes for almost all indigenous groups, except for the Newar and Thakali, range from 0 to 0.5, political inclusion is nominal, and representation in central party committee is negligible (Table 3). Social and political inclusion of the Newar and Thakali is far better than those of other indigenous peoples.

### Representation in Civil Service

Ganga Datta Awasti and Rabindra Adhikary in *Changes in Nepalese Civil Service after the Adoption of Inclusive Policy and Reform Measures* provided data on representation of women in decision-making levels in the civil service from 1991 to 2012 (Table 4) (Awasthi and Adhikary, 2012: 27). The data showed that the percentage of women in main decision-making positions, i.e., Special Class, First Class and Second Class, was only 9.2 percent during that period, and 15.5 percent if Third Class is included.

Interestingly, the number of women civil servants in or higher than Second Class rose from 1991 to 2004 and decreased from 2004 to 2012. However the overall percentage increase ranged from only one percent to 5.2 percent (Table 4). The women in these decision making positions belong to

Table 3. Dimensional and Composite Social Inclusion Index by Caste/Ethnic Group

SN	Endangered Indigenous Peoples	Economic Dimension Index	Political Dimension Index	Gender Dimension Index	Education Domain Index	Health Domain Index	% of Population	Representation % in Central Party Committee
1	Bankaria	0	0	0	0	0	0	0
2	Hayu	0.4088	0.1418	0.396	0.5123	0.4911	0.0304	0
3	Kisan	0.3282	0.3425	0.3743	0.4023	0.5739	0.007	0
4	Kusbadiya	0.2914	0.0118	0.4625	0.3139	0.4565	0.019	0
5	Kusunda	0	0	0	0	0	0.0017	0
6	Lepcha	0.5425	0.0559	0.6709	0.511	0.4838	0.0646	0
7	Meche	0.5463	0.4129	0.5537	0.511	0.4736	0.0065	0.5
8	Raji	0.3065	0.2839	0.3981	0.3918	0.4409	0.0449	0.1
9	Raute	0.4635	0.0082	0.5388	0.2803	0.4799	0.0041	0
10	Surel	0	0	0	0	0	0	0
<b>B. Highly Marginalized Indigenous Women</b>								
1	Baramu	0.4674	0.1792	0.5466	0.4607	0.5262	0.0847	0
2	Bote	0.4452	0.1145	0.5161	0.4016	0.6201	0.1093	0
3	Chepang	0.4129	0.0315	0.512	0.3038	0.4776	0.3	0

SN	Endangered Indigenous Peoples	Economic Dimension Index	Political Dimension Index	Gender Dimension Index	Education Domain Index	Health Domain Index	% of Population	Representation % in Central Party Committee
4	Danuwar	0.4582	0.1561	0.4821	0.4442	0.5182	0.3	0.1
5	Dhanuk	0.4452	0.614	0.3439	0.3909	0.4132	0.9	1
6	Jhagad	0.3813	0.0651	0.4056	0.3802	0.4114	0.1	0
7	Lohami	0	0	0	0	0	0	0
8	Majhi	0.4499	0.1406	0.4905	0.404	0.5609	0.3	0
9	Satar (Santhal)	0.425	0.0489	0.4427	0.3516	0.4081	0.2	0
10	Siyar	0	0	0	0	0	0	0
11	Thami	0.3897	0.0489	0.5746	0.3779	0.518	0.1	0
12	Thudam	0	0	0	0	0	0	0
<b>C. Marginalized Indigenous Peoples</b>								
1	Bhote	0.4947	0.1464	0.5952	0.4263	0.52	0.1	0
2	Bhujel	0.5091	0.2741	0.5754	0.5182	0.6377	0.4	0.1
3	Darai	0.5466	0.3339	0.5436	0.5051	0.6319	0.1	0.1
4	Dhimel	0.5227	0.1426	0.5466	0.5461	0.5043	0.1	0
5	Dolpo	0	0	0	0	0	0.0443	0
6	Dura	0.5362	0.2594	0.6503	0.6024	0.6099	0.0561	0

SN	Endangered Indigenous Peoples	Economic Dimension Index	Political Dimension Index	Gender Dimension Index	Education Domain Index	Health Domain Index	% of Population	Representation % in Central Party Committee
7	Free	0	0	0	0	0	0	0
8	Gangai	0.5196	0.0964	0.4739	0.4656	0.3513	0.1	0
9	Kumal	0.4615	0.2618	0.4945	0.446	0.5566	0.5	0.1
10	Larke	0	0	0	0	0	0	0
11	Lohpa	0	0	0	0	0	0.025	0
12	Mugal	0	0	0	0	0	0	0
13	Pahari	0.52	0.2219	0.5661	0.3969	0.5938	0.1	0
14	Rajbangsi	0.5022	0.3566	0.5607	0.5016	0.6162	0.4	0.7
15	Sunuwar	0.5067	0.3826	0.594	0.494	0.5801	0.2	0.2
16	Tajpuriya	0.4817	0.0609	0.466	0.4405	0.3805	0.1	0
17	Tamang	0.5027	0.2869	0.5385	0.4566	0.5916	5.8	3.7
18	Tapkegola	0	0	0	0	0.4634	0.0162	0
19	Tharu	0.5362	0.4396	0.4616	0.4843	0.4634	6.6	4.8
20	Walung	0.453	0.0882	0.6955	0.5193	0.3892	0.025	0
<b>D. Disadvantaged Indigenous Peoples</b>								
1	Bargaule	NA	NA	NA	NA	NA	NA	NA
2	Byansi	0.5052	0.2283	0.6192	0.486	0.6162	0.0405	0

SN	Endangered Indigenous Peoples	Economic Dimension Index	Political Dimension Index	Gender Dimension Index	Education Domain Index	Health Domain Index	% of Population	Representation % in Central Party Committee
3	Chhaintan	0	0	0	0.486			
4	Chhantyal	0.4902	0.2947	0.5363	0.5395	0.6938	0.1223	0.1
5	Gurung	0.5476	0.5247	0.6147	0.5631	0.6793	2.1	2.1
6	Jirel	0.5079	0.2246	0.5582	0.5259	0.5371	0.03583	0
7	Limbu	0.4421	0.4727	0.5247	0.5673	0.55	1.5	3
8	Magar	0.5039	0.2607	0.5151	0.5209	0.5776	7.1	2.9
9	Marphali Thakali	NA	NA	NA	NA	NA	NA	NA
10	Rai	0.5184	0.4285	0.5976	0.5641	0.5816	2.6	2.3
11	Sherpa	0.5511	0.1945	0.5312	0.4797	0.6134	0.5	0.2
12	Tangbe	NA	NA	NA	NA	NA	NA	NA
13	Tingaula Thakali	NA	NA	NA	NA	NA	NA	NA
14	Yakkha	0.415	0.1331	0.6654	0.4858	0.5495	0.1	0
15	Yolmo	0.582	0.075	0.5038	0.4972	0.6194	0.1253	0
<b>E. Advantagead Indigenous women</b>								
1	Newar	0.6137	0.6697	0.5759	0.645	0.7172	5	6.4
2	Thakali	0.6773	0.7217	0.6209	0.6811	0.7585	0.1291	0.6

Source: Nepal Multidimensional Social Inclusion Index of TU, 2014.

the dominant Bahun-Chettri caste, and a few belong to the indigenous Newar. Although Aswasthi and Adhikary do not provide disaggregated data by caste and ethnicity, inference can be made from Table 5 that there is no representation of the other 58 Indigenous Peoples, Dalits, Madhesi and Muslim in or above Second Class, and very few in Third Class.

**Table 4.** Number of Women in Civil (Administrative) Service (1991/92 to 2012)

Description	1991		2004		2008		2011		2012	
Class	No.	%	No.	%	No.	%	No.	%	No.	%
Special Class	NA		2	4.6	1	2.4	4	5.2	2	3.5
First Class	2	1	24	4.0	15	4.5	9	1.8	12	2.3
Second Class	21	4	113	4.8	67	3.4	97	3.5	98	3.4
Third Class	31	1	348	5.3	348	5.6	680	7.7	817	8.3
Total officer	54		487		431		790		929	
Total officer	NA		5045	9.7	6776	14.7	NA		3285	11.3
Non Class	NA		2476	7.7	1553	6.3	NA		1533	7.2
Total	54		8008		8760		790		5747	

Source: Awasthi and Adikary, 2012: 27.

By developmental category, representation of endangered indigenous women and men in decision-making positions in the civil service is zero, and negligible for the highly marginalized, marginalized and disadvantaged indigenous groups (Table 5). Advanced indigenous women and men are better represented than the other four categories.

In the past, few women and men competed with Brahmin and Chhetri members, but Newar representation in the civil service has been declining since the 1990s. The affirmative action policy, i.e., the quota allocated for indigenous peoples in civil service, has increased their representation but it is far from proportional based on population size. There is still a long way to go to bridge the historic gap through due compensation.

Table 5. Indigenous Women's Representation in Decision Making Positions in Civil Service

Rank	Advanced Indigenous Peoples						Disadvantaged Indigenous Peoples		Marginalized Indigenous Peoples		Highly Marginalized Indigenous Peoples		Endangered Indigenous Peoples		Others (Koch)		Family name that may belong to many Indigenous Peoples			Total
	Newar			Thakali			M	W	M	W	M	W	M	W	M	Mukhiya	M	W		
	M	W		M	W															
Gazetted																				
Special Class	3	-	-	-	-	3	-	1	-	-	-	-	-	-	-	-	-	-	-	7
Gazetted First Class	49	7	1	-	-	10	-	-	-	-	-	2	1	-	-	-	-	-	-	70
Gazetted Second Class	260	45	2	1	47	4	-	-	-	-	13	1	-	-	-	-	-	-	-	373
Gazetted Third Class	776	200	7	-	246	45	15	1	90	8	-	-	-	-	-	-	-	-	-	1392
Officer 11th	12	4	1	-	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22
Officer 10th	14	3	1	-	1	2	-	-	-	1	-	-	-	-	-	-	-	-	-	22
Officer 9th	11	16	-	1	1	3	-	-	-	-	-	-	-	-	-	-	-	-	-	32
Officer 8th	51	28	1	1	7	2	-	-	3	1	-	-	-	-	-	-	-	-	-	94
Officer 7th	64	36	-	1	18	8	1	-	11	2	-	-	-	-	-	-	-	-	-	141
Officer 6th	205	155	-	1	113	118	10	2	43	27	-	-	-	-	-	-	1	-	-	675

Chief Justice, Appellate Court	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Judge, Appellate Court	3	1	-	-	-	-	-	-	2	-	-	-	-	1	-	-	-	-	-	7
Additional Judge, Appellate Court	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Additional District Judge	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
District Judge	8	-	-	-	-	-	-	-	5	-	-	-	-	-	-	-	-	-	-	13
Total	4489	1548	16	7	3169	1487	230	49	1723	519	13	3	1	37	5	13296				
Total of Indigenous Peoples (13,296)	33.8	11.6	0.1	0.1	23.8	11.2	1.7	0.4	13.0	3.9	0.1	0.0	0.0	0.3	0.0	100.0				
Total of Civil Servants (82,776)	5.4	1.9	0.0	0.0	3.8	1.8	0.3	0.1	2.1	0.6	0.0	0.0	0.0	0.0	0.0	16.1				

Source: Adapted from Table 15 in Bhattachan (2018).



## Representation in Selected Ministries

Awsthi and Adhikary (2012:41) also provide “a glimpse of inclusion and the presence of women, Adibasijanjati, Dalit and Madhesi in technical and non-technical ministries and departments” (Table 6). Women belonging to the dominant castes, i.e., Brahman Chetri, are represented out of proportion to their population size, and others, i.e., women belonging to indigenous peoples, Madhesi and Dalit, are underrepresented.

**Table 6.** Representation of Women in Technical and Non-technical Ministries and Departments

Ministry/ Department	Brahmin/ Chhetri/ Thakuri/ Sanyasai	Adibasijanjati (Indigenous Peoples)	Madhesi	Women	Dalit	Total
Ministry of Agriculture	3997 (51%)	1065 (14%)	2104 (27%)	539 (7%)	75 (1%)	7780
Ministry of Health & Pop.	1459 (42%)	336 (10%)	775 (22.6%)	850 (25%)	14 (0.4%)	3434
Ministry of Phys. Planning & Works	2284 (52.6%)	825 (19%)	811 (18.7%)	368 (8.5%)	51 (1.2%)	4339
Ministry of Home Affairs	1739 (68%)	333 (13%)	231 (9%)	222 (9%)	26 (1%)	2551
Department of Forests	2546 (51%)	660 (13 %)	1596 (32 %)	123 (3 %)	58 (1%)	4983
Dept. of National Park & Wildlife Conservation	255 (45 %)	100 (17%)	186 (33%)	22 (4%)	7 (1%)	570
Dept. of Survey	823 (40 %)	259 (12.2 %)	884 (43 %)	92 (4.4 %)	9 (0.4 %)	2067
Dept. of Irrigation	750 (47%)	204 (13%)	511 (32%)	111 (7%)	15 (1%)	1591

Source: Awasthi and Adhikary 2012: 41.

As shown in Table 7, the number of women and indigenous peoples in selected ministries is very low, and of indigenous women, negligible. Participation of indigenous women at the ministry level is very crucial. But no indigenous women are in the decision-making body of the Ministry of Labour and Ministry of Forest and Land. The highest participation of women is in the Ministry of Women, Children and Senior Citizens at 53 percent, but indigenous women are still very few at only 12 percent.

**Table 7.** Representation of Indigenous Women in Offices of Selected Ministries

S.N.	Ministry	Total Number of Members	Total Number of Indigenous Peoples	Total Number of Women	Total Number of Indigenous Women
1	Ministry of Education	43	5	7	2
2	Ministry of Labor	21	4	2	0
3	Ministry of Forest & Land	23	2	0	0
4	Ministry of Law	26	2	5	2
5	Ministry of Women, Children & Senior Citizens	34	5	18	4
	Total	147	18	32	8

Source: field survey, 2018.

## Representation in Judicial Service

Data provided by Aswathi and Adhikary on gender representation in courts and in the Office of the Attorney General (Table 8) show that the number of women is insignificant compared to men, and nil for indigenous women.

**Table 8.** Gender Representation in Courts and Office of the Attorney General

Court	2008		2011	
	Men	Women	Men	Women
Supreme Court			18	1 (5.26%)
Appellate Court			103	4 (3.73 %)
Special Court			3	0
District Court			111	1 (0.89 %)
Office of the Attorney General			22	0

Source: Aswatshi and Adhikary 2012: 33.

## Representation in Security Service

Data from Awasthi and Adhikary on women representation in the security services, i.e., Nepal Army, Armed Police and Nepal Police (Table 9) and in Armed Police and Nepal Police (Table 10) are disaggregated by caste and ethnicity but not by rank, including top, middle, and bottom positions. The available data show that indigenous women's presence in decision making in the above-cited security forces is insignificant.

**Table 9.** Gender Representation in Security Forces

Security Force	2009			2012		
	Total	Female	%	Total	Female	%
Nepal Army	91177	1603	1.7	92,298	1491	1.6
Armed Police	NA	NA		30,864	1,139	3.7
Nepal Police	63557	3457	5.4	60120	3457	5.7

Source: Awasthi and Adhikary 2012: 31.

**Table 10.** Women Representation in Armed Police and Nepal Police

Caste/Ethnic Group	Nepal Police	Armed Police Force
Dalit	277	37
Adibasjanjati (Indigenous Peoples)	939	310
Madhesi	270	10
Brahman / Chhetri	1971	782
Total	3457	1139

Source: Awasthi and Adhikary 2012: 32.

## Representation in Main Political Parties

The study covered four political parties: two main political parties—CPN UML and Nepali Congress, and two smaller ones—Rastriya Prajatantric Party, the oldest and past ruling party, and Sanghiya Samajbadi Party, a new party that advocates for inclusive democracy.

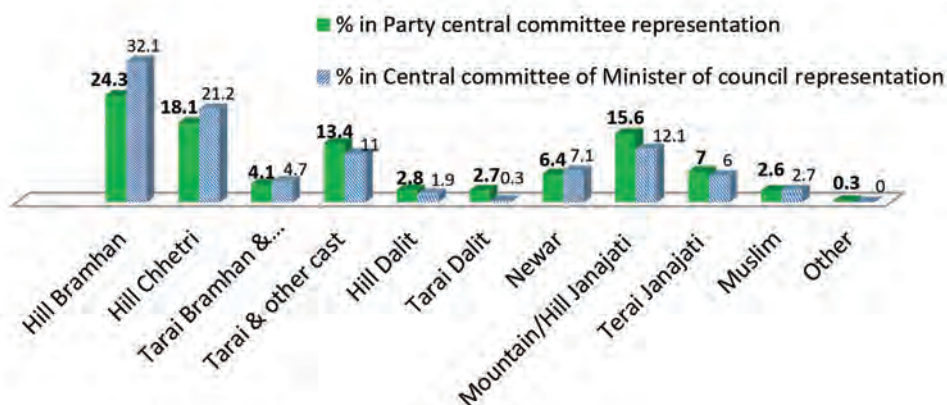
**Table 11.** Representation of Indigenous Women in Central Committees of Political Parties

S.N.	Name of Party	Total Number of Members	Total Number of Indigenous Peoples	Total Number of Women	Total Number of Indigenous Women	Percentage
1	Rastriya Prajatantric party	146	35	20	6	4%
2	Sanghiya Samajbadi Forum	232	101	27	10	4%
3	CPN UML	202	48	33	11	5%
4	Nepali Congress	80	12	15	3	4%
	Total	445	102	69	20	

Source: field survey, 2018.

The indigenous women have a very low representation in the central committee of all four political parties (Table 11). By broader social group, a big gap exists between indigenous peoples and non-indigenous peoples in terms of membership in these parties' central committee and in the Council of Ministers (Fig. 1). Hill Brahman and Tarai Brahman Chhetri groups occupy the majority of key positions. These caste groups are generally overrepresented at the apex of political bodies in relation to their population. Mountain/Hill and Tarai Janajatis or indigenous peoples, on the other hand, are underrepresented although their situation is better than that of Dalits and Muslims who have the lowest representation at only three percent. The data highlight the statement that in "the caste/ethnic composition of the key party-political decision-making bodies, about two-thirds of the caste/ethnic groups in Nepal have no political influence and are therefore politically powerless..." (TU-2014). There were no segregated data on indigenous women's representation.

**Figure 1.** Representation in Central Committees of Political Parties and in Council of Ministers by Social Group



Source: Nepal Multidimensional Social Inclusion Index of TSU, 2014

## Representation in Civil Society Organizations

Representation of indigenous women in the following civil society organizations is varied, ranging from 14.2 percent to 73.0 percent (Table 12): Nepal Federation of Indigenous Nationalities (NEFIN), Youth Indigenous Federation of Nepal (YFIN), Indigenous Film Achieve (IFA), NGO Federation of Nepal Indigenous Nationalities (NGO FONIN) among indigenous peoples' organizations; TEWA, a philanthropic grant-making women's organization; and NGOs, namely, Mountain Spirit, Rural Reconstruction Nepal (RRN) and NGO Federation. It is highest in TEWA but the indigenous women in this grant-making organization are mostly from the Newar community, an advantaged indigenous peoples category. Next to this is Mountain Spirit where indigenous women comprise 57.14 percent.

**Table 12.** Representation of Indigenous Women in Selected Civil Society Organizations

Civil Society Organization	Total Number of members	Total Number in Indigenous Peoples	Total Number of Women	Total Number of Indigenous Women	Percentage
NEFIN	21	21	7	7	33.33%
YFIN	42	42	6	6	14.28%
Mountain Spirit	7	7	4	4	57.14%
IFA	8	8	2	2	25.00%
NGO FONIN	11	11	2	2	18.18%
TEWA	11	8	11	8	73.00%
NGO Federation	33	10	11	6	18.00%
RRN Nepal	7	4	4	2	29%

Source: field survey, 2018.

In indigenous peoples' organizations, indigenous women make up less than one-fifth to a third of total membership. They compose 33 percent of NEFIN, 29 percent of RRN Nepal, 25 percent of IFA, and 18 percent of NGO FONIN. Their number is lowest in YFIN at only 14 percent.

