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VOICES FROM THE MARGINS: INDIGENOUS WOMEN'S POLITICAL AGENCY, JUSTICE, AND THE DIGITAL STRUGGLE FOR EQUALITY

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I. ABSTRACT

“There is no tool for development more effective than the empowerment of women.” By Kofi Annan. This paper looks at how women and indigenous political institutions are connected and how the old ways of governing affect women ability to take part in politics and make their voices heard. In indigenous communities' traditional leaders make important decisions resolve conflicts and help keep the communities' culture alive. These leaders often follow old rules that favor men, which mean women do not get to be leaders or have a say in things. The paper examines the laws that govern communities, including the rules that are supposed to protect women rights and make sure they are treated equally. It also looks at the laws that are meant to keep women safe at work and in politics. With these laws many indigenous women still face big problems, such as not having enough money not being able to go to school and not being able to speak up for themselves. The paper pays attention to the fact that many women are harassed or assaulted at work, which hurts their self-respect, makes them feel unsafe and affects their ability to work and be independent. The study also looks at how technology's helping indigenous women by giving them a way to speak out report abuse and work together to make change. Overall, the paper says that indigenous women need laws to protect them and they need help to overcome the social problems they face. They also need to be able to use technology to participate fully in politics and make their voices heard. This will help women to be stronger and more able to take care of themselves.

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II. KEYWORDS

Indigenous Political Institutions, Women's Political Agency, Gender Equality and Legal Frameworks, Workplace Sexual Violence, Digital Empowerment and Activism.

III. INTRODUCTION

The world is trying to make progress and helping women is the key to moving the idea of gender is something that society created to decide what people can and cannot do based on whether they're a man or a woman. For women having the power to make their choices stand up for what is right and take part in politics, social activities and the economy is what we mean by women's agency. It is important to look at how women are involved in making decisions because even though we have new laws, old ways of doing things are still around and they often do not give women any power.

There are laws to protect women's rights and make sure everyone is treated equally. Indigenous women still face a lot of problems when they try to represent themselves. To create a system where women can be strong and effective we need to understand how everything works.

In communities the way people make decisions is based on traditional systems, where customs and leaders decide what happens. This system helps keep the community's identity. They are often unfair to women and do not let them take part or be leaders.

The big problem is that there is a gap, between what the law says and what actually happens to women, who are often left out of the decision-making process.

This paper wants to look at how the traditional systems help or hurt women's participation. It also wants to look at the problems women face see if the laws we have are working and find out if digital platforms can help women have power and make the system fairer.

The goal is to see how the traditional systems affect women's participation. This will help us find ways to make the system better and empower women. The research will look at the laws we have. How they affect women's lives. It will also look at how digital platforms can help women have power and make the system fairer.

A. Research Objectives

1. To examine the role of indigenous political institutions in shaping women's political participation and decision-making.
2. To analyse the constitutional, statutory, and judicial frameworks governing the rights of indigenous women in India.
3. To identify the social, economic, and institutional barriers that restrict indigenous women's political agency and access to justice.
4. To evaluate the legal and practical challenges relating to workplace sexual harassment and gender-based violence affecting indigenous women.
5. To assess the role of digital technologies and online platforms in promoting the political empowerment and social inclusion of indigenous women.

B. Research Questions

1. How do indigenous political institutions influence the political agency and representation of indigenous women?
2. To what extent do the constitutional and legal frameworks in India safeguard the rights and equality of indigenous women?
3. What social, economic, and cultural barriers continue to impede indigenous women's participation in governance and public life?
4. How effective are the existing legal mechanisms in addressing workplace sexual harassment and gender-based violence against indigenous women?
5. What role can digital technologies play in strengthening indigenous women's political participation, access to justice, and social empowerment?

C. Research Methodology

This study adopts a doctrinal legal research methodology supplemented by a socio-legal perspective. The research primarily relies on secondary sources, including the Constitution of India, statutory enactments, judicial decisions of the Supreme Court of India, international legal instruments, scholarly books, journal articles, and official reports. The doctrinal analysis is complemented by an examination of the social realities affecting indigenous women's participation in governance, access to justice, workplace safety, and digital inclusion. This combined approach facilitates an

evaluation of the interaction between legal frameworks and the lived experiences of indigenous women, enabling a comprehensive assessment of the challenges and opportunities relating to their political agency and empowerment.

