



POSITION OF WOMEN IN TRIBAL SOCIETY OF HIMACHAL PRADESH

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Abstract: Tribal belt in any region refers to specific areas of settlement of tribal people. They are groups of people with specific customs, traditions, dialect and have a common culture. People here generally live and work together in a shared geographical area. The five areas identified under five ITDP's (Integrated Tribal Development Programme) are Kinnaur, Lahaul, Spiti, Pangi and Bharmour. The various tribes in Himachal Pradesh include Lahaula, Pangwala, Gaddi, Swangla, Bodh people and Kinnauri and Khampa tribes. Women in any society play a pivotal role in shaping that society. Here in this paper, it is being analyzed that what is women's position in a tribal society. In the tribal belt of Himachal Pradesh Buddhism is prevalent especially in Lahaul & Spiti and Kinnaur regions. From religious point of view Buddhism offers a liberal outlook towards women. The women's work in these regions is mainly confined to agricultural activities [7]. As far as inheritance laws are concerned, Hindu succession act has led to much dilemma here but in all of this the ray of hope is the decision of Court of Law. Polyandry an old custom still exists in some parts of Kinnaur and Lahaul. Law of primogeniture exists in Spiti. The benefits of Scheduled Areas act are acting aptly to safeguard the economic, cultural rights of tribal population in the area.

Key Words: Hindu Succession Act, Primogeniture, Polyandry, Scheduled Area.

I. INTRODUCTION

Tribes are the types of groups humans lived before they started living in cities and nations. They are a group of people distinct by virtue of their customs, language and traditions. The tribal women, constitute about half of the total population and it is the general observation that women are more illiterate than men. There are always socio-cultural factors, which validate for the status of women in particular society. In a special reference to the State of Himachal Pradesh, the tribal women in Kinnaur and Lahaul Spiti cannot inherit property in accordance with Hindu Succession Act, 1956. In Spiti region, there is law of primogeniture, the right of succession belongs to the first-born child and rest of the male siblings are deprived of their legal right to property. In June 2015, H.P. High Court ruling gave land inheritance rights to the tribal women. This pronouncement was challenged in the Supreme Court of India and the matter is still pending there. According to 2011 census, the sex ratio in Kinnaur has gone down from 857 in 2001 to 818 in 2011.

“Share wife save land”, Polyandry, an ancient custom in the remote Kinnaur District of H.P. still thrives. Even in some regions of Lahaul valley this system exists. Lahaul and Spiti region has a sex ratio of 903 females to every 1000 males and literacy rate of 76.81%. Amongst Gaddis of Chamba District, the main duty of women is to run household, cook food, wash utensils and take care of family's earnings as per husband's and elders' instructions in the family. Gujjar women occupy lower status than men in the tribe.

The Constitution of India has given more than twenty Articles on redressal, upliftment of underprivileged with reference to Scheduled Tribes. Articles 14, 15, 15(4), 16(4), 46, etc. along with the Extension to Scheduled Areas Act, 1996. Amendments of Constitution are extended to the Scheduled Areas through Panchayats. Empowerment of women in India require a path breaking approach. Empowerment of women should not be only about providing services, but also about recognizing their lived realities, social strata in which they live which hinder the access to services provided to them.

II. LAW OF PRIMOGENITURE

Law of primogeniture is prevalent in Spiti region of Himachal Pradesh is proof of patriarchal mindset in the valley. According to this rule the land descends to the oldest son. In the absence of a heir, inheritance is passed to relatives, mainly, males in the order of seniority. In June 2015, “Bahadur vs. Bratiya and others” H.P. High Court gave a landmark Judgment (basically it upheld the Judgment of lower court) which gave land inheritance rights to tribal women but it was again challenged in the Supreme Court and the matter is still pending there. Polyandry, an ancient tribal custom, is prevalent in Kinnaur and Lahaul Spiti. The reason is land holdings. But barring denial of the right of inheritance women have traditionally enjoyed cultural freedom in the matter of choosing life partner or partners, as girls’ consent is paramount prerequisite for a common marriage. In Chamba, amongst Gaddi tribe, women generally occupied an honoured position in the society. But as the social strata is the main duty of a married woman is to run the household, cook food, to wash the utensils and to take care of family’s earnings as per husband’s and elder’s instructions in the family. Gujjar women occupied a lower status than men. Purdah system is not very prevalent except in parts of Bharmour and Bhattiyat regions. Lahaul and Spiti have a sex ratio of 903 females for every 1000 males and a literacy rate of 76.81%. It is believed that polyandric society has helped to boost the poor socio economy.

