

Institutional impact on women: the political processes and legal reforms in Jharkhand

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Abstract

In this framework, our focus is to comprehend how the institutional mechanisms and machineries shape the trajectory of women's life. The social arrangements that include various structures and processes contribute to the overall transformation of human life. However, this transformation is different for both the genders and is yet to be applied for the third gender. Despite making mountainous efforts to streamline women, they are still much behind their male counterparts. These efforts are evident at the international, national and even at regional levels including the family that plays a vital role in women's emancipation. Furthermore, our focus lies on the institutional arrangements which include both the formal and informal norms and practices which not only affect the domestic life of women but largely impact their life course itself.

Moreover, as per the demand of the topic, our main focus is on 'the land of forest and minerals'- Jharkhand, which came into existence on 15th November, 2000 whereby efforts are being made to pave the way for gender mainstreaming, so that gender equality becomes a reality. Hereby, the joint governmental and non - governmental efforts are being made to develop its institutional and organizational arrangements in order to give women of Jharkhand an equal share in the process of development. Hence, thereby safeguarding and enhancing women's position in every sphere of the socio-political and economic life. In addition to it, our study focuses on analyzing the ups and downs faced in the political processes, legal reforms and the judicial processes which have shaped the life of women in Jharkhand and the way ahead.

Keywords: *institutional mechanisms, women emancipation, gender mainstreaming, gender equality*

Date of Submission: 22-03-2026

Date of acceptance: 04-04-2026

No society on this planet has given equal social, economic, political rights and liberties to men and women. But when equal opportunities are given every individual has the potential to fly. I find no better example other than Srimati Sunita Williams. One part of the world is celebrating her return but in another part of the world, may be in the remote villages of Jharkhand one Sunita is fighting to get minimum civic amenities. The difference in their lives is because of social institutions of which they are a part of.

The Social Institutions and Gender Index (SIGI) ¹ states, "Discriminatory social institutions intersect across all stages of girls' and women's life, restricting their access to justice, rights and empowerment opportunities and undermining their agency and decision-making authority over their life choices. As underlying drivers of gender inequalities, discriminatory social institutions perpetuate gender gaps in development areas, such as education, employment and health, and hinder progress towards rights-based social transformation that benefits both women and men."

As the time passed the importance of the role of social institutions to bring effective changes in the life of women came into recognition. Broadly speaking, to meet the basic requirements of life social institutions are must. It refers to a social structure or established system of rules and norms that guide human behavior, social processes and thus help to maintain the equilibrium of the society. It can also include specific organizations like family, religion, education, government, and the non-governmental organizations.

National and international bodies, governmental and non - governmental organizations are fighting every day to realize the promise of zero discrimination at every level. We need to acknowledge that various institutions have played an important role in transforming the life of women. The major factors that determine the position of women in any society are social structure, cultural norms, value system and social expectations that are different for both the genders within the same society. Though they can vary from region to region, the vulnerability of womenfolk largely remains the same.

The critical role played by the institutional machinery became not only highlighted during the Beijing

Declaration but time to time has been pointed out on other important national and international platforms too. Institutional mechanisms can play a judicious role towards achieving the goal of gender equality. The institutional mechanisms include various Commissions on women; agencies working for women; and the Ministries dedicated to the advancement of societal status of women. All the institutions are part of Indian governance including Jharkhand.

Jharkhand, one of the mineral rich states that came into existence nearly twenty-five years ago has made efforts to align with the ideas of the Indian Constitution. It has focused on bringing substantial change for the women folk with special focus on the tribal population. The efforts of the governmental organizations in Jharkhand have led to the increasing participation of women in every field of its development. However, with time the importance of institutional organizations and mechanisms can prove to be a game changer in the life of women as pointed out in the Beijing Declaration ² in 1995.

The Beijing Declaration highlighted gender mainstreaming as the strategy to achieve the goal of gender equality. The idea of gender equality agrees that every individual on this planet must enjoy an equal say and share over the resources, rights, and opportunities without making any discrimination of any kind. Hence, to achieve it gender mainstreaming is the talk of the hour whereby institutional mechanisms can play a vital role in achieving gender equality.

For example, in order to increase women's participation in the political processes of the state the 73rd and 74th Constitutional Amendment Acts were passed in 1992 by Parliament; to ensure women's participation at the grassroot level. Jharkhand provided 50% reservation for women in Panchayati Raj Institutions as per the Jharkhand Panchayati Raj (Amendment) Act, 2010.

