



Tribal Women and their Cry for Human Rights: With Special Reference to Odisha

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Abstract: Tribal population is scattered throughout the world, but, though their varied cultures are highly talked about, their rights are often ignored. Tribal women receive an even harsher punishment because they are subject to two levels of vulnerability, one caused by their biological sex and another by their tribal roots. The Commonwealth nation of India has a substantial tribal population. The present paper examines the socioeconomic, health, educational, and employment status of tribal women. Despite constitutional protection and assurances, even after four and a half decades, their status is found to be lower than not only that of women in the general population and the Scheduled Caste women but is also lower than the status of tribal men. It is characterized by overwork, the intrusion of sexually exploitative market forces into tribal society, illiteracy, subhuman living conditions, high fertility, high malnutrition, and proximity to women. Early intervention for tribal girls is emphasized to improve tribal women's status. This paper compares the extent to which these legal instruments are justiciable and examines the international and national safeguards available to India's tribal women.

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Introduction

Even though August 9 marked International Day of the World's Indigenous Peoples, it is not too late to consider the rights of India's indigenous people. President of India Smt. Droupadi Murmu leads the celebrations of Janjatiya Gaurav Divas on 15th November 2022.¹ The judgment of the Supreme Court of India on July 17, 2025. In *Ram Charan and Ors. vs Sukhram and Ors.*², the Bench of Justice Sanjay Karol and Justice Joymalya Bagchi equated the denial of daughters' fundamental right to equality with the exclusion of daughters from ancestral property. Thus, looking at the issue of a tribal woman's property rights through the lens of gender equality becomes significant. The majority of tribal women do not have statutory rights to ancestral property, except in the north-east, where some tribes practice matrilineity. This is a grave example of gender inequality.³

A tribe, according to India's Imperial Gazetteer, is a group of families that share a common name, speak the same dialect, and live in or claim to live in the same area. The melting pot of various tribes and races is India. India has the second highest proportion of tribal people in the world, after Africa. As per the 2011 Census, the tribal population constitutes about 8.9% of the total population in India. The

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¹ Year End Review 2022: Ministry of Tribal Affairs <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1887716>

² (2025 INSC 865)

³ September 13, 2025 12:34 pm IST <https://www.thehindu.com/opinion/op-ed/property-rights-tribals-and-the-gender-parity-gap/article70042998.ece>

Scheduled Area covers parts of 10 central Indian states – Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh, Himachal Pradesh, Rajasthan, Madhya Pradesh, Maharashtra and Gujarat.

Even though there has been a significant increase of 12.32 percent in the Budget Outlay of Rs., these insights contribute to the broader discussion of empowerment by highlighting the need for intersectional and multi-dimensional approaches to achieve sustainable development. 8451 Cr for the period of 2022-23 for the Ministry of Tribal Affairs. Between April 1 and December 31, 2022, the Ministry of Tribal Affairs offered scholarships to 26.37 lakh tribal students through DBT. The entire expenditure of Rs. 28,920 Cr for the construction of 452 brand-new Eklavya Model Residential schools, the renovation of 211 existing schools, and the establishment of 15 Sports Centers of Excellence from 2021-2022.

Current Status

Technically, "Human Rights mean the rights relating to life, liberty, equality and dignity of individual, guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India".¹

The "status" of tribal women is defined as (i) the position that women hold in households, as workers, and as citizens; (ii) the empowerment, decision-making authority, and human dignity that are attached to their positions; and (iii) the rights and responsibilities that they are expected to fulfill. However, tribal women generally have the lowest status because they lack access to knowledge, economic resources, decision-making authority, and the greatest degree of personal autonomy. However, other minor groups in some tribal areas were the subject of other studies. Fundamental rights granted by the constitution guarantee the state's guarantee of basic necessities like food, shelter, education, employment, human development, and social welfare. The State is obligated to uphold human dignity, promote human development, and safeguard human life. The citizenry expects the state to act in a just manner.

