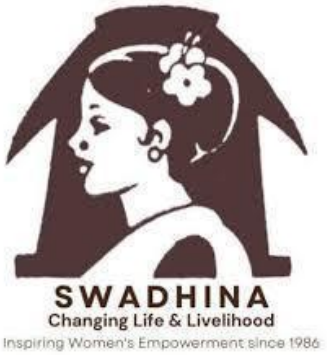
Invisible Barriers: Socio-Cultural Taboos Impacting Women's Access to Land, Resources, and Livelihood





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Invisible Barriers: Socio-Cultural Taboos Impacting Women's Access to Land, Resources, and Livelihood **1**
Acknowledgement 4
1. Executive Summary 5
1.1 Key Findings 5
1.2 Recommendations 5
1.3 Significance of the Study 6
2. Introduction 7
2.1 The Conflict 7
2.2 National, Social, Economic and Political Context: 7
2.3 Research Question and Methodology 10
2.3.1 Research Questions 11
2.3.2 Methods 12
2.3.2.1 In-Depth Interviews 12
2.3.2.2 Focus Group Discussions (FGDs) 12
2.3.2.3 Policy Analysis 13
2.3.2.4 Literature Review 13
2.3.3 Data Analysis 13
2.3.4 Ethical Considerations 13
2.4 Relevance 13
2.4.1 Bridging Policy and Practice in Tribal Contexts 14
2.4.2 Livelihoods, Economic Agency, and Climate Resilience 14
2.4.3 Inclusive Development and Social Transformation 14
3. Findings and Analysis 15
3.1 Root Cause of the Conflict 15
3.2 Instruments of Gender Discrimination 15
3.2.1 Customary Ownership and Communal Rights 15
3.2.2 Witch-Hunting and Exorcism 16
3.2.3 Taboos against single women 17
3.2.4 Polygamy 18
3.2.5 Taboos in Agricultural Practices 18
3.3 Stakeholders and their Interests 19
3.4 Impact of the Conflict 19
3.4.1 Socio-economic Consequences 19
3.4.2 Human Rights Violations 20
3.4.5 Climate Change Actions 20
3.5 Current Conflict Resolution Efforts 21
3.5.1 Increasing awareness 21
3.5.2 Maximizing access to resources 21
3.5.3 Capacity building 21
4. Conclusions and Recommendations 22
The Need for Reform and Awareness 22
5. References 23
Appendix 25

I. Photographs 25
II. List of FGD participants 28

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1. Executive Summary

Traditionally, women in ancient tribal societies have been the keepers of seeds and nurturers of nature. However, their traditions perpetuate patriarchal norms that deprive women of access to land and resources, creating a conflict that threatens a woman's fundamental rights of life and livelihood.

In the tribal belt of Jharkhand, India, land is not just a resource but a fundamental pillar of identity, economic security, and social stability. However, women in this region encounter formidable challenges in gaining access to land due to entrenched socio-cultural taboos and long-standing customary practices. Despite existing legal provisions aimed at empowering women, deeply rooted traditional norms and patriarchal patterns of land ownership continue to restrict their access to property, thereby sustaining poverty and reinforcing gender inequality.

This study explores the extent to which customary laws, cultural taboos, and societal norms hinder women's rights to own and utilize land in Patamda, a block situated in the district of East Singhbhum, in Jharkhand state. The region, home to a predominantly tribal population, adheres to traditional inheritance systems that favor male ownership.

1.1 Key Findings

1. **Customary Land Practices**: Tribal inheritance laws in Patamda block prioritize male heirs, leaving women dependent on male family members for access to land and land-based resources.
2. **Socio-Cultural Taboos**: Strong community taboos discourage women from claiming access to land.
3. **Economic and Social Marginalization**: Women's exclusion from land ownership, combined with traditional customs and taboos, restricts their ability to participate in income-generating activities, secure loans, access benefits from government schemes for farmers, or make decisions in household and community land governance.
4. **Climate Impacts**: Women in Patamda lack access to land needed to adopt climate-smart agricultural practices, further exacerbating vulnerabilities in a region increasingly affected by erratic rainfall and declining soil quality.

1.2 Recommendations

- **Legal Empowerment**: Strengthen the implementation of the *Forest Rights Act 2006 (FRA)* and the increased participation of women in Gram Sabha (village council) as enshrined in *the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA),* to ensure that women in Patamda have a mechanism for grievance redressal and access to resources.
- **Community Dialogues**: Initiate participatory discussions in Patamda to challenge socio-cultural taboos and foster acceptance of women's land rights within tribal and rural communities.
- **Capacity Building**: Provide training and resources for women to adopt sustainable farming practices, improve financial literacy, and enable access to government schemes for rural development.
- **Gender-Sensitive Conflict Resolution**: Establish mechanisms to include women's voices in land conflict resolution and compensation processes, particularly in cases of eviction and land deprivation.
- **Climate Adaptation Programs**: Integrate women's land rights into local climate adaptation strategies to enable community-led environmental resilience.

1.3 Significance of the Study

The key findings and recommendations of this study have a broader significance for policy frameworks adopted in the region for addressing rural tribal communities. It provides practical insights to close gaps in gender equity, legal rights, and sustainable resource management.

Although this study focuses on a small block, Patamda, in the East Singhbhum district of Jharkhand, it has the potential to influence community-led transformation in the entire district and even the state, paving the way for social, economic, and environmental justice.

The study highlights how socio-cultural taboos and customary laws sustain gender-based disparities in access to land and land-based resources in this region. It emphasizes the need to dismantle these invisible barriers to advance women's empowerment and promote sustainable regional development. Ensuring that women are recognized as rightful stakeholders in land governance is crucial for enhancing their livelihoods, strengthening climate resilience, and fostering equitable resource distribution.

2. Introduction

2.1 The Conflict

The conflict stems from denial of land rights to women by family and community and backlash against their rightful claims justified under the guise of traditional practices, including customary laws, taboos and beliefs.

In India, there exist several legal provisions for gender equality and women's rights:

- Articles 14 and 15 of the Constitution of India provides equal rights to all citizens irrespective of gender or communal identity.
- The Protection of Women from Domestic Violence Act, 2005 provides protection to women from violence of any kind perpetrated by family or relatives
- The *Panchayats (Extension to Scheduled Areas) Act,1996 (PESA)* grants self-governance rights to tribal communities in Scheduled Areas, which include regions like Patamda in East Singhbhum, Jharkhand. This act (73rd and 74th Amendment, 1992) requires the village panchayat to reserve one-third of the seats for women, thus including women in local governance and creating opportunities for them to influence decisions related to property.

