



## SOCIO-LEGAL STATUS OF WOMEN IN GARASIA TRIBE

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### ABSTRACT

*The women of Garasia community constitutes about half of the total population of garasias. Most of them are illiterate then men. They suffer from various diseases and have problems related to reproduction, the conceptual framework to analyze women's status which comprise of various categories such as a daughter, girl; unmarried; married; widow; divorce or barren women,. In earlier stage the women of Garasia community were illiterate. This community was male dominating, but now due to modernization and change in the society. Their light of knowledge illuminated. They also tried to get educated like the women of urban society for which they are facilitated by the government. The people of this tribe blindly follows the decision of JatiPanchayats, there is no women representative within JatiPanchayat. They are male dominating. So Garasia Tribal Women suffers from injustice and exploitation, due to their illiteracy, the status of women within this community is downtrodden they suffer from child marriage, female foeticide , rape, adultery, widow ill-treatment , polygamy and other social evils .So it is necessary that such people should be given knowledge of law, therefore it is necessity that the government should step forward to make arrangements to provide quick justice .*

**Keywords:** *Garasia, illiterate, women, Tribal community, Government, knowledge of law, quick justice.*

### INTRODUCTION

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In Indian culture, the Garasia community is given more prominence due to their culture and style of living. The Southern part of Rajasthan is known as “Adivasi Bahulya Kshetra.”

It is the third largest tribe in the state of Rajasthan, basically found in the districts of Sirohi; Udaipur Banswara; Dungarpur; Chittorgarh; Rajsamand; Pali Kotra, Abu road, Bali Desuri, Gogunda and Kherwada<sup>1</sup>. In Mewar, the Bhomat Bhils are also originated from Garasia tribe<sup>2</sup>. Among Garasias, Bhil Garasias are the tribe when a Garasia marries a Bhil woman. The word Garasia is derived from the word “Gras” which means a piece of land which is given to the person who serves for them, as remuneration by the jagirdars. They speak a language which is a mix of Bhili, Marwari and Gujarati i.e. Dungri.<sup>3</sup>

These Adivasis always remained independent and not even subjugate the British imperialists and make them answerable to the laws made by the Britishers, hence they labelled

### **Education:-**

Tribal women occupy about half of the population, they are more illiterate than men. Education of the tribal people in the tribal areas is the necessity for the improvement of social and economic position. After independence, after the political awakening the government has stepped forward for the development and upliftment of the citizens and they have their attraction towards the backward community among which the Garasia community was the one and took various steps for their upliftment.<sup>4</sup>

The tribal folks generally residing in dense forest areas have much valuable information and medicinal uses of the plants and trees and use them for the treatment of various diseases. They use minerals besides plants, animals and animal products. They use herbs for the treatment of certain diseases, which create a digestive and cooling effect on the human body. They also make use of seed extracts which are used for antifungal property and also used for the treatment of diseases in females, the bark of trees are also used for the treatment of skin diseases. The juicy extract of the plants are orally given to a pregnant woman for easy delivery of child. They use the ethnomedicinal plants traditionally by their local names. Thus there is an important role of the herbs and plants in the life of these tribals. They believe in their own traditional treatment for ailments rather than medicinal treatments. They use the paste or extracts of some plants for the treatment of wounds, cuts, swelling, burns, exzema and other diseases by externally applying the extracts of some plants or herbs. The leaves or

<sup>1</sup> Dave, P.C (1960), The Grasias, Also Called Kshatriya Grasias. Delhi: Bhartiya Adimjati Sevak Sangh

<sup>2</sup> Mann, Ram Singh; Mann, K. (1989), Tribal Cultures and Change, Mittal Publications

<sup>3</sup> Unnithan – Kumar, Maya (1997), Identity, Gender and poverty ;new perspectives on Caste and tribe in Rajasthan. Berghahn Books, ISBN 978-1-57181-918-5

<sup>4</sup> Garasia, Adivasi at Ethnologue (18<sup>th</sup> ed. 2015)

extracts of some plants are taken orally and chewed in the mouth in case of mouth ulcers. Thus ethnomedicinal plants in the forest plays important roles in the life of tribals.<sup>5</sup>

Generally all the tribals residing away from the urban areas are engaged in their ancestral businesses. They were named by the Britishers as lawless and criminals, independent and fond of fighting. They were believed as thieves and plunderers. Such people are generally interested in wood work, in agriculture and family business. Their caste society imposes various traditional rules which becomes law, if anyone disobeys their rules is boycotted or severely punished. Geographically, they are isolated and remained away from the society. Social evils such as Purdah pratha, child marriage, Dapa Pratha, witch hunting (Dakan Pratha), jadu tona and other superstitious beliefs are still being practiced in the society of the tribals.