## Participation in Indigenous Peoples' and Indigenous Women's Institutions

A brief status of indigenous women's participation in indigenous institutions by development category of indigenous groups is as follows:

- a. *Endangered Indigenous Peoples*: Endangered indigenous women belonging to Hayu, Kisan, Kusbadiya, Kusunda, Lepcha, Meche, Raji, Raute, and Surel have nominal participation in institutions of indigenous peoples and indigenous women. Bankaria have very good participation in activities implemented by the National Indigenous Women Forum.
- b. *Highly Marginalized Indigenous Peoples*: The 12 indigenous groups recognized as highly marginalized have a total population of 542,420 (male 266,508; female 259,433), which is 5.92 percent of around 35 percent indigenous population in Nepal. They have some participation in the National Indigenous Women's Federation (NIWF) Nepal, Nepal Federation of Indigenous Nationalities or NEFIN, and National Indigenous Women Forum.
- c. *Marginalized Indigenous Peoples*: The 20 groups recognized by the government as marginalized indigenous peoples are the Bhote, Bhujel, Dhimal, Dolpo, Dura, Free, Gangai, Kumal, Larke, Lohpa, Pahari, Darai, Rajbangsi, Tamang, Tharu, Tapkegola, Tajpuria, Sunuwar, Mugal, and Walung. Their total population of 3,649,656 (male 1,764,872; female 1,884,784) accounts for about 39.85 percent of Nepal's indigenous population. They have some participation in NIWF Nepal, NEFIN, and National Indigenous Women Forum.
- d. *Disadvantaged Indigenous Peoples*: Fifteen indigenous groups categorized as disadvantaged are mainly the Bargaule, Byansi, Chhairotan, Chhantyal, Gurung, Jirel, Limbu, Magar, Marphali Thakali, Rai, Sherpa, Tangbe, Tingaunle Thakali, Yakkha, and Yolmo. They number 36,46,485 (male 1,686,149; female

1,959,262), which is around 39.82 percent of the indigenous population. Participation of disadvantaged indigenous women is high in NIWF Nepal, NEFIN, and National Indigenous Women Forum.

- e. *Advantaged Indigenous Peoples*: Recognized as advantaged groups are the Newar and Thakali who comprise 14.09 percent of the indigenous population or 1,302,212 people (male 623,575; female 666,813). The Newar's participation in indigenous institutions is high while that of the Thakali is nominal.

## Decision Making in Traditional Leadership System, Home, and Community

This section describes the participation and representation of indigenous women in decision making in the traditional leadership system, within the home and in the community.

### *Traditional Institutions*

This study covered four traditional institutions of indigenous peoples: the 13 Ghampa system of Thakali and Guthi of Newar from the Advanced Indigenous Peoples, Bheja of Magar from Disadvantaged Indigenous Peoples, and Majhiwarang of Dhimal from Marginalized Indigenous Peoples.

**Table 13.** Representation of Indigenous Women in Traditional Institutions

SN	Total	Male	Female	Percentage
Ghampa	13	12	1	8%
Guthi	All	All	0	0%
Bheja	All	All	0	0%
Majhiwarang	11	11	0	0%

Source: field work, 2018.



It is notable that except for Thakali's 13 Ghampa system, indigenous women have no representation at all in these indigenous customary institutions. One of the 13 Ghampa is a woman, which accounts for only eight percent of the total number (Table 13). Most of the indigenous peoples used to have their own traditional institutions, but most of them are either extinct or in decline due to many reasons including nonrecognition of traditional institutions, Hinduization and Sanskritization, and the lack of indoctrination and/or exposure of the young generation to their traditional institutions. Among the customary institutions still in practice, such as Barghar of the Tharu, Guthi of the Newar, and 13 Ghampa of the Thakali, indigenous women participate and are represented at all levels, except at the top leadership.

### *In the Home*

Men make the decisions concerning matters relating to the purchase of land or house, affairs outside the home and politics, among others, according to most of the respondents. The reasons cited were the prevailing patriarchal society and the that man has the decision making power, is the head of the family, earns money, and is more aware. Women, on the other hand, make the decisions mostly pertaining to the home such as planting, cooking and childcare. The reasons given were that the woman spends most of the time at home, is responsible for the home and family, and does not earn money.

For the national IPO respondents, both husband and wife make decisions together in relation to the home. They first discuss the matter with family members and then decide. The women have the capacity to decide not only in the home, and land or house purchase, but are also included in at all levels of decision making.

The situation of indigenous women in decision making at various levels differs across different indigenous communities, region, class and (dis)ability (Gurung, 2017). Decision making for disabled indigenous women most often involves household chores like cooking, childcare and looking after the house, but

they are not part of other decisions taken within the family. The complex situation, which disabled indigenous women are in, is one of the reasons why their family members, relatives and caretakers confine their decision making mostly within the private sphere.

### **CASE STORY 1. FROM HOUSEMAKER TO DEPUTY MAYOR**

Ms. Hari Prabha Khadgi Shrestha, 47, is the current Deputy Mayor of Kathmandu Municipality and a member of the Nepali Congress Party. She belongs to the Newar indigenous group; she comes from a middle class family and lives in Bagbazar. She finished the intermediate level of education, is a mother of two, and has already become a grandmother; her husband teaches in college.

To get to the position where she is today, Hari faced many challenges and went through many struggles. Since her community is very conservative, she revolted to find her space. When she was a law student, she got married and had a daughter.

She also got involved in political parties in 1986. During the people's or pro-democracy movement of 1990, her mother-in-law supported and helped the activists, by providing food, water, snacks and other assistance. During street demonstrations, many people became victims of tear gas, and Hari and her family members helped them to mitigate its effect by providing sliced onions. Her family were targeted and listed for helping victims. Hari herself was a victim and had to be hospitalized. Seeing many dead bodies in the hospital, she felt she needed to do something to bring about change. She joined politics through a prominent leader of the Nepali Congress, Ms. Mangala Devi Singh, and worked as a secretary for the organization. During that time, it was hard to bring women out of the home. Hari and her party colleagues started skills development training, such as stitching and tailoring, to bring women out of the household and to empower them economically; women needed an economic revolution more than a political revolution. They were able to train many sisters to uplift their livelihood.

All throughout her struggles, Hari had good support from her family. As the society is very patriarchal and with men dominating all political parties, she advocates representation of women at all levels of decision making in the government and for reservation of 50%, not 30%, of seats for them in all positions, including political and civil service positions. She is of the view that gender equality should apply to all positions. It means, if the chair is a man,

then a woman should be vice chair, and vice versa; positions should be on an alternative basis. Being an indigenous woman from the capital city, it was really hard for her to reach her present position, Hari said. But she is not stopping there. Her main aim is to become a woman President of Nepal.

While Nepal has currently no policy and laws focused on the empowerment of indigenous women, Hari hopes its becoming a federal state may open such a possibility in future. "If given the opportunity, women can do anything," she said. She further suggested that policies should be equal for everyone; training and education are a must, and quotas for women need to be allocated in education, including in masteral programs in rural development. To bring change, she says, indigenous women should be united and provided programs must be provided for their empowerment.

*Source: field work, 2018*

### *In the Community*

In the community, men are the main decision makers, according to all the elected women respondents and half of national indigenous peoples' organization respondents. Only one respondent said that both men and women take part in community decision making, but most women are only members, not decision makers.

In customary institutions, associated customary leaders including the priest, monk, and ghampa make the decisions, said most of the indigenous women respondents. In most cases they are male, but they consult with community members and generally take collective decisions. Even in the religious sector, female monks are underestimated and ranked in second position. In organizations, both men and women make decisions together. Males are in the frontline in making overall decisions for their community in disabled people-led institutions.

In some indigenous groups, women's participation in the community is having some social impact. The participation of

indigenous women in the community in partnership with the National Indigenous Women Forum has brought changes in the lives of endangered indigenous peoples. i.e., the Bankaria in Makwanpur district (See Case story 2).

## CASE STORY 2. INDIGENOUS WOMEN ASSIST BANKARIA GAIN LAND AND CITIZENSHIP AND REBUILD HOMES

When the National Indigenous Women Forum or NIWF organized a workshop on the "Situation of Bankaria indigenous peoples" in Hetauda, Makwanpur District on February 28, 2006, the population of the Bankaria, classified as endangered indigenous people, was comprised by 13 households. They lived in Hadikhola, Tangra Khola Village Development Committee. None of them had citizenship and none owned any land. But due to the impact of the workshop, which Minister of State Krishna Gopal Shrestha attended as the chief guest, 13 men and seven women received a citizenship certificate. On 20 October 2006, the government handed over to them 6 hectares of forest land to use under lease for 20 years. The lease contract expired in 2018. The population of this Bankaria community has increased to 64 and 21 households. From time to time NIWF conducted training, awareness and interaction programs to sensitize them on land rights, such as national laws, policies, UNDRIP, ILO Convention No. 169.

On 20 September 2017, the NIWF along with Bankaria brothers and sisters submitted a memorandum demanding for ownership and control over the lands they are leasing from the Ministry of Land and Administration Minister Gopal Man Dalit.

The NIWF also helped in reconstruction and relief efforts for the Bankaria and other endangered and highly marginalized indigenous women and men who were among the hardest hit by the 7.8 magnitude earthquake and aftershocks that hit Nepal in April, 2015 that devastated cities, villages and communities. The earthquake killed some 8,898, injured 22,302, wholly destroyed 604,930 houses, and partially damaged 288,856 houses. The worst hit areas were those of indigenous peoples. The epicenter, Barpak village of Gorkha, is a Gurung indigenous village, and hard hit districts included Rasuwa, Nuwakot, Dolakha, Sindhupalchok, Kavrepalanchok, Dhading, Gorkha and Kathmandu valley which are indigenous areas inhabited mostly by Tamang, Sherpa, Gurung and Newar and marginalized communities such as Danuwar, Majhi, Thami, among others.

The NIWF carried out relief, reconstruction and rehabilitation soon after the first earthquake, providing food, utensils, temporary shelters such as tarpaulins and galvanized iron sheets in selected districts. With support from MADRE, a U.S. based international NGO, and National Foundation for the Development of Indigenous Peoples, NIWF was able to reconstruct 19 houses for the Bankaria in Hadikhola VDC, Makawanpur district. The selection of families for house reconstruction was based on urgency and identification of needs through a NIWF survey and interaction with the villagers and the community. At the same time, NIWF requested for electricity lines for 21 Bankaria households, which the local government approved. After completion, the houses were handed over to the households by the Chief District Officer and Local Development Officer. With the financial support from MADRE, NIWF also conducted earthquake relief assistance to other badly affected districts, i.e., Sindhupalchowk, Kavrepalanchowk and Nuwakot.

*Source: Field work, 2018*

### *In Organizations*

Indigenous women's participation and representation in all organizations is low. The situation is critical among the endangered, highly marginalized and disabled groups. Disabled indigenous women have no participation at all, and that of highly marginalized indigenous women is very small. Similarly, within the indigenous peoples sector, indigenous women's representation in institutions is very low. However, their participation in the National Foundation for the Development of Indigenous Nationalities, a government institution that looks at concerns and issues of indigenous women, stands at 33 percent.

Indigenous women are more visible in indigenous peoples' organizations although they are not in decision making roles and those that make an impact. Five of 11 members in the women's network SANKALPA belong to indigenous women's organizations or political parties. For indigenous women with disability, a single organization, the National Indigenous

Disabled Women Association (NIDWAN), is working to raise their visibility and voices, but their decision making role in major indigenous, women, state and disabled-related mechanisms is limited. There are however some exceptions (See case story 3).

### CASE STORY 3. FROM NGO ACTIVIST TO PROVINCIAL LEGISLATOR

Rama Ale, 45, is an indigenous Magar, is unmarried and comes from a middle class family; her father is a retired government officer. She is an elected member of the Parliament of Province 3 and also serves as the president of Himawanti, a NGO working in the community forestry sector. She was a member of the Communist Party of Nepal-United Marxist and Leninist (CPN-UML) which has transformed into the Communist Party of Nepal.

She was politically active even in her college days. In Padma Kanya College in Bagbazar she joined the All Nepal National Free Student Union. Her journey into politics began in 2005 and was punctuated by personal sacrifices. During the people's movement of 2006-2007, her right hand and a leg were fractured, which prevented her from taking the second-year examinations for a two-year undergraduate course. Due to her involvement in a fraternal wing of the political party, she had to give time for the Union after her classes, which affected her regular mealtime for three months, as the meetings for girls were always held in the evening while those for boys were in the morning.

Rama considers the support of one's family an important factor for women to reach decision-making positions and to work in the public sphere. Another is financial resources. To fight in elections, she said, one needs money, which for men is easy as they can sell their property, but not for women who have no resources. To empower politically one should be economically sound, according to her. She counts current social norms and values as another obstacle for women as well as flattery, nepotism and "groupism." She encountered challenges in her political party, which did not give a post according to one's ability and where patriarchal attitudes prevail and party decisions are made by men. Party leaders trust only the men and make the decisions on distribution of election tickets during elections, which only very few women can get. She thus enjoins women activists to raise their voices and exert pressure. She faced a lot of these problems and did not have many

resources, but with the help and support of her family and friends, she was able to reach her present position. She never gave up hope.

Her involvement in politics enabled her to travel to many Nepal districts and to advocate for students' rights and increase the awareness of rural women. In the 2015 earthquake that hit the country, as part of the relief team of *Sarbadaliya* (all party) committee and chair of Himawanti, she went door to door to distribute clothes, food and other assistance to the disabled, elderly, single women and others. She said it was a great opportunity for her to be with people, which helped her win the election.

She has been able to bring change in the society and community, becoming an example for indigenous women to take public leadership roles. To bring positive change we need to think positive and work accordingly, she said. She is able to raise her voice where needed. She succeeded in initiating changes in her home through trust and persuasion. At the local level, she has worked for the provision of safe drinking water and sewage system. At the provincial level, she is working towards making laws and policies on identifying and protecting unregistered public lands, one house-one tree planting system, solving local traffic and transportation problems, economic empowerment and training for women such as design and computer technology, lemon grass processing in community forest, and wooden handicrafts such as *Theki*, *Madani*.

As president of Himawanti, Rama represents indigenous women. Gradually, she has been raising issues of indigenous women. She says while at the provincial level women representation is good, women need to help and support each other. Now is the right time, according to her, to make laws and policies to ensure indigenous women representation, as the law that provides for one-third representation of women leaders is not specific to indigenous women.

She notes that other existing policies affect women including indigenous women in negative ways, and indigenous communities in general get less support from both the government and NGOs, compared to the Bahun/Chhetri community. Indigenous peoples for instance are far behind in education. Rama declares that indigenous women should not be limited to quotas but should advance in education to be able to compete in various arenas. She thus emphasizes that a woman needs to come out of the confines of the home by influencing and persuading family members. While it is really hard for women to come forward and they face many obstacles and challenges, she said, if they persevere they can become leaders and decision makers.

Source: field work, 2018

At the local level, indigenous women are represented as Ward members and have taken on the position of vice-chair in local elected bodies. There is little awareness of indigenous women leaders at the national level. A few respondents noted some women in higher positions like President, House Speaker in Parliament, judges, ministers and members of the Constituent Assembly (CA), but very few are indigenous women. Some others cited a number of indigenous women doing meaningful lobbying at the United Nations, some of whom are doctors, engineers and in sports, among others. Some indigenous women have also tried to make it to elective positions but failed despite their efforts (Case story 4).

To support indigenous women in decision-making levels, inclusive policies and proportional representation are considered important. While reservation quotas contribute to this, a number of respondents noted that some political parties put indigenous women in decision making bodies just to fulfill the mandatory policy or requirement of 33 percent women membership. This practice fails to acknowledge that indigenous women's meaningful and effective participation can contribute to the party. Some respondents also cited the indigenous women's movement, an organized indigenous women network, capacity building, hard work, and active participation as additional factors in helping indigenous women achieve decision making positions.

The Nepal government has not included indigenous women issues in policies and laws or in decision-making levels. Various political parties have not applied the 33 percent proportional representation of women in an inclusive way, much less apply it to indigenous women.

Indigenous women need to be clear on their issues and to unite for political empowerment. Each indigenous organization, like NEFIN, NIWF and others, has to take the lead to raise awareness, sensitize, and build capacity to empower indigenous women and men. All organizations as well as indigenous women should come together to pressure the government and political parties to implement indigenous women's representation at decision-making levels.



#### **CASE STORY 4. FAILED ATTEMPT TO GET ELECTED IN POLITICAL PARTY AND IN INDIGENOUS PEOPLES' ORGANIZATION**

Ms. Phulmati Choudhary is a 46-year-old Tharu who lives in Khaireni Municipality-3 in Chitawan district. She is the President of the Tharu Mahila Jagaran Kendra, a local NGO. She belongs to a middle class family, is married with two children, and holds a Master's degree in Sociology.

Phulmati has been involved in politics since 1989. She is a member of the Communist Party of Nepal (CPN) and ran for the Constituent Assembly twice, in 2013 and again in 2017. She was unsuccessful in both elections, as she was not included in the Tharu cluster.

She has also been involved in the indigenous people's movement since 2000, serving as secretary and treasurer of the National Indigenous Women's Federation from 2006 to 2009. She ran for the organization's presidency twice, but was similarly defeated in both instances.

She is still active in both politics and the indigenous peoples' movement. Currently she is a member of of the Central Committee Women's Department of the CPN. She has the full support of her family for her political career and indirect and moral support from her community and indigenous people's organizations. Economically, what she has achieved comes from her own initiative and not from anyone's help. The main reasons for her failed bids at leadership positions in government and organizations include the fact that indigenous women are looked down upon by parties, prevalence of patriarchal norms and values, rampant nepotism and flattery, defining of proportional representation by parties in their own way, lack of resources and trust in women, and being an indigenous woman.

She said that she is an indigenous peoples' woman leader representative in her political party. Political parties do not recognize diversity of women; indigenous women get no chance to participate in proportional representation in a fair way. She thus stressed that the party should strongly focus on the system of inclusiveness and address the diversity of women.

*Source: field work, 2018.*

## Impact of Indigenous Women's Movement on Indigenous Women's Representation

The findings showed that although a lot of changes appear to have been made among indigenous women in the last five years, their participation in decision making has been insignificant. Such apparent changes include some symbolic participation in political parties, government bodies, local elected bodies, and Constituent Assembly at provincial and national levels. An example is Onsari Gharti Magar, an indigenous Magar woman, who was elected as Vice Chair of the Constituent Assembly in 2015 and as the first woman Speaker of the Parliament in 2015 to 2017. Such representation, though negligible, could be taken as a positive step. But it is inadequate, as these women representatives have to be accountable to their respective political parties and their issues, but not to the indigenous peoples and their issues. Some indigenous women became CA members through the reservation quota.

Another impact is higher awareness among indigenous women about their rights. Indigenous women are now better organized and are raising their voices to move forward. Some are in the process of seeking their space in national and international forums. They are also more educated and willing to go outside of their homes compared to the past. But their active participation is yet to bring tangible changes in their lives and at the community level. This is because in communities, most of the indigenous women, including the disabled, have almost no idea about state laws, policies, and international mechanisms on indigenous women's rights, indigenous peoples' rights and women's rights and how to relate those rights in their day to day lives. Tangible changes are yet to be realized.

Most of the elected indigenous women respondents noted that indigenous women have brought positive changes in communities but at the same time opined that they should be determined and strong to move forward so as to voice their concerns and issues as regards ensuring their rights. Most national IPO respondents did not give any response regard-

ing this, while community IPO respondents (Pahari) were not knowledgeable about it. One of them remarked that if women participated in decision making, it could serve as a learning environment.

For indigenous women with disability, raising awareness and engaging at all levels is fundamental; they need to feel their issues in the heart and to act with their head by uniting. They also emphasized that indigenous women and women in general have to acknowledge, value, and respect diversity, and to integrate women with disabilities as enshrined in UNDRIP Articles 21 and 22 by involving, engaging, and supporting one another in a collective manner. They said that they can make their voices heard if they unite for a cause, and for their community, change can happen, no matter if it is big or small.

Other impacts are in the areas of capacity building, empowerment, leadership development and additional knowledge as well as increased confidence, self-reliance and gaining respect as indigenous women. Indigenous organizations, such as Tharu Kalayan Sabha, have given encouragement to indigenous women to move forward. One respondent said that if they had the opportunities, they could do better than their male counterparts.



## II. Obstacles and Challenges

The reasons why indigenous women have low participation in decision making levels in both public and private spheres are manifold: lack of awareness, poverty, negative attitude towards indigenous women due to a patriarchal ideology, weak policy, gender and class discrimination, problems in policy implementation, pulling legs (*khutta tanne chalan*) or jealousy, lack of education, selfishness, lack of confidence to progress, and no interest. This section traces the root causes of this situation and the obstacles and challenges indigenous women face as they attempt to reverse it.

## Root Causes

Many respondents traced the lack of participation and representation of indigenous women, in particular, and of indigenous peoples, in general, to the following:

*Brahmanism:* Brahmanism manifested in the form of racial supremacy and domination of Khas Arya (Bahun, Chhetri, Thakuri, and Dasnami), Hindu religion, Hindu society, Hindu culture, men, Khas Nepali language and the Hill people. Hence, their representation in the State's political structures (Executive, Legislative and Judiciary), the 4<sup>th</sup> State, i.e., media, civil society organizations including NGOs and human rights organizations is way out of proportion to their population size. As a result, homosocial reproduction takes place, preventing indigenous peoples, Dalits, Madhesi, Muslim, and other minorities from being fairly represented at all levels of decision making.