Despite these provisions, land ownership, inheritance, and resource distribution in Patamda block of Jharkhand state are governed by customary laws, which prioritize patriarchal structures and disadvantage women. These customary laws are enforced through social taboos and justified through religious or spiritual beliefs, making them difficult to question.

Women who challenge gender and patriarchal attitudes often face social ostracization or backlash, discouraging them from asserting their rights. They may face consequences such as

- Exclusion from community resources (land, water, forest and employment opportunities)
- Threats, violence, or intimidation from family members or local leaders
- Loss of family support, particularly if they are single (widowed or unmarried)

Given these risks, many women prefer to remain silent rather than fight for their land rights, reinforcing the unchallenged nature of customary laws.

2.2 National, Social, Economic and Political Context:

Jharkhand, a state in eastern India, carved out of the state of Bihar in 2000, is rich in natural resources and home to a significant tribal population. It is also one of the poorest states of India economically. Agriculture is the mainstay of Jharkhand's economy, employing about 60% of the rural population, while mining and related industries form a significant secondary occupation due to the state's abundant mineral reserves (*Jharkhand Economic Survey, 2022*).

Jharkhand's population is ethnically diverse, comprising 32 tribal communities, including major groups such as the Santhals, Mundas, Hos, and Oraons. These communities follow traditional systems of governance and customary laws, particularly in land ownership and inheritance, which often restrict women's access to land and resources (*Kelkar, 2009*). Such restrictions are further compounded by socio-cultural taboos, which view women as secondary stakeholders in economic and social domains.



Image 1: The state of Jharkhand, India



Image 2: East Singhbhum District in Jharkhand

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East Singhbhum, a district in southern Jharkhand, spans an area of 3533 km² and has a population of 2.29 million (*Census 2011*). The district is characterized by its mix of industrial hubs like Jamshedpur and rural areas such as Patamda, which depend heavily on agriculture and allied activities. While Jamshedpur is known for its industrial and mining sectors, the rural blocks, including Patamda, rely predominantly on subsistence agriculture and the collection of forest produce (*Jharkhand Economic Survey, 2022*).

The district is ethnically rich, with a strong tribal presence, primarily the Santhals and Hos, who have historically depended on forest and land resources for their livelihoods. Despite the district's industrial growth, rural areas like Patamda continue to face challenges related to land rights, displacement due to mining projects, and limited economic opportunities for women. According to a 2022 report by the *Jharkhand State Tribal Research Institute*, over 150,000 people have been displaced in the past two decades in mining-affected districts, with tribal women facing the brunt of the impact due to exclusion from land titles and compensation frameworks. Women often lose access not only to farmland but also to forest resources and common lands essential for their livelihoods. As over 80% of rural women in Jharkhand depend on land and natural resources for subsistence (Landesa, 2015), the lack of formal land rights severely impacts their lives, pushing them into cycles of economic deprivation and social marginalization.



Image 3: ***Subdivision map of East Singhbhum district***

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Patamda, a block located in the northeastern part of East Singhbhum, is a predominantly rural area known for its tribal population and agrarian economy. With a population of approximately 109,000 (*Census of India, 2011*), Patamda faces unique socio-economic challenges due to its remoteness and dependence on natural resources. The sex ratio of 959 females per 1000 males reflects a higher-than-average female population in comparison to other areas of Jharkhand. Agriculture forms the backbone of the local economy, with paddy farming, livestock rearing, and the collection of minor forest produce as primary occupations.

Nestled in the Chotanagpur Plateau, this region is characterized by undulating terrain, dense forests, and a monsoon-dependent agricultural system (*Kujur, 2020*). Historically, Patamda's tribal communities, such as the Santhals, Mundas, and Hos, have lived in close connection with the land, viewing it not merely as an economic resource but as a critical part of their cultural identity and social fabric (*Rao & Singh, 2013*).

As documented by Landesa (2015) and Oxfam (2013), tribal communities across Jharkhand, including East Singhbhum, follow customary inheritance systems that privilege male lineage, often excluding women from direct ownership of ancestral land, a practice observed in Patamda as well.. Women are primarily engaged in unpaid agricultural labor or as caretakers of livestock, making them economically dependent on male family members. Socio-cultural taboos further reinforce these exclusions, stigmatizing women's ownership of land and restricting their participation in decision-making. "Women's exclusion is justified through socio-religious norms tied to purity, family honour, and public shame." (Rao, N., 2011). This intersection of gender, land rights, and cultural practices significantly limits women's economic agency and contributes to their marginalization.

Patamda's land governance has been shaped by both colonial interventions and post-independence industrialization. The Chotanagpur Tenancy Act (1908) and the Santhal Parganas Tenancy Act (1949) were enacted to prevent tribal land alienation, but in practice, both have reinforced patriarchal norms by recognizing customary inheritance systems that exclude women from ownership rights (Sinha & Sengupta, 2014; Landesa, 2015). Post-independence, the expansion of mining and industrial projects has significantly altered traditional land use, resulting in widespread displacement—with over 150,000 people displaced in Jharkhand's mining zones in the past two decades, a large proportion being tribal women with no legal claim to compensation (Jharkhand TRI, 2022).

Geographically, Patamda's dependence on rain-fed agriculture and forest resources makes it highly vulnerable to climate variability and deforestation, disproportionately affecting women, who continue to be excluded from land governance despite their critical roles in food production and household sustenance (Agarwal, 1994; Gupta, 2021).

2.3 Research Question and Methodology

This paper examines the intersection of gender, land rights, and socio-cultural taboos in Patamda, focusing on how these invisible barriers impede women's access to resources and livelihoods. By situating the issue within the historical and geographical context of the region, the study seeks to provide a nuanced understanding of the systemic inequalities faced by women in Patamda. It also highlights the urgent need for gender-sensitive interventions to ensure equitable land ownership and resource governance.

Here are key theoretical lenses that can structure this study:

1. Feminist Political Ecology (FPE): FPE examines how gendered power relations influence access to and control over natural resources, especially in rural and tribal settings. This can help to
    a. connect land rights with gendered labor, taboos, and customary practices
    b. explain how women in Patamda are excluded from land ownership despite their dependence on the environment and ecology.