But now in modern period they are trying to adapt their living status equivalent to the urban society now they are stepping forward towards development now they are trying to be literate going to schools and colleges and achieving good posts as government took various steps for their upliftment. Still endeavors are being adopted by the government for the upliftment of the tribals. The Government of India is also encouraging the tribals for getting better education now a days apart from agriculture they are interested in getting good jobs as government encourages them for this. They are now interested in administrative and private sector. Their social activities are also being affected rapidly.

They believe in Jati Panchayat which is male dominating, as a result injustice and exploitation to such women. For their upliftment various bills, acts or provision are made for this purpose. The Constitution act as a torch bearer for the upliftment of the tribal women.

### **Constitutional Provisions for education of Scheduled Tribes:-**

The importance of education, the Indian Constitution has made specific provisions in Article 15(iv) and article 46 for promoting the education among the scheduled tribes. The rate of literacy varies from region to region. There is very slow progress in literacy among the tribes. Or the Some females tried to change their standard of living and modify their livelihood, the government has appreciated them for the step taken for their upliftment.

Several women stepped forward for their upliftment in the society. One of such women is Tipu Garasia widow of Lt. Lasa Ram Garasia, a tribal woman who lives in Siyawa, near Aburoad district Sirohi. She is famous for her art in making different artistic things and clay models and has provided employment to various other tribal women to earn their livelihood.

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<sup>5</sup> ibid

She is renowned social worker of that region. She met former President of United States of America and various other dignified personalities. She also met India's former President A.P.J Abdul Kalam. She received several medals and prizes for her achievements even though herself being as Shanghai, Singapore, Switzerland etc. She is a widow from last eighteen years. She is an inspiration for other tribal She devoted her life for the upliftment of tribal women.<sup>6</sup> Now their living status is becoming equivalent to urban people. Their standard of living is changing rapidly. Earlier they totally depended on Caste Panchayats which is male dominating, where the rights of women are infringed but now due to their urbanization they started knocking the doors of the courts. As their Jati Panchayats are male dominating where women is not given justice;<sup>7</sup> where they have to accept the brutal decisions of their Jati Panchayats which made their life distressful. The geographical impact plays a keen role in the social and legal upliftment of tribals specially women who are backward. As there is less literacy among them, the traditional social evils can be observed such as witch hunting, child marriage, use of wine, flesh eating, if they becomes ill or sick, they never go to the hospital for treatment from doctor and believes in the treatment of Bhopa and they blindly believe in Superstition i.e. Jadoo Tona. In 19<sup>th</sup> Century many reformists stepped forward to bring social and legal reformation in the society of the tribals. Many social reformists such as Govind Guru and Motilal Tejawat took various reformative steps to end such social evils. In addition to this there are many positive points such as both the spouse helps each other in work. After the death of the husband, the wife remarries which is known as "Nata Pratha". No "Sati Pratha" is prevailing in this community.<sup>8</sup> In case of any crises the people of this community gets united and face the same collectively. If any danger occurs within the community, they either beats the trump or blow whistle to convey all the community members and make them alert.<sup>9</sup>

The tribals faced many problems:-

- Problem faced by Scheduled Tribes people in receiving education.
- Lack of interest in formal education.

<sup>6</sup> Interviewed tribal women of Siyawa near Aburoad Dist. Sirohi taken on 06.11.2018

Mrs. Tipubai Garasiya widow/o Lt. Lasa Ram Garasiya age 42 years Siyawa  
Mrs. Chami w/o Deeda age 33 years Siyawa  
Mrs. Noli w/o Shankar age 16 years Siyawa  
Mrs. Andu w/o Narpat age 28 years Siyawa  
Mrs. Devi w/o Kala age 26 years Siyawa  
Mrs. Tipu w/o Kana age 40 years Siyawa  
Mrs. Sumi w/o Natha age 38 years Siyawa  
Mrs. Keli w/o Narsa age 58 years Siyawa

<sup>7</sup> Interviewed tribal women of Siyawa near Aburoad Dist. Sirohi taken on 06.11.2018

<sup>8</sup> Interviewed Tribal women of Surpagla village near Aburoad Dist. Sirohi taken on 07.11.2018

Mrs. Mevli w/o Jetha age 39 years Surpagla  
Mrs. Delki w/o Wala age 24 years Surpagla  
Mrs. Moogli w/o Mova age 65 years Surpagla.