*Patriarchy:* Hindu religion, society, and culture are embedded in patriarchy. The Hindu females are controlled by males throughout their life, i.e., daughters are controlled by their fathers, wives by their husbands, and sons control their mothers. Women are treated as second class citizens, deprived of equal, equitable, and proportional participation and representation at all decision-making levels. Many indigenous peoples who have come under the legal and administrative fold of Hindu rulers have been Sanskritized and Hinduized, and those who have gone through such processes have adopted patriarchy, which is in sharp contradiction to the indigenous way of gender equity and equality. The ideology, policy, and practices of patriarchy have kept women, including Bahun Chetri and indigenous women, at bay in all levels of decision making.

*Hindu Jurisprudence:* The Constitution of Nepal of 2015 which many respondents deemed racist, and existing laws and policies are all guided by Hindu jurisprudence since the first ever written Civil Code (Muluki Ain) was promulgated by autocratic Rana Ruler Janga Bahadur Ran in 1854. The 2015 Constitution has compromised secularism by linking Hindu tradition with the State, i.e., it goes against separation of State and religion. Hindu jurisprudence is anchored on

Shruti and Smriti, namely Manusmriti laid down by Manu, who is misogynist. As indigenous cosmivision and indigenous jurisprudence have no place in the Constitution, laws and policies of the State, representation of indigenous women (and indigenous men) in decision making is nominal, and whoever become representatives are forced to speak the language of the dominant group, i.e., Bhaun and Chhetri.

## Obstacles/Challenges

Difficult challenges and obstacles confront indigenous women in the move to gain proper representation and participation in decision-making.

*Indigenous women, an invisible entity:* Indigenous women are invisible either as women or indigenous peoples in the Constitution, laws, policies, plans, and programs of the State, civil society including NGOs, and bilateral and multilateral international development partners. As indigenous women are not distinctly recognized by the country's laws as a legal entity, whatever policies and plans are designed and implemented in the name of women and indigenous peoples benefit Bahun Chetri women and indigenous men, keeping them out of the loop. Invisibility of indigenous women is the biggest obstacle or challenge for their participation and representation in decision making.

*Poverty and weak economic condition:* Since the territorial unification of Nepal in 1768, many indigenous peoples began to lose ownership and control over lands, territories, and resources. This process was intensified after democracy was established in 1951 and was heightened during the autocratic rule of the partyless Panchayat system from 1960 to 1990. The Limbu indigenous peoples of Eastern Nepal were the last to lose control over their customary lands known as Kipat. As indigenous peoples were deprived of collective ownership of their lands, territories, and resources, they faced enormous problems of landlessness, food security and poverty. As a result, most of the indigenous women are living in poverty and weak economic condition. One of the indicators that amplifies

such a desperate situation is that trafficked girls and women from Nepal to brothels in India are highest among indigenous girls and women. Almost all indigenous women are struggling daily to make a living and are thus deprived of participation and representation in decision making levels.

*Lack of empowerment and leadership development:* Indigenous women are deliberately left behind in empowerment and leadership development in the public sphere by the State and civil society organizations including NGOs and women's empowerment programs. Most women's empowerment programs and activities are highly focused on Bahun Chetri women only. Most of the indigenous women who are affiliated with political parties follow the leadership of Bahun Chetri women.

*Lack of awareness, education and capacity:* Due to the imposition of basic and primary education in Khas Nepali, i.e., the dominant language, since the implementation of the first National Education Plan of 1956 most children of indigenous groups who have their own mother tongue have been deprived from getting basic and primary education. The Khas Nepali language and to some extent the English language are used in government offices, education, media, and training activities. Hence, indigenous women lack awareness, education, and capacity.

*Weak implementation of policies:* Nepal has ratified Convention No. 169 of ILO, UNDRIP and CEDAW, but their implementation has been very weak. Also, while some policies for both women and indigenous peoples may reach indigenous women, most of them are weakly enforced, thus leaving indigenous women out of their beneficial effect.

*Negative attitudes and perception towards indigenous women and those with disability:* Political leaders, government officials, academics, civil society leaders, media professionals, and others have negative attitudes towards indigenous women and indigenous women with disability. They often carry stereotypical images of indigenous women as interested more in singing, dancing, and celebrating festivals and having feasts, and disinterested in academic and civil service jobs and political leadership. These are not true.

*Lack of family support, challenges and dependency:* Since most of the indigenous women live in poverty, illiteracy or low education, landlessness, and lack of awareness about their rights both as women and indigenous women, they are burdened by double work of wage earning or farm work and household chores. Since indigenous families are influenced by Hindu patriarchy, male family members do not extend support to their female counterparts to participate in decision making in the public sphere, i.e., from local, provincial to federal level. Many indigenous women face daily problems as regards earning a livelihood, raising kids, and fulfilling social obligations. Additionally, many are dependent on male family members, especially husbands, preventing them from getting involved in public life. There are many educated and wealthy indigenous women belonging to the Newar, Thakali, Gurung, Rai, and Limbu, but they too are challenged by racism and gender discrimination.

*Lack of opportunities, dominant group's unwillingness to give decision making position:* Although Nepal is home to 127 caste and ethnic groups, 123 linguistic groups, and about a dozen religious groups, the State, i.e., executive, legislative and judiciary, and the media are dominated by the Hindu, Hill, Khas Nepali-speaking male Bhaun Chhetri caste groups. They relegate all women to a second class status. The so-called mainstream women's movement is dominated mostly by women belonging to the Hindu, Hill, Khas Nepali language-speaking Bhaun Chhetri caste groups. Indigenous women hardly get opportunities to participate and represent their sector in decision making levels. While some indigenous women are in high level, decision making positions in local and national levels, they are not permitted to speak for and raise issues of indigenous women and indigenous peoples. They are captive of their respective political parties. Indigenous women who are active and vocal on their issues and movements are not given any opportunity by the main political parties and the government.

*Indigenous women are not willing to come out from the home and have no strong strategies.* As indigenous women have no political networks, they do not have an ally in the State mechanisms,

including ruling political parties, NGOs and other civil society organizations; they often remain in their own cultural cocoons. As most of them have yet to be reached not only by women's movements but also by indigenous women's and indigenous peoples' movements, there is no strategy to encourage them to come out from their private sphere to the public sphere.

*Impatience and no continuity:* The case studies revealed that some indigenous women have entered the public sphere, i.e., participated in decision making at the local and national level, but they are often deterred from continuing public service as they do not get the full support of fellow or senior political leaders or officials belonging to dominant caste groups. As they begin to see and experience racial and gender discrimination at work and when they move forward, they often discontinue their participation and representation and go back to private life.

*Less participation in politics:* Most of the indigenous women are not interested to participate in politics, which they think they are not capable of as it is a dirty game and involves double talk, nepotism, favoritism, and corruption.

*Lack of acknowledgment of diversity within women and indigenous women and of inclusive approach:* Although diversity and social inclusion have been in the public discourse after the people's movement of 2006 and after the 2007 Interim Constitution of Nepal recognized these as State policy, in practice social inclusion provisions are distorted to the advantage of dominant caste groups, including women. For example, the provision of proportional representation in the election for the Constituent Assembly was abused so much by the main political parties that it resulted in exclusion rather than inclusion of indigenous women. Non-indigenous women married to indigenous men were considered as indigenous women, and indigenous women who were vocal about indigenous issues were excluded while indigenous women who were against indigenous women's and indigenous peoples' rights were included. Hence, indigenous women chosen through proportional representation failed to carry forward issues of indigenous women and indigenous peoples.



*Stereotyping relating to indigenous attire, singing and dancing:* Many respondents said that when they wear their customary dress at work or in public places, men and women belonging to dominant caste group often look down on and stare at their dress and bodies, and treat them as uncivilized human beings. Also, both dominant caste women and men believe that indigenous women are good in singing and dancing, but misuse them in politics and intellectual work by confining their participation to cultural groups.

*Problem in language fluency and disability:* Since most indigenous women speak their respective mother tongue and are not fluent in Khas Nepali and other languages, they are considered to be not qualified enough to be in local and national decision making positions. Women with disabilities face more and multiple problems.

*Nepotism and favoritism:* Indigenous women find difficulty in taking part in local and national decision making because of rampant nepotism and favoritism that favor the dominant caste, i.e., Bahun and Chhetris. It is unthinkable in Nepal to get political appointments and jobs if candidates do not have their own family members or relatives or friends in decision-making positions. As the number of indigenous women and men in decision-making positions is negligible, there is no way that indigenous women could get in. The few who are in decision-making positions try to avoid favoring indigenous people as they are afraid of getting charged and/or punished for being communal by their superiors belonging to dominant caste groups.

*Patriarchal norms and values:* Indigenous peoples' customary practices promote gender equity and equality, but since many of them have gone through the process of Hinduization and Sanskritization, many have adapted or are influenced by Hindu patriarchal norms and values. The dominant Hindu caste groups practice patriarchy and it is entrenched deep in the State, government, political parties, civil society, media, and communities. The patriarchal system relegates women as inferior to men in the public sphere, including participation and representation in decision making.

*Political parties define 'proportional representation' in their own way:* After the successful People's Movement of 2006, Indigenous Peoples' Movement and Madhesi Movements of 2007, proportional representation was adopted in the Interim Constitution of Nepal of 2007 and in the Constitution of Nepal of 2015.

*Lack of unity:* Indigenous peoples lack unity due to the lack of awareness and a policy of divide and rule used by the dominant caste groups against them and other excluded groups. As indigenous women have yet to have a unified voice to uphold their rights, the main political parties and the government hardly pay any attention to their participation and representation at all levels.

*Lack of knowledge on national laws, policies and international mechanisms:* The findings show a low knowledge of national and international laws and policies. While many respondents are aware of ILO Convention No. 169, CEDAW or UNDRIP, they do not know what these international mechanisms stand for, protect, or promote. One said these are about fundamental rights on customary law, some considered CEDAW as focused on women in general, and others saw UNDRIP and ILO as being for all indigenous women. The key informants said there are no specific national and international laws and policy for indigenous women, while the Pahari women have no idea about international mechanisms.

As for national laws and policies, most of the elected women and some indigenous women leaders pointed out that there are no specific ones directed at indigenous women. Some cited the quotas for indigenous women for scholarships, civil service examinations and political parties, but noted that those for parties are for women in general and not specific to indigenous women. It was sad to see that one IPO respondent did not know anything about national policies and laws.

In brief, indigenous women face a lot of challenges and struggles in Nepal's patriarchal society, within the family, and outside the community and from local to national level. If given the opportunity, they can do better than men. Their participation and representation in top positions in any sector is not a given.

The two stories of success and one of failure are windows to the world of indigenous women in Nepal. In the first two cases, indigenous women, who had no experience or awareness about indigenous peoples' rights and had never been involved in indigenous peoples' and indigenous women's movements, were sensitized and participated in both politics and NGOs as women rather than as indigenous women. Both women succeeded in politics to hold some key positions, one as a Deputy Mayor and the other as a member of the provincial legislature. They struggled hard to reach that far but they had the support of their family, friends, and neighbors. However, they were of the view that patriarchy and negative attitudes towards women, among other factors, do not allow due space in politics for women.

The third case clearly shows that indigenous women leaders, who are vocal and actively advocate indigenous peoples' rights, do not get the opportunity to rise in political parties. Nevertheless, some have been successful in getting elected to key posts, but the big question is, will they be able to contribute in securing the rights not only of women but of indigenous women and indigenous peoples? As the successful leaders have yet to be fully cognizant of indigenous peoples' and indigenous women's issues, it is high time to have a dialogue to increase their sensitivity towards full and effective implementation of ILO Convention No. 169 and the UNDRIP.

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### III. Conclusions and Recommendations

#### Participation in All Levels of Decision Making

Indigenous women's participation in decision making in the federal, provincial and, local bodies is negligible. Due to lack of Constitutional recognition of indigenous women and of affirmative action for them as a distinct group within larger programs for women and for indigenous peoples, the possibility of their achieving decision making positions is low. Hill Brahman and Tarai Brahman Chhetri groups occupy the majority of key positions. Of five surveyed ministries, the highest participation of indigenous women at 12 percent is in the Ministry of Women, Children and Senior Citizens, eight percent in the Ministry of Law, five percent in the Ministry of Education and no participation at all in the Labor and Forest Ministries. Their representation in government institutions, particularly in the security forces, is similarly very low.

The recommendations are thus:

##### For Federal, Provincial and Local Governments

- Amend existing constitutional, legal and policy provisions to ensure participation and representation of indigenous women, making it fully compatible with the ILO Convention No. 169 and the UNDRIP, to which Nepal is a party.

##### For Political Parties/organizations

- Provide quotas for indigenous women for inclusion in political parties.
- Provide indigenous women opportunities to participate in decision making level.

##### For Indigenous Women's Organizations

- Intensify movement to exert pressure on the Nepal Government to amend the Constitution, laws, and policies for proportional and meaningful representation of indigenous women in decision making in line with the UNDRIP.

## Customary Institutions

Many customary institutions have disappeared due to discriminatory policies of the State. Only a few like those of some indigenous groups, e.g., Barghar of Tharu, Guthi of Newar, and 13 Ghampa of Thakali, are still functioning.

For Federal, Provincial and Local Governments

- Amend existing constitutional, legal, and policy provisions to give de jure recognition to customary institutions of indigenous peoples.

For Indigenous Women's Organizations

- Intensify movement to exert pressure on the Nepal government to legally recognize customary institutions of indigenous peoples.

## Disaggregated Data

For Federal, Provincial and Local Governments

- Collect disaggregated data of both women and indigenous peoples, with the latter disaggregated by gender
- Conduct more research and come up with evidence based documents on indigenous women's status.

For Indigenous Women's Organizations

- Lobby with the Central Bureau of Statistics, ministries, international development partners, and NGOs to collect disaggregated data especially on indigenous women.

## Indigenous Languages

Although the Constitution recognizes Nepal as a multilingual country and provides for education in the mother tongue, discrimination against the use of mother tongues in government offices, courts, education, and media continues, depriving indigenous women and girls from getting education, information, and services.

#### For Federal, Provincial and Local Governments

- Ensure equal status and support from the government for different languages.

### **Economic Empowerment of Indigenous Women**

The Nepal Government has been implementing various economic empowerment programs for women, but while gender sensitive, these lack sensitivity towards indigenous women and their customary knowledge and skills relating to natural resources.

#### For International Development Partners

- Design and implement economic empowerment activities, including income generation, skills development, economic opportunities, financial investment, and employment, based on customary knowledge and skills for their overall empowerment

### **Securing the Rights of Indigenous Women**

Indigenous women's organizations are making an effort to fight elimination of the pervasive discrimination against both women and indigenous peoples including indigenous women. While positive, the efforts are inadequate to influence constitutional, legal, and policy changes.

#### For Indigenous Women's Organizations

- Build capacities through education, training, and exposure.
- Strengthen organizations of indigenous women not only in relation to projects but also on awareness of the larger indigenous women's issues.
- Build good networking with other organizations.
- Enhance peace and respect among indigenous women.
- Inspire indigenous women to be dedicated, to be devoted and to venture bravely out of the home to engage in the public sphere and participate at the decision-making level.

- Raise awareness on indigenous women's issues, politics, national laws and policies and international instruments.
- Lobby for women-friendly laws and policies.
- Use opportunities for equal participation and representation.
- Give respect to diversity and inclusion within indigenous women and women sectors, and give priority to marginalized and more vulnerable indigenous women, including those with disability.
- Exert pressure on the government to increase access for indigenous women to information, education, and other facilities.
- Encourage indigenous women to participate and represent their sector in decision making, and this should start from the home.
- Build strategies to create role model women and generate second line leadership among indigenous women.
- Increase links through media for role model women to give encouragement to other women.
- Acknowledge indigenous women working in local and international NGOs for their contribution in uplifting indigenous women in communities.
- Encourage indigenous women and pressure the government to create an enabling environment for them to freely compete in the public sphere and not to be confined only to quotas.

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## Endnotes

<sup>1</sup> The study used a descriptive research design and collected quantitative and qualitative data through key informant interview, focus group discussion and case study.

<sup>2</sup> <https://en.oxforddictionaries.com/definition/participation>

<sup>3</sup> <https://en.oxforddictionaries.com/definition/participation>

<sup>4</sup> Pitkin identified four types of representation: 1) Formalistic representation, in which representation is made through formal institutional arrangements that precede representation; 2) Descriptive representation, which is a social resemblance of the population being represented; 3) Substantive representation, which is acting in the interest of or as an agent of, or a substitute for the represented; and 4) Symbolic representation, in which a representative represents the represented (Pitkin 1967; See Dovi 2011).

# India: Narrative of Struggles and Victory

INDIA

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## Introduction

India is home to the world's largest number of indigenous tribal peoples. Although the last census (2011) puts their population at 104.3 million or 8.6 percent of the country's total population, the indigenous communities are enormously diverse and heterogeneous. Ethnically, they belong to distinct ethno-lingual groups, profess diverse faith, and are at disparate levels of socioeconomic development. Socially and politically, these communities who mostly inhabit the rural and forest areas are severely underrepresented and marginalized.

Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities who are scheduled in accordance with Article 342 of the Constitution. More than 700 individual ethnic groups are listed as Scheduled Tribes (STs) by the government, of whom 75 communities are known as Particularly Vulnerable Tribal Groups (PVTGs). The tribal population are generally classified into four racial groups: Negroid, Proto-Austroloid, Mongoloid, and Caucasoid.

The Scheduled Tribes are indigenous, living in various ecological and geo-climatic conditions ranging from plains and forests to hills. They have their own distinct culture, language, and way of living. The indigenous populations are spread over 29 federal states and seven Union territories. The States of Madhya Pradesh, Maharashtra, Orissa, Gujarat, Rajasthan, Jharkhand, Chhattisgarh, Andhra Pradesh, West Bengal, and Karnataka have the larger number of Scheduled Tribes at 83.2 percent of the total ST population. Assam, Meghalaya,

Nagaland, Jammu and Kashmir, Tripura, Mizoram, Bihar, Manipur, Arunachal Pradesh, and Tamil Nadu account for 15.3 percent. The share of the remaining states and Union territories is small.

A large number of the indigenous population depend on hunting and food gathering, shifting and settled agriculture, though they have been opened up to the wider world and have progressed in their ways of living. In the process of transition, they not only faced cultural assimilation but also lost their traditional land to non-tribal settlers and gradually to the State and private companies. With the introduction of state ownership of forest and resources, the custodians of the land and forest became wage earners and even encroachers. Thus, land alienation forced the non-monetized, community-based, self-sufficient tribal economy into the cash economy. Further, shrinking of traditional livelihood sources made rural indigenous communities more dependent on government welfare programs.

Some government programs and policies also contributed to the miseries of the indigenous communities, such as displacement and migration of socially and economically weaker persons and families due to land alienation. When they were called to sacrifice for the larger interest of the nation, they should have equally shared in the benefits and resources, but these instead were transferred to the more privileged persons and class. Thus, tribal communities had to bear the burden of national development at the cost of their life, survival, history, identity, and cultural heritage.

Within this context, this study was undertaken to determine and understand the position and situation of indigenous women in India. The objectives were to 1) assess the situation of indigenous women in communities; 2) document their experiences and good practices, 3) assess their participation and representation in decision making at various levels, and 4) come up with recommendations to develop a strategic plan for indigenous women in the region to address specific issues and problems in the context of implementation of the Sustainable Development Goals (SDGs) at country level.

The study was conducted in the four states of Northeast India—Assam, Manipur, Nagaland and Tripura, and three states of Mainland India—Chhattisgarh, Jharkhand and Odisha.

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## I. Social, Political and Economic Status of Indigenous Women and Girls

In the history of tribal movement in India, spirited women from across tribes and regions stood alongside men against colonial and feudal oppression to defend their land, territory, and identity. Indigenous women are the backbone of the family and society. They are the best guardians of mother earth. They are powerful partners in transforming the world. Therefore, the well-being of the tribal community, and as of the planet, depends greatly on the status of the women. India's indigenous women have played a key role in conserving biodiversity and natural resources since ancient times and continue to do so. However, their status should be described or analyzed in terms of their level of education, income, employment, health and fertility, sex-ratio, as well as the roles they perform within the family, community, and larger society. Some of the data presented below (Tables 1-6) indicate their social, economic and political position.

More than half of the Scheduled Tribe population is concentrated in Central India. Even though the tribals constitute a majority of the population in some of the states like Mizoram (94.4%), Nagaland (86.5%), Meghalaya (86.1%), and Lakshadweep (94.8%), they comprise a small percentage of India's entire tribal population. No Scheduled Tribe is listed by the government in Punjab, Chandigarh, Haryana, Delhi, and Pondicherry, though a significant number of migrant tribal population live, work, and have settled in these states. Not being listed as Scheduled Tribes, they are denied benefits from the reservation quota for Scheduled Tribes in government jobs and other services.