2. Legal Pluralism: This theory helps in understanding the coexistence of formal (statutory) and informal (customary) legal systems, especially in tribal areas. In our study, this can analyze how statutory rights are often undermined by patriarchal customary laws and how community leaders and traditional institutions legitimize exclusion of women.
3. Intersectionality Theory: This theory helps analyze how multiple identities (gender, marital status, caste, tribal affiliation) intersect to shape discrimination. In our case, this helps to understand how social norms intersect with economic power and is especially applicable to single women, who face compound marginalization in access to land and resources.

2.3.1 Research Questions

1. To analyze the impact of customary laws and socio-cultural taboos on women's access to land in Patamda:
    - **How do socio-cultural taboos and customary laws impact women's ability to own, inherit, or access land in Patamda, East Singhbhum?**
2. To identify the socio-economic and environmental consequences of women's exclusion from land ownership:
    - **What are the economic and environmental consequences of restricted land access on women's livelihoods, particularly in agriculture, livestock rearing, and forest resource collection in Patamda?**
    - **How does the exclusion of women from land ownership affect their participation in household and community-level decision-making?**
3. To assess the effectiveness of legal and policy measures aimed at improving women's land rights:
    - **What role do ethnicity and tribal governance in Patamda play in reinforcing or challenging gender-based disparities in land and resource access?**
4. To examine the intersection of gender, land, and resource-based conflict in the community:
    - **How do women's limited access to land and resources contribute to their vulnerability during resource-based conflicts?**
5. To propose actionable policy recommendations for equitable land rights for women in rural Jharkhand:
    - **What strategies and policy interventions can be proposed to address gender inequality in land ownership and improve women's socio-economic status in rural Jharkhand?**
    - **What strategies can be employed to overcome land-based violence and improve climate action?**

2.3.2 Methods

This study employs a **qualitative and quantitative research approach** to explore the intersection of socio-cultural taboos, customary laws, and gender inequality in land access in Patamda, East Singhbhum, Jharkhand. The methodology focuses on understanding lived experiences and community dynamics to uncover systemic barriers faced by women in accessing land and resources. The following methods were employed for data collection:

2.3.2.1 In-Depth Interviews

To gain a nuanced understanding of individual experiences and perceptions, semi-structured, in-depth interviews were conducted with the following people, chosen on the basis of their experiences with the issues under consideration in this study. Swadhina has been aware of these cases in the course of their work in this community for over two decades.

- **Women in Patamda**: We interviewed two women in Patamda, **Sonali Hansda** and **Kausalya Devi Karmakar** to understand how socio-cultural taboos and customary laws affect their access to land and resources.
- **Community Leader**: We spoke with **Sukurmani Hembram**, a community leader, to explore the role of traditional governance systems and their influence on land inheritance and ownership practices.
- **Senior social activists:** Two social activists, **Supriti Murmu** and **Laduram Mahato**, who have been working for the rights and development of the women in this region for over a decade, spoke with us, explaining the challenges faced in the implementation of legal frameworks such as the *Forest Rights Act (FRA), Domestic Violence Act* and *PESA (1996)* in addressing women's land rights.

The interviews followed an open-ended format to allow participants to share their insights and experiences freely.

2.3.2.2 Focus Group Discussions (FGDs)

FGDs are used to facilitate collective dialogue and uncover shared experiences, community norms, and perceptions. These discussions involved:

- **Swadhina field workers:** To identify and uncover the invisible barriers faced by them in extending social and legal help to women in Patamda, who are bound and rendered vulnerable by taboos and customary laws.
- **Three generations of Patamda women**: to understand the generational perspectives, we invited young women, their mothers/mothers-in-law and grandmothers.
- **Mixed groups**: To capture community-level dynamics and gendered differences in understanding land rights.

Each FGD had 8–10 participants and were guided by a structured set of questions focused on:

- Gender roles in resource management.
- Perspectives on women's land ownership.
- Impact of cultural taboos on women's livelihoods.The discussions were analyzed to identify recurring themes and divergences in perspectives.

All women from the community, willing to participate in the FGD, were invited to participate.

2.3.2.3 Policy Analysis

We have critically examined relevant laws, policies, and programs, concerning existing studies on them, to assess their effectiveness in addressing gender inequality in land access. Key policies analyzed include:

- Articles 14 and 15 of the Indian Constitution
- The Chota Nagpur Tenancy Act 1908
- Santhal Parganas Tenancy Act (1949)
- Forest Rights Act, 2006
- Protection of Women from Domestic Violence Act, 2005
- The *Panchayats (Extension to Scheduled Areas) Act (PESA), 1996*.
- Jharkhand's State Action Plan on Climate Change (SAPCC) and land governance policies.

This analysis focused on identifying gaps between policy provisions and ground-level implementation, particularly in the context of Patamda and with reference to our research questions. Insights are also drawn from judicial decisions and local government reports.

2.3.2.4 Literature Review

To corroborate and understand our findings better, we have reviewed previous studies on the following topics:

- Land resource conflict and gender in Jharkhand and India
- Customary laws and taboos in tribal cultures in India

The list of all the studies are appended in the **References** section.

2.3.3 Data Analysis

All qualitative data collected through interviews, FGDs, and case studies were analyzed using thematic analysis. Patterns, recurring themes, and deviations were identified to provide a comprehensive understanding of the role of customary laws in taboos in gendered barriers to land access.

2.3.4 Ethical Considerations

- **Informed Consent**: Participants were informed about the purpose of the research and their rights, and consent was obtained before any data collection.
- **Confidentiality**: Where required, personal information and responses are anonymised to protect participants' identities.
- **Cultural Sensitivity**: The study employed culturally appropriate methods to respect local norms and traditions while ensuring the inclusion of women's voices.

This multi-pronged methodology ensures that the study captures both individual and collective experiences while situating them within the broader policy and socio-cultural framework, enabling a robust analysis of gendered land rights in the region.

2.4 Relevance

This study investigates the intersection of socio-cultural taboos and customary laws that restrict

women’s access to land and resources in Patamda, East Singhbhum, Jharkhand. In tribal societies where land ownership is important for economic stability, women remain largely excluded from access to land and landed resources due to entrenched patriarchal norms. By highlighting these invisible but pervasive barriers, this work supports efforts to promote gender-equitable land governance and amplifies the voices of marginalized women who are often excluded from resource decision-making processes.