<sup>9</sup> Dave, P.C (1960), The Grasiyas, Also Called Kshatriya Grasiyas. Delhi: Bhartiya Adim jati Sevak Sangh

The tribal children are taught with the same book and the contents of such books appeals the tribal children, who are from cultural backgrounds. National awareness should not be imposed from above or outside, they should be made acquainted with the importance of education.

### **Lack of facilities:-**

The habitat of tribes is also responsible for slow growth of education. Most of the tribal villages are scattered. The Constitution of India , under article 350-A affirms that every state must provide adequate for instruction of pupil in their mother tongue.

In this study it is found that the status of women of Garasia tribes were in ancient, medieval and modern era are totally different and they followed the laws and restrictions of Jati Panchayats by their closed eyes. But, with the change in time, they started believing the justice of the courts and police administration.<sup>10</sup>

There are various evil customs that are prevalent within the garasia community, the main barrier is illiteracy, poverty, unemployment, drunkenness. The crimes prevailing in this area are mainly mautana, dakan pratha, jadu-tona, cheating, dishonesty, child labour, polygamy chadotara, use of beer or wine in their social events, prostitution, theft, dacoits, commotions of religion , rape, to transfer land of Adivasi by the people to sale out the property and other crimes are prevailing among this community. Nata pratha also popular in this community.

Offences against Marriages in Garasia Community:-

In the garasia tribe marriages are solemnized with Hindu rituals and ceremonies. Marriages are performed after the the process of elopement.

Elopement:-

This is the common practice among garasia tribe in the area of Sirohi and Udaipur of Southern Rajasthan. Marriages in garasia tribe are performed through elopement. The couple stays together after elopement. To remove the enmity between the two families another custom is organized which is known as 'milni' in where the panches of both the parties sit to resolve the matter by deciding the amount of 'Dapa' , thus where the family members and panches from the side bride's family sits and finalize the amount with the groom's family. Then Dapa is paid accordingly to the Panches who divides the amount and then hand it over to the bride's family, with goat and wine. It can be paid in installments as decided by the Panchas.

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<sup>10</sup> Interviewed Tribal women of Surpagla village near AburoadDist.Sirohi taken on 07.11.2018

In case the bride dies in her husband's house then the deadbody is taken to the husband's house and mautana is demanded, deadbody is not cremated until mautana is not paid. If the amount of mautana is paid then the cremation is performed. If not paid then any one member is killed from the husband's family.

In case if there is any dispute between the couple, if husband/wife deserts his/her spouse then the panches, if she gives the reasonable cause then then after hearing both the parties, the panches decides the matter accordingly.

### **Mautana:-**

Mautana or monetary compensation for death started with the noble intention proving relief to the victim's family. The word mautana consists of two words i.e "maut" means death and "Ana" means "money". This means money against death.<sup>11</sup>The tribe Garasia situated in hilly terrain of south west portion of Rajasthan. They does not live in colonies, their houses were/are scattered in the forest. If in case they deny to pay mautana to the victim's family, then any one member of their clan is killed from that family. There is no policy to deal with this social issue. But now middleman, even sarpanch and panchas when the families and communities of the victims. It is a good business for moneylender. Since the compensation is often huge which the suspected accused borrows large amount of money from them. There is no requirement of any evidence or police investigation, they themselves makes their decision. The family of the deceased cremates the dead body only after receiving mautana. Generally in case of newly married bride such incident takes places.<sup>12</sup>

Chadotara for the demand of Mautana:-

If any person is killed within the community, in such situation the family of the victim is supported by the Community, to overcome the said situation and spread brotherhood among the community by pressurizing the family of the suspect to pay the price. The dead body is taken to the doorsteps of the murderer or the suspect and raise the demand of grains or other resources. In case of failure to fulfill the demand. In this the relatives of murderer and the victim sit and negotiates the compensatory amount which is demanded. They ask the amount for picking the deadbody, cremation of the deadbody. It is not picked until the murderer's family assures to pay mautana. They also demand the amount for rents for such purposes. There is large group of the people of the community who pledges one by one lastly the pledge is taken by patels and there police force is also there so that to maintain peace and order. Finally the amount is decided.