**Table 1.** Population and Literacy Rate of Scheduled Tribes of India, 2011

Sl No	State	State no. of STs/ Indigenous communities	State % of STs	% of STs by State (to general population)	% of ST Male Population	% of ST Female Population	% ST Male Literacy rate	% ST Female Literacy rate
	INDIA	-	-	8.63	50.26	49.73	68.53	49.35
Northeast Region								
1	Arunachal Pradesh	16	68.79	0.91	49.2	50.7	71.5	58
2	Assam	29	12.45	3.72	50.38	49.61	79	65.1
3	Manipur	34	35.12	0.87	50.39	49.60	77.3	67.8
4	Meghalaya	17	86.15	2.45	49.67	50.32	75.5	73.5
5	Mizoram	15	94.43	0.99	49.82	50.1	93.6	89.5
6	Nagaland	5 / 24	86.48	1.64	50.61	49.38	83.1	76.9
7	Tripura	19	31.76	1.12	50.42	49.57	86.4	71.6
8	Sikkim	4	33.80	0.20	51.0	48.9	85	74.3
Eastern Region								
9	Bihar	33	1.28	1.28	51.0	48.93	69.7	48.8
10	Jharkhand	32	26.21	8.29	49.91	50.0	68.2	46.2
11	Odisha	62	22.85	9.20	49.29	50.70	63.7	41.2
12	West Bengal	40	5.80	5.08	50.02	49.97	68.2	47.7

Sl No	State	State no. of STs/ Indigenous communities	State % of STs	% of STs by State (to general population)	% of ST Male Population	% of ST Female Population	% ST Male Literacy rate	% ST Female Literacy rate
Northern Region								
13	Himachal Pradesh	10	5.71	0.38	50.0	49.98	83.2	64.2
14	Jammu & Kashmir	12	11.91	1.43	51.98	48.0	60.6	39.7
15	Uttarakhand	5	2.89	1.28	50.93	49.0	83.6	63.9
16	Uttar Pradesh	16	0.57	1.09	51.2	48.7	67.1	43.7
Western Region								
17	Rajasthan	12	13.48	8.86	51.3	48.6	67.6	37.3
18	Maharashtra	47	9.35	10.08	50.57	49.42	74.3	57
19	Gujarat	32	14.75	8.55	50.47	49.52	71.7	53.2
20	Goa	8	10.23	0.14	48.8	51.1	87.2	71.5
21	Dadar & Nagar Haveli	7	51.95	0.17	49.7	50.2	73.6	50.3
22	Daman & Diu	5	6.32	0.01	50.58	49.4	86.2	71.2
Central Region								
23	Chhattisgarh	42	30.62	7.50	49.51	50.48	69.7	48.8
24	Madhya Pradesh	46	21.09	14.69	50.3	49.6	59.6	41.5



Sl No	State	State no. of STs/ Indigenous communities	State % of STs	% of STs by State (to general population)	% of ST Male Population	% of ST Female Population	% ST Male Literacy rate	% ST Female Literacy rate
Southern Region								
25	Andhra Pradesh	34	7.00	5.68	50.1	49.8	56.9	40.9
26	Karnataka	50	6.95	4.07	50.24	49.75	71.1	53
27	Kerala	43	1.45	0.46	49.1	50.8	80.8	71.1
28	Tamil Nadu	36	1.10	0.76	50.46	49.53	61.8	46.8
29	Telangana	32	9.3	3.1	No census	No census	59.5	39.4
Island Region								
30	Andaman & Nicobar Islands	6	7.50	0.03	51.6	48.3	80.9	69.9
31	Lakshadweep	1(4)	94.80	0.06	49.9	50.0	95.7	87.8
States with no tribal population listed by Government								
32	Puducherry	0	NA	NA				
33	Haryana	0	NA	NA				
34	Punjab	0	NA	NA				
35	Chandigarh	0	NA	NA				
36	Delhi	0	NA	NA				

Source: Census 2011, Office of the Registrar General, India. <https://tribal.nic.in/ST/Statistics8518.pdf> / Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division, Govt. of India, pp. 121, 122, 265.

## Sex Ratio

Indigenous women constitute 49.73 percent or half of the total tribal population. While the general sex ratio in India is 940 females to 1,000 males, among the Scheduled Tribes it is higher at 990 females to 1,000 males, a significant increase from the past decades: 978 (2001), 972 (1991), 983 (1981), 982 (1971), and 987 (1961). This indicates that females in tribal society are in a better position; their social and cultural values protect their interest.

## Female Literacy

Education forms an important component in the overall development of individuals, enabling greater awareness and comprehension of their social, political, and cultural environment, and facilitating improvement of their socioeconomic conditions. Although STs literacy rate rose from 8.53 percent in 1961 to 58.96 percent in 2011, it is still lower than the national average of 72.99 percent. The STs male-female gap in literacy rate however decreased from 24.41 percent points in 2001 to 19.18 percent points in 2011 (Tables 1 & 2).

**Table 2.** Comparative Literacy Rates of Scheduled Tribes and Total Population (in percent)

Year	National Average	Total ST of national average	Gap	ST Male	ST Female	Gap
1961	28.3	8.53	19.77	13.83	3.16	10.67
1971	34.45	11.30	23.15	17.63	4.85	12.78
1981	43.57	16.35	27.22	24.52	8.04	16.48
1991	52.21	29.60	22.61	40.65	18.19	22.46
2001	64.84	47.10	17.74	59.17	34.76	24.41
2011	72.99	58.96	14.03	68.53	49.35	19.18

Source: Office of the Registrar General, India. <https://tribal.nic.in/ST/Statistics8518.pdf> / Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division, Govt. of India, p. 13.

Meghalaya, Mizoram, Nagaland, Sikkim, Goa, Daman Diu, and Lakshadweep have the highest female literacy rate (between 70%-90%), followed by Assam, Manipur, Arunachal Pradesh, Himachal Pradesh, Uttarakhand, Maharashtra, Gujarat, Karnataka, Dadar, and Nagar Haveli at 50%-70%.

The lowest female literacy rate is observed in Rajasthan (37.3%), Telengana (39.4%), and Jammu and Kashmir (39.7%). Women literacy rates in Andhra Pradesh, Madhya Pradesh, Odisha, Uttar Pradesh, Jharkhand, Tamil Nadu, West Bengal, Bihar, and Chhattisgarh range from 40 percent to 50 percent (Table 1). Out of 152 districts with more than 25 percent ST population, nine have a female literacy rate below 30 percent.

Enrolment of STs children is higher in primary than in upper primary, secondary, or higher levels due to the implementation of the *Sarva Shiksha Abhiyan* (SSA). The SSA is India's flagship program for universalizing elementary education for all children between the ages of 6-14 years; it provides free and compulsory admission, attendance and completion of elementary education. Data however show that girls in general have lower enrolment than boys. According to the Statistics of School Education 2010-11, Ministry of Human Resource Development, the ratio for every 100 boys is 94 girls in classes I-V, 91 girls in classes VI-VIII, 81 girls in classes IX-X, and 72 girls in classes IX-XII. The data further indicate a lower level of education among tribal girls.

## Health

The tribal groups have cultural norms and practices that affect women's health. Among these are the approach towards marriage, marriage practices (endogamy, exogamy, polygyny, fraternal polyandry, bigamy, cousin marriage, etc.), age, fertility, morality, sexual and reproductive rights, health awareness, access to medical services with cultural appropriation, and decision making. The literature review showed that the age of marriage is relatively high in the Northeastern region and low in the Central region. Further, the frequency of abortion, miscarriage, and still birth is much higher in young mothers

below the age of 19 years. High blood pressure and anemia are the common and major life-threatening complications among young mothers. Another study states that 49 percent of indigenous women have a body mass index less than 18.5, indicating chronic energy deficiency.

Another factor in tribal women's health is the workload they normally perform. Tribal livelihood and forest based economy are heavily dependent on women, as it is they who collect basic necessities like food (flowers, fruits, roots, herbs, leaves), fuel, medicine, and housing materials from the forest. They also engage in agricultural activities such as clearing, shoring, planting, weeding, harvesting, storing, etc., aside from housework. Heavy workload, insufficient nutritional food, lack of rest, lower resistance to fatigue, and stress make them prone to diseases and contribute to maternal malnutrition, which is quite common in tribal women.

Studies also reveal that ecological imbalance caused by rapid deforestation, land alienation, land-water-air pollution due to mining activities, among others, have not only caused depletion of food resources but also frequent drought and climate change that have added to hunger and starvation. The destruction of traditional herbs, and plants and the absence of traditional healers and medicine practice are compounding the misery. Adolescent girls also suffer from various health problems—physical and psychological, change of body in puberty, anemia, physical and sexual violence, teenage pregnancy, and being unwed mothers, among others.

Deaths due to clinical trials done on tribal girls have further been reported. During various drug trials for immunization by Gates Foundation on tribal girls without their parental consent between 2007 and 2010, nearly 1,730 died in India during or after participating in such trials.

## Customary Practices and Patriarchy

In some areas, tribal women enjoy better social status compared to their non-tribal counterparts, such as widow marriage, freedom to move/travel, and right to choose partner and to decide about marriage; they can divorce and remarry easily. While tribal women can choose to remain single and independent, are respected and widely accepted by families and communities, in some non-tribal communities an unmarried status is a stigma especially for women. To a great extent tribal women are also economically independent as they work hard and earn. The “dowry system,” as a custom in Hindu marriage, has been practiced since time immemorial in India. Despite the existence of the Dowry Prohibition law and the cruelty, domestic violence, and death by homicide or suicide resulting from the demand for dowry (by compulsion, coercion, or force), bride price in some indigenous communities indicates a high social status for women.

The role of indigenous women in the family and society is unlimited. They have important roles and are preservers of traditional knowledge and wisdom. However, women in the indigenous community and society suffer from the denial of rights and privileges that the men enjoy. They disproportionately experience inequality, gender discrimination, and injustice, both within and outside the community, caused by internal factors, such as traditional and cultural practices and customary laws.

There are many facts (often practiced as traditional custom), which indicate a low status of indigenous women. For example, the denial of inheritance of traditional property or land rights (except in a matrilineal society), low participation in decision making processes that affect them, less wages than men for the same work in the community, being forbidden to perform certain activities such as ploughing (among the Oraon and Kharias), fishing by net or rod, roofing of house, among others, with prohibitions varying from tribe to tribe. Women are burdened with more responsibilities in comparison to men. They take care of the field as well as the home. Yet they experience denial of rights in things valued in society

and suffer work burden, resulting in very little space for self sufficiency.

Inter-tribe marriage or marriage outside the tribe (often love marriage) has been culturally banned by many communities. Ironically, while a non-tribe woman married to any tribe man enjoys equal social status and other entitlements, a tribal woman married to a non-tribe man loses her social/tribal status as well as government quotas and benefits. This violates the indigenous woman's fundamental right and liberty to choose her life partner. Recently, the Khasi Hills Autonomous District Council in Meghalaya state approved a social custom bill in July 2018 which, if approved by the State Governor, will strip a Khasi woman of her tribal status and associated privileges if she marries a non-Khasi man. The bill also seeks to mark the children of such women as non-Khasi and thus ineligible for land and other rights. This has influenced other communities in many states to also draw a similar regulation. All these societal norms and traditional practices are patriarchal in nature.

## Displacement

Men and women in tribal societies are relatively and equally affected after displacement. Prior to displacement, women would be actively participating in household and farm work, collecting forest products and firewood, among others. But after displacement, the loss of independent livelihood and income sources from the land and forest forces young women and children in resettlement colonies to go out and earn to support their families, facing various challenges. When men go out for work, women are also left behind with children and the home to look after.

Rehabilitation and Resettlement (R&R) policies are also marked by gender disparity, as women members of the family such as unmarried adult daughters, widows, and deserted divorcees are not considered a separate family. The gender bias in R&R programs is further clearly evident when men are preferred for jobs.

The exclusion of women from consultation and decision-making processes prior to displacement and from compensation and rehabilitation packages is a matter of serious concern. Transactions are usually made through the bank account of male members in resettlement processes, systematically ignoring the interest of women. Thus women become dependent on men, contributing to their further marginalization. The rights of displaced women should be protected from all kinds of discrimination and violence. Women should be equal beneficiaries of compensation packages and be made independent or co-owners of land, and bank accounts should be placed in joint names. Concerned stakeholders and civil society groups need to recognize the specific vulnerabilities of displaced women and ensure that movements and campaigns give them adequate space to articulate their strategies, concerns and priorities.

## Various Forms of Violence Against Women

External factors, such as food insecurity, access to education, health, livelihood, jobs, opportunities, and law and justice contribute to violence against indigenous women. Due to their vulnerability as indigenous people and as women, they remain susceptible to all forms of violence, among these, domestic violence, rape, sexual and physical assault, human trafficking, and witch killing. They are also victims of state violence and repression, such as insurgency in the Northeast and left-wing extremism or Naxalism in mainland India.

Though the tribal belts of mainland India are bestowed with large deposits of natural resources and forests, the people remain deprived, alienated from their land due to ongoing mining activities and deforestation. In this situation, migration to cities particularly for domestic work and other labor remain an avenue for many indigenous women for the survival of their families and communities. In the process, they become victims of trafficking and exploitation, both by the employer and placement agencies. The case studies in this paper show the gravity of the issue.

## Domestic Violence

Domestic violence has a high prevalence among the rural indigenous communities mainly due to alcoholism and family conflicts. A study by the National Family Health Survey of India (2005-06) shows that of 6,866 indigenous women interviewed aged 15-49, 39.3 percent had experienced physical violence since age 15; 5.5 percent had experienced physical violence often in the past 12 months; 19 percent, sometimes; and 24.5 percent, often or sometimes. Of the same number (6866 women), 10.2 percent had experienced sexual violence. Scales of different forms of spousal violence were experienced by the married women (5,562 women interviewed aged 15-49), such as emotional violence (20.9%), physical violence (11.4%), physical or sexual violence (43.7%), emotional, physical, or sexual violence (47%). On seeking help to stop violence, of 2,834 women interviewed, 65.4 percent never told anyone, 9.5 percent told someone, and only 23.2 percent sought help from others.

The above statistical profile of the year 2005-2006 was compiled by the government's Ministry of Tribal Affairs in 2013; the latest relevant segregated data are not available in the public domain. However, the cited data indicate the low status of indigenous women in India and require more such studies to be conducted.

A disturbing observation is that indigenous women are submissive in domestic violence inflicted by their partners and family members, apparently due to its normalization by the family and community as a whole. Even though the perpetrator of domestic violence can be punished under the Indian Penal Code and Domestic Violence Act (2005), victims do not report to the police. In some cases the traditional village council intervenes in the matter. But both systems often fail to deliver justice to the women victims. Most of the indigenous women are not aware of their rights including due processes and legal remedies and have little access to competent lawyers. They are also afraid of losing their family and silently bear the brunt.



## Political Violence

To provide safeguards for indigenous communities from exploitation by external forces, the Constitution of India regulates 5th Scheduled Areas (some states in mainland India) and 6th Scheduled Areas (Northeast), but the government has failed to implement this. On one hand, inappropriate state development policies and programs have disrupted indigenous ways of living. On the other hand, political forces and revolutionary groups such as Left-wing extremism or Maoists/Naxalite violence in mainland India and insurgency in Northeast India to counter state violence are creating havoc in the regions. In the long history of political unrest, extremism and violence, women and children suffer the most.

## Participation in Decision Making

Though today women enjoy more freedom and power compared to previous generations, they are still left behind compared to men in many aspects of family and public life. Some areas where they remain disadvantaged are family decision making, equal access to land and property, education, healthcare, and opportunities in economic, political, and social sectors. These can be gleaned from the report (Tables 3-6) of the National Family Health Survey of India (2005-06).

**Table 3.** Indigenous Women's Participation in Decision Making (respondents aged 15-49)

% of women who usually make specific decisions alone or jointly				% who participate in all four decisions	% who participate in none of the four decisions	Number of Women (interviewed)
Own health care	Making major household purchases	Making purchases for daily household needs	Visits to her family or relatives			
59.9	54.8	62.3	60.3	37.5	20	7632

**Table 4.** Control over Women's Cash Earnings (men's response, respondents aged 15-49)

Person who decides how women's cash earning is used (%)			Total	Women's cash earnings compared with their husband's (%)					Total	Number of women
Mainly wife	Wife and husband	Mainly husband	Others	More	Less	About the same	Husband has no earnings	Don't know, missing		
14.8	69.8	14.9	0.5	6.5	59.9	16.5	16	1.1	100	1306

**Table 5.** Men's Attitude to Wives' Participation in Decision Making (respondents aged 15-49)

% of men who say that wives should have equal or greater say than their husband on specific decision						
Making major household purchases	Making purchases for daily household needs	Visits to her family or relatives	What to do with the money the wife earns	How many children to have	All five decisions	None of the five decisions
69.2	73.3	73.7	82.4	82.4	47.9	4.4
						4.4
						4.4

**Table 6.** Women's Access to Money and Credit

Women's access to money		Women's knowledge and use of microcredit program		Number of women
% who have money that they can decide how to use	% who have bank or savings account that they themselves use	% who know of a microcredit program	% who have taken a loan from a microcredit program	
38.2	11.6	30.1	3.1	10119

Hence, to fully empower them, improvements have to be made in terms of their education level and earning capacity, and opportunities must be provided for them to participate in various sectors, from home to policy level.

## Political Participation and Representation

In spite of a 50 percent reservation quota for women leaders at Panchayati Raj Institutions (PRIs) or local self-governance system (in some states), political participation and representation of indigenous women in India remain grim. The formalization of the Panchayati Raj Act in 1993, which has been extended to the tribal areas of eight states namely, Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha, and Rajasthan, gives powers and responsibilities to the Panchayats, both in preparation of economic development plans and social justice. This system has emerged as a powerful instrument for the social mobilization of women and the removal of gender imbalance in lower level units of self-governance, but it still remains male dominant in decision making.

The Act's positive aspects include a larger participation of women leaders than before, and an opening of opportunities for women to improve their abilities, skills and knowledge. But while many have done exemplary work, many remain

rubber stamps with most of their work and decisions influenced by male family members. A large number of women cannot deliver quality service due to their low confidence and fear of speaking in meetings in front of male members or village elders. They also lack education and awareness of government regulations, policies, and programs, which make them depend on male counterparts.

Discrimination against indigenous women leaders continue to prevail in some forms. With society deeply rooted in patriarchy, women depend economically on their male folks. Their equal access to education, opportunities, capacity building and economic independence are some of the key issues that need to be pursued.

In the area of politics, some women enter it with a genuine purpose of serving the people, some enter under reservation quotas, but some are pushed by their husbands or family members. Women themselves need to make an effort to take their own decision. The husbands and male family members of the elected women members should be prevented under all circumstances from attending official meetings and discharge duties on behalf of women members.

The unethical practice by political parties of distribution of cash, liquor and household gifts to lure voters has a greater impact on the representation of tribal leadership. A result is that the elected candidate becomes a rubber stamp of the dominant ruling class. In many cases, a genuine candidate from a poor background who tries to contest an election as an independent candidate (without affiliating to any political party) usually does not have the financial capacity to pursue it. In tribal areas it has been observed that unqualified women candidates are financially supported by non-indigenous persons, such as local contractors, builders, businessmen, opposition party, mafia, and others with vested interests.

Many indigenous women working in this male dominated political field are also vulnerable to sexual and mental harassment. Due to their low education level and knowledge of the political system, some tribal women representatives are manipulated to take decisions that are contrary to the rights and welfare of their communities or constituencies.

With this background, some case studies and success stories on indigenous women documented from five states are presented below. These studies reflect the many faces of indigenous women in contemporary India.



## II. Violence against Indigenous Women in Mainland India

### Chhattisgarh, Odisha and Jharkhand

Chhattisgarh is located in the heart of India and shares borders with six states. One of the country's youngest states carved out from Madhya Pradesh, it was made a new state on 1 November, 2000. Based on the 2011 census, the indigenous population of Chhattisgarh is 7.82 million (3.87 million male, 3.94 million female), accounting for 30.62 percent of the total state population and seven percent of the country's total tribal population. The state has 42 different indigenous communities, including five Particular Vulnerable Tribe Groups or PVTGs.

Odisha is similarly home to 62 indigenous communities, including 13 PVTGs, constituting 9.59 million people (4.72 million male, 4.86 million female) or 22.8 percent of the total population of the state (Census 2011). About 44.7 percent of Odisha's geographical area has been declared by the government as Scheduled Area or predominantly tribal areas inhabited by about 68.1 percent of the indigenous communities of the state.

Jharkhand has 8.64 million tribal population, comprising about 26.7 percent of the state population and 8.26 percent of the country's total tribal population. It has about 32 tribal communities, and 91.01 percent of the population lives in rural and forest areas.

Total tribal literacy rate in Chhattisgarh is 59.1 percent (male 69.7%; female 48.8%); in Odisha, 52.2 percent (male 63.7%, female 41.2%); and in Jharkhand, 57.1 percent (male 68.2%, female 46.2%).

Indigenous peoples of these states are primarily dependent on traditional agriculture and forests for their livelihood. Odisha, Chhattisgarh and Jharkhand have considerable mineral reserves, which account for 70 percent of India's coal reserves, 80 percent of its high grade iron ore, 60 percent of its bauxite, and almost 100 percent of its chromite reserves. Indeed, according to the Center for Science and Environment, about half of the top mineral producing districts are tribal districts with forest cover of 28 percent, which is larger than the national average of 20.9 percent. Unfortunately, much of this forest land has been diverted for mining purposes resulting in environmental degradation, loss of livelihood, and displacement of tribal communities. Many of these mineral-bearing areas are also affected by the ongoing conflict between the Maoists and the State.