2.4.1 Bridging Policy and Practice in Tribal Contexts

Although protective frameworks like the Protection of Women from Domestic Violence Act (2005) and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) exist, their practical application in tribal areas is limited by resistance rooted in cultural traditions and a lack of grassroots awareness. This study critically assesses the implementation gaps, aiming to provide actionable recommendations for policymakers, civil society actors, and local governance bodies to ensure gender-sensitive legal outreach and institutional support in regions like Patamda.

2.4.2 Livelihoods, Economic Agency, and Climate Resilience

Women in rural Jharkhand rely heavily on land for agriculture, forest-based livelihoods, and livestock rearing. Yet, without land ownership, their access to credit, government schemes, and financial autonomy remains minimal. This study underscores how secure land rights are foundational for women’s economic empowerment and long-term poverty alleviation. Furthermore, as climate change increasingly affects agrarian communities through erratic weather patterns and declining soil quality, women—who are central to resource management—must be equipped with land rights to adopt sustainable practices and build resilient communities.

2.4.3 Inclusive Development and Social Transformation

The study not only addresses economic and legal disparities but also challenges the male-dominated tribal governance systems that perpetuate gender exclusions. By documenting women’s lived realities, it encourages inclusive governance and community-led transformation. Empowering women through land rights contributes not just to gender justice but also to broader social and economic development. When women are seen as rightful stakeholders, entire communities benefit from more equitable, sustainable, and just systems.

3. Findings and Analysis

3.1 Root Cause of the Conflict

The conflict is rooted in multiple factors, including historical, socio-cultural, economic, and legal, all of which reinforce gender inequality. For example, the inheritance rights of tribal women is neither covered under the Hindu Succession Act, 1956 nor under the Indian Succession Act, 1925. The tribes are governed by their own customary laws, which continue to discriminate against women in the matter of succession. Further, colonial and post-colonial land policies such as the Chotanagpur Tenancy (CNT) Act, 1908, while designed to protect tribal land rights, did not incorporate gender equity, reinforcing the male-dominated land inheritance system.

Thus, at its core, the conflict stems from the traditional patriarchal governance system. Coupled with deep-seated socio-cultural taboos, this prevents effective implementation of women's land rights. Additionally, economic interests fuel the conflict, as land remains the most valuable asset in agrarian and resource-rich regions like Patamda. Male family members and tribal institutions resist land redistribution to women because ownership is directly linked to economic power, social status, and community influence. This results in women's exclusion from decision-making, economic dependency, and vulnerability to displacement during land acquisitions for mining and industrial projects.

The lack of legal literacy, institutional support, and political will to challenge discriminatory customs keeps the conflict unresolved, forcing women into cycles of marginalization, economic vulnerability, and social exclusion. Addressing this conflict requires legal enforcement, community sensitization, and policy interventions that bridge the gap between customary traditions and gender-equitable governance.

3.2 Instruments of Gender Discrimination

We examined the deeply rooted socio-cultural and customary practices that perpetuate systemic inequality against women in Patamda. Although the predominantly tribal people in Patamda enjoy certain privileges designed to safeguard their cultural identity, economic independence, and autonomy in resource governance - of particular significance is the PESA Act, which supports them to maintain their agricultural practices, water resources, and minor minerals, and the targeted schemes for tribal welfare by the central and state governments, including subsidies and support for land-based activities - women remain marginalized due to socio-cultural taboos and patriarchal norms that view land ownership as a male prerogative. The benefits of the above-mentioned provisions are often unevenly distributed, with women facing systemic exclusion from decision-making and ownership, while tribal men benefit from the customary and legal protections.

3.2.1 Customary Ownership and Communal Rights

Tribal communities in Patamda traditionally operate under a customary land ownership system that prioritizes collective rather than individual rights. Land is often viewed as a community resource, with rights passed down through kinship networks, but usually excluding women. Thus, when a male member of a family dies, his rights over land and produce are passed on to his son(s), and in the absence of a son, to other male relatives, but not to his widow or daughter(s).

The plight of a widow without a son

Sonali Hansda (name changed) is a widow with two daughters. She lives in the ancestral home of her late husband but under constant fear of being evicted as her husband's nephew threatens to throw her out of the rooms she occupies. His mother is also a widow and lives in the same house. But having a son gives a woman more right over the property usage. Sonali faces discrimination because she is a widow having no son. Her daughters are allowed to live in that house until they are married. Once married, they will have no access to parental property.

Many families hold title deeds that are in the name of a long-deceased relative. If contested legally, there may be many claimants and a process that can stretch for years.

"No land title was ever legally transferred in the name of my father or my husband, on what basis can I seek inheritance?" ~ Shikha Murmu

Although tribal women are not permitted to inherit land, custom requires that they receive maintenance, which primarily means receipt of food, clothing, and shelter, as long as they are alive. (Landesa, 2021). Often, this requirement is ignored by the relatives of widows and unmarried young women.

"*The law (PESA) mandates participation of women in gram sabha (village council) but usually the husbands take the place of the elected women in the village meetings, leaving no room for women to participate in any decision-making*." - Supriti Murmu

"Women are always laborers; they are required to work hard, inside the household, and often outside, in the fields, whether or not they hold land rights." - Sandhya Murmu

3.2.2 Witch-Hunting and Exorcism

When desperate women, in dire need of subsistence, threaten to take legal recourse to get access to land and resources, they are often labeled as 'witches,' (Daain) and ostracized by the community. According to National Crime Records Bureau (NCRB) data, Jharkhand has reported over 500 cases of witch-hunting-related murders between 2000 and 2020, with many more going unreported.

Being labeled a witch puts a woman and her family into untold difficulties, including public humiliation, forced eviction, even threats to life. A 2024 study published in the *Indian Journal of Psychological Medicine* discusses the severe **mental health impact** of witch-hunting on survivors in Jharkhand. Women accused of witchcraft face **isolation, social ostracization, and psychological distress**, with many developing **post-traumatic stress disorder (PTSD) and depression** (Das, 2024)

Another 2024 study found that survivors of witch-hunting in Jharkhand suffer from long-term social and economic exclusion, as accusations often lead to forced eviction, land confiscation, and loss of livelihood. (Rajan, 2024)

The **Prevention of Witch-Hunting Act, Jharkhand (2001)** was enacted to curb these practices, but poor enforcement and lack of legal awareness have allowed the problem to persist. The concept is ingrained in the culture and mindset of the local community and requires more than a law to eradicate.