The formation of National Commission for Women, and the State Commissions for Women and the central social welfare board etc are the other examples working for the cause of women. Even the state of Jharkhand has its State Commission for Women. It works to investigate, examine and advise on the planning and process of socio-economic development of women.

However other institutions though informal in nature can play a significant role in safeguarding and strengthening the position of women in any society. It includes her family, peer group, neighborhood and her society itself.

One cannot deny the fact that in order to bring a promising change in women's life course her active participation in every sphere of society is a must. Though education and employment still remain the key for her better future, involvement in the political processes and decision-making can change the world inside out. Various institutional changes backed by the law of the land came as the safeguard for them. The government has always tried to frame policies and make laws keeping in mind the welfare of the other half of the population too.

Looking back in the pages of history, the era of the nineteenth and twentieth century saw a strong fight against gender discrimination whereby various feminist movements surged leading to the grant of women suffrage for the first time in history. In 1893, New Zealand became the first country to give all its women the voting rights in parliamentary elections. However, they were barred from standing for election until 1919. The Western powers gave voting rights to women only in the 20th century. To count a few are Canada (1917), Germany (1918), the United Kingdom (1918 for women over 30 who met certain property requirements, 1928 for all women), Austria, the Netherlands (1919) and the United States (1920).

However, I can proudly say that, INDIA, soon after gaining independence gave every Indian citizen the right of universal franchise whereby every adult citizen of her country above 21 (now 18) irrespective of their gender can cast their vote without any discrimination. Today it even includes the transgender community. When we talk of Jharkhand, it has seen a surge in the number of overall voters whereby the count of female voters has outnumbered the male voters in recent elections. The representation of women in the Parliament stands low. The women make only 14.94% in Lok Sabha and 14.5% in Rajya Sabha ³. This is enough to show the lower participation of women in the decision-making process of the country.

Hence, the Constitution of India stands firmly to protect and provide every right and directives in favour of women emancipation. Time and again Indian political processes and legal reforms have proved its relevance even after seventy-eight years of independence.

But before we peep into the political processes and legal reforms that have shaped the life of women in Jharkhand, we must see the constitutional provisions that have empowered the women in India. It includes the fundamental rights enshrined in the Indian Constitution (Article 12- 35) which has been granted to every citizen of India. These include:

- Right to equality (Article 14–18)
- Right to freedom (Article 19–22)
- Right against exploitation (Article 23–24)
- Right to freedom of religion (Article 25–28)
- Cultural and educational rights (Article 29–30)
- Right to constitutional remedies (Article 32–35)

Article 21 A gives the right to education which goes in sync with women empowerment.

The Constitution also includes the Directive principle of the state policy that adds strength to the idea of gender equality. To count a few that favour women empowerment are:

that the citizens, men and women equally, have the right to an adequate means of livelihood

that there is equal pay for equal work for both men and women;

The State shall make provision for securing just and humane conditions of work and for maternity relief

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

The Indian Constitution also directs every citizen of the country to renounce practices derogatory to the dignity of women (Article 51A).

The Constitution of India does not define the term 'tribe'. However, the term scheduled tribes was inserted in the constitution through article 342. It lays down that the President may, by public notification, specify the tribes or the tribal communities. The 5th Schedule of the Constitution provides special protection to tribals and makes the provision for setting up Tribes' Advisory Council in the Scheduled areas.

In addition to it is the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) which was enacted to extend the three-tier Panchayat Raj System – at the village, intermediate and district levels. It focused on enabling the Gram Sabhas in the tribal areas to implement a system of self-governance with respect to a number of issues such as customary laws, minor forest produce, minor minerals and minor water bodies, thereby maintaining the local governance including these areas.

Another major concern of this area is to secure land rights of the tribal population. The history of the region has been codified under various laws and legislations that are necessary here to mention. This includes the Chota Nagpur Tenancy Act (CNTA) ⁴, 1908 and Santhal Pargana Tenancy Act (SPTA) ⁴, 1949. In some tribal regions, Wilkinson's Rule ⁴ (1837) is applied. The gendered implications of all the Acts lies in its making and application whereby, the land ownership largely remains in the hands of men. Men are regarded as the landowners and women are debarred from getting any share in it. The Acts fail to realize that women are independent individuals with their own aspirations. The condition of widows, divorced women and single women are even worse. Hence, it's high time that we need to talk about these women so that future policies and laws can also favour tribal women.