One of the major and common issues of Jashpur and Sundargarh districts where the study was conducted is human trafficking of girls and women, mostly for domestic work. Among the factors that contribute to migration and human trafficking in the region are poverty, entry of non-indigenous population, land encroachment, mining activities, displacement, loss of traditional sources of livelihood, alcoholism, violence in the family, unemployment, forced migration, and growing consumerism resulting from globalization.

Young girls and boys are often easily lured by traffickers and placement agencies. Families are not aware of their children going missing as they think they have gone to work in the city. The agents using various tactics persuade vulnerable families with false promises. Though the indigenous communities in Chhattisgarh, Odisha, and Jharkhand are facing a range of issues and problems, this study focused on two major issues: human trafficking and witchcraft crimes against indigenous women and girls.

## Witchcraft Crimes

Between 2000 and 2016, 2290 persons were “branded as witch,” mostly women, who were killed, according to India’s National Crime Records Bureau report. Despite progress in education, science, and technology, 21st century India is still in the grip of superstition. In our daily lives, we can see different forms of superstition or harmful beliefs and practices that are not based on human rationality or scientific knowledge but on odd ideas and beliefs. All sections of people, whether rural and urban, educated and uneducated, have time and again resorted to superstitious practices to seek cure from illness, to gain something or in relation to bad events. Some of the superstitious beliefs and practices are also deeply rooted and aligned with tradition, culture, and religion. But interestingly the victims of witchcraft crimes are mostly the poor, illiterate, old, widows, and single women. And indigenous women are no exception.

However, in the case of indigenous peoples, some believe that witch practice is not part of their cultural belief but was introduced by witch doctors and medicine men like *Ojha/Guniya* or opportunists with vested interest. It is used as a way to explain unexpected illness and death, village problems with no solutions, series of bad luck, stress, and personal, family and land/property disputes, among others. Many cases of witch hunting have been related to land disputes. Although indigenous men and women are supposed to be equal share holders of family property such as land and resources, the community is losing them to big businesses like mining, infrastructure and industrialization, resulting in struggles for land within the community.

Though both men and women are branded as witch, it is the widows and single women who are particularly accused as such and subjected to different kinds of abuse, witch trials, extortion, and brutal killings. As most indigenous peoples have low literacy, reasoning capacity, or scientific knowledge about causes of diseases, many have adopted this misbelief, misguided and misused by opportunists to grab money, materials, land and property.

Witch hunting is more prevalent in 12 states of India: Jharkhand, Bihar, Haryana, West Bengal, Madhya Pradesh, Maharashtra, Gujarat, Orissa, Chhattisgarh, Assam, Rajasthan, and Uttar Pradesh. However, according to the National Crime Record Bureau, Jharkhand tops witch hunt murders with 523 persons (464 women) lynched between 2001 and 2016, followed by Odisha (415), Telangana (383), Madhya Pradesh (234), Haryana (209), and Chhattisgarh (146).

An instance is Restina Horo, a 60-year-old widow, who was hacked to death on June 17, 2016 by her nephew Muni Horo in Dahkela village in Jharkhand's Khunti district, barely 75 km from the state capital, Ranchi. In March 2017, the most sensational witch hunt was reported from Jharsuguda, Odisha where two college girls killed another girl to cure her illness through the performance of some rituals. In another case, the villagers of Tainsar village of Lathikata block of Sundargarh tonsured the head of Noni Ekka (40) and made her eat cow dung and cow bone. She was beaten up, paraded naked, asked to cross the Brahmani river, and to not return to the village. In a recent case on September 23, 2018 two tribal women were hacked to death and another woman injured in Mayurbhanj district of Odisha allegedly by a man who suspected them of practicing "black magic."

India does not have any specific national legislation or laws for preventing witch hunting. The proposed Prevention of Witch Hunting Bill, 2016 is still pending. A few states like Bihar (1999), Jharkhand (2001), Chhattisgarh (2005), Rajasthan (2006), Odisha (2013), and Assam (2018) have preventive laws and provisions, but they are poorly implemented and thus need policy impact assessment. Often, however, the cases are not directly registered under these laws and invoked under different sections of the Indian Penal Code, such as Section 302 in relation to charges for murder, Sec. 307 on attempts for murder, Sec. 323 for physical injury, Sec. 376 for rape, and Sec. 354 for outraging a woman's modesty. Thus, the victims cannot benefit from the provisions of relevant acts and laws, pointing to a need for proper legislation to eradicate this heinous practice in society.



Many social activists admit that the victims of witchcraft crimes do not report to the police and silently suffer as they have to live with the community and fear being ostracized. Even if the crime is reported to the police, they compromise to close the case, and the cases remain unresolved. Sometimes the police take an off-hands approach, get influenced by headmen or local leaders, or accept bribes. Women from rural areas are also unwilling to travel to relevant offices to report a case. Most importantly, widows and single women are not confident enough to approach the village council or government officials to seek justice without any support system. While some women victims are forced to leave or disappear from the village, some choose to remain and live in misery. Many empowered women, however, fight back and live in dignity.

### **CASE: STORY OF STRUGGLE, COURAGE AND DIGNITY**

Simdega Paikbahal village in Odisha's Sundargarh district has about 150 families, 98% of whom belong to Oraon (8 clans) and Khadia (4 clans) indigenous communities. Their main occupations are farming, rearing of livestock and gathering of forest products. The ancestors of these two indigenous communities were said to have originally migrated over a century ago from adjacent Jharkhand and embraced Christianity. While these communities are rooted in Christian practices, they also continue to believe and practice multifaceted indigenous traditions, rituals, and norms grounded in the spirit world. They cannot distinguish between science and superstition due to a low level of literacy, awareness, and education. While many people go to hospital for treatment of severe illness, they also seek healing by appeasing spirits through rituals and blood sacrifice. Almost all the villagers believe in the existence of witchcraft, that it is practiced by both men and women, and these are inherited by female members of the family and passed on from one generation to another.

Though there has been no case of witch killing in Simdega Paikbahal village, many cases of atrocities have been committed on women labelled as *dayan* or witch. Around 20 women have been branded a witch. We examine the issue and the struggle for justice among the victims through the case of Jacinta Kujur.

Sixty-eight year old Jacinta Kujur of the Oraon indigenous community was born in the small village of Melenjor in Balishankara block of Sundargarh



Jacinta Kujur. (Photo credit: Alma Grace Barla)

district. The eldest of four children and only daughter, she comes from a family that had early on embraced Christianity. She thus grew up in a God-fearing family, adhering to Christianity's teachings of love and service. Her middle class family had access to some level of education and thus became socially empowered. Her father was able to study up to class IV and was recruited to the British Indian Army (during World War II); he encouraged his children to pursue higher studies.

As her father was posted to different parts of the country and abroad, Jacinta along with her siblings was entrusted to the care of his relatives in Chhattisgarh where she studied in a boarding school from class I to XI. She opted for home science in class XI and XII and aspired for higher study to become either a nurse or a school teacher. But suddenly her life turned upside down when her father brought a marriage proposal. Her parents and the elders forced her to marry a man who was handsome, equally educated and working as a high school teacher and headmaster. She rejected the proposal, wanting to continue her education. But her family stopped her schooling and forcibly married her off in a faraway rural village in Odisha.

Leaving behind her dream of becoming a nurse, she tried to nurture her married life and family. But her new world was very difficult to adjust to. Her education did not aid her much; she could not read and write in Odia, Odisha's official language, making her virtually an illiterate. Growing up in a big family and having spent most of her life in boarding school, she also knew little about house chores and agricultural work. But she tried to learn and gradually adapted to the village life. Having been exposed to education and modernity, she maintained her dressing sense, hygiene, house discipline and leadership quality. A pious person, she attended church on Sundays and was an active member of the church's mothers association. She became well-known as the wife of a school headmaster, a prominent person who had negotiated with the government to establish a middle and high school in the area.

However, from the beginning, Jacinta was disliked by her husband's family, particularly her sisters-in-law, for several reasons. First, the family members were illiterate but had good amount of land, livestock and workers to manage them. They made most of the family decisions including on management of the house, family's small scale business and even her husband's salary, never consulting or involving her. But Jacinta was an outspoken person and when she tried to intervene, they often got into a quarrel. Her sisters-in-law felt they would lose control over the house and land, as Jacinta's husband was the only son and would automatically inherit the property (as traditionally practiced).

Secondly, though the family had embraced Christianity, they still adhered to some of their indigenous beliefs and practices, which were quite superstitious in nature. For example, if someone fell sick, they suspected it as the bad effect of a spirit or a witch woman or man. Instead of going to the health care center, they would consult black magicians and perform blood/animal sacrifice. They never went to the church but regularly visited the *gudi* or a chamber of the black magician on Thursdays and Mondays, considered to be auspicious days, a practice most of the families in the village followed. Jacinta was also instructed by the family to follow the same, but she resisted. For not abiding by their family norms, they started mistreating and oppressing her in many ways.

Thirdly, Jacinta did not believe in superstitious practices. She worked hard, took care of the family, knew home remedies and stocked first aid medicines for fever, headache, and other ailments. She did not fall sick as compared to the other family members, for which they suspected her of being a *dayan*, possessing some supernatural powers to protect herself and harm others. They blamed her for everything small and big that did not happen according to their plans and wishes.

## Life as Branded Witch

Due to her simplicity and good relations with the people, she was respected in the community by many but also drew criticism for her modesty. She said:

*Most probably I was the first woman in the village to wear saree petticoat, blouse and brassiere which I had learnt to cut and stitch in my school days. Here (husband's village) people were not yet exposed to the outside world/modernity, so they covered their body with a piece of cloth or saree without blouse and petticoat. My way of dressing was new to the village, which was neat and clean and covered the body well. I also was the first to wear slippers and had a bicycle, which my father had gifted in my wedding. Some people did not like my way of living. They were jealous of my education and family background and started gossiping. In addition, my mother-and sisters-in-law spread jealousy and hatred in the minds of people. Slowly many people started to believe and branded me a witch. They blamed me for their children getting sick or animals dying. Many a time, (to protect their children from my evil eyes), women would hide their babies whenever I passed in front of their houses or road. It was a very painful experience.*

*My in-laws wanted me to leave the house, so they instigated my husband against me. He used to drink a lot and became an alcoholic and started abusing me. At times he also called me a witch and threatened to kill me. When I was pregnant I was not taken care of well. I was not healthy and may have been anemic. Two of my children died after birth, which could be due to health reasons. But I was blamed that I ate up or sacrificed my own babies to the deity I worshiped to attain the power of a sorceress (which they assumed). Many times neighbors abused me and threatened to kill me. People started avoiding me as rumors spread across the neighboring villages. They even spread this in school and my children were taunted by their friends.*

*I did not know how to prove myself. I avoided interacting with people. There was no one to listen to me or understand me. I did not even tell my parents, as I was angry with them for forcibly marrying me into this family and pushing me into a hell. I continued to suffer silently, though twice I tried to commit suicide. Once I drank poison, but I felt sick and vomited the poison. The whole family saw but did not react. My husband always took the side of his family.*

*The second time I attempted suicide I tied a stone to my neck and tried to jump into an open well. A man working in the field saw me and stopped me. I thought, God doesn't want me to take my life. It was*

*evening. I remembered my youngest son who was a few months old, so I returned back home. Though I knew committing suicide was a sin, it was beyond my capacity to bear the agony. Slowly I tried to overcome the situation. I consoled myself to live for my children and not to think about suicide anymore.*

## **Fighting Back**

Jacinta found ways to manage herself and her family. She cultivated vegetables in her kitchen garden and became economically self sufficient by selling them in the weekly market. She also spiritually strengthened herself. Gradually she told her parents about the ill treatment she faced. Her father warned her. In addition to the church women's association, she became an active member of a women's self-help-group, which managed a cooperative bank account and became a platform for many women like her to share their struggles and to support and empower each other.

In the village, she tried to win the hearts of people through her good deeds and advises. Once she gave medicine, money and food grains to a family suffering from severe fever and jaundice and cared for them when they recovered. The same family, who had earlier abused her as a witch, accepted her as a good person. She also tried to change her in-laws, but it was too late for the family to realize her good deeds. Her eldest sister-in-law died of a stomach tumor; Jacinta had suggested she consult a hospital doctor but she believed in black magic power.

In her 45 years of married life; many things have changed for Jacinta. Her mother-in-law and a sister-in-law died of old age and sickness. Free from family harassment and socially and economically empowered, Jacinta raised her four children, gave them a good education, and weaned her husband from his addiction. She now lives a better life and actively takes part in community activities. Though her life struggle is unknown to people, due to her humble and helping nature Jacinta today is much respected and loved by her community.



## Impact

Though the belief in “witchcraft practices” still persists in the community, due to higher literacy and increased awareness the present generation’s perception of such beliefs and practices is changing. While it is difficult to uproot it from the people’s mindset, it is slowly changing. Earlier women victims were severely punished by the community, were paraded naked and publicly abused; this is rarely seen these days in that area. Now most of the people go to health care centers for medical care, though they continue to believe in witchcraft rituals. Like Jacinta said:

*Some men and women still talk about me (as witch), they have passed such rumors to newly married women who come to live in this village. People say there are about 20 witch women and men in this village! Till today I do not understand what it is and how it works. But it is wrong to blame someone like this! There is so much of awareness needed. This issue has to be openly discussed in the community. Women victims themselves have to speak out. Like the anti-alcohol campaign, this issue also needs to be addressed by the women and youth through solidarity. If the community cannot deliver justice, the victims should take help from the police and existing legal provisions. Earlier there was no awareness among the people, now they know that witchcraft related atrocities are punishable under the law. So people do not take action in public but covertly continue to harass.*

## CASE: FIVE TRIBAL WOMEN SUSPECTED OF WITCHCRAFT KILLED BY VILLAGERS

Kanjia is a populated tribal village situated about 30 km from Ranchi district of Jharkhand under the Mandar block. On the horrific night of August 11, 2015, a group of villagers secretly held a meeting. First they called up "Kitna" (not her real name) who gave the names of four other persons. At midnight, while all asleep, the mob knocked on the door of their houses, the women were dragged out one after another, brought to the *Akhra* (village center), stripped naked, mercilessly beaten, and brutally killed on the spot. The villagers accused them as witches.

According to the villagers, this cruelty was triggered a few days before the incident by the death of a boy with prolonged illness. The deceased's family said that the boy suffered from many illnesses and was admitted to the Holy Family Hospital in Mandar in a critical condition. Some said there was a land dispute between the families, and the goal of targeting the women as witches was to put an end to the dispute. Around 50 villagers were arrested and jailed. In August, 2018, 11 of the accused were meted life imprisonment.

Killings on the suspicion of witchcraft have a fairly high occurrence in Jharkhand, but this incident shook the whole state. Jharkhand has had an anti-witchcraft law since 2001, but not much has been done on the ground to make it effective, including creating social awareness about the issue.

## Analysis

The case studies on witch hunting show that innocent persons are victimized. They indicate how prejudices against women as well as low education and economic status, poor health, jealousy and family rivalries, and superstitious beliefs interrelated with land and property cause suppression of a woman who advances economically and socially and damage her dignity. In the first case, the victim neither gets any support from family nor seeks legal help, and thus continued to suffer. Such victims do not get justice, their life is compromised, and they continue to live among their enemies or attackers. Aside from the strict implementation of laws, actions at various

levels—from speaking up by the victims to massive awareness, conversation within communities, and educating the people about witch hunting—could improve the situation.

## Indigenous Women and Human Trafficking

According to the Statistical Profile of Scheduled Tribes in India in 2013, the migration rate of indigenous women to urban areas between 1999-2000 and 2007-2008 increased nearly twice more than that of men, from 411-430 per 1,000 persons compared to 282-288 for ST men. Indigenous women from rural areas move to cities in search of opportunities without knowing the risks they have to face. Migration often coincides with trafficking. A study by the Planning Commission of India (2010) showed that more than three-fourths of the tribal women in Chhattisgarh, Jharkhand, and Odisha were working as domestic workers in major cities. The push factors are lack of employment, poverty, displacement, natural calamity, internal conflicts, and lack of political will and commitment by the leaders and government to address the issues. Pull factors are high demand for domestic labor in metropolitan cities, fancy lifestyle, and money promised by employers and agencies, which young girls blindly believe.

Domestic work forms one of the largest sectors of female employment in urban India today. Get Domestic Help, one of Delhi's better known placement agencies, estimates that nearly 2.5 million households seek at least one domestic worker in tier-one cities annually. It is an important source of employment for migrant workers who come in search of livelihood opportunities. Despite its growing size and importance both for workers and families who benefit from their labor, domestic work remains unregulated and workers are unprotected by labor laws. They are subjected to various kinds of exploitation by the trafficker, placement agencies, employer, and others too. Various reports of exploitation, abuse, sexual assault, and even murder confirm their vulnerability. Unfortunately, domestic work is also a sector that even absorbs children for work, especially girls, which often leads to trafficking.



To combat human trafficking, the Central and State Governments have undertaken several measures and mechanisms. India has signed on to the UN Protocol on Trafficking in Persons (TiP) on 12 December 2002 and other international treaties. Human trafficking is prohibited under Article 23 (1) of the Constitution of India and the Immoral Trafficking (Prevention) Act, 1956. Centrally sponsored programs and schemes, such as Integrated Anti-Human Trafficking Units (IAHTUs), Anti-Trafficking Nodal Cell State Program, *Ujjawala* and *Swadhar* Program, Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labor, Child Line Services, Integrated Child Protection Scheme (ICPS), National Child Labor Project Scheme, *Beti Bachao, Beti Padhao* (Save Girl Child, Educate Girl Child campaign), One Stop Center Scheme, and others aim to address violence against women and human trafficking.

While the concerned department and agencies need to take active steps to regulate and curb forced and distressed migration of women and children for labor and trafficking, the state mechanisms have a long way to go to effectively protect trafficking victims, prosecute traffickers, and prevent trafficking.

### **CASE: TRAFFICKING OF MINOR GIRL BY KNOWN PERSONS**

“Swati Minj” (not her real name) belongs to one of the Oraon communities of Chhattisgarh. The fifth of seven siblings, Swati comes from a poverty stricken family. Her father obtained primary education, her mother is illiterate, and her family have never been exposed to the outside world. Based on her parent’s testimony, in September 2015 Swati’s elder sister “Basanta” (30, not her real name), a domestic worker, took her to Indore, Madhya Pradesh where she was working. She told her parents that Swati would be studying there but after a few days took her to Mumbai where her elder brother was working. When Swati left her village, she was studying in class V, which means she was a minor.

Swati was not in contact with any of her family members for two years. When her parents inquired about her from her sister and brother, they hid the truth, saying that Swati was working in Mumbai. When Jashpur Jan Vikas Sansthan (JJVS), an NGO working against human trafficking, received information that Swati was found in a shelter home in Goa, a team immediately went to see her parents. During the interaction, the parents changed their statement often, saying that her own brother who was working in Mumbai city had given her to her brother-in-law. The parents were afraid to tell the truth, since if the community people found out they may be called to a meeting and the family members could be punished and sent to jail. The JJVS team convinced her parents, collected identity documents such as date of birth and school certificates and on 9 September 2017 submitted a missing report/FIR at the local police station, with copies sent to the District Collector and Women and Child Welfare Department.

There was pressure from Swati's sister not to lodge the report. After a long process, Swati was rescued from Goa in collaboration with JJVS, Anti-human Trafficking Cell and District Child Welfare Department and handed over to her parents on 8 March 2018. The JJVS team suspected that Swati was forced into the flesh trade industry; however, the parents did not allow the JJVS team to meet her. They still want to hide the case from the public and have sent her to a relative's house in another town as domestic help.

## Analysis

This is just one of the many crimes of human trafficking of indigenous girls and women, most of them minors, in Jashpur district. It is observed that most trafficked survivors come from poor families. Illiterate parents do not understand the nexus of human trafficking and its consequences. Often the victims are taken by known persons—family members and relatives—who act as mediators or agents and are handed over to placement agencies. This leads parents to believe that their children are in safe hands. They are also not aware about related laws and legal remedies. Due to poor social condition, parents sometimes remain passive. They do not bother about their daughter's working or living conditions. They just want her money.

Justice delivery remains deplorable. Due to the intervention of civil society organizations (CSOs), traffickers are often arrested but often get bail because they have money and political connections. Parents frequently do not like to take action against the culprits if they happen to be family members or relatives. On the contrary, the relatives (traffickers) defend themselves, saying they tried to help the girl get a job and improve the family's economic condition and sometimes also blame the girl (victim) herself, labelling her as irresponsible. Sometimes parents compromise with the traffickers. Traumatized survivors cannot defend themselves either.

### **CASE: MIGRANT DOMESTIC WORKER TURNED ADVOCATE FOR DOMESTIC WORKERS RIGHTS**

Sarita Baa, around 45 years old, belongs to the Khadia indigenous community in Jharkhand. After high school, like many young tribal girls and along with her friends, she went to Delhi to work as domestic help.