In East Singhbhum district, including Patamda, local activists report that many cases of witch-hunting are linked to land disputes, where male relatives or influential villagers accuse women of witchcraft to forcibly take over their property.Swadhina deals with at least one case of witch hunting in and around Patamda every year.

The case of Sarla Mandi:
Sarla Mandi (name changed to protect privacy), a young widow of Patamda, with two young children, was thrown out of her home and denied all access to the family's land and landed resources, upon the death of her husband. Her family branded her a witch and accused her of causing her husband's death. She was considered a threat to the health and survival of the children of her husband's relatives and neighbors. Being thus branded, she was unable to secure employment and subsistence for her children. She was also barred from attending community events or selling produce to villagers. Swadhina stepped in to reason with the stakeholders and seek legal help for Sarla. After a lengthy process of several discussions with the family and the village elders, Sarla was able to get access to her husband's land. She is no longer deemed a witch and lives in her husband's house with her children.

Similar to witch-hunting, women are accused of being haunted by ghosts, and exorcism rituals are performed by self-proclaimed spiritual leaders. The rituals often involve beating and torturing the victim. The exorcists, called "ojhas" are powerful men to whom the people of the community turn to solve all problems. Often these ojhas pronounce a woman as a "daiin" (witch) or haunted and proceed to 'heal' them through torture practices.

3.2.3 Taboos against single women

Single women—whether widows, deserted, or unmarried—often face deep-seated social taboos and social ostracization that marginalize them from land ownership and resource access. This fact has been noted in several government reports, such as

- the National Commission for Women (NCW) report titled *"Status of Single Women in India: A Study of Tribal Areas in Jharkhand and Odisha"*
- *"Report of the Working Group on Empowerment of Women in the Eleventh Five Year Plan"* by the Planning Commission, Government of India (2007)
- Centre for Social Justice (2017) report on *"Customary Laws and Women's Rights in Jharkhand"*

Often, these women are not allowed to participate in religious and social ceremonies, as their presence is considered 'inauspicious' and 'inappropriate.' When asked the reason for such beliefs, the unanimous response of the community women is, *"This is how it has always been; these beliefs have come down to us through generations;we cannot question them."*

Such social pressures, however, discourage single women from asserting their rights over land, property, and inheritance.

One of our interviewees, a community leader, who is much respected by the women in her community because of her wisdom and leadership, is also a widow. She narrated an incident, where she was "politely and respectfully" asked to leave a house where a wedding ceremony was in progress. Knowing the social norms, she understood and left at once, but the incident left her rattled and lowered her self-esteem.

Just as widows are frequently denied inheritance rights due to customary norms, deserted women too face severe social stigma, with many being ostracized or forced to return to their parental homes without any claim to marital property.

Unmarried women, particularly those who remain single beyond a culturally "acceptable" age, are often viewed as burdens to their families and are typically denied independent land ownership, as land is considered a male privilege meant for sustaining a family lineage.

The case of a deserted woman:
Shobha Bodhra's husband, Panu (both names changed to protect privacy), lost interest in farming and left for the city to be a 'company worker.' The land he left behind was managed by his family, particularly his brother, while Shobha managed to live with Panu's infrequent remittances. Panu's remittances and visits stopped after he remarried in the city. Shobh thus became a 'deserted woman' and was thrown out of the house by her in-laws, who alleged that she was 'flawed'. Her parents too refused to shelter her, urging her instead to try and win her husband back. Helpless, Shobha sought help from Swadhina. After discussions with the community leaders and Panu's family, Shobha is now permitted to stay in a single room in her parents' house and fend for herself.

3.2.4 Polygamy

Polygamy is an accepted practice among the tribal population of Patamda. While it is often justified on social or economic grounds—such as infertility of the first wife or the need for labor in agrarian households—its consequences for women are frequently adverse. Women in polygynous marriages often experience emotional neglect, intra-household competition, and diminished authority, especially in matters of resource access and inheritance. The hierarchical status among co-wives can foster exclusion, particularly for those without male children, leading to their marginalization within both the household and community. Research by the *Centre for Social Studies* (2007) and the *Tribal Research Institute, Ranchi* indicates that women in such unions have less control over land and property, and often face abandonment or displacement without legal recourse, as customary norms override statutory rights in these communities (Sinha & Sahu, 2014). Furthermore, polygamy perpetuates patriarchal structures by normalizing male dominance in household decision-making, thereby reinforcing gender inequality in land governance and livelihood opportunities..

3.2.5 Taboos in Agricultural Practices

In tribal communities such as those in Patamda, customary and ritual taboos surrounding agriculture and menstruation significantly constrain women's autonomy over land and their economic productivity. Despite contributing substantially to agricultural labor—sowing, weeding, harvesting—women are prohibited from ploughing, a task considered sacred and reserved for men. As a result, even women with access to land remain dependent on male relatives to cultivate it (Agarwal, 1994; Sinha & Sengupta, 2014). Additionally, menstrual taboos reinforce ideas of impurity, barring women from touching crops, water containers, or entering fields during their cycles, thus reducing their effective participation in food production and further limiting their livelihood options (Gupta, 2021; Centre for Social Justice, 2017). These customs function not merely as

cultural traditions but as systemic tools of gender-based exclusion, reinforcing male control over land and resources while diminishing women's claims. Addressing this dual burden—legal loopholes and entrenched socio-cultural norms—is essential for securing women's land rights and challenging institutionalized inequality in rural Jharkhand.

3.3 Stakeholders and their Interests

Land and resource governance here is largely dictated by customary institutions, typically composed of male elders, tribal chiefs, and Gram Sabhas. These male-dominated bodies interpret and enforce customary laws, often to the exclusion of women's voices and needs. Their interests are closely tied to maintaining male control over land and resources, and they tend to resist the intervention of statutory legal frameworks, which are perceived as threats to their traditional autonomy and cultural identity (Centre for Social Justice, 2017; Xaxa, 2005). Consequently, efforts to introduce gender-sensitive policies are often met with resistance or quietly ignored in practice (Rao, 2011).