This was recently in the news as the Chief Minister of Jharkhand raised a serious concern about it. He directed the officials to take cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on a priority basis. The Government of Jharkhand has also launched Abua Awas Scheme to provide housing to the needy people belonging to the deprived classes which includes poor labourers, farmers, tribals, backward and Dalit section of society. However, it will be interesting to note what percent of tribal women get homes registered in their names!

Though things have changed, it is also important to mention about the four forms of traditional governance system existing in different tribal regions of Jharkhand which till date are influencing the socio-economic set up in these areas. These are:

Munda- Manki system in Ho areas.

Parha system in Oraon and Munda villages.

Khunt Katti in Munda dominated areas.

Manjhi Pradhan system in Santhal.

Though time has changed, these traditional institutions in the tribal areas have not lost their relevance. They play a significant role in planning and implementation of water and sanitation schemes and also enjoy influence in their areas and respective communities.

Jharkhand abides by every major legal reform in India to upgrade the status of women. To list a few are:

- The Immoral Traffic (Prevention) Act, 1956
- The Dowry Prohibition Act, 1961, (Amended in 1986)
- The Commission of Sati (Prevention) Act, 1987
- Protection of Women from Domestic Violence Act, 2005
- The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
- The Criminal Law (Amendment) Act, 2013
- The Indecent Representation of Women (Prohibition) Act, 1986, etc.

Other important legislations for women and children includes The Prohibition of Child Marriage Act, 2006, Juvenile Justice (Care and Protection) Act, 2015, The Protection of Children from Sexual Offences (POCSO) Act, 2012 and The Protection of Child Right (CPCR) Act, 2005.

The state is also troubled by the increasing rate of crimes in every corner. The evils such as domestic violence, witch hunting, practice of bigamy etc are still haunting the lives of women. Making an addition to the

problems of women are the challenges of climate change. Reduced water levels force women to go miles to collect water for their household thereby making their life more difficult. Poor sanitation and health care facilities adds to their suffering. 1,326 rape cases, 130 dowry deaths, and 11 witch-hunting incidents registered until October 2024, as per reported in the Times of India ⁵. These numbers are enough to show that passing of legislation is not enough to safeguard women. In order to enhance their safety and security strict enforcement of laws and legislations are required. Though efforts have been made satisfactory results are still awaited.

All the above mentioned legislations are applicable in the state of Jharkhand to safeguard the honor and dignity of girls and women. However, the legislation cannot be used in a concrete form unless and until women are made aware through education and the other awareness programs. The troublesome fact is that the educational level of females is comparatively low but tribal women in Jharkhand are left much behind. The male literacy rate was 76.84% and female literacy rate was 52.04% as per the 2011 census ⁶, while the literacy rate for tribal males is 68.2% and for tribal females is 40.2%, which is 8.6 percent and 9.31 percent less than the state's literacy rate. If the scenario remains the same then how come the dream of women empowerment can be materialized in near future!

Financial inclusion of women can play a major role in deciding the trajectory of women's life. Keeping in mind this very objective the government of Jharkhand has made a number of efforts to make tribal women financially independent by launching schemes such as Mukhyamantri Rojgaar Srijan Yojana for unemployed youths of the state, Mukhyamantri Rajya Nirashrit Mahila Samman Pension Yojana, Maiyaa Samman Yojana, etc. All these schemes focus on giving financial assistance to the weaker sections of Jharkhand.

The Constitution of India has empowered all its states to make a positive discrimination and frame policies and make laws that benefit the women society. Thus, the state of Jharkhand following the directives of the Indian Constitution has always been keen to enhance the position of women by making various laws and legislations in favour of women, especially the tribal women of the state. But those legislations that are explicitly made for the tribal areas are not in favor of empowering tribal women.

Jharkhand has established the Department of Welfare which is responsible for the tribal welfare. It is headed by the "Tribal Welfare Commissioner". The TWC takes the responsibility for the implementation and supervision of all the schemes and social welfare programs in this area.

Among all favorable laws and legislations in favor of women one cannot ignore a landmark case which proved to be fatal for the tribal women in Jharkhand: Madhu Kishwar (and Maki Bui and her daughter Sonamuni) vs. State of Bihar (1981) ⁷ which was later heard by the Supreme Court a three judge bench whereby the majority found that neither the Hindu Succession Act or Sharia Law nor the Indian Succession Act were applicable to the tribal women as CNT Act were functional here. The Minority bench of the court held the view that it was a big blow to the very idea of gender equality.