In 1985 the gang rape of five young adivasi/tribal girls from Jharkhand became a turning point for Sarita and her friends to advocate and fight for domestic workers rights. In that incident five girls travelling to their village by train from Delhi, where they worked as domestic help, were dragged into toilets, gang raped and brutally assaulted; two died and the others survived with serious injuries. Though such incidences and various harassments on tribal domestic workers were taking place regularly, this incident sounded an alarm bell for the tribal women working in the city as well as for entire tribal communities in mainland India.

Sarita and her colleagues, who were aware of human trafficking and the harassment faced by domestic workers, decided to mobilize such workers. Understanding the gravity of the issue, they sought support from the Indian Social Institute in Delhi. Initially Sarita and four friends voluntarily visited public places like churches, parks, bus terminals and markets where tribal girls were seen on off days from work. They began collecting information and organized meetings and awareness programs to promote rights of domestic workers and prevention of trafficking.

For a few years they worked well with the Indian Social Institute but later due to lack of proper leadership and guidance they split and started their own organization. In 1997 Sarita registered the *Adivasi Vikas Sanstha* (Society for Development of Tribals) in Delhi, which has since been working to prevent human trafficking and empower tribal women domestic workers in Delhi and neighboring states. Sarita works closely with Delhi police, International Labor Organization, National Domestic Workers Movement and other networks. The organization is managed by the domestic workers themselves and regularly organizes motivation classes, workshops, livelihood training such as in stitching, embroidery, knitting, cooking and development of human relations to enhance their skills.

As a result, the domestic workers who underwent the training program are working more professionally and earning well and have better working and living conditions. The recruitment process also improved. Sarita motivates the young girls to continue their education while working. Many have thus upgraded themselves and are working in hotels, restaurants, hospitals and offices. Due to her collaborative efforts with NGOs and government departments, migrant workers have become more sensitized on their rights. Today the issue is being discussed at various socio-political levels, and consequently governments and the larger society are positively responding to the issue. This has led to planning and implementation of various programs and schemes, anti-human trafficking units and legal measures.

Sarita and her team's mass awareness campaigns in the villages have also made community people aware about the issues, improved safe migration and ensured workers are well organized. Over 20 years, they have rescued and rehabilitated more than 1,000 domestic workers. Some were sent back to their villages after their homes were located, and some were sent to shelter homes.



Photo credit: Adivasi Vikas Sanstha



Self-help activities led by Sarita Baa and her team in Delhi. (Photo credit: Adivasi Vikas Sanstha)

### III. Situation of Indigenous Women and Girls in Northeast India

#### A. Tripura

The present Tripura is the third smallest state in India covering a total area of 10,491 square kilometers. About 40 percent of the land is plains while 60 percent is covered by low hills reaching over 2,000 feet above sea level. On the west, the state shares international boundaries with Bangladesh, and on the south with Chittagong Hills Tracts. Some of the major hills of Tripura are Atharomura, Deotamura, Jampui, Sakan, Longtra, Baramura, and Sardeng. These hills are covered with thick forests with rich natural resources like bamboo, trees, vegetables, among others. Indigenous peoples who live in the hills are concentrated in these hills. The state has eight districts with 23 subdivisions and 58 development blocks and one Autonomous District Council (ADC).

Before the official merger of Tripura with the Indian Union, all lands, forests, territories, and resources belonged to the community, and ownership with the indigenous king. The village chief was addressed as *Fa* and considered as the ultimate decision maker. People placed their responsibility in the village chief to facilitate things for the community and to protect their land from their enemies. As such, the land was governed in accordance with their undocumented customary laws and indigenous practices. Their leaders, supported by the people, protected their land from external aggression.

Moreover, it was acceptable during that period for lands to be hostile to outsiders or their enemies. They protected their land by fighting battles against their enemies and captured lands through battles and surrender of lands by other communities. Then, the population belonging to Tripura were wholly indigenous peoples who enjoyed their economic resources and practiced their beliefs according to their customs. Today, they have become a microscopic minority scattered across the state. Indigenous people, who accounted for 50.09% of the population in 1941, have been reduced to 30.95% in 1991 and 31.75% in 2011.

**Table 7.** Population of Indigenous Peoples in Tripura

Year	Population	Tribal Population of State	Percentage of Tribal Population
1931	3,82,450	1,92,249	50.26
1941	5,13,010	2,56,991	50.09
1951	6,45,707	2,37,953	36.85
1961	11,42,005	3,60,070	31.53
1971	15,56,342	4,50,544	28.95
1981	20,53,058	5,83,920	28.44
1991	27,57,205	8,53,345	30.95
2001	31,99,203	9,93,426	36.03
2011	36,73,917	11,66,813	31.75

Source: Based on Tripura State Census Record.

### *Position of Indigenous Women and Discrimination within Family, Community and State*

Traditionally, indigenous women in Tripura were given importance in their respective communities. Their decisions in the community were highly respected and acknowledged. For example, during marriage women were accorded bride price and breastfeeding price, which shows respect for them for bringing new life and continuity to the next generation of the community. But now, such honor and practice are disappearing fast. Indigenous women and children face various types of exploitation and violation within the family, community and state.

As described by community members during the interviews, the importance and existence of indigenous women in the village are fading, and, at present, they are looked down upon. Poor women have hardly any means of survival. The only option left for them is to make and sell traditional wine. When a widow sells wine to men in the village, her character is suspected, mostly by the families of the men.

In community meetings, the women's voice is not considered important. The village leaders are mostly men and hardly any women are members of the village committee. Women are expected to take care of the family—they cook, wash and assist the men. They are not involved in community leadership and their decisions are not appreciated by male members in the village.

In the past, men left their home after marriage, called *Chamari rohoro*, but now it is the women who do so. The women are sent to the men's home after marriage, known as *hamjuk rohoro*. During marriage they go through different forms of discrimination within their families; they have to remain silent in all decision making activities. In the community, being considered newcomers in the family, they receive less support from the villagers.

*“Maitik tolani mai kwkham abo sajuk ni banta. Mui toloni berama busu abo sajuk ni banta. (The bottom burnt rice in the pot is for my daughter. The leftover curry containing fermented fish*

bones is for my daughter).” Uttering these words, a mother cries when her daughter gets married and leaves her parents’ home to live with her in-laws.

They are also subjected to violence in the community. In a recent case in a Hazara village, a poor woman from the Reang indigenous community who cooks in a village school was beaten by three men of her village for not changing her political party. It was observed that the villagers were not aware about their community rights and how they have been misused by the political parties.

As they are now a minority in their own state, indigenous women have increasingly become more vulnerable to different forms of violence. They have disproportionate representation and participation in different sectors, like education, health and government. In the educational sector, they are deprived of scholarship and other remunerations, engaged in long hours of teaching and kept away from doing scholarly work for being indigenous women. Even in higher educational levels, they have been taken undue advantage of and have faced mental harassment by associates.

At the primary and high school level, there is less encouragement of indigenous children, especially girls, to pursue their studies. In remote areas, teachers are insufficient. Indigenous languages are not taught in primary schools, causing students to lose interest as they fail to understand what is being taught by teachers. As observed, many children left school, remaining at home without any education.

### *Customary Law and Justice System*

The indigenous villages lack a strong community to maintain their customary laws and justice system. The systems that were strong in the past are fading. Then and even today, no harsh punishments like capital punishment or death are meted out to the guilty party. The judgments, imposed by the village committee and headmen responsible for implementing customary laws, involved imposition of fines and banishment or ostracism by the village. The culprit had to leave the village,



and the whole community was forced to avoid (*kongyoro*) that person. He/she was no longer considered a member of the community and was not called to any social gathering or occasion in the village.

In villages during early times, particularly those bordering Bangladesh like Sabroom, Lokhisora, and Manu, among others, if a woman was found to have conceived before marriage, she was to be drowned in the river, Feni, as punishment for her sin. The villagers under the order of the village committee and headman would make a small bamboo house with enough food for her to survive for one month, let the woman enter it and it allow it to float in the Feni river. It was believed that by doing such, the river she would reach a place away from the village that she could settle in.

### *State Justice System*

The indigenous peoples in the villages of Tripura are not aware of the modern state legal system. Though the state provides legal services such as free legal aid, compensation to victims, and others, these are not known or used by them. Very few go to court to seek justice and claim compensation.

According to a lawyer of the State Women Commission of Tripura, there is hardly any complaint filed by the tribal women. The women are generally unaware of the Commission's existence, although it has conducted awareness programs for all sectors including indigenous villages, one of its aims being to make people especially women know about their rights and opportunities.

In her five years of service, the Deputy Superintendent of Police of Agartala Women Police Station also said her office barely received any complaint from indigenous peoples. A few cases were reported but more by non-indigenous persons and concerned love affairs, not serious problems. Cases were handled tactfully and were based on the needs of victims who, if they required rehabilitation, were sent to a rehabilitation home as directed by authorities. Indigenous peoples are unable to avail of such services, as they have not registered any case or complaint with the police office.

### **Reasons for not availing of legal system**

According to leaders of indigenous organizations, indigenous peoples do not use the government court system due to the following:

- i. Language barrier. The court system uses the Bengali and English languages. Indigenous peoples who are not literate fail to communicate and understand the legal system and ultimately lose hope in it.
- ii. Indigenous peoples are unaware of the provision of free legal aid offered by the state. Often when they approach the court, they end up spending much, and in the process even lose their land and property. They cannot afford the modern justice system.
- iii. *"Khilung kadi teibo Adalat ta kadi,"* meaning "Set foot in dirt/shit but never set foot in the court." Indigenous peoples commonly believe in such a saying, as the legal system is expensive.
- iv. If the judges do not know the language and social problems of indigenous peoples, how will they understand the root problem? Often judgments are unfair. No legal protections are given to indigenous peoples.
- v. Geographical distance: indigenous peoples living in remote villages cannot access the court location due to its distance and in effect, the justice system.

Success stories of cases brought before the court are rare. In many cases, instead of punishing the culprit based on the laws, money was provided to the victim's family to stop the case from being pursued further. The justice system in Tripura needs to study and understand the indigenous issues and root causes of the problems of indigenous peoples in the state. The customary laws and traditional justice systems should also be strengthened and encouraged.

## *Violence against Indigenous Girls and Women in Tripura*

The following cases demonstrate the kind of violence faced by indigenous women and girls in Tripura.

### **CASE: INTERSTATE CHILD TRAFFICKING, CHILD LABOR, MENTAL TORTURE AND RAPE**

Mary (name changed) was around 12-13 years old when in 2014 she was taken by a middleman from her remote village to work in a religious institution in Dimapur town of Nagaland. Her parents agreed to send her since the employer had promised to support her education. It was the first time in her life to leave her village; like any other child, she could not decide what was best for herself.

On reaching her employer's home, she found a different environment: the people, culture, language, food—everything was totally alien. She found it difficult to adjust and remained lonely all the time. She was never sent to any school and was made to do all the household chores. Very soon she understood that she would support her family by working in that house. Silently she labored for two years, bearing physical and mental torture as well as repeated sexual assault by her employer, a pastor. Being from the remotest village of Tripura, she was barely aware about the harassment being done to her.

One day, on a neighbor's complaint to the police about the girl's situation, the pastor was arrested and kept behind bars but very soon was released on bail. Upon receiving information about their daughter, her parents went to Dimapur to bring her back home. They could not understand the situation and could not speak to the employer or other people due to the language barrier, but they knew something serious had happened to her. The offender wanted to settle the matter by offering one lakh rupees (around USD1,600) to the parents, but they refused to accept it. When asked (by the researcher) why they did not take the money, the mother replied, "What can we do with money when the incident had already happened?" The father said, "There was nothing I could say and understand, and why we should take the money from them." The young girl returned to her parents' home in 2017.

As of 2018, Mary had turned around 16, but as observed she appeared still psychologically traumatized. She rarely mixed with peers, would sleep all day, kept to herself, ate irregularly and always complained about body and

stomach pains. She was unable to explain the episode clearly, not responding to whether she wanted to have the culprit punished, to be compensated and to attain justice. Her parents too were not aware of the justice system and compensation for victims. They said that their daughter was already traumatized and may be further disturbed if they reopened the case. Moreover, being a woman is a great challenge as society sees her with a different eye, and social stigma has set in.

Mentally and physically sick from the incident she went through at such a young age, she needed counselling and proper medical services. The lawyer of the Tripura State Women Commission was made aware of her situation by this study's researcher and her organization. The perpetrator was arrested and bailed in the state of Nagaland. No further action has been taken. Neither compensation nor medical treatment was given to the victim.



## CASE: SELF-MADE WOMAN EMPOWERING OTHER WOMEN

Phirsati Debbarma of Tripura's Tiprasa indigenous community had a happy early childhood and was advanced in her studies and thinking. She loved to sing, take part in cultural activities and at a young age developed a keen interest in traditional weaving. In class IV at the age of nine, she had woven her first *rigwnai* (traditional wrap). She would collect and join leftover threads from her mother and even from a neighbor and creatively make a small *risa* (traditional stole). By observing her elders as they wove, she captured in her mind the styles and designs of weaving. Neighbors called her to design for them and to solve weaving problems that arose. Her name soon spread high and low in the village.

But she did not always get encouragement. When she was older and started to mix glitter and shining thread with cotton thread for the first time, her grandmother advised her to stop weaving *risa*, saying no one wove, carried or wore it anymore. Villagers also taunted her, but their words did not stop her.

### Challenges as a leader

Phirsati's love for weaving continued even later in life, becoming a center piece of her work with indigenous women. After she separated from her first husband, due to physical and mental torture from him and his family's material demands, she took up graduate studies, worked as a government school teacher and in ten years of teaching, she educated her five siblings, took care of her parents, remarried at 35 and raised two sons, one of them adopted.

It was also after her first failed marriage that her leadership work took off in 1991-1992. She was elected secretary, then vice president and president of Sadar North Baptist Church where she initiated many activities among the women including traditional weaving. She trained them in weaving and marketing, and together they put up a women's fund from their sales of *risa* and *rigwnai*. To further popularize weaving, she initiated competitions within their church and awarded prizes to winners. From the women's groups, this spread to many other villages and churches. Her vision for and success in weaving was realized only after ten years from the start of her mission; now beautiful designs mark the *risa* and *rigwnai* made by the indigenous women.

Later as finance secretary of the Tripura Baptist Women Society (TBWS), she raised a fund through various activities of the church women's group with which they bought 32 acres of land for their advocacy. Although she initially had difficulty in organizing the indigenous women and to put up the fund, she replicated these with the Mizo indigenous Baptist women group. They

collected rice from the families and undertook other activities to raise the needed amount.

Phirsati is the president of the Borok Women Forum (BWF) where she is engaged fully in social activities and awareness programs. One of her successes in BWF is capacitating and raising awareness among indigenous women from Joynagar village, Jirania in Tripura. Along with other BWF members, she has created support and confidence among these women to fight for their land rights. Their village was planned to be the location of storehouses of the Indian Oil Company Limited (IOCL) and the Food Company of India (FCI), which would lead to displacement of many villagers.

She has been an adviser to the Sudikhina Bwui Bhuma Bodol whose main aim is to raise awareness of indigenous mothers to raise their children in their culture to become good members of the community. The organization is named after the indigenous queen who raised three sons who became good leaders of the community and were crowned as kings. In the past years the organization has helped many indigenous women victims to seek moral support, justice and compensation.

Her interests and activities extend to the literary arts. She serves as vice secretary of Hukumu Mission, which promotes and publishes books on culture and Kokborok language. The organization researches lost poems, proverbs, stories and indigenous Tripuri languages and holds book festivals to meet the demand of indigenous peoples. Phirsati has a number of publications on culture and traditional weaving designs. Her book on *Rikari* (revival of designs of indigenous peoples of Tripura) has been the largest selling book among the indigenous peoples from the organization, and *Koklob* based on history and culture is also a bestseller.

Further, she is an executive member of the monthly magazine *Aitorma* where she writes regularly on Tripura indigenous culture and history. Some of her writings are on animist religion of indigenous communities of Tripura, such as Gorla Terand Karshi and on songs sung by indigenous mothers to their babies that are now fading in importance and meaning. *Aitorma* organizes Bubagra Birbikram Memorial Day to commemorate the history and leaders of Tripura, and every year to encourage the youth, it holds Ms and Mr *Aitorma*, an event based on culture, and awards writers in *Aitorma*.



*Phirsati Debbarma in an awareness-raising program in indigenous village in Tripura. (Photo credit: IWFNEI)*



*Grassroots level awareness program in an indigenous village. (Photo credit: IWFNEI)*

## B. Manipur and Nagaland

The Naga are generally a patriarchal society. It is the father who controls the family, family properties, and other economic resources and is the final decision maker in all family affairs. This social system is linked with the ideology that man is superior or, in a family, the son is more important than the daughter. Women cannot participate in any decision-making processes in the family and in the society. Under this system of patriarchy, the women suffer humiliation, oppression, inferiority, frustration, loneliness, rejection, and illness.

With time, however, the position of women is also changing. They are progressing, and in some cases, the women have overcome prejudices and fought their way to gain recognition and respect from within their families and the community. Today they are looked upon as role models. The following stories are inspirational for girls and women to believe in themselves if they want to live life on a different level from the majority.

### CASE: FROM DESPAIR TO SUCCESS

Kroneilo-ü (Akrole) was born in Pfutseromi village in Phek district of Nagaland, the youngest of four children of a middleclass family. She studied up to class 10 at the Chakhesang Mission School Pfutsero, after which she got married and had five children. Unfortunately, her husband turned up to be a severe alcoholic, and she was subjected to endless physical and emotional abuse. At that stage, which she describes "as the most difficult phase in her entire life," she could not turn to anybody as her children were too young to understand her sufferings and they lived in a town far from her home village. Further, she was ashamed to approach friends and neighbors with her suffering and poverty. Although she cultivated some vegetables, she was ashamed to sell them because people would consider her very poor.

She was convinced that a woman becomes useless and hapless after getting married and that her whole life was obligated only to her family. She had no confidence to raise her voice against her husband for the torture he heaped on her. Whenever she tried, she was abused physically and verbally, with her husband constantly hurling at her, "Shameless creature! What are you barking at?" Akrole thought the world was against her and could not see anything



positive or comforting in it. She would constantly complain to God, “Why did you make me a woman?” blaming her gender for all her sufferings and thinking she would not endure so much pain if she were born a man.

In 2013, after 25 years of continuous struggle, North East Network (NEN) brought SEWA (Self-Employed Women Association), an organization for poor self-employed women workers, into her life. From the very first day she joined it, the organization had a direct positive impact on her. She eventually began to realize the power of a woman. She came to many realizations, for instance, that selling vegetables was not a shame as it signified being one with nature, having good health and hard work; that her small earning could improve her family’s economic condition and make her self-reliant; and that a woman was not only subjugated to her husband but to society too.

On 1 June 2015, Akrole was appointed as field mobilizer of SEWA for Phek district. The organization helped 1,971 members in 18 villages and 5 urban areas to open bank accounts with the State Bank of India or Post Office or Cooperative Bank. With this new found independence and empowering many other women and their families, she felt proud of herself. Her husband, who has also been learning to mend his life, and her children who have all completed their studies except the youngest, support her endeavors.

Today Akrole feels fortunate to be a woman. Because if she were not, she would never know and understand the hardships and struggles women experience, especially wives of alcoholic men. She has decided to commit herself and give her very best to help those women who are struggling like she once used to. She does not regret the sufferings and hardships she had to go through in the past because now she can proudly and confidently say that she is a strong woman.



Photo credit: IWFNEI

## CASE: WOMAN OF COURAGE AND FAITH

The parents of K. Matia from the Mao indigenous community were the first Christian convert couple in the village of Rabunamei in Senapati district of Manipur State. Her father Kahri was a pastor who in 1970 unfortunately passed away, leaving behind his wife and eight children, the youngest only 6 months old. Matia, the eldest then aged 16, shouldered the family responsibility; she decided not to get married.

Matia faced multiple challenges. From 1976-1978, she not only pursued a diploma course in Kohima, Nagaland but had to divide her time between studies, finding employment and supporting herself and her family. In 1979 after completing her education, Matia was called upon to serve as the women's secretary of the Manipur North Naga Baptist Churches Association, which had members from three different tribes, the Poumai, Maram and Mao. She served in this position until 1997.

She was also the president of the Mao Naga Women Welfare Association for more than a decade. During this time Matia began to encourage every village in her Mao community to form women organizations. She worked not only for the spiritual but also social and economic development of her community and other villages, promoting cleanliness and sanitation, health, liquor prohibition, environmental protection, various livelihood activities including hygienic ways of rearing domestic animals through pig stys, chicken coops and others.

At the start she faced humiliation and lack of encouragement for some of these activities. With pigs left out in the jungle where they would feed even on human faeces in the absence of proper sanitation, the villagers would say, "Now that we are to restrict the movement of pigs, let Kahri Matia go and consume the human faeces." But now all appreciate the efforts she took back then, and she beams with pride when she hears people affectionately calling her "Kahri Matia."