Ver/Ber:-

<sup>11</sup> Katariya, Surendra "Mautana ek aadim pratha" National Publishing House, Jaipur and Delhi..

<sup>12</sup> Mautana- Decision of Jati Panchayat village Badli-Kotda Rajasthan Patrika Saturday November 10, 2018.

Ver/Ber is in practice when the murderer's family fails to pay the amount as decided for Mautana, they will kill any of the member of the murderer even after a number of years. Such type of crime is practiced in the districts of Banswara, Dungarpur, Pratapgarh and Sirohi in order of taking revenge. This is one form of offence where revenge is taken in a planned manner. Unless compromise takes place between the parties and it is believed that unless tea, gud and deshi madira is not offered till that time Ver continues.

Some incidents of Mautana and Chadotara:-

In an incident a lady was bitten by a snake while working in the farm and eventually died. After her death her family members blamed her in laws that they were responsible for her death. So they demanded for Mautana from her in laws.

Another incident took place in Kheroda village of Udaipur in which it was witnessed that a worker got injured by electric shock. He was taken to the Government hospital of Udaipur and during operation, he died. The family of the deceased demanded Mautana from doctor.

Another case was of Jhadol region of 13<sup>th</sup> Nov, 2014, a pregnant lady died during delivery. Mautana was demanded by her family members and climbed for Chadotara with the weapons in order to take revenge from the family of in laws, of the deceased 5 lakh rupees were demanded which when given they cool down. There are various cases in which if Mautana is not given various houses are ruined and destroyed.

In Kotada, 14 years earlier someone threw a deadbody outside the house of Hamoea. The family members of Hamoea were blamed for the death, the family members has torush from their houses to prevent themselves from Chadotara, after leaving their place, their fertile land was looted they had to spend their life on the mercy of others.

Another case of Falasia, Udaipur district Panarwa region, in the village of Sarvan, a woman died due to ingestion of poisonous substance. In investigation the cause of death was suicide. The family members of the deceased made Chadotara against in laws of the deceased and demanded for ten lakh rupees. Due to the dispute post mortem was not done.

In various cases following amount was collected through Mautana in Udaipur District.

On the basis of district police office of Udaipur of five years from 2011 to 2015.

Year	Cases	Amount of Mautana
2011	8	8 Lakhs 60 thousands
2012	10	11 Lakhs 15 thousands
2013	13	13 Lakhs 55 thousands

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2014	24	39 Lakhs 23 thousands
2015	4	4 Lakh 35 thousands

Amount of Mautana in Banswara district:-

Year	Cases	Amount of Mautana
2011	1	1 Lakh 50 thousands
2012	3	4Lakhs 20 thousands
2013	3	3 Lakhs 45 thousands
2014	6	5Lakhs 63 thousands
2015	5	4Lakhs 35thousands

Amount of Mautana in Pratapgarh district:-

Year	Cases	Amount of Mautana
2011	2	2 Lakhs 30 thousands
2012	4	5Lakhs 22 thousands
2013	7	9Lakhs 34 thousands
2014	10	10Lakhs 25 thousands
2015	8	8Lakhs 35thousands

Amount of Mautana collected from the district police office at Dungarpur district

Year	Cases	Amount of Mautana
2011	3	4 Lakhs 20 thousands
2012	5	7Lakhs 15 thousands
2013	7	9Lakhs 23 thousands
2014	12	16Lakhs 67 thousands
2015	8	11Lakhs 38thousands

The tradition of collecting Chadotara on Mautana in various increases day by day. Most of such acts are done in Udaipur District, then Dungarpur District and least amount is collected from Banswara district. This malpractice of Mautana has destroyed and ruined many families and the interesting thing is that whenever a person has killed anyone, it does not matter the thing that matters is with how much strength, the opposite party is climbing for Chadotara, for which is a violent situation.

### Superstitious belief:-

Dakan pratha is popular among the garasia community. Jhadfoonk, Jadutona are the superstitious belief by which the tribal women is exploited and tortured mentally and physically. For the prevention of such women a new act was enacted by the legislature. The





Rajasthan Prevention of witch hunting act, 2015 of which most of the tribal people are unaware.<sup>13</sup>

The woman is treated brutally and are blamed if any wrong is done in the community, sometimes cruelty increases till it cause the extent of death of the woman, who are considered as Dayan witch hunting is still prevailing in the areas of Southern Rajasthan. The inhabitants of this community blindly believes in superstitions. A woman who is declared as Dakan is considered as boon to the Society.