IV. INDIGENOUS POLITICAL INSTITUTION AND WOMEN'S AGENCY

Indigenous political institutions usually grow out of forms of governance such as tribal councils and village assemblies. In India, these systems receive statutory recognition through the Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 (PESA).³ Their functioning is further strengthened by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act), which recognises individual and community forest rights and promotes the participation of women in local governance. The Act provides for the joint recording of forest rights in the names of spouses, where applicable, and requires the inclusion of women in Gram Sabhas and Forest Rights Committees, thereby reinforcing their role in community decision-making. Despite these legislative safeguards, indigenous political institutions continue to be predominantly male dominated, and traditional power structures frequently limit women's meaningful participation in governance. Women in these communities do a lot to hold families together work the land manage resources and keep traditions alive. In some tribes' women even help settle arguments or make decisions. When it comes to official leadership and politics their contributions are often overlooked. Men usually get the positions of power and the rules often keep it that way.

Not much has changed for women in governance today. The Indian Constitution promises equality and dignity. There are policies like reserved seats in local government that should increase women's presence. However, women are still scarce in councils and when they do take part it's often token and lacks real influence. The reasons are clear:

1. Lack of information.

³ Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 (No 40 of 1996).

2. Economic challenges.
3. Resistance from the system itself.

Deep-seated customs and laws hinder women's progress. They are often pushed aside excluded from important discussions. Old gender hierarchies get reinforced every day. There is a conflict between the promises of equality and the need to protect traditional autonomy. Women's rights often get stuck in the middle.

Indigenous political institutions are crucial for preserving culture and autonomy. However, they need to open up and align with principles of equality and justice. Increasing women's agency is not about fulfilling a rights quota; it's, about making governance genuinely inclusive and representative.

V. POLITICAL AND LEGAL FRAMEWORK

The rights of women and indigenous communities in India are protected by the Constitution. The Constitution says that everyone is equal before the law. This is under Article 14.⁴ It also says that people cannot be treated unfairly because of their sex. This is under Article 15.⁵ Article 21⁶ gives people the right to life and dignity.

The Fifth and Sixth Schedules help protect areas. These areas have their culture. The protections aim to preserve their autonomy. They also promote rights like gender equality.

Several laws support these principles. They aim to tackle gender inequality. They ensure women's safety at work. A key judgment was *Vishaka v State of Rajasthan* (1997) 6 SCC 241.⁷ The Supreme Court held that sexual harassment at the workplace violates the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution of India. The Court also laid down the Vishaka Guidelines to prevent and redress workplace sexual harassment until suitable legislation was enacted

The Court made guidelines to prevent harassment. These guidelines were later included in the Sexual Harassment of Women at Workplace Act of 2013. The

⁴ Article 14 – Equality before law.

⁵ Article 15 – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

⁶ Article 21- Protection of life and personal liberty.

⁷ *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

Protection of Women from Domestic Violence Act of 2005 provides remedies. It safeguards women from abuse at home. This reinforces their right to live with dignity.

International agreements shape policies and legal standards like, The Convention on the Elimination of All Forms of Discrimination against Women is one agreement. The United Nations Declaration on the Rights of Indigenous Peoples is another.

In *Apparel Export Promotion Council v, A K Chopra* AIR 1999 SC 625⁸, the Supreme Court reaffirmed the principles laid down in *Vishaka v State of Rajasthan*. The Court held that physical contact is not an essential ingredient of sexual harassment and restored the disciplinary action against the respondent after reversing the High Court's decision. It further observed that international conventions may guide the interpretation of fundamental rights where domestic law is inadequate, and reaffirmed that workplace sexual harassment violates the rights guaranteed under Articles 14, 19, and 21 of the Constitution of India.

Applying these protections within indigenous communities remains challenging because statutory and customary governance structures often intersect. This tension was examined in *Madhu Kishwar v State of Bihar* 1996 AIR 1864, (1996) 5 SCC 125⁹, which challenged the male succession provisions contained in Sections 7 and 8 of the Chotanagpur Tenancy Act, 1908. The Supreme Court recognised that the exclusion of women from inheritance raised serious concerns of gender inequality. Although the Court did not invalidate the statutory provisions, it recognised the usufructuary rights of female tribal dependants and descendants and directed the State of Bihar to reconsider the discriminatory legislative framework. The decision illustrates the continuing challenge of balancing the protection of tribal autonomy with the constitutional commitment to gender equality.

In *Shayara Bano v. Union of India* in 2017¹⁰ the Supreme Court ruled that instant triple talaq was unconstitutional. The Court emphasized that personal or customary laws

⁸ *Apparel Export Promotion Council v. A.K. Chopra* (AIR 1999 SC 625).