The status of women is unique in every society, whether developed or developing or underdeveloped. The caste society and the tribal society, for instance, are two more general societies in India. Gender issues are present at various levels in both of these societies. Women are subjected to rape, dowry, crime, political violence, and other forms of discrimination in caste society. The issue of gender inequality takes on a number of different forms in tribal society. Women in this society work harder than men, but they are more susceptible to male chauvinism. They are mistreated and beaten. Worse still, tribal women spend their entire lives working hard on the land and do not have any right to land.

The tribal population is one of the most vulnerable and marginalized segments of society, primarily residing in rural and remote areas. Moreover, they lag behind all other social groups in various social, health and developmental indicators. India's socioeconomic transformation will remain incomplete without addressing the concerns of the vulnerable population, making it impossible to achieve the UN Sustainable Development Goals, to which India has committed itself and other nations.²

Existence and Rights

With over 10.4 million people, Scheduled Tribes (ST) make up about 8.6% of India's total population.³ Even though there is a lot of social and cultural literature that defines the characteristics and differences among India's many tribes, very little cross-disciplinary research has been done on women's status among India's tribal people.⁴

However, tribal women make up roughly half of the population, just like other social groups. Women outnumber men in primary and secondary subsistence labour. Mizoram has the highest percentage of tribal people in India, with 22.85 percent, making it the 10th state..⁵

Scheduled tribes are ethnic groups that have been recognized by the Indian Constitution. Despite the difficulties in defining indigenous populations, including those indigenous to India, the Indian

¹ Protection of Human Rights Act, 1993, Section 2 (d)

² NITI Aayog. India's commitment to the SDGs: PM's statement at the UN Summit for the adoption of Post-2015 Development Agenda. [accessed on March 1st, 2026]. Available from: <https://niti.gov.in/india-scommitment-to-the-sdgs>

³ Year End Review 2022: Ministry of Tribal Affairs Press Information Bureau, <https://pib.gov.in/PressReleasePage.aspx?PRID=1887716> (last visited 6-03-2026)

⁴ Aparna Mitra, The status of women among the scheduled tribes in India, 37 The Journal of Socio-Economics, 1202–1217 (2008)

⁵ Statewise Total & Tribal Population of India (As per 2011 Census) Accessed on 1-3-2026 <https://trti.maharashtra.gov.in/statewiseTotalTribal>

government's "scheduled tribes" group has frequently been considered indigenous. The indigenous population of India that the Government of India considers to be socially and economically backward and in need of special protection from social injustice and exploitation is primarily comprised of scheduled tribes. The Government of India identifies communities as scheduled tribes based on a community's "primitive traits, distinctive culture, shyness with the public at large, geographical isolation and social and economic backwardness", with substantial variations in each of these dimensions with respect to different scheduled tribe communities.

In 1929, Indian women were granted equal rights to property and inheritance to men. The Indian Constitution gave women equal rights in education, employment, wages, property, and marriage after independence in 1947. The government, led by the late Prime Minister Shri Rajiv Gandhi, passed a bill to give women 33% of seats in Panchayat Raj institutions so that they can actively participate in the grass root level. This was done in response to the needs and demands of women. In fact, our women were inspired by women in Western countries by the experience of reservation at the panchayat level in India, which has increased the number of women in local bodies..¹

In India, the Panchayat Raj has given women new authority at various levels of local self-government. Men are always in a better position than women in the power structure. In a broader sense, human rights include basic needs, economic security, human development, and women's empowerment, which elevates tribal women's status. Every Indian citizen is granted numerous rights by the Constitution. The Constitutional amendments increase the rights of all less fortunate groups, particularly women and scheduled castes and tribes in general..²

However, India has a long and unbroken tradition of expanding its legal framework and geographical area in a way that recognizes the continuity of tribal customs, practices, and institutions. The tribal regions remained outside the princely States, either on their own or as a nominal part of them. The majority of them were left to govern themselves through their customary and established institutions of governance. The British followed suit by passing a slew of laws to make the colonial regime's exclusion of tribal areas official. In Chaibasa, which is located in the Kolhan areas of Jharkhand, Wilkinson's Rule of 1837 made the traditional Manki-Munda system legal. Women are not excluded from inheriting under these laws.