The state government, while cautious not to disrupt tribal governance structures, has attempted to address some social evils through targeted interventions. For instance, it has officially condemned witch-hunting and introduced helplines and support mechanisms for victims (Jharkhand State Women's Commission, 2021). Nonetheless, political actors and local bureaucrats often align themselves with customary beliefs, either to avoid backlash from tribal leaders or because they themselves subscribe to those traditions (Sinha & Sahu, 2014).

Within this structure, women often internalize their marginalization. Many accept taboos as fixed cultural truths and do not recognize the discriminatory nature of traditional practices, particularly those related to spirit possession, exorcism, and widowhood restrictions. One community member, Sukurmani Hembram, when asked why widows are denied land rights, stated, *"...but this is how it has been through the ages; this cannot be changed."* Yet, paradoxically, she fought to provide sustenance for a young widow with children—highlighting the tension between internalized norms and emerging agency.

Youth responses to these dynamics are mixed. Some educated young women are beginning to question menstruation taboos and are willing to challenge land-related injustices, particularly when legal land titles exist in their parents' names. However, these same young women often seek livelihoods and marriages outside their communities, preferring to distance themselves from intra-community disputes. In contrast, uneducated girls, bound by poverty and lacking inheritance rights, tend to accept their fate silently, depending on marital households for survival and rarely contesting traditional rules (Raghuwanshi, 2015; Gupta, 2021).

3.4 Impact of the Conflict

The imposition of customary laws and taboos in the area of study has far-reaching consequences that extend beyond gender inequality, affecting socio-economic stability, human rights, and environmental sustainability. The deprivation of women and denial of their rights not only reinforce poverty but are also detrimental to rural development and climate resilience.

3.4.1 Socio-economic Consequences

The cumulative impact of this entrenched conflict—rooted in customary law and gendered taboos—has serious socio-economic consequences. Women, despite being the backbone of the agrarian labor force, face insecure land tenure and are unable to invest in agriculture, livestock, or resource conservation, leading to loss of livelihoods (Agarwal, 1994). Many accept polygamous marriages out of economic desperation, reinforcing male dominance and deepening their vulnerability (Sinha & Sahu, 2014). With limited or no access to land, single women are excluded from credit and welfare schemes, pushing them into low-paid labor or dependence on male kin, which perpetuates the cycle of poverty (Landesa, 2015).
Women's **exclusion from land-based decision-making** also undermines **food production and nutrition**, directly impacting household food security. This, in turn, leads to **rising malnutrition** in marginalized tribal communities and worsens **gendered food insecurity** (Oxfam India, 2013). Ultimately, the **denial of women's land rights** not only violates their human rights but also hampers broader **rural development and environmental resilience**, as their exclusion from resource governance limits the adoption of **climate-adaptive practices** critical to sustainable agriculture in regions like Patamda.

3.4.2 Human Rights Violations

Women who assert land claims fighting against taboos often face domestic violence, social ostracization, and even accusations of witchcraft, leading to physical harm or forced eviction. All the FGD participants admitted that land-related gender violence exists in their communities.

With limited land rights, women's voices are often not heard by the Gram Sabha (village council) meetings, reducing their ability to influence local governance and resource distribution. This, despite the requirement by PESA to include women in gram sabhas.

Daughters of these deprived women inherit the same economic vulnerabilities, perpetuating cycles of poverty and exclusion.

3.4.5 Climate Change Actions

In Patamda, the exclusion of women from land ownership and key agricultural activities—particularly ploughing—significantly undermines the community's resilience to climate change. Without secure land rights, women are unable to implement climate-smart practices such as crop diversification, water harvesting, and soil management, despite being the primary contributors to agriculture and natural resource use (Agarwal, 2010; Landesa, 2015). This structural marginalization has led to reduced agricultural productivity and increased reliance on unsustainable coping strategies like shifting cultivation, excessive fuelwood collection, and foraging, all of which contribute to deforestation, soil degradation, and a growing expanse of fallow land around Patamda (Centre for Science and Environment, 2019). Moreover, as women are excluded from land-use decision-making, they are less equipped to prepare for or recover from climate-induced disasters such as droughts and floods, making them particularly vulnerable to environmental shocks (UN Women, 2022). Their traditional knowledge in seed saving, forest care, and biodiversity conservation remains largely untapped in

formal climate adaptation programs, highlighting how gender-based land discrimination not only entrenches inequality but also weakens community-level climate resilience.

3.5 Current Conflict Resolution Efforts

Besides efforts by the government, such as the Prevention of Witch-Hunting Act, Jharkhand (2001) and the state helpline numbers for victims, a few non-governmental actors in the region have made efforts to understand the true nature of the conflicts and bring them to the forefront. Swadhina has been making consistent efforts in conflict resolution in Patamda since 2002.

3.5.1 Increasing awareness

- Meetings and training sessions making the residents of Patamda aware of the rights of women and the government schemes for women: *we organised meetings in 2024 to explain the provisions of the Forest Rights Act, and how it includes women.*
- Discussion on physical and mental well being and nutritional needs, including discussion on taboos and social evils. For example, *in 2023 Swadhina organised a learning session on menstrual health, hygiene and taboos surrounding it. 55 young women from Patamda actively participated in the virtual session, through shared smartphones.*
- Sensitization drives to increase awareness of gender justice and women's land rights issues among the local communities, involving both men and women.

3.5.2 Maximizing access to resources

- Whenever the governments announce a new land-based scheme, Swadhina field workers identify women, who could potentially benefit from the scheme and provide assistance to apply. This helps to establish their social role as cultivators and the power to voice their decisions.
- Swadhina has been helping the women in identifying small plots of family land which they can develop as their own kitchen gardens, thus improving green-cover and increasing food security through women's access to land.
- Swadhina has helped develop two community gardens in Patamda, run and maintained by the women of Patamda.
- Swadhina has been mobilising women in the area, including the women of Patamda, to convert their family fallow and barren lands to green cover through land reclamation methods. 53 women from Patamda have taken advantage of this method with Swadhina's help within the past six months. They are now cultivating drought-resistant crops in the land which was earlier deemed 'fallow.'
- In cases of unfair deprivation and exclusion from resources, Swadhina has been supporting the women to approach the Gram Sabha and seek redressal. Swadhina has been instrumental in bringing systemic unfairness and taboos on women to the notice of the gram sabha in Patamda.