With the spread of westernization, Matia stressed preserving traditional knowledge in designs, quality and methods in weaving and other handicrafts, which are also means of livelihood in her community. Of all her activities, one that she feels proud of today is the cultivation and marketing of flowers, which she highly encouraged the people to venture into. She vividly remembers the year 1978 when she got a Begonia plant from Kohima and later carried its bloom in a traditional Naga basket to Mao Gate, the community business hub where she sold it at Rs.800/(around USD12), then quite a profitable amount. Given the favorable conditions, cultivation of this plant has become one of the most flourishing businesses in the Mao community.



When the Mao Baptist Churches Association (MBCA) called her back in 2012, she resigned from the presidency of the Mao Naga Women Welfare Association (MNWWA) to serve as a full-fledged pastor of the MBCA Prayer Center where she works to date. For Matia, the transition was not easy as certain people opposed (though not officially) her appointment, considering there were many other qualified men and women. But she believed it was her faith in God and her commitment to work for her people that she was chosen over them. Over the years, the Prayer Center which she calls a “Precious Office” has also become a way station for other fellowship members and missionaries who stay the night when travelling inside and outside the state.

Matia continues to serve today as the pastor of the Prayer Center and is also the convenor of the MNWWA Advisory Board. Her being able to devote her time and knowledge to her community in general and the joy of seeing her siblings, all married and well settled, and her 91-year-old mother strengthens and enriches her faith and commitment to God. But what saddens her is that her community does not own sufficient land. “The land of my community spreads over hardly a few square kilometers that a person can walk around in a single day,” she said. She hopes and wishes that her community learns to appreciate, respect and utilize the land in the most effective and judicious manner. But this does not stop her work and commitment, “For me, till I die I will never retire. Even after I go back home, I will work for God and share about Him to everyone and when somebody needs prayer I’ll pray for him/her.”

## C. Assam

This section presents the status of indigenous/tribal women in Assam and their participation and representation in decision making at various levels—social, cultural, economic and political—including participation and leadership in organizations and in the public sphere. The case study further elucidates the situation of indigenous women and the problems and challenges they face in reaching positions of leadership.

### *Tribal/Indigenous Communities of Assam*

Assam is one of the eight federal states in Northeast India with close to four million tribal/indigenous peoples.

**Table 8.** Demographic Profile of Assam

Description	2011	2001
Population	31.2 million	26.7 million
Male	15,939,443	13,777,037
Female	15,266,133	12,878,491
Percentage of total population	2.58%	2.59%
Sex Ratio(out of 1,000 males)	958	935
Child Sex Ratio	962	965
Density (km <sup>2</sup> )	398	340
Area (km <sup>2</sup> )	78,438	78,438
Child Population (0-6 years)	4,638,130	4,498,075
Male Population (0-6 years)	2,363,485	2,289,116
Female Population (0-6 years)	2,274,645	2,208,959
Literacy	72.19 %	63.25 %
Male Literacy	77.85 %	71.28 %
Female Literacy	66.27 %	54.61 %

Source: Assam Population Census 2011.

Assam has a large number of indigenous communities highly differentiated in terms of ethno-lingual characteristics. Based on the 2011 Census report, the Scheduled Tribes number 3.9 million, constituting around 13 percent of Assam's total population of which the Bodo indigenous community accounts for 40 percent. Currently, 14 communities are recognized as Scheduled Tribes in the plain areas or *Plains tribes*; the rest, recognized as ST (Hills) *Hills tribes*, are in the autonomous hill district areas like Karbi Anglong and Dima Hasao districts. Some of these communities include: Boro/Bodo, Sonowal Kachari, Thengal Kachari, Mech Kachari, Dimasa, Barman Kachari, Deori, Hojong, Mising, Rabha, Lalung, Chakma, Garo (A'chik), Hmar, Khasi, Kuki, Lakher, Mizo, Karbi, Nagas, Singpho, Khamti, Pawl, and Riang, among others.

### *Tribal/Indigenous Women*

There is a dearth of literature on tribal/indigenous women of Assam, and what is available focuses primarily on the sociocultural life of the indigenous communities. However, the common consensus among tribal intellectuals is that tribal communities are still at a lower socioeconomic and political status due to years of marginalization and exploitation by the ruling elites that they continue to experience even in recent times. They suffer discrimination in every sphere including education, employment, and in the implementation of various government projects and policies. The development aspiration is still to be realized by many of the state's tribal communities.

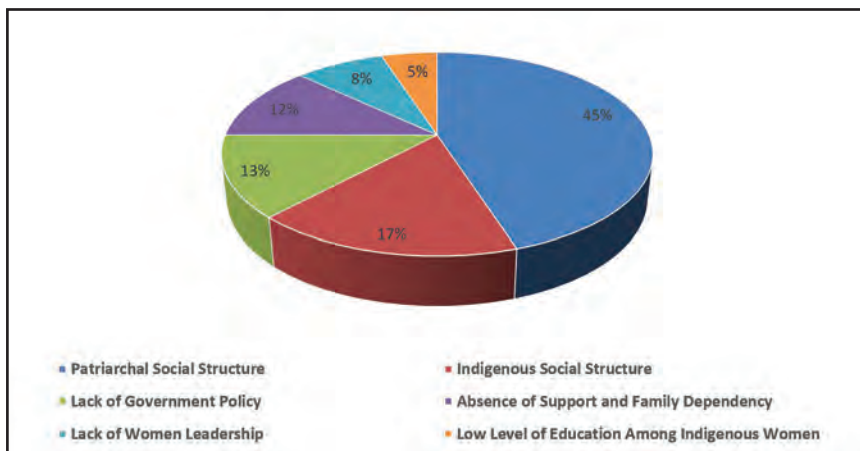
Moreover, defined by a patriarchal social structure, tribal women in Assam are subject to a traditional social pyramid which does not allow women to enjoy equal social status with male members of the family. Due to their social, customary, and indigenous practices, they are limited in making choices in every facet of family and social life. In marriage, in education, and in social life, there is always an amount of inequality and injustice, and they face discrimination both within and outside the community. In most communities they are not encouraged to engage in active social life like leadership, politics, and entrepreneurship, among others. Indigenous women in

Assam experience, in particular, three layers of discrimination: *first*, as a woman in general; *second*, as a tribal; and *third*, as an indigenous member within the family/community.

In order to escape from these realities of discrimination, some women activists across Assam have made attempts to bring changes to women's situation. Since the late 1990s, several organizations have been formed by different tribal women leaders in order to assert their rights, fight against discrimination, and improve their socioeconomic status. Some of these organizations are also involved in nationalistic struggles extending support to the political leadership of their respective communities.

Some of the leading indigenous women's organizations currently working for the welfare of indigenous communities across Assam are the Boro Women's Justice Forum, All Bodo Women Welfare Federation, All Rabha Women Council, Karbi Nimso Chingthur Asong, Dimasa Women's Society, All Tiwa Women's Association, Mising Mime Kebang, All Deuri Women Association, Sonowal Kachari Mohila Porishad, and All Assam Mising Women Association. With little progress in their work, it is observed that these tribal women-led organizations have a long way to go to fulfil their aspirations. Unpredictable circumstances and lack of support both within and outside their respective communities have surrounded their constant struggle for democratic rights, dignity, and justice.

As tribal woman activist Gitali Ramchiary said in Udalguri district, Assam, "We have to navigate between family, society, and agencies of the State which are often more interested in suppressing our legitimate demands and struggle for gender equality. It is unfortunate that our voices are inaudible in the corridors of power and agencies that are expected to emancipate us socially, politically, and economically." Her voice of courage echoes the prevailing situation of indigenous women in India. Only a small number of women can truly claim that they are liberated, but the majority of them belong to the ruling political and economic elite. India's inability to empower indigenous women despite having vast socioeconomic resources and institutions is rather a baffling question today.

**Figure 1.** Factors on Indigenous Women's Lack of Participation in Decision Making

Source: Field data.

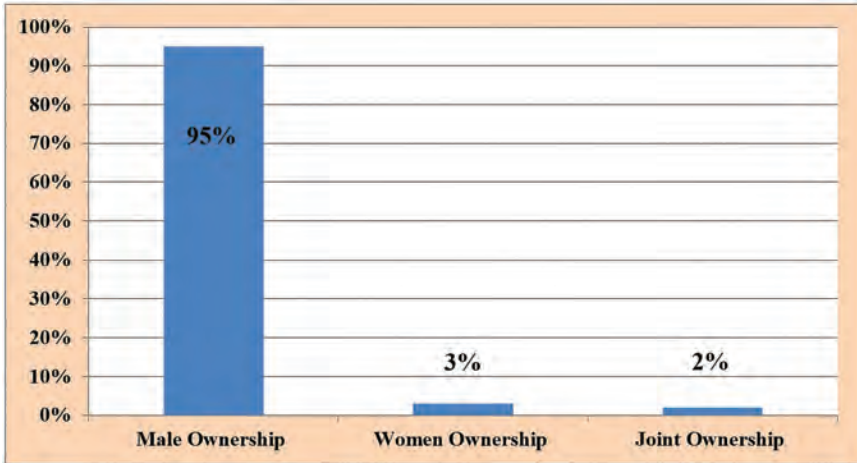
Figure 1 highlights the major factors contributing to the lack of participation of Assam tribal women in decision making in the family and in social life. These are: patriarchal social structure (45%), indigenous social structure (17%), lack of government policy (13%), absence of family support and family dependency (12%), lack of women leadership (8%), and women's low level of education (5%). These factors collectively limit tribal women from making decisions. The respondents agreed that unless women are given enough space, they have less chance to experience upward social mobility.

### *Property Ownership*

Figure 2 illustrates the pattern of property ownership in tribal/indigenous communities of Assam. The study found that 95 percent of socioeconomic resources are controlled by male members of the family. Only three percent of the total family properties are owned by women. These include personal jewellery, livestock, and incomes generated from women-led self-help groups, among others. It is also observed that there is common property ownership (2%) in tribal communities,

such as joint bank deposits and farm lands (if jointly purchased by husband and wife). According to the respondents, these properties are jointly owned and managed by both husband and wife.

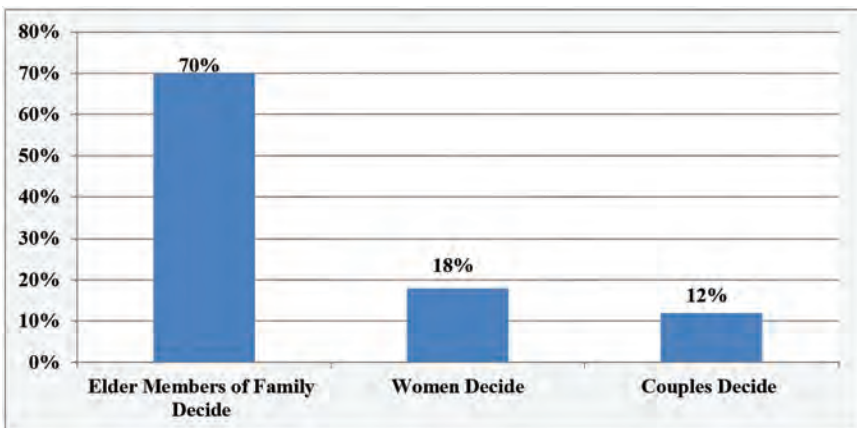
**Figure 2.** Land and Property Ownership in Tribal/Indigenous Communities



Source: Field data.

### *Decision Making in Marriage and Family Planning*

**Figure 3.** Decision Makers in Marriage



Source: Field data.

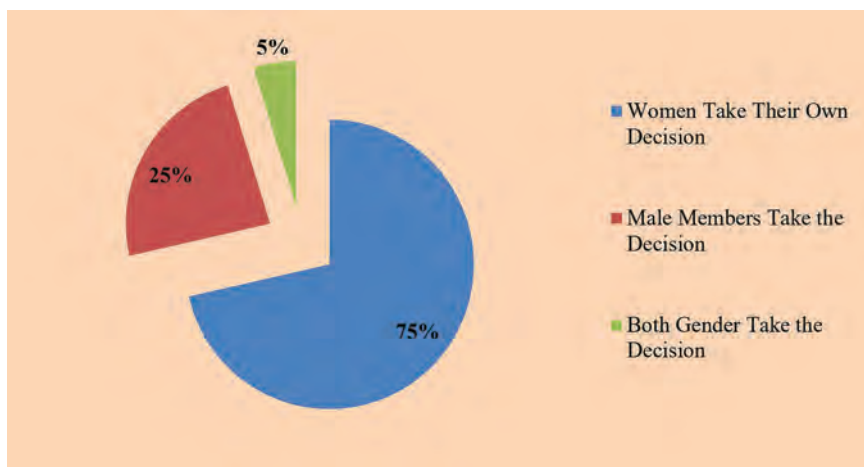


The study found that at least 70 percent of the respondents viewed the elder members (both male and female) of the family and relatives as those who make the final decisions on marriage, while 18 percent observed that women are free to decide with regards to marriage and family planning (Fig. 3). However, at least 12 percent of the respondents said that marital decisions are made by the couples themselves, although this is primarily in the case of love marriage.

### *Decision Making in Cultural Sphere*

Culture is one area where women enjoy given freedom in tribal communities. However, this is based on the common misconception and traditional practices that women are the custodians of indigenous culture and traditions. Ironically, this cultural autonomy is limited to the weaving of traditional attire, performances in community gatherings, and social events. Women are always expected to preserve and promote the cultural identity and practices of the community and represent them outside their respective community. However, it is equally important to discuss that indigenous women are discouraged from embracing modern lifestyles, such as the wearing of non-tribal attire. They are expected to wear their

**Figure 4.** Decision-Making Power in Cultural Sphere



Source: Field data.

traditional dresses while attending every social and community event like weddings, meetings, festivals, and social gatherings, among others.

Figure 4 indicates the levels of autonomy that indigenous women enjoy in making decisions on cultural matters. It was found that at least 75 percent of indigenous women have the liberty to decide on cultural matters. However, at least 25 percent of the total respondents also observed that indigenous women are actually not given enough liberty on cultural affairs; they are dictated on by the male members of the family and society. Only a small fraction of the respondents (5%) agreed that decisions are arrived at based on common understanding and necessity of time and situation.

### *Women Leadership in Major National and Regional Political Parties*

Representation of tribal communities in Assam and Indian politics is a serious issue as there is almost zero representation in political parties. The table indicates that indigenous women have very low representation in the Central Committee/District Committee of seven major political parties in Assam. As of July 2018, only eight tribal women were holding party leadership position in three different political parties across the state.

**Table 9.** Representation of Indigenous Women in Political Parties

SI No	Political Party	Number of Indigenous Women in Central/District Committee
01	Bodoland People's Front (BPF)	03
02	United People's Party-Liberal	01
03	Bharatya Janata Party (BJP): KAAC-3 & DHAC-1	04
04	Assam Gana Parishad	01
05	Indian National Congress (INC)	0
06	Trinamul Congress (TC)	0
07	<i>Communist Party of India (CPI)</i>	0

Source: Field data.

### *Representation in Nine Autonomous Councils of Assam*

Fifteen of the 126 assembly seats in Assam are reserved for the Scheduled Tribes. Four of these constituencies are in Karbi tribe-dominated Karbi Anglong district, one in Dima Hasao district and three in Upper Assam, mostly represented by the Mising tribe. Six constituencies are in Bodoland autonomous districts and the rest are in Rabha-dominated Goalpara district.

However, indigenous/tribal women are disproportionately represented in the Assam Assembly. Only four indigenous women have been elected to the State Assembly from 1972 to 2018. Anandi Bala Rabha, who belongs to the Rabha community, was the first tribal woman to be elected from the Dudhnoi constituency in Goalpara district in 1972. After a gap of more than 13 years, Rekha Rani Das Boro became the second woman to win a seat in the Barama Assembly in 1985. However, it may be noted that only five indigenous women have been elected to the Assam Assembly until 2018. The 14 seats in the Loko Sabha and seven seats in the Rajya Sabha represent Assam in the Indian Parliament, but not a single tribal woman has ever been elected from the state to date. The following table illustrates the total number of tribal women candidates elected from different constituencies in Assam Assembly polls between 1972 and 2016.

Of Assam's nine tribal autonomous councils, three—Bodoland Territorial Council, Karbi Anglong Autonomous Council and Dima Hasao Autonomous District Council—were created by the Indian Parliament, and the rest by the Assam government. These three councils were established with the intention to provide sufficient political autonomy to the state's large number of tribal communities and bring socioeconomic, cultural, and linguistic development. However, these political experiments have failed to give enough space for women's participation in the political process. Ironically, in these three autonomous councils created under the provision of Sixth Schedule of the Indian Constitution, not a single Council Assembly seat is reserved for tribal women.

**Table 10.** Elected Indigenous Women Members in Assam Assembly

Year	Name of Candidate	Constituency	Political Party Affiliation	Name of Indigenous Community
2016	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Bodoland People's Front	Boro/Bodo
	Kamali Basumatary	64 Panery LAC, Udaiguri	Bodoland People's Front	Boro/Bodo
2013	Sumitra Patir	Dhemaji	Indian National Congress	Mishing
2011	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Bodoland People's Front	Boro/Bodo
2006	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Independent	Boro/Bodo
	Kamali Basumatary	64 Panery LAC, Udaiguri	Independent	Boro/Bodo
2001	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Independent	Boro/Bodo
	Kamali Basumatary	64 Panery LAC, Udaiguri	Independent	Boro/Bodo
1996	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Independent	Boro/Bodo
	Rekha Rani Das Boro	Barama	Asom Gana Parishad	Boro/Bodo
1991	Pramila Rani Brahma	Kokrajhar East, Kokrajhar	Independent	Boro/Bodo
1985	Rekha Rani Das Boro	Barama	Independent	Boro/Bodo
1972	Anandi Bala Rabha	Dudhnoi, Goalpara	Indian National Congress	Rabha

Source: Assam Legislative Assembly, <http://assamassembly.gov.in/index.html>.

There are basically three reasons for political marginalization of indigenous women in Assam. *First*, since India's independence in 1947, politics in the state has always been controlled by the Assamese ruling elite who never gave any space to tribal communities to participate in the electoral process. *Second*, the political leadership in tribal communities do not want women to engage actively in politics. *Third*, there is an absence of tribal women leadership in Assam. These are evident from the following table.

**Table 11.** Representation of Women in Nine Autonomous Councils of Assam

Sl. No	Name of Autonomous Council and Year Formed	Total No. of Autonomous Council Assembly Seats	No. of Council Seats Reserved for Women	Elected Tribal/ Indigenous Women Representatives
01	Bodoland Territorial Council (BTC), 2003	46	0	0
02	Karbi Anglong Autonomous District Council (KAADC), 1995	26	0	02
03	Dima Hasao Autonomous District Council (DHADC), 1995	26	0	01
04	Mising Autonomous Council (MAC), 1995	40	06 (any community)	06
05	Rabha Hasong Autonomous Council (RHAC), 1995	40	06 (any community)	07
06	Tiwa Autonomous Council (TAC), 1995	40	06 (any community)	06
07	Deori Autonomous Council (DAC),	20	03	06
08	Sonowal Kachari Autonomous Council (SKAC), 2005	30	05	06
09	Thengal Kachari Autonomous Council (TKAC), 2005	26	03	05

Source: Field work.

### *Representation in Bureaucratic Positions*

There is no authentic report to show how many tribal women are holding bureaucratic positions currently in India. Due to the high level of poverty among tribal communities, higher education is still inaccessible to these communities across the country even in recent times. The average literacy rate in Assam's tribal communities is estimated to be less than 60 percent. In such a climate, to enter the Indian bureaucracy is still a distant dream for all tribal communities. Table 12 indicates the low level of participation of tribal women in the different levels of bureaucratic positions in Assam.

**Table 12.** Tribal/Indigenous Women in Bureaucratic Positions

Sl. No	Name of Tribal/ Indigenous Community	Assam Civil Service (ACS) (1986-2017)	Indian Administrative Service (IAS) (1980-2018)	All India Revenue Service (ALRS) 1980-2017
01	Kabi	07	02	01
02	Boro-Kachari	11	0	0
03	Mising	10	0	0
04	Dimasa	03	01	0
05	Sonowal Kachari	03	02	01
06	Deori	01	0	0
07	Others smaller tribal groups	08	0	0

Source: Field data.

## CASE: WOMAN OF INDOMITABLE SPIRIT



Photo credit: Monjib Mochahari

Dr. Anjali Prabha Daimari of the Boro/Bodo indigenous community is an indigenous human rights and social activist in Assam. Born in 1964 in Adala Khasibari village in Assam's Udalguri district, Anjali grew up with three caring sisters and seven brothers who shaped her outlook in life, society and social activities. Her father, Rev Stephen Daimari, was a pastor for the Church of North India in the Boroland region of Assam, who also cultivated his lands to generate additional income to support his family and educate his 11 children. Her mother, Tarali Daimari, was a housewife who actively helped in adult education in her village and organized sociocultural programs for the local women and girls at a time of social restrictions for women. Her mother, whom Anjali used to follow when she would go out to teach at night, served as an inspiration.