Earlier the woman who is declared as Dayan or Dakan were given death penalty. If any person is sick then such person is taken to a person called 'Bhopa'. If any person who is sick dies then a woman is blamed for that who is considered as Dakan. Such woman is beaten mercilessly, discard her from her house, she is boycotted from the caste by torturing her or killing her.

### **Jadu-Tona:-**

Jadu-tona, jhad-foonk are in practice since ancient period in the tribal areas. They blindly believes in jadu-tona.

### **Polygamy:-**

This type of crime is prevailing within the community of tribals, when a man is married to more than one husband at a time, which is also known as polyandry. This crime is mostly practiced among the tribals. This is punishable under section 494 of the Indian Penal Code. It is the offence when person marries another during the life time of his/her spouse then such marriage is declared as void and such person shall be punishable with seven years and fine.

### **Nata Pratha:-**

This pratha is also popular amongst garasia community. In case of death of the husband or desertion, she elopes with another man and that man has to pay compensation to her husband. This is known as Nata Pratha.<sup>14</sup> So if a widow girl wants to remarry then marriage will be performed by depositing certain amount in general known as "Dapa or Dowry."

### **Child Labour in the tribal areas:-**

<sup>13</sup> Jain Dineshchandra (Ed.)Tribe Vol. 49-50 (1) page 10-16.

<sup>14</sup> Verma ManikyaLal aadim Bhatt (Dr.)Nirja, "18<sup>th</sup> aur 19<sup>th</sup> shatabdi me Rajasthan kaBheelSamaj"p-(xi), Himanshu Publication,

There is increase in the problem of child labour day by day, due to deforestation, lackage of agricultural land and due to degradation natural resources and increase in population, they are unable to grow enough food for survival , they migrate for wages. In such chronically poor situation, the children are pushed to the work denying full opportunity to build human capital for them. If in case the breadwinner of the household is suffering from long illness then the burden of the household livelihood of the family first falls on the shoulder of the spouse then on the children. Such conditions forces the children to give up their schooling to take the financial responsibility.

Case:- In Panarwa in the district of Udaipur, police arrested a jeep driver and a maid who illegally fetched the children and was taking them to Gujarat and were paid the amount of rupees 180/day for labour purpose. Many more such incidents occurred in the state of Rajasthan.

According to Article 24 of the Constitution of India states that no child below the age of fourteen years shall be employed in any factory or mines or household construction or various other hazardous works.

In case of M.C Mehta vs State of Tamil Nadu, it was held by the hon'ble Supreme Court that no child below the age of 14 years can be employed in any industry or mine M.C Mehta vs State of Tamil Nadu

### **Child Marriage :-**

Child marriage prevails in the tribal areas of Rajasthan within the tribal community. Along with child marriage various offences are committed. one may desert their spouse or marry some other person, or the girl is eloped with some other man such girl may demand the bride prize to the family members of the person with whom she is married.

### **Rape:-**

If a tribal women is raped or sexually harassed by any person then her relatives quarrels with such person and demand for large amount of penalty which is paid to such aggrieved woman or relatives of such woman. They does not believe in lodging F.I.R and also don't believe in police investigation. They themselves investigate the matter through their own sources. Various offences such as offenders under section 376,302, 354 etc. of Indian Penal Code 1860.They believe in prompt decision.

In case of rape also there is discrimination in punishments and justice given by their Jati Panchayats. In case rape with an unmarried woman or minor then the compensation demanded by the relatives of the victim and that ends in less amount and in the case if rape is

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done with a married woman, then the demand of compensation is very high, which would be very difficult for the accused to pay. The families accused and the victim sits and decide the amount of compensation, where both the parties are satisfied, that much amount is to be paid. Thus the amount with which the victim is compensated is known as “Dawa Bharna or Ijjat Bharna.”

These tribals have good sense identifying the criminals and their procedure is more prompt than the police investigation.