3.5.3 Capacity building

In and around Patamda, Swadhina has been holding training and capacity building sessions to

- Develop the women's decision-making ability

- Mobilise women at the grass-root level as collectives to build agricultural systems that are focused on food security
- Train and encourage women to hold on to their traditional, environment-friendly, organic farming practices.
- Promote forest land protection

4. Conclusions and Recommendations

The Need for Reform and Awareness

Despite efforts by Swadhina and other government and non-government actors, customary laws and taboos remain largely unchallenged in the region due to a complex interplay of tradition, social structures, legal gaps, economic interests, and political dynamics. While these laws provide community cohesion and identity, they also reinforce deep gender inequalities, particularly in access to land and resources.

To challenge these norms effectively, efforts must focus on:

- **Legal Empowerment**: Strengthen the implementation of the *Forest Rights Act (FRA)* and the increased participation of women in Gram Sabha (village council) as enshrined in *Panchayats (Extension to Scheduled Areas) Act (PESA),* to ensure that women in Patamda have a mechanism for grievance redressal and access to resources.
- **Community Dialogues**: Initiate participatory discussions in Patamda to challenge socio-cultural taboos and foster acceptance of women's land rights within tribal and rural communities. Initiate community-driven programs to challenge socio-cultural taboos and educate women on their land rights.
- **Capacity Building**: Provide training and resources for women to adopt sustainable farming practices, improve financial literacy, and access to government schemes for rural development.
- **Gender-Sensitive Conflict Resolution**: Establish mechanisms to include women's voices in land conflict resolution and compensation processes, particularly in cases of eviction and land deprivation.
- **Climate Adaptation Programs**: Integrate women's land rights into local climate adaptation strategies to enable community-led environmental resilience.
- **Further in-depth Study**: In the course of our discussions with different participants we realised that this issue is indeed a complex and concerning one and needs further in-depth study and action.

Without legal, social, and institutional support, women will continue to be denied their rightful access to land, reinforcing poverty, dependency, and gender discrimination in tribal areas like Patamda.

Integrating gender, land rights, and climate action is essential for achieving sustainable development and social justice in rural Jharkhand. Women's empowerment through land ownership not only addresses historical inequalities but also creates pathways for community-led climate resilience. Indeed, land ownership for women is not just a gender issue but a climate resilience strategy. By addressing structural inequalities, the state can harness the potential of women as agents of change in combating climate crises, ensuring food security, and building sustainable communities.

Aligning gendered land rights with climate action will also support India's commitments to global climate goals while empowering marginalized communities.

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Down to Earth

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pdf

Appendix

I. Photographs



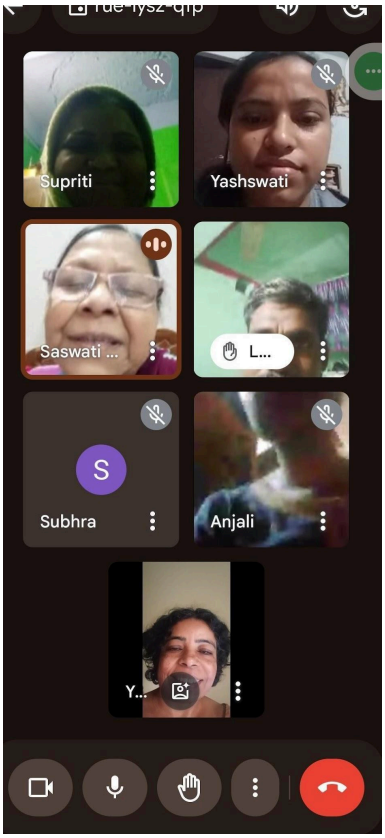
1. Mixed group FGD with community women



2. Three generation of Patamda women in FGD



3. Generational FGD



4. Virtual FGD with Swadhina Team



5. Exorcism process in Patamda



6. News item in a regional newspaper about helplines for witch-hunting and related complaints.



झारखंड

dainikbhaskar.com

दैनिक भास्कर, जमशेदपुर, शनिवार, 3 मई, 2025

अनकही हर शनिवार डायन प्रताड़ना में हजारों महिलाओं को न्याय दिलाने वाली पद्मश्री छुटनी महतो की 'आपबीती'

'उस रात अगर मैं घर से नहीं निकली होती, तो अंधविश्वासी ससुराल वाले डायन बता मुझे काटकर नदी में फेंक देते'

गौतक | सरायकेला

डायन प्रताड़ना के साथ-साथ नारी उत्पीड़न के क्षेत्र में लगभग एक हजार से अधिक महिलाओं को न्याय दिलाते हुए उनके घर बसाने का कार्य करने वाली 64 साल की छुटनी महतो 30 साल पहले अपने उपर बीती घटना को याद कर शिहिर उठती है। उसकी धड़कनें यकाएक तेज हो जाती है। थोड़ी देर चुप रहकर बोलने का हिम्मत जुटाती है और न भूलने वाली तारीख दोहराते हुए कहती है। 4 सितंबर 1995। रात 12 बजे। सारा गांव सो रहा था। बाहर तेज बारिश हो रही थी। शायद इसी कारण दरिंदे मेरे घर तक नहीं पहुंच पा रहे होंगे। लेकिन चूंकि 'मौत का डर' किसी भी बड़ी आपदा से बड़ा होता है। यह सोचकर उसी बारिश के बीच मैं अपने तीन बच्चों को साथ में लेकर घर के पिछले दरवाजे से निकल पड़ी और गांव की सीमा पार कर एक नीम के पेड़ के नीचे किसी तरह रात गुजारी। मेरा मायका खरकाई नदी के दूसरी तरफ था। तब खरकाई नदी पूरी उफान पर थी। हाथ में पैसे भी नहीं थे। तो जमशेदपुर, जुगसलाई होते हुए मुख्य सड़क पर कोई 30 से 40 किमी पैदल चलते हुए शाम तक अपने मायके बीरबांस पहुंची। तब तक मैं और बच्चे भूखे-प्यासे बेहाल हो गए थे। पर जीवित बच पाने की खुशी में सारी थकान कम लग रही थी। लेकिन आज भी वह घटना मेरे दिलो-दिमाग पर उसी चस्पा है जैसी उस वक्त थी। काश.. उस रात अगर घर नहीं छोड़ती तो शायद आज जिंदा नहीं रहती। तो आज की 'अनकही' में जानिए छुटनी का जीवन संघर्ष उन्हीं की जुबानी में...