⁹ *Madhu Kishwar v State of Bihar* 1996 AIR 1864, (1996) 5 SCC 125

¹⁰ *Shayara Bano v. Union of India and Ors.*, AIR 2017 SC 4609

cannot take precedence over rights. This judgment reflects the judiciary's changing stance. They prioritize gender justice over practices.

A careful approach is required to address this tension. It must honor diversity while ensuring fundamental rights are upheld. Strengthening the relationship between legal systems is crucial. Improving awareness and accessibility is also important.

Promoting gender equality and empowering women within institutional structures is essential in India, where constitutional and legal frameworks, supported by judicial intervention, safeguard the rights of women and indigenous communities, ensuring they are respected, given opportunities to grow, heard in decision-making processes, and treated with dignity.

VI. SOCIAL PROBLEMS EXPERIENCED BY INDIGENOUS WOMEN'S COMMUNITY

There are many ways in which Indigenous women experience social disempowerment, and these ways are interrelated and influenced by long-standing cultural beliefs and male-dominated societies. Many Indigenous communities have cultural customs and beliefs that require men and women to play traditional gender roles: that is, women are only viewed as homemakers, and, in addition, are not allowed to have a presence in the decisions that affect their community. Women also face restrictions on their freedom of movement, autonomy and subordination to their family unit and community from these cultural restrictions.

Another major challenge faced by many Indigenous women is a limited access to educational or financial opportunities. Many Indigenous women experience geographic isolation, poverty, and institutional barriers that prevent them from accessing even basic levels of education and/or skills training. This lack of education and/or skill development prevents Indigenous women from obtaining employment and becoming financially independent, as well as participating fully in the political and social life of their communities. Because Indigenous women have very little authority over their appointed resources or property, they also cannot claim their

rights or challenge existing power structures; therefore, they are often financially dependent on men.

Women's gender discrimination is one of the major societal problems facing Indigenous women today, both in their communities and in the governance processes of Indigenous communities. Women are often excluded from leadership roles, have limited opportunities to participate in decision-making processes, and do not receive appropriate recognition for their contributions to their communities. Even in the case that there are legal provisions that encourage the promotion of women's equality with men in many Indigenous communities, Indigenous women experience ongoing gender discrimination and face various restrictions imposed by their communities.

VII. WORKPLACE VIOLENCE: RAPE AND SEXUAL HARASSMENT

Sexual violence at work is a problem that affects women's rights and dignity. This includes a lot of things like touching someone without their permission saying mean things forcing someone to do something they do not want to do and taking advantage of them. These things make the workplace a scary and uncomfortable place. Women who are part of groups and work in jobs that are not well regulated are at a higher risk of experiencing this kind of violence. This is because they do not have the protections as other women and are more vulnerable to abuse.

Sexual violence at work can have a lasting impact on women affecting them in ways beyond the initial harm. It can hurt their health, self-respect and overall sense of safety. These experiences can take away their dignity. Make it hard for them to work and participate in the economy. The fear of being harassed or attacked often stops women from looking for jobs or staying in the workforce, which limits their ability to earn money and keeps them trapped in poverty. This can be very devastating for women making it hard for them to feel confident and secure in their lives. As a result, women who experience violence at work may struggle to reach their full potential and contribute to the economy in meaningful ways. Sexual violence at work is an issue that affects women's lives and their ability to work.

There are laws in place to protect women's rights, including the right to work in an environment. The Supreme Court's decision in *Vishaka v State of Rajasthan* (1997) 6 SCC

241 marked a significant development in protecting women's rights at the workplace. The Court held that sexual harassment at the workplace violates the fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution of India, and it laid down the Vishaka Guidelines to prevent and address workplace sexual harassment until statutory legislation was enacted. Later the Sexual Harassment of Women at Workplace Act of 2013¹¹ turned these guidelines into law requiring companies to set up committees to handle complaints and providing a way for women to seek justice. The Sexual Harassment of Women at Workplace Act of 2013 is a law that protects women's rights. In addition to the protections available under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, criminal offences involving rape, sexual assault, assault or criminal force with sexual intent, voyeurism, and stalking are now governed by the Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code with effect from 1 July 2024. The relevant provisions of the Bharatiya Nyaya Sanhita complement the civil and preventive mechanisms established under the POSH Act, while the principles laid down in *Vishaka v State of Rajasthan* continue to guide the interpretation of workplace safety and gender equality. Together, these legal frameworks strengthen the protection of women's dignity, bodily integrity, and access to safe working environments. Women need to be protected from violence at work and these laws are an important step towards achieving this goal.