In Arunachal Pradesh, Mizoram, the Hill areas of Manipur (extended to the rest of Manipur in 2019) and Nagaland, the Inner Line Permit issued under the Bengal Eastern Frontier Regulation, 1873 regulates outsiders' entry and prevents residents of other parts of India from acquiring "any interest in land" even now. The Scheduled District Act, 1874 kept the tribals of the Scheduled Districts free from the automatic application of colonial laws unless extended with or without modification. The Santhal Pargana Tenancy Act of 1876 and the Chotanagpur Tenancy Act of 1908 safeguarded the Santal, Munda, and Oraon land governance regimes.

The tribal areas in the northeast and central Indian tribal belt that had been declared excluded or partially excluded were given provincial autonomy and elected governments by the Government of India Act of 1935. However, there was one exception: the Imperial Forest Department, established in 1864, steadily invaded and colonized large portions of the forested tribal homelands, with the exception of most of the north-east, under the Forest Act of 1865, which served as a precursor to the Indian Forest Act of 1927 and other state laws of a similar nature. Later, India's constitutional framework carved out a permanent spot at its core, acknowledging and complying with the demands of tribal peoples for political autonomy. The Fifth Schedule under Article 244 requires the governor to make a regulation to prohibit or restrict land transfer by or among tribal and regulate the allotment of land to tribal in the Scheduled Area.

Because of common socioeconomic and demographic factors like poverty, illiteracy, a lack of developmental resources, inadequate primary health care, and so on, Indigenous societies in India are unquestionably regarded as the weakest segments of the population. Despite the protection given to the indigenous population by the constitution of India in 1950, Scheduled Tribes remains the most backward and ethnic group in India. They are behind not only the general population but also Schedule Caste and other backward classes. In fact, in many ways, the situation of India's indigenous tribes or indigenous population has gotten worse since independence. Although there have been a number of studies in India

¹ The Indian Express, reported on December 4, 1996.

² Election Commission for UTs accesseesd on 20 february, 2026. <https://secforuts.mha.gov.in/73rd-amendment-of-panchayati-raj-in-india/>

on the general population's nutritional status of mothers, there is a lack of information on the nutritional and health status of indigenous women. Even though indigenous women in India experience high rates of female morbidity and mortality, they do not typically seek medical care from health centers. This is a striking feature.¹ They simply ignore serious health issues like RTIs/STDs, menstrual disorders, and unwanted pregnancies because they are unaware of them and generally do not have access to adequate information and guidance from health facilities. The Scheduled Tribes also had a low level of both knowledge and practice of family planning.

The rights of Indigenous Peoples to land and self-government are recognized by a number of laws and constitutional provisions in India, such as the Fifth Schedule for Central India and the Sixth List for certain northeastern regions, but their implementation is far from satisfactory. The United Nations Declaration on the Rights of Indigenous Peoples was approved by India on the condition that all Indians would be Indigenous after independence. As a result, the UNDRIP and the concept of "Indigenous Peoples" are not applicable to India.²

Population and Sample

India's population, including members of scheduled tribes (ST), is undergoing demographic, socioeconomic, and health transformation in today's interconnected, globalized world. Indian tribal people now make up 104 million people, or 8.6% of the country's population, according to the 2011 census, up from 8.2% in 2001. They are spread out across 30 States and Union Territories of India and belong to 705 distinct ethnic groups. They have a variety of life and cultural practices. The official name for these ethnic groups is "Scheduled Tribes." In central India, the Scheduled Tribes are usually referred to as Adivasis, which literally means Indigenous Peoples.

