

Adivasi Women and the Equality Quest/ion

Adivasi women exemplify a confounding intersectional position within India's societal structure. As part of a broader community-level assertion for land and resources, Adivasi women have played crucial roles. Yet, Adivasi women's struggle for inheritance has resisted both customary laws and the State's historic, oppressive imposition of land acquisition policies.



[Astha Saxena](#)

Published on:

08 Mar 2025, 2:52 pm

THE question of equality for Adivasi* and other forest dwelling women contains discussions on multiple layers of discrimination, all of which are not necessarily based on gender. These layers cut across caste and class bias and make Adivasi women among the most marginalised in the country. To initiate a conversation around the question of equality for Adivasi women requires that we not only unfold the gender perspective, but also problematise the mainstream legal and political discourse which articulates the identity of forest-dwelling communities as the 'other'. Such discourse requires that feminist perspectives confront our own paradigm and conduct an inward critique — forcing us to question our frames of reference for equality.

In this context, we need to explore the nature and content of feminist legal reforms that are proposed in addition to interrogating the backlash that such reforms might face. Often, questions of equality for Adivasi women are pitched to fit the framework set for women from dominant communities, with no regard to their unique sense of identity and connection with their communities or lands.

Interestingly, the case for equality for Adivasi women is most popularly made by singling out the customary laws of community which discriminate against women in matters of inheritance.

Often, questions of equality for Adivasi women are pitched to fit the framework set for women from dominant communities, with no regard to their unique sense of identity and connection with their communities or lands.

Two years ago, the Supreme Court had noted that family law in India has been functioning on some biases which had to be reformed. In [Kamala Neti v Land Acquisition Officer](#) (2023), the Court said that there was no justification for denying right of survivorship to women of Scheduled Tribe or tribal communities when that right was readily available to other women who fell within the purview of the [Hindu Succession Act, 1956](#) ('1956 Act'). It was the opinion of the Court that when non-tribal women are entitled to an equal share in the property, there is no rationale in denying the same to a tribal woman. However, since the 1956 Act made a very clear distinction between tribals and non-tribals, and specifically did not apply to tribal women, the Court could not extend that benefit without effectuating a judicial amendment in the law. Therefore, the Court directed the Union government to consider the question, and withdraw exemptions provided under the 1956 Act in so far as the applicability of this law to Scheduled Tribes was concerned.

The question of gender equality in the context of Adivasi and other forest dwelling women certainly deserves prime attention, and the law must address how women from these marginalised communities continue to face oppression, while their counterparts in other communities are able to legally assert their right to equality when they so desire.

The issue of inheritance is of paramount importance particularly for single and divorced women. It is a truism that financial security, whether through inheritance or otherwise, is crucial for a woman to lead a life of independence and dignity. But much like any other question which calls for an interpretation of Article 14 of the Constitution, this question must be contextualized to the specific political and social status of an Adivasi woman.

It is interesting that Kamala Neti's demand to be included in inheritance of her father was not for a part in land, but for the compensation which was paid to her family after the land had been acquired under the [Land Acquisition Act, 1894](#). This colonial legislation, mirrored in innumerable other laws which permit the State to acquire land and resources in purported 'public interest', has been notoriously disproportionate in its application to marginalised communities. According to some estimates, between 1951 to 1990, the number of Scheduled Tribes displaced on account of acquisition varied between 8.5 and 10 million (roughly about 40 percent of all oustees) whereas their percentage to the total population of India is only 8.5 percent. And of those displaced, a mere 21.20 lakh Scheduled Tribe persons had been rehabilitated. With rapidly advancing changes in the legal landscape in recent years to facilitate 'ease of doing business', the threats to tribal communities, their land and way of life has only accelerated.

For this reason, for women belonging to forest dwelling communities, inheritance is a privilege, not only because a lot of customary laws exclude them, but because the

community, itself, has been losing its land rapidly. There is very little to inherit and given the inequality of the sexes, Adivasi women tend to receive nothing at all. Their right to equality is seamlessly subdued in their larger struggle for identity and survivorship as a community.

Some Adivasi women have successfully litigated their right to equality in matters of inheritance. However, to do that, they have been [compelled](#) to deny their indigenous identity by demonstrating their proximity to Hindu culture, their Hinduisation, so to speak. The law creates a peculiar quandary for these women, where they have had to simultaneously assert and deny their identity, creating a wide chasm between individual and community. And even when only a handful of women assert their individuality in claims like that for inheritance, they face heavy backlash from the community. It is not uncommon for women who assert such individuality to be accused of witchcraft, of consorting with outsiders and land-grabbers, and [bearing the brunt](#) of the wrath of their communities and the state alike.

And yet, in the struggle to retain control over their forests, their land, resources and sacred places of worship in the eye-teeth of the industrial juggernaut, their male counterparts are also their comrades. For the Adivasi woman on the ground, there is no escape from this paradox.

The question of equality for Adivasi women continues to be shrunk to fit into the framework of the progressive Hindu law, while completely denying the possibility that equality for a forest-dwelling woman could mean something very different, rather than uniformity with either their male counterparts or women of other dominant communities.

For this reason, for women belonging to forest dwelling communities, inheritance is a privilege, not only because a lot of customary laws exclude them, but because the community, itself, has been losing its land rapidly.

Historically, Adivasi and other forest-dwelling communities have nurtured a sense of autonomy and self-governance which forms the foundations of Indian democracy and are unlike anything that non-Adivasi communities practice. Women of these communities have asserted their autonomy in unique ways, like conducting mahila gram sabhas to oppose land acquisition, *thengapalli* or communal patrolling to conserve and protect their forests, and asserting their names be listed first in the joint forest titles issued under the [Scheduled Tribes and Other Traditional Forest Rights \(Recognition of Forest Rights\) Act, 2006](#).

In the year following *Kamala Neti*, a Uniform Civil Code ('UCC') was contemplated by the Union government but no draft was released for public comments. Uttarakhand was successful in passing a UCC at state level, but ironically incorporated an exemption clause for Scheduled Tribes, much like that in the Hindu Succession Act. The call for equality by Adivasi and Tribal women is intrinsically tied to their struggle for basic rights of survival as indigenous communities, and to their identity in conjunction with their cultural heritage, their lands, forests, waters, and biodiversity.

If a UCC were to be imposed upon Adivasi and tribal communities, as might be expected after Supreme Court's direction, it will be perceived as a direct assault on the traditional and constitutional rights of Adivasis to their customary practices and upon their rights to their traditional homelands, as is already in evidence in the alarmed reactions being

reported in the media. And yet, there seems to be no effort to address the very real problem of unequal access of women within these communities to these resources, beleaguered though they may be.

Our current forms of inquiries are replete with biases and assumptions which we tend to ignore.

We are deliberating on the reforms for bringing equality for Adivasi and other traditional forest dwelling women without knowing where to begin our questioning or how to form them. Our current forms of inquiries are replete with biases and assumptions which we tend to ignore. What this question requires of us is abundant self-critique, but this intellectual burden we must bear. Perhaps by silencing our deep-seated world views and lending an ear in empathy to those women for whom such discrimination is a mundane reality.

*Notes: *The term Adivasi, or literally 'original inhabitant' enfolds not only those categorised as Scheduled Tribes under the Constitution, but also those who perceive themselves as indigenous peoples and are yet to receive that constitutional recognition.*