While looking at the socio-economic backwardness of tribes, special provisions made by the framers of the constitution related to the protection and promotion of the interest of the tribal.<sup>15</sup>

“The framers of the Constitution were aware of sociology of the problem of emancipation of women. They also knew that equality of sex was crucial for material development. It was, therefore evident that in order to eliminate inequality and to provide opportunities for the exercise of human rights and claims, it was necessary to promote with special care, educational and economic interest in women and to protect them from social injustice and exploitation. The provisions of constitution dealing with equality such as article 14, 15 and 16 and then article 23 dealing with traffic in human beings. Article 39 and article 42 which deals with equal pay for equal work, for men and women and the maternity benefits. Various election provisions prohibiting discriminations based on sex. Special provisions are given for the upliftment to the tribal under Article 46, the state government gives more importance to educational and legal injustice and exploitation.”<sup>16</sup>

#### **Provisions in Law related to the upliftment of women in tribal areas:-**

The tribal people resides isolated away from the other society and are of shy nature. Their lifestyle is downtrodden and backward in condition and various steps are laid down by the Indian Government for the upliftment of such tribals various legal provisions and enacted several laws for their upliftment.

The Constitution framers were aware of discrimination and unequal among the society. Many provisions were introduced by the Constitution of India for the upliftment of women. Originally there was no provision for gender justice. The principles of Gender Equality was not there in the Constitution. But later this was incorporated in its Preamble, Fundamental Rights and Directive Principles.<sup>17</sup> Various provisions related to the women empowerment and

<sup>15</sup> Jati shodh evam prashik shansansthan Ashok Nagar Udaipur (Rajasthan).

<sup>16</sup> “Pandey, J.N, The Constitution of India.”

<sup>17</sup> Pandey, J.N, The Constitution of India.

upliftment of women has been enshrined in the Constitution of India and also empowers the state to adopt measures for the upliftment of the women. The International Conventions has been ratified in India instruments of human right committed to secure equal rights of women, this Convention was on elimination of all form of discrimination against women (CEDAW) 1993.

Act and rules for the protection and upliftment of tribal people:-

“Scheduled castes and scheduled tribes (Prevention of Atrocities) Act 1989:-

The Supreme Court of India banned immediate arrest of a person accused of insulting or injuring a SC/ST member to protect innocent from arbitrary arrest. The Act violates ‘Basic principle of liberty’ and accountability after the amendments.”<sup>18</sup>

“Important constitutional provisions for the safeguards of the scheduled tribes:-

Several provisions have been incorporated in the constitution for safeguarding and promoting the interest and rights of scheduled tribe of various spheres.”<sup>19</sup>

“Article 46 of the constitution provide that the state shall promote with special care the education and economic interest of weaker section of the society particularly scheduled castes and scheduled tribes and shall protect them from social injustice and all forms of exploitation. Reservation in educational institution has been provided in Article 15(4) while reservation in posts and services has been provided in Article 16(4A) and 16(4B) of the Constitution. Article 23 which provides traffic in human beings, beggars and forced labours enacted the bonded labour system (Abolition) Act, 1976. Similarly Article 24 prohibits employment of children below 14 years in the factory or mines or in any other hazardous activities is also significant for scheduled tribes as a substantial portion of child labour. Article 243D provides reservation of seats for scheduled tribes in Panchayats.

Article 330 provides reservation of seats in House of People. Article 332 provides reservation of seats for scheduled tribes in Legislative assemblies of the states. Article 334 provides reservation of seats for scheduled castes and scheduled tribes in the Lok sabha and the state vidhan sabhas.

Other specific safeguards have been provided in Article 244 read with the provisions contained in fifth and sixth schedules of the Constitution.”<sup>20</sup>

<sup>18</sup> “Pandey, J.N, The Constitution of India available on Lawman.nic.in available on cited on dated 15<sup>th</sup> December, 2018”.

<sup>19</sup> Bakshi P.N , The Constitution Of India, 9<sup>th</sup> Edition

<sup>20</sup> “Pandey, J.N, The Constitution of India available on Lawman.nic.in available on cited on

“Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:-

An act to prevent the commission of offences of atrocities against the members of scheduled castes and scheduled tribes to provide special courts for trial of such offences and for the relief and rehabilitation of the victim of such offences and for matters connected therewith. According to section 7, where a person have been convicted by any offence,<sup>21</sup> the special court may declare any property movable or immovable or both, belonging to a person, which has been used for the commission of that offence shall stand forfeited to the government or such property so attached shall be liable to forfeiture to the extent, it is required for the purpose of realization of any fine imposed. Section 8 provides that if any person reasonably suspected for giving financial assistance, the court shall presume that such person abetted the offence. Financial assistance is provided to the state for the implementation of these acts by way of relief of atrocities victims in centre for inter caste marriages, awareness generation setting up exclusive special court etc. Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (Act.No.1 of 2016) was notified in the gazette of India on 01.01.2016. The Amendment Act came into force on 26.01.2016.