Odisha occupies a unique position among the Indian States and Union Territories for having a rich and colourful tribal scenario. Majority of Scheduled Tribes live in hilly and forest regions. Their economy is largely focused on subsistence, non-specialized, and stratified. Their social system is simple and aspirations and needs are not many. Though the Scheduled Tribes in Odisha have suffered from social, educational and economic backwardness due to geo-historical reasons, they have their own distinctiveness and social-cultural milieu. After independence, the process of socioeconomic development has picked up speed. 64 Scheduled Tribes in Odisha speak as many as 74 dialects. They have a rich and diverse ethos, ideology, worldview, value orientations, and cultural heritage. There are skilled settled agriculturists and horticulturists at one end of the scale, while there are nomadic food gatherers and hunters at the other. The tribal areas of Odisha, therefore, present an extremely diverse socio-economic panorama which are:

• Bagata	• Gond	• Lodha
• Baiga	• Ho	• Madia
• Banjara	• Holva	• Mahali
• Bathudi	• Jatapu	• Mankidi
• Bhottada	• Juang	• Mankirdia
• Bhuiya	• Kandha Gauda	• Matya
• Bhumia	• Kavar	• Mirdhas
• Bhumij	• Kharia	• Muka Dora
• Bhunjia	• Kharwar	• Munda
• Binjhal	• Khond	• Mundari
• Binjhia	• Kisan	• Omanatya
• Birhor	• Kol	• Oraon
• BondoPoraja	• KolahLoharas	• Parenga
• Chenchu	• Kolha	• Paroja
• Dal	• Koli	• Pentia
• Desia Bhumij	• Kondadora	• Rajuar

¹ Government of India (1950) Constitution of India. Part XVI. Special provisions relating to certain classes New Delhi: Government of India

² Indigenous peoples in India <https://iwgia.org/en/india.html>

• Dharua	• Konda Reddy	• Santal
• Didayi	• Kora	• Saora
• Gadaba	• Korua	• Shabar
• Gandia	• Kotia	• Sounti
• Ghara	• Koya	• Tharua
	• Kulis	

Odisha, with a tribal population of 9590756 people, is the third most tribally diverse state in the country, according to the 2011 Census. The state has the unique distinction of having 64 different tribal communities spread over 30 districts and 314 blocks. They contribute 9.17 percent of the nation's tribal population and 22.85% of the state's total population. The ST population's expansion and distribution hold particular significance. Therefore, for effective planning, research, and policy formulation, it is extremely important to conduct analysis of the distribution and location of scheduled tribes in Odisha.¹

Findings

A total of 100 samples were collected through interview schedule as various respondents were hesitant and many people were not willing to be communicated and thus respondents reduced accordingly.

- **Question 1:** What was your age of marriage if married and what is your perception of partner.

Response collected from Question 1: The sample stated about the present health situation of Santhal tribal reproductive women, wherein 99.9% are married between the ages of 12 to 15. They followed Raja Raji form of marriage in which the boy and girl eloped from the house and living together as man and wife. The guardian traced and brings them to home.

- **Question 2:** Discuss forms of marriage being practiced and one you support.

Response collected from Question 2: The sample stated that women are married and their respective husband living with them. This followed monogamous marriage. Only two women mentioned that husband has two wives but they are staying with them. The Santhal tribal women, are illiterate and are agricultural workers, factory worker or are working at rice mill etc. but only get seasonal work.

- **Question 3:** No of Children and your experience regarding government during pregnancy.

Response collected from Question 3: They have maximum three children. Women have Mother Child Protection Card and receiving Iron and Folic Acid Supplements. Women are protected against neonatal tetanus and provided advice such as breast feeding, institutional delivery, keeping the baby warm, cord care and family planning from health professionals. Most of the women around 80% reported that they did not feel any untouchable issue from the side of health professionals and only two women reported the feeling that they were treated as untouchables by the health professionals. Forty women stated that they took an ultra sound test and while rest sixty women during their pregnancy period did not underwent for ultrasound for once.