Because of her parents' untiring efforts, Anjali and all her siblings were able to receive higher education and earned respectable social positions. She completed a post graduate degree in Modern Indian Language (Assamese) in Guwahati University in 2007 and a Ph.D. degree in 2016 with a dissertation on "Social and Cultural Transition of the Boros." From 1989 to 2016, she worked as assistant professor in a rural college, earning regular salary only from 1996. This period was crucial in her life as a human rights woman activist, as she began to intensify her struggle for the constitutional and historical rights of the indigenous people of Assam. After retiring from her teaching post in 2016, she ran as an Independent candidate for an Assembly seat (reserved for Scheduled Tribes) in Udalguri district under the Bodoland Territorial Areas District (BTAD). However, she lost the elections, but she has not given up hope of leading the community on the political front.

## Journey Into Human Rights Activism

Anjali's struggle for justice and rights of the indigenous and marginalized Boro people began with her own mother and older brothers and the economic and sexual exploitation she saw of the women of her own village:

My loving mother, who was a role model for me, influenced me tremendously through her work to be socially conscious, active, and responsible. In 1979 when I was 15 years old, a notorious local agent tried to sell me to an army personnel, but we later caught him. This incident made me socially conscious. I began my social initiative soon after my 12<sup>th</sup> Standard in 1983.

*When I returned to my village from Tezpur, I learnt that many Boro women who worked as laborers in the state's irrigation project in my locality were sexually exploited by some non-tribal contractors and labor supervisors. They were underpaid for their hard work and were asked to work overtime without any extra payment. After hearing this disturbing situation several times, I joined one of my friends and applied as an illiterate labourer to closely observe the situation. There at the project's construction camps I saw the women taken to the camps during the lunch break to prepare food but once there were exploited sexually. They were threatened with not receiving their wages if they revealed what was happening there. Some women were also made pregnant and gave birth to unwanted children; the men did not marry them.*

*Later, I managed to mobilize these tribal women, convincing and helping them escape from the trap laid by contractors who took advantage of them. After the project's completion, the contractor left the site without paying our daily wages. But I promised all the workers I would find the main contractor, and with my friends I searched for him in the town. Finding him, I told him I would take the issue to higher authority and ensure he would not get any work in future if he did not pay the workers. Later he came to my place and paid what was due to all the workers. Since then, my journey has been scripted with different challenges, but these difficulties have strengthened me to work more vigorously for the community.*



Anjali's work must be contextualized within the Boro nationalistic agitation for a separate homeland in Assam. Since the formation of the Plains Tribal Council of Assam (PTCA) in 1967, the Boro indigenous community has been engaged in vigorous forms of struggle to create a homeland of their own through the division of Assam into two states: Assam and Boroland. Between 1986 and 2018, more than 5,000 Boro people have died fighting for Boroland. The movement got its momentum in 1986 after the All Bodo Students Union (ABSU) became its front player and engineered the Divide Assam: Fifty-Fifty campaign. Also in 1986, another Boro revolutionary group, Boro Security Force (BrSF), renamed National Democratic Front of Boroland in 1994, was formed to fight for the liberation of Boroland from the Indian Union. These developments ushered new forms of political unrest which culminated in massive deployment of security and paramilitary forces across Assam that led to massive violation of human rights in the Boroland region.

This period provided a crucial platform for involvement of Boro women in the nationalistic struggle, becoming an integral part of the autonomy movement. New organizations headed by tribal women were formed, one of which is the Boro Women's Justice Forum (BWJF) currently working across the Northeast region.

The BWJF, formed by like-minded Boro women activists on October 3, 1992, was set up to protect the rights of Boro women during conflict situation, raise women's status and rights awareness among Boro women and Boro people, and bring peace in the region. Anjali became its first president and under her leadership, BWJF has travelled a long journey in the struggle for the rights of the indigenous people and social justice. She was instrumental in shaping the organization and bringing it forward to fight for causes, like indigenous and women's rights, socio-political emancipation of indigenous people, sexual violence, violation of human rights, and fake encounter killings in Boroland.

Anjali and BWJF have consistently protested excesses of the security forces who take advantage of the Armed Forces Special Powers Act (AFSPA), the most draconian law passed by

the Indian Parliament and imposed in the Northeast region to suppress armed revolutionaries. For instance, on October 22, 2008 hundreds of women along with BWJF, with “Rape Us” inscribed on their chests and backs, boldly protested the rape of two women above 50 years old in Udalguri district by the Central Reserve Police Force.

With various conflicts in Boroland—within the community, between communities, and between state and non-state actors—the BWJF is also among the few regional organizations helping to bring peace and normalcy in the region. A successful outcome of their sustained efforts is the formation in November 2010 of the Bodo National Conference (BNC), a conglomeration of 29 Boro socio-political and cultural organizations from Assam, West Bengal, Mumbai, Delhi, Nagaland, and Nepal. Anjali became one of its secretaries to lead the body as a common platform for all civil, political, and non-political Boro organizations to fight for common causes. The BNC worked for greater unity, reconciliation, and recovery from armed violence among civil society, Boro leaders and organizations who were engaged in fratricidal killings since the late 1990s. Its peace efforts culminated in official peace talks between the Indian government and the National Democratic Front of Boroland, an armed revolutionary group led by Ranjan Daimari, Anjali’s elder brother.

Alongside her struggle for indigenous and democratic rights, Anjali equally fought against social ills such as witch hunting, alcoholism, child marriage, illiteracy, and polygamy. The Boro community to which she belongs is one of the most backward communities in Northeast India due to years of exploitation and sociopolitical marginalization by the dominant ruling elite. What began in her little village has further taken her beyond borders in the past several years. She was the first person to represent the Boro community at the United Nations in 1996 and since then has represented their issues in various international platforms organized in the United States and in European and Asian countries.

Anjali faced difficult challenges from different quarters in her 25 years of struggle for justice and human and indigenous peoples’ rights. After two months as president of BWJF, she was

kidnapped by state forces at midnight on 27 April 1993 and was later arrested and jailed for more than six months under the draconian Terrorist and Disruptive Activities (Prevention) Act 1985. Her elder brother and two other relatives were also kidnapped on the same night. After fighting a legal battle for 11 years, Anjali was acquitted by the TADA Court in July 2004. Her passport was impounded by the government for nine years. In October 2009, she escaped an assassination attempt just outside the college where she worked for 26 years. Her older sister was shot dead in broad daylight on January 4, 2010. For most years since 1996 to date, Anjali has been under the protection of a Personal Security Officer (PSO) provided by the state government.

One big challenge she has had to experience even in recent times is unavailability of financial resources. Her work depends entirely on very little contributions she receives from well-wishers. Apart from these, being a mother of one daughter and a son, she has to navigate her personal time between family and societal responsibilities. Her struggle for a cause is an inspiration to many people.



## Conclusions and Recommendations

In light of the findings of this research, the following conclusions and recommendations are made.

### Tripura

- Equality of men and women, traditionally practiced in culturally and historically rich Tripura state, is declining. Reviving this good cultural practice is urgent and should be supported by states through the implementation of laws and programs that favor and uplift women.
- The government and communities should support and strengthen indigenous customary laws, and make peace and indigenous peoples' welfare top priority.

- The state should provide all sectors of indigenous communities—elderly, youth and children, women, and men—with opportunities for employment and support for education in villages and cities.
- The state should properly enforce the policy on reservations for indigenous peoples in education and employment, especially for indigenous women and children, provided for in the Constitution of India.
- Traditional cultivation like jhum/shifting cultivation, along with wet land cultivation, should be supported and encouraged by the government where possible.
- The rich indigenous history of Tripura should be encouraged for further research and included in the syllabus of schools, colleges, and universities.
- The youth and children should be encouraged to pursue education through various educational programs, vocational training, scholarships, and other kinds of support to meet school needs including books and living expenses.

## Violence Against Women

- The states should conduct fair investigation of cases of violence against indigenous women, punish perpetrators, and provide justice to victims, including proper medical treatment, counseling, and compensation.
- A holistic approach including rational and scientific thinking, not education alone, should be used to change people's minds and practices on the sensitive and challenging issue of witchcraft and other superstitious beliefs. The government needs to undertake a massive awareness drive on witchcraft's impacts and on the laws that punish witch killing as a crime, especially in tribal regions where it is on the rise. Community leaders and village heads should counsel villagers, motivate and involve the youth, and gain public support for victims.

- Survivors of various forms of violence against women should be united and mobilized to fight for their rights.
- Data on domestic and migrant workers should be disaggregated by gender and ethnicity.
- Policy impact assessment should be made by civil society organizations.
- This study's findings can contribute to the UN Sustainable Development Goals, in particular Target 8.7, which calls for effective measures to end forced labor, modern slavery and human trafficking, and child labor in all its forms.

## Indigenous Women Leadership

- Indigenous women leadership should be built and promoted through the creation of more social and political space for indigenous women and their engagement at different levels of activities, institutions, and organizations, including politics and the bureaucracy.
- A culture of shared responsibilities, women leadership, and success stories of indigenous women leaders as role models should be promoted in tribal/indigenous communities.
- More awareness must be raised on indigenous women's rights, and women-led initiatives should be supported by the government and society.
- Education of indigenous women should be promoted through policy measures and sustained efforts.
- Equal participation of women in self-governance is the best guarantee for a democratic nation.
- Women human rights activists should be provided with protection as well as moral, intellectual, material, and financial support to aid them in their work and service to humanity.

- Indigenous peoples' rights, which indigenous peoples will continually fight for as long as these are denied, should be recognized. This includes the right to identity and preservation of language, culture, and traditions; these should be protected, documented, and allowed to thrive to ensure dynamic living cultures.

## Research Contributors

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## Endnotes

<sup>1</sup> Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division, Government of India, New Delhi, p.1.

<sup>2</sup> Ibid. p.2.

<sup>3</sup> The study used a qualitative research methodology. Data were based on both primary and secondary sources using qualitative methods: interview, case study, focus group discussion, meeting and interaction with the community and pertinent government officials. A random sampling method was followed to select respondents. For the cases on discrimination and violence against women, the researchers and their organization members personally visited the victims and their family in their village. Where the victim had passed away, they met with the family and village people.

<sup>4</sup> Ibid. p.3.

<sup>5</sup> Nulkar, Vinay Kumar and Muthumani, M.K., Tribal Women: Health Status of Tribal Women in India, Commonwealth Publications, New Delhi, 2014, p.107.

<sup>6</sup> Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division, Government of India, New Delhi, p.14.

<sup>7</sup> Ibid. p.19.

<sup>8</sup> Nulkar, Vinay Kumar and Muthumani, M.K., Tribal Women: Health Status of Tribal Women in India, Commonwealth Publications, New Delhi, 2014, p.113.

<sup>9</sup> Ibid. p.22.

<sup>10</sup> <http://archive.indianexpress.com/news/tribal-girls-becoming-guinea-pigs-in-gates-foundation-study-report/875562/>.

<sup>11</sup> The Hindu, August 2, 2008 available on <https://www.thehindu.com/news/national/other-states/meghalaya-tribal-lineage-bill-turns-heat-on-children-of-mixed-marriages/article24583551.ece>.

<sup>12</sup> Naxalites also known as Maoists are a group of far-left radical communists supportive of Maoist political sentiment and ideology. The Naxalite–Maoist insurgency is an ongoing conflict between Naxalites and the Indian government.

<sup>13</sup> The National Family Health Survey-3, 2005-06, Ministry of Health and Family Welfare, Govt. of India and Statistical Profile of Scheduled Tribes in India 2013, p.297.

<sup>14</sup> Ibid. p.298.

<sup>15</sup> Ibid. p.299.

<sup>16</sup> Ibid. p.293.

<sup>17</sup> Ibid. p.294.

<sup>18</sup> Ibid. p.296.

<sup>19</sup> Ibid.

<sup>20</sup> On behalf of the Interstate Adivasi Women's Network, mainland India, this section of the study was contributed by Mamta Kujur, Secretary, Adivasi Mahila Maha Sangh and Jashpur Jan Vikas Sansthan-Chhattisgarh, and Alma Grace Barla, independent writer and research consultant, Odisha/Bangalore.

<sup>21</sup> <http://www.stscodisha.gov.in/Aboutus.asp?GL=abt&PL=1>.

<sup>22</sup> Jharkhand Economic Survey 2016-17, p 316 available at [https://finance-jharkhand.gov.in/download/oth\\_updates/2112017\\_264.pdf](https://finance-jharkhand.gov.in/download/oth_updates/2112017_264.pdf).

<sup>23</sup> Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division Government of India, New Delhi, p.158v.

<sup>24</sup> Report of the High Level Committee on Socioeconomic, Health and Educational Status of Tribal Communities of India, Ministry of Tribal Affairs, Govt. of India, May, 2014, p.49.

<sup>25</sup> Ibid.

<sup>26</sup> <http://ncrb.gov.in/StatPublications/CII/PrevPublications.htm>.

<sup>27</sup> Over 2,000 women killed in India for practicing 'black magic' in 14 years. India Today, June 20, 2016, available in <https://www.indiatoday.in/india/story/over-2000-women-killed-in-india-for-practicing-black-magic-in-14-years-15280-2016-06-20>. Also see <http://ncrb.gov.in/StatPublications/CII/PrevPublications.htm>.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Witch-hunts in Sundargarh, Orissa, *The Frontline*, Volume 22 - Issue 11, May 21 - Jun. 03, 2005, available at <https://www.frontline.in/static/html/fl2211/stories/20050603002504100.htm>.

<sup>31</sup> Press Trust of India, September 23, 2018 and News18.

<sup>32</sup> Case study documented by Alma Grace Barla.

<sup>33</sup> Case study prepared by Alma Grace Barla.

<sup>34</sup> Case study documented by Dr. Vasavi Kiro, Torang Trust, Ranchi, Jharkhand.

<sup>35</sup> Statistical Profile of Scheduled Tribes in India 2013, Ministry of Tribal Affairs, Statistics Division, Government of India, New Delhi, p.63.

<sup>36</sup> Society for Regional Research and Analysis, Migration of Tribal Women: Its Socioeconomic Effects and In-depth Study of Chhattisgarh,



Jharkhand, M.P and Orissa, submitted to the Planning Commission, Govt. of India, New Delhi. October 2010.

<sup>37</sup> Situational Report on Human Trafficking in Jharkhand, 2015, Shakti Vahini, New Delhi, p.123.

<sup>38</sup> Case study documented by the Jashpur Jan Vikash Sanstha, Chhattisgarh.

<sup>39</sup> Case study documented by Alma Grace Barla.

<sup>40</sup> Case study prepared by Alma Grace Barla.

<sup>41</sup> This section of the study was contributed by Khumtiya Debbarma, Secretary, Borok Women Forum-Tripura and Convenor of Indigenous Women Forum of Northeast India (IWFNEI).

<sup>42</sup> As per present State of Tripura record.

<sup>43</sup> King/Father which is an honorable term addressed to a leader in the Kokborok indigenous language of Tripura.

<sup>44</sup> As discussed with the village women.

<sup>45</sup> As discussed with the social worker Phirsati.

<sup>46</sup> Local Television News Channel last visited 12/8/2018, KoK Tripura.

<sup>47</sup> As discussed by the researcher scholars of Tripura University.

<sup>48</sup> As discussed by the village children and other people.

<sup>49</sup> A kind of punishment in which perpetrator is avoided by community and shunned in any kind of social gathering.

<sup>50</sup> As discussed with the community leader.

<sup>51</sup> The present Feni river is within the international border between Bangladesh and India (specifically in Tripura).

<sup>52</sup> As discussed by concerned village people.

<sup>53</sup> Phirsati Debbarma, social worker.

<sup>54</sup> Ibid.

<sup>55</sup> A mass-based organization.

<sup>56</sup> An indigenous Triprasa word of Tripura meaning owner, leader and king.

<sup>57</sup> This report was contributed by Khesheli Chishi, Secretary, Naga Indigenous Women's Network-Nagaland and Advisor of IWFNEI.

<sup>58</sup> Primary data were collected from the following districts of Assam: Kokrajhar, Udalguri, Chirang, Baksa, Bongaigaon, Karbi Anglong, Dima Hasao, Dhemaji, Dibrugarh, Lakhimpur, Nagaon, Goalpara and Guwahati city.

<sup>59</sup> Census of India 2011 retrieved 19 May 2018 from <http://censusindia.gov.in/>.

<sup>60</sup> In this paper the terms “Boro” and “Bodo” have been used interchangeably as the meaning is the same.

<sup>61</sup> Source: Religion and Castism.

<sup>62</sup> For example, All Bodo Women Welfare Federation extended enormous support to All Bodo Students Union while agitating for separate Bodoland state between 1986 and 1996.

<sup>63</sup> Territorial Autonomous Council created under Sixth Schedule of Indian Constitution in February 2003. It comprises four districts – Kokrajhar, Chirang, and Baksa and Udalguri.

<sup>64</sup> Territorial Autonomous Council created under Sixth Schedule of Indian Constitution in February 2003.

<sup>65</sup> Territorial Autonomous Council created under Sixth Schedule of Indian Constitution in February 2003.

<sup>66</sup> MAC is an autonomous tribal council of the Mising people in the State of Assam in India created in 1995, with its headquarters in Dhemaji district of Assam.

<sup>67</sup> RHAC was constituted by the Government of Assam in 2005 for the all-round development—economic, educational, sociocultural—and ethnic identity of Rabha people residing in the council area.

<sup>68</sup> TAC was created in 1995 for Tiwa tribal community of Assam.

<sup>69</sup> DAC was established under the Deori Autonomous Council Act passed by Assam Legislative Assembly in 2005. The Council was envisaged to work for social, economic, educational, ethnic and cultural advancement of the Deori, other Scheduled Tribes, Protected Classes and all other communities residing in Deori Autonomous Council area of Assam.

<sup>70</sup> The term “Boro” and “Bodo” represent the same community.

<sup>71</sup> Boroland/Bodoland region falls within the federal state of Assam which is being demanded by the Bodo indigenous community as a separate state. This demand first surfaced in the late 1960s. However, due to lack of any pragmatic political solution the demand for Bodo homeland is still continuing.

<sup>72</sup> There are four districts under Bodoland Territorial Council (BTC) – Kokrajhar, Chirang, Baksa, and Udalguri. These four district councils are identified as BTAD area but within the federal state of Assam. BTC was formed after the Bodoland Liberation Tiger Force (BLTF), an armed group, signed a peace accord with the Indian government in February 2003.

<sup>73</sup> Different Strokes, *The Telegraph*, March 28, 2016. Retrieved on Sept 24, 2018, <https://www.telegraphindia.com/states/north-east/different-strokes/cid/1408216>.

<sup>74</sup> Enough is enough, 5000 martyrs are enough to create Bodoland. Retrieved September 10, 2018 from <https://absu.site.wordpress.com/2018/09/24/enough-is-enough-5000-martyrs-are-enough-to-create-bodoland-as-separate-state/>.

<sup>75</sup> ABSU is a powerful students union in Assam currently agitating for a separate homeland. It was formed in 1967.

<sup>76</sup> The Bodoland People's Front (BPF) is a state political party in Assam that has been ruling the Bodoland Territorial Council since its formation in February 2003.

<sup>77</sup> Talukdar, Sushanta. (2010), New body of Bodos to work for Statehood. Retrieved 10 April 2018, from <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article899899.ece>.

<sup>78</sup> NDFB entered into peace talks with Indian government in 2005. In 2008, the NDFB suffered a major split into two groups – one led by Govinda Basumatary and another by Ranjan Daimari. Again in 2012, the faction led by Ranjan Daimari split into two groups. Currently the groups led by Govinda Basumatary and Ranjan Daimari are in peace talks with the Indian government. The third faction is yet to enter into ceasefire.

<sup>79</sup> Among the international conferences Anjali attended: 14<sup>th</sup> Session of United Nations Working Group on Indigenous Population (Geneva, Switzerland, 1996), First Asian Indigenous People's Workshop on the Permanent Forum of Indigenous Peoples in the UN, (Indore, India, 1998), First Conference of South Asia Indigenous Women's Forum (Kathmandu, 2003), 6<sup>th</sup>, 7<sup>th</sup> and 16<sup>th</sup> Sessions of UN Permanent Forum on Indigenous Issues (New York 2007, 2008, 2017), South Asia Sub-Regional Workshop on the Protection and Promotion of Indigenous People's Rights (Ranchi, India, 2009), Second World Congress against Sexual Exploitation of Women and Girls (New Delhi, India, 2017), 62<sup>nd</sup> Session of the UN Commission on the Status of Women (New York, 2018), 4<sup>th</sup> Conference of Asian Indigenous Women's Network (Bangkok, Thailand, 2018).





The three country studies in this volume reflect the disempowerment of indigenous women, resulting from intersecting factors over time and space in heterogenous societies in a part of South Asia. The complex barrier created by overlaying sheets of colonial oppression and discrimination, patriarchy and feudalism...has yet to be addressed substantially if we are to achieve the goals set in the Beijing Declaration and Platform for Action and the present Sustainable Development Goals (SDGs).