- New offences of Atrocities like tonsuring of head, moustache or similar acts which are derogatory to the dignity of members of scheduled castes and scheduled tribes, garlanding with chappals denying access to irrigation facilities and forest rights, dedicating a scheduled caste or scheduled tribe women as Devdasi, abusing by caste name, imposing social and economic boycott, forcing members of scheduled castes and scheduled tribes to leave houses, village or residence, defiling object sacred to them, touching or using words, acts or gestures of sexual nature against members of scheduled castes and scheduled tribes.
- Addition of certain IPC offences like hurt, grievous hurt, intimidation kidnapping etc. attracting less than 10 years of imprisonment, committed against the members of scheduled castes and scheduled tribes as offences punishable under Prevention of Atrocities act. Presently only those offences listed in IPC as attracting punishment of 10 years or more and committed on members of scheduled castes and tribes are accepted offences under Prevention of Atrocities act.
- Establishment of exclusive special courts and specification of exclusively special public prosecutor also to exclusively try the offences under Prevention of Atrocities act to enable speedy and expeditious disposal of cases.

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dated 15<sup>th</sup> December, 2018.”

<sup>21</sup> “The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989”

- Power of special courts and exclusive special courts to take direct cognizance of offence and as far as possible completion of the trial of the case within two months from the date of filing of charge sheet.”<sup>22</sup>

In addition to this if the accused was acquainted with the victim or his family, the court will presume that the accused was aware of the caste and tribal identity of the victim.

## CONCLUSION :-

As tribal are less educated they are unable to understand their legal rights and circumscribed within their own traditions and customs even though their rights are being infringed, they does not want to come out of it. The Indian Constitution blinks torch on various provisions which are made for their socio and economic development and upliftment but as they are illiterate they does not want to understand. Various promotional activities are performed by various institutions such as nukkad shows, puppet shows etc. to enhance their legal acquaintance. Legal aid camps are performed for their upliftment but they does not want any modification and changes in their life. They only follow the decision of their caste panchayats and does believe in courts or police investigation. Hence they remained backward and downtrodden. They follow what their rituals and custom says. They believe in their own process and believe speedy and quick decision and are ready to pay huge amount of fine. Hence to provide them equal and fair justice state government should step forward to establish courts according to the convenience of the tribal, or make arrangements for camp courts or mobile courts. Female education system is still in progress. They are more literate than male members of the society. It is observed that the tribals who are connected by the urban society are comparatively more developed and civilized than the other members of the society. This lacuna in the society can be overcome by various NGO's and literate women of this community, who should step forward for the legal acquaintance of the tribal garasia women and legal aid camps should be organized for their upliftment.

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3. (A)Mann (1993) p-103,

<sup>22</sup>“The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act,2015(Act. No. ,2016)”

- (B) Mann & Mann (1989), pp.-81-82(b)
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(B)Mautana- Decision of Jati Panchayat village Badli-Kotda Rajasthan Patrika Saturday November10, 2018.
  7. (A) Interviewed tribal women of Siyawa near Aburoad Dist. Sirohi taken on 06.11.2018  
Mrs. Tipubai Garasiya widow/o Lt. Lasa Ram Garasiya age 42 years Siyawa  
Mrs. Chami w/o Deeda age 33 years Siyawa  
Mrs. Noli w/o Shankar age 16 years Siyawa  
Mrs. Andu w/o Narpat age 28 years Siyawa  
Mrs. Devi w/o Kala age 26 years Siyawa  
Mrs. Tipu w/o Kana age 40 years Siyawa  
Mrs. Sumi w/o Natha age 38 years Siyawa  
Mrs. Keli w/o Narsa age 58 years Siyawa  
(B) Interviewed Tribal women of Surpagla village near Aburoad Dist.Sirohi taken on 07.11.2018  
Mrs.Mevli w/o Jetha age 39 years Surpagla  
Mrs. Delki w/o Wala age 24 years Surpagla  
Mrs. Moogli w/o Mova age 65 years Surpagla.
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