- **Question no 4:** Discuss the Situation of infant after birth

Response collected from Question 4: For Infant mortality data Ten women out of one hundred stated that during birth infant was living, but later within few months died. Ninety women took a child one year gap and ten women conceived child after minimum of 2 years gap. Children are getting vaccination against childhood illnesses. Thirty women are not getting Integrated Development Services in Maa Gruha . Ninety women's children have anemia.

- **Question no 5:** Did Miscarriage happen at any phase in life and what is your perception regarding it.

Response collected from Question 5: Twenty women out of one hundred, have faced miscarriage and they believed that an evil spirit was the reason of the mishap. They are superstitious and strongly believe on paranormal elements including. They believe in witches(*gunigaredi*). Forty women aborted by the help of medicine.

- **Question no 6:** Discuss experience during pregnancy regarding delivery and government help.

Response collected from Question 6: Ten Women surgical operation by private clinic. Ninety women took institutional delivery and ten women gave the birth to a child under supervision of daiburi

¹ <https://www.scstrti.in/index.php/communities/tribes>

who used a clean blade to cut the cord. Ninetyeight women got immediate treatment in the hospital and 2 women reported they are waiting for treatment in the hospital. Quack doctor or registered medical practitioner or other Quack doctor had done abortion in their private chamber. Reason of abortion was due to poverty or health issues. The woman stated that due to financial reasons or cause of there being fewer gaps between previous and current pregnancy.

They all took bath during pregnancy but they did not apply water to their head. One hundred twenty tribal women are not using the bathroom because they do not have a bathroom and available water facility. Out of One hundred, ten women underwent ligation. One hundred women have no reproductive tract issues and sexually transmitted diseases and also they have no knowledge HIV/ AIDS. One hundred women have the right to take decision to conceive their child. One hundred women are getting antenatal care from health professional from ANM and lady health visitors Response collected from

- **Question 7:** Adoption of contraceptive method – loop or coil or pill or hormonal injection or nothing Response collected from Question 7: All the women were using pregnancy control methods. Seventy women used a loop which is put in vagina by doctor in a government hospital without their consent after putting they give the information to the mother. While Twenty women were using pill. Ten women had hormonal injections injected for not carrying a child. This injection will be effective only for three months. They also reported menstrual problems due to the use of this injection given by an Auxiliary Nurse Midwife with their consent.

None had done hysterectomy which is prohibited by their custom. Only ten women got financial benefit and one hundred ten are not getting financial help from Janani Suraksha Yojana (JSY), Pradhan Mantri Surakshit Matruva Abhiyan (PMSMA), Pradhan Mantri Matru Vandana Yojana (PMMVY) because they do not have a bank account and also Aadhar card. Health Laws: Health is an important phenomenon in most cultures.

Conclusion

An anthropologist by the name of Bronislaw Malinowski, who lived from 1884 to 1942, established a link between the cultural responses to basic needs and the basic needs themselves. These responses included metabolism, the commissariat, reproduction, kinship, bodily comfort, shelter, safety, protection, and activities for growth and health hygiene. In every culture, the aforementioned relationships are depicted. Humans were able to maintain their biopsychic survival thanks to these fundamental needs. Duguitt defines law as a mandatory code of conduct intended to meet the social needs of the community, including the tribal community. "The nature of the guarantee of living conditions in society, guaranteed," Ihering said of the law.