The efforts of the Non-Governmental Organizations cannot be ignored when we talk about the fight for gender justice. Not only they work at international and national platforms but also at the regional levels. They reach to the marginalized section and try to provide them a better life. To name a few international NGOs that work for the cause of women are ActionAid, Global Fund for Women, UN Women, Oxfam, Amnesty International etc. In Jharkhand one of the important NGOs is the All Jharkhand Women Association which is working in this field. Some other to name are Mahila Mukti Sanstha, Srijan Foundation, Gram Vikas Trust etc. They focus on community participation, social welfare and address gender related concerns.

Women in these areas are limited to their familial roles, which primarily includes their reproductive role and being a homemaker. They hardly get any time for their recreational activities. The patriarchal set up of the society and uneven distribution of resources have proved to be major factors resisting the path of women emancipation. The religious dogmas and the orthodox thinking of the society have proved to be a major setback for the women force.

Though in recent years, educational access has granted women the opportunity to grow and to become financially more independent. Many tribal women are becoming an inseparable part of mainstream India. Hence, if they can earn, they must get power to own. However, the gendered norms, beliefs and practices that are in favor of men have curtailed their growth. The gendered norms and beliefs carry a series of unending expectations from the women folk. Men are held responsible for giving economic support to the family whereas women are made to believe that it is their duty to take care of the children and elderly, do household chores and demand nothing in return. Hence, making them dependable on the mercy of men in their family throughout their lives.

Sustainable Development Goals Report 2024, states that gender equality (SDG 5) ⁸ is still 'a promise in peril'. Thus, it is a matter of urgency. In order to bring a substantial change for half of our population we need to focus on the institutional changes. 'The more the institutional mechanisms are strengthened and made women friendly, smoother will be the path of women emancipation.' This very idea seems to be real only when we find various approaches, agendas, policies and programs are in line to fight the battle of gender equality.

The recent addition to the voice of women is the addition of the One Hundred and Sixth Constitutional

Amendment Act, 2023, also known as the "Nari Shakti Vandan Adhiniyam" or Women's Reservation Bill. It reserves one-third of seats in the Lok Sabha, State Legislative Assemblies, and the Delhi Legislative Assembly for women. However, its prospects of near implementation seems bleak as it shall come into effect only after delimitation of the constituencies are done for which no time limit has been made. This is an effort to give higher representation of women so that the other half of the population can have a greater say in the decision-making process of the country.

However, the most crucial role towards women's upliftment can be played by the male counterparts whereby they need to understand that females are not inferior to them. It is just the matter of life choices and life chances that determine the life course of any human being. These when given to any human being, they can surely excel in every path of life. Greater efforts will be required to pull women out of the vicious cycle of poverty, backwardness and violence whereby each and every human being of the society needs to play its part.

Decades ago, Article 1 of the Universal Declaration of Human Rights (UDHR) ⁹ stated that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". However, the true spirit of Article 1 is yet to be materialized in the 21st century. Hence, it's high time to redeem our pledge of equality for all by enhancing the role of the social institutions.

References:

- [1]. OECD, 2023, SIGI 2023 Global Report: Gender Equality in Times of Crisis, Social Institutions and Gender Index OECD Publishing, Paris, URL: https://www.oecd.org/en/publications/sigi-2023-global-report_4607b7c7-en.html
- [2]. Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, Beijing, 15 September 1995, A/CONF.177/20 (1995) and A/CONF. 177/20/Add. 1 (1995)
- [3]. Press Information Bureau (PIB) Delhi, March 24, 2022, Ministry of Law and Justice "Women MPs and MLAs, qaURL: <https://pib.gov.in/PressReleaseDetail.aspx>
- [4]. Deo, S, 2021, August, This is not your home, An assessment of the land rights of tribal women in Jharkhand, 2021 Landesa
- [5]. Sahay S, Crime against women soars in state despite police measures, 30th Dec, 2024 Times of India, URL: <https://timesofindia.indiatimes.com/city/ranchi/crime-against-women-soars-in-state-despite-police-measures/articleshow/116775585.cms>
- [6]. Office of the Registrar General & Census Commissioner, India, 2011, Census of India 2011.
- [7]. See Supreme Court of India. Madhu Kishwar & Ors vs State of Bihar & Ors, with writ petition (c) no. 219 of 1986 (17 April, 1996), available at <https://indiankanoon.org/doc/1216671/>
- [8]. UN DESA, 2024, The Sustainable Development Goals Report 2024 – June 2024, New York, USA, UN DESA, URL: <https://unstats.un.org/sdgs/report/2024/>
- [9]. UN General Assembly, 1948, December 10, Resolution 217A (III), Universal Declaration of Human Rights, A/RES/217(III) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>