"मेरा जन्म पहली जनवरी 1961 को गम्हरिया प्रखंड के बीरबांस में हुआ था। तीन भाइयों में सबसे छोटी बहन होने के कारण घर में सब की दुलारी थी। परंतु पढ़ाई के प्रति मेरा परिवार उतना जागरूक नहीं था। इसलिए पढ़ाई-लिखाई के मामले में परिवारवालों ने न तो कभी मुझे स्कूल भेजा और ना मैंने कभी स्कूल जाने की जिद की। 17 साल में वर्ष 1978 में मेरी शादी महतानडीह गांव के धनंजय महतो से हुई थी। शादी के बाद तीन बेटे एवं एक बेटी हुई। ससुराल में पुश्तैनी जमीन के बंटवारे को लेकर लंबे समय से विवाद चल रहा था। मुझे ठीक-ठीक याद है कि मेरे पति के बड़े भाई यानी जेठ अक्सर जमीन बंटवारे को लेकर झगड़ते रहते थे। इस मामले पर पति एवं जेठ में मारपीट भी होती थी। यह बेमनस्य इस कदर बढ़ गया कि मैं चूंकि बाहर से आई थी तो अब घर में किसी की भी तबीयत खराब रहने पर मुझ पर जादू- टोना एवं डायन विद्या करने का आरोप लगाया जाने लगा। यह सिलसिला आगे और बढ़ता गया। आसपास भी कोई बीमार हुआ तो मुझे डायन बताकर कसूरवार ठहराया जाने लगा। धीरे-धीरे ऐसे मामले रोज-रोज होने लगे और मुझे डायन कहकर प्रताड़ित किया जाने लगा।

छुटनी महतो, 2021 में हुई पद्मश्री अवार्ड से सम्मानित

साल 1995। पहली या दूसरी सितंबर की बात होगी। मैं ससुराल महतानडीह में ही थी। जेठ ने कुछ लोगों के साथ मिलकर मेरे साथ मारपीट की। बाल पकड़कर घसीटते हुए डायन बता पूरा गांव घुमाया। मैला पिलाया। दो दिन बाद 4 सितंबर को शाम के वक्त एक आदिवासी बुजुर्ग चुपके से घर आए और बोले- आज रात आपको जान से मारकर नदी में काटकर फेंकने का निर्णय गांववालों ने लिया है। आज ही रात चुपके से किसी तरह गांव छोड़ निकल जाइए। मैंने बुजुर्ग की बात मान ली और रातों रात घर से बच्चों के साथ जान बचाकर भागी। किसी तरह मायके बीरबांस पहुंची तो भाइयों ने भी मुझसे कन्नी काट लिया। फिर मैंने बीरबांस में ही एक पेड़ के नीचे ठिकाना बना लिया और पूरे 8 महीने तक अपने बाल-बच्चे के साथ रही। उसके बाद वहीं एक झोपड़ी बनाकर रहने लगी। आज भी उसी स्थान पर घर बनाकर रहती हूं। समय बीतता गया और वक्त का मरहम धीरे-धीरे मेरे अंदर आत्मविश्वास जगाने लगा। इसके बाद मैंने अपने इलाके और आसपास डायन प्रताड़ना की शिकार महिलाओं को न्याय दिलाने की मुहिम में जुट गई। मैंने सबसे पहले उन सब पीड़ित और प्रताड़ित महिलाओं को अपने साथ जोड़ा। इसके बाद उन सबकी सहभागिता से आज मैं यह कह सकती हूं कि अबतक एक हजार से भी अधिक महिलाओं को डायन प्रताड़ना के मामलों में न्याय दिला चुकी हूं। आखिरकार मेरे प्रयास को राष्ट्रीय स्तर पर तब पहचान मिली जब वर्ष 2021 में केंद्र सरकार की ओर से मुझे पद्मश्री से सम्मानित किया गया।

दुख इस बात का है...

पति ने भी डायन का शक जता मेरा साथ छोड़ दिया

छुटनी ने बताया कि असल दुख तब हुआ जब मेरे पति धनंजय महतो ने भी मेरा साथ छोड़ दिया। यही नहीं मुझमें डायन होने का संदेह करते हुए मुझसे दूर रहने लगे। बच्चों के साथ में अकेले जब 8 महीने तक पेड़ के नीचे रह रही थी तो मेरे पति ने हम लोगों की कोई खोज खबर नहीं ली। बाद में पता चला कि मेरे पति ने भी पुश्तैनी घर छोड़ दिया और एक अलग जगह गाजिया बराज के पास झोपड़ी बनाकर अकेले रहने लगे। जेठ समेत गांव के दूसरे लोगों ने मेरे खिलाफ पति को खूब भड़काया। लोगों ने उससे कहा कि डायन के साथ रहोगे तो तुम जिंदा नहीं रहोगे। मेरे पति लोगों की बात मानकर अलग रहने लगे। तीन साल पहले उनकी मौत हो गई।

एक पखवाड़े के भीतर 5 घटनाओं को दे चुका है अंजाम, बैंक ग्राहकों को बनाता था शिकार

7. This news item illustrates the prevalence of of witch hunting in the same district as that of our study.



8.. Sonali Hansda



9.. Kausalya Devi Karmakar

II. List of FGD participants

1.Binapani Singh
2.Diwani Singh
3.Hansabati Singh
4.Ulashi Singh
5.Parbati Singh
6.Bhabani Singh
7.Lalita Singh
8.Shusila Singh
9.Sarli Singh
10.Anjana Singh
11.Janki Singh
12.Jaba Singh
13.Khukubala Singh
14.Bilasi Singh
15.Binapani Singh
16.Menka Singh
17.Rekha Singh
18.Balike Singh
19.Sivani Singh
20.Shivani Singh
21.Sushama Singh
22.Joba Rani Singh
23.Pushps Singh
24.Saraswati Singh
25.Kaushalya Devi Karmakar
26.Mahendra Singh
27.Khagen Singh
28.Laduram Mahato
29.Aditi Roy Majumder