Indigenous women are undernourished and do not get enough energy from their food to make up for the physical work they do. A brief look at Dalit women's circumstances in India demonstrates that they may be one of society's most marginalized groups. The caste-based, patriarchal social structure of the society is at the root of the problems they face. Due to their status as women, Dalit (Scheduled Caste), and poor, Dalit women suffer from triple disadvantage. The interface of the severely imbalanced (social, economic and political) power equations in caste and patriarchy impacts

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Tribal women's rights in India are a complex area, with recent landmark Supreme Court rulings upholding property rights and other protections, while traditional customs often pose challenges. The 2025 judgment in *Ram Charan and Ors. vs Sukhram and Ors*¹. established that excluding tribal women from ancestral property is a violation of their constitutional right to equality. However, their rights are frequently governed by customary laws that may conflict with these contemporary legal principles, posing a conflict between gender equality and cultural preservation.

The reasons for the Respondents 'in this particular research stated that that illiteracy were Tribal Welfare Educational Institutions, the Cost of Maintaining Educational and Health Institutions, and the

¹ 2025 INSC 865

Socio-Economic Profile of the Sample Households. In short the main problems of tribes are poverty, indebtedness, illiteracy, bondage, exploitation, disease and unemployment. Problems and unrest among tribes have become politicized since independence. In several tribal regions, a political elite that is articulate and effective has emerged.

Tribal societies had their own herbal pharmacopoeia prior to the development of tribal areas. Using herbal remedies and adhering to a few productive and prohibitive taboos, the women were able to maintain reasonable health standards. Until the baby can walk on her own, it is considered taboo to have sexual relations with a woman. Because of this taboo pre-natal and post-natal disease among women folk are rare and this restriction automatically limits family size. Common practices include witch-hunting (gunigaredi), branding infants with hot iron rods (chenka) to ward off illness, and relying on shamans (bejunis/desharis) over modern medicine.

In tribal areas, adult education programs play a significant role in the spread of literacy among tribes. Tribes are prone to a variety of diseases due to their unhygienic living conditions in the village as their huts are very close to one another and congested. The living quarters lack adequate ventilation. In every tribal village, there is a serious shortage of potable water. Even though there are wells in some areas, they mostly rely on hill streams and springs. Because it is difficult and exhausting to extract water from deep wells and because the wells may not always contain sufficient water, they prefer to obtain their water from streams and springs rather than from wells. The tribes drink highly contaminated water and in general water in the tribal areas is deficient of fluorine. So they are prone to a number of diseases like cholera, malaria, fever, bronchitis, teeth diseases, influenza, goiter, gastroenteritis etc.

When they get diseases of any kind, they used to depend upon the native doctor who is known as Desi Guru and on the indigenous medicines like herbs and leaves in the past.

The following areas and fields should be taken into consideration for tribal women's empowerment. 1. Literacy and education for practical needs. 2. Nutrition and well-being. 3. Development of skills to take up new income generating schemes. 4. Social and cultural development (cultural ethnic identity) 5. Organization of grain banks, processing, and credit societies. 6. imparting knowledge of ST and female-identifying legislation. Scheduled tribe and primitive tribe are distinguished by the Constitution. This distinction is not made by anthropologists. However, in accordance with the Constitution, primitive tribes are those who do not rely primarily on agriculture for their livelihood. Primitive groups are primarily hunters, food gatherers, or those who practice minimal agriculture and do not produce for sale. It was discovered that there are shockingly few international legal instruments that specifically address the needs of tribal women. Additionally, because India has not ratified their Optional Protocols, those instruments are only partially applicable to the tribal population or women. However, specific statutes and numerous legal provisions specifically protecting the rights of tribal women demonstrate India's commitment to protecting its tribal population on the national level. Lastly, the paper recommends that India consider ratifying any international agreements it has not yet done so.

The findings revealed that while land ownership improved some aspects of women's lives, it did not completely transform their status or alleviate the burdens of household responsibilities, highlighting the complex relationship between land rights and women's empowerment. This study found that legal reforms like the FRA can significantly enhance empowerment, but their success depends on addressing structural and cultural barriers, as well as providing comprehensive support in multiple domains.

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