Pangi valley in Chamba is known for its rustic beauty and rich culture. There is, however, another side to it- a life full of hardships due to geographical constraints. Pang Wala, as the inhabitants of Pangi are known, is an underprivileged community. The condition of women in this community is even more miserable. Most of them are illiterate and confined to their houses, loaded with social burdens, unfavourable economic conditions and burden of patriarchal society are first few challenges they face on a daily basis.

Inheritance in Pangwalas is not according to the Hindu Succession Act 1956. On the other hand, it is determined by local tribal customary law which is patriarchal in nature. Immovable property like land is inherited by males only, females do not inherit it generally. In matrimonial matters also, the members of Pangwal tribe follow customs of Pangi. According to the custom, the boy can meet the girl after his engagement with her, visit her home and establish physical relations with her. The custom does not say anything, in case, the engagement does not result into marriage. In case of a broken engagement all the expenses done by the family of the girl and Izzat of the girl have to be restored by the boy’s family in monetary terms.

But this practice does not mean that if a girl refuses to marry a boy, then her character is ruined, rather, she is free to choose again the boy of her own choice. In Pangi the concept of izzat is not related to physical relations but with the social dignity of the families.

In Pangi valley all the issues of succession are governed by Wajib-ul-Arz (local custom) and rarely cases are resolved legally.

III. SELF HELP GROUPS

Recently, self-help groups for women have emerged in various tribal areas and these groups are writing new success stories and thus are empowering women in various aspects. “Collective Efforts for Voluntary Actions” (CEVA), a Non-Profit Organization, is working in Pangi valley for eight years and they have collaborated with National Bank of Agriculture and Rural Development (NABARD). NABARD imparted training to women so that they could polish their skills and be at par with the market demands and could also inculcate entrepreneurial culture among them. CEVA worked for the marketing of their products and thus brand “Pangi hills” came into being. The products made by these women are mostly organic, ranging from hazelnuts, mushrooms, medicinal herbs, black cumin, Morchella esculanta and locally grown organic kidney beans.

IV. CONSTITUTIONAL PROVISIONS

As per the constitutional provisions for Schedule Tribes, under Article 244(1) of the Constitution of India the 'Scheduled Areas' are defined as „such areas as the President may by order declare to be scheduled areas“. Article 342 provides for special provisions relating to Schedule Tribes. Article 23 and 24 are the social safeguards for ST"s. Fifth Schedule contains provisions regarding the administration and control of Schedule Areas and Schedule Tribes. Sixth Schedule contains provisions relating to the administration of tribal areas in the states. There are autonomous District Councils and Regional Councils which have long traditions of self-management systems. In this context, The Scheduled Areas (Himachal Pradesh order, 1975 (C.O.102) Notification was issued on 21/11/1975. Article 14 of the Indian Constitution states that: "The state shall not deny to any person equality before the law or the equal protection of laws within the territory of India." In practice this guarantee has been read to infer „substantial equality“ as opposed to „formal equality“, as judicially explained and elaborated upon in several judgments of the Supreme Court of India as well as Indian High Courts.

Article 15 of the Constitution provides "Prohibition of discrimination on the grounds of religion, race, caste, sex, place of birth or any of them". This Article identifies women for one of the vulnerable sections for discrimination. This Article also provides special rights and protection to women through various legislations.

Article 21 of the Constitution acts as an umbrella provision for women's rights. It provides rights to various incentives which would prevent making life a mere existence. The Directive Principles of State Policy also lend support to the paradigm of equality, social justice and empowerment which runs through all the principles. These are the one of the few provisions in Constitution which provides support to the cause of empowerment of women especially tribal women.

V. CONCLUSION

The Constitution has given more than 20 Articles on the redressal, upliftment of underprivileged with reference to S.T."s viz. Articles 14, 15, 15 (4), 16 (4), 46 and Extension to Scheduled Areas Act, 1996. Amendments of Constitution are extended to Scheduled Areas through Panchayats. Empowerment of women in India, especially S.T. women, requires a path breaking approach, education, equity and aware are few tools that can be used to uplift the status of women. There are various social movements fighting for rights of marginalized. Empowerment for women should not only be about providing services, but also about recognizing their lived realities, social strata in which they live which hinder the access to services provided to them.

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