The law is supposed to protect everyone. It does not always work that way especially for indigenous women. Many cases of violence at work do not get reported because women are scared of what others will think or they are worried about getting hurt or punished. Women who experience violence at work often do not know their rights or do not trust the system so they do not bother trying to get help. In areas it is even harder for women to get help because there are not many lawyers or police around and the community might not support women who speak out. All these things

¹¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)

together make it really tough for women to get justice. Women who experience violence at work need to be able to get help and support but this is not always possible. Therefore, addressing violence at work requires not only strong laws but also effective implementation, awareness building and accessible support systems. Ensuring working conditions and responsive justice mechanisms is essential to protect women's dignity promote their economic participation and strengthen their overall agency within society. Women need to be able to work in an environment free from sexual violence and harassment. This requires a lot of effort and commitment from everyone including governments, companies and communities. Sexual violence, at work is an issue that needs to be addressed and it requires a comprehensive approach that includes laws, awareness building and support systems.

VIII. DIGITAL IMPACT ON WOMEN'S EMPOWERMENT

Digital technology is really helping women become more independent. It is giving women access to information and ways to talk to each other. Women can learn more about their rights. What to do if they need help. Digital technology is doing this by giving women tools like media, online forums and mobile apps.

For women in communities these platforms are very important. They give women a space to speak out and share their stories. Women can challenge the rules that have held them back from participating in life. This is a deal because it means women can start to break down the barriers that have kept them from being heard. Digital technology is helping women connect with each other and with people who can help them.

Digital technology is a way to promote women's empowerment and help create an equal society. Online activism has played a role in making women's voices and bringing people together to fight against injustice. Women have used technology to talk about harassment, gender-based violence and discrimination. Digital technology has shown its power in creating awareness and influencing what people talk about.

Digital technology also helps women form support networks. Women can connect, get guidance and access resources that may not be available in their communities.

However not all women can access the benefits of empowerment equally. The digital divide is still a problem, especially for indigenous communities in rural and remote areas.

Women in these communities' face access to the internet lack of digital literacy and economic constraints. These things limit the ability of women to use digital tools effectively. As a result, the positive impact of technology is not felt by all. Often it leaves out those who need empowerment the most.

The internet can also expose women to harassment, abuse, identity theft, and violations of privacy. These risks are particularly significant for indigenous women who rely on digital platforms for advocacy and participation in public life. In this context, the Digital Personal Data Protection Act, 2023, together with the Digital Personal Data Protection Rules, 2025, provides an important legal framework for protecting digital personal data. The legislation requires informed consent for the processing of personal data, recognises the rights of individuals over their personal information, and places obligations on organisations processing such data. These safeguards are particularly relevant for indigenous women using digital platforms for social activism and civic participation. In addition, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 impose due diligence obligations and grievance redressal requirements on social media intermediaries, contributing to greater accountability in addressing harmful online content.

Digital platforms can therefore serve as effective instruments for women's empowerment only when supported by robust legal protections, accessible internet infrastructure, and digital literacy. Expanding digital literacy programmes, strengthening online safety mechanisms, and ensuring compliance with the data protection framework can help indigenous women participate confidently in digital spaces without compromising their privacy, security, or dignity. These measures are essential for promoting inclusive governance and enabling meaningful digital participation.

IX. DISCUSSION

The connection between systems and laws and the real-life experiences of women is complicated. Women have to deal with two systems. One system is the laws that say women are equal. The other system is the practices and cultural norms that do not always follow these laws.

In communities the political systems are important for keeping the culture and autonomy of the community. These systems are often controlled by men, which makes it hard for women to get involved. The laws that are supposed to make sure women are treated equally do not always work in these systems.

There are things that stop women from being able to make decisions and have control over their lives. They do not have access to education they depend on others for money. They are often judged or punished if they try to speak up. When women do get to participate it is often for show and they do not have any real power.

The political systems and laws are. They both contribute to women being treated unfairly. To make things better we need to change the laws and the way people think about women. We need to make sure that women have access to education and economic opportunities.

Therefore, we need to make sure that women have a say in the systems that affect their lives. We need to protect women's rights and make sure they are treated fairly. We need to raise awareness about the issues that women face and make sure that the laws are enforced. This is the way that women will be able to achieve real empowerment and equality. Women need to be able to participate in the political systems and have leadership roles, in their communities. Women's rights need to be protected and respected in order for women to have a life.

X. SUGGESTIONS AND RECOMMENDATIONS

To strengthen the political agency and legal protection of indigenous women, a combination of legislative, institutional, and policy reforms is necessary.

First, the Panchayats (Extension to Scheduled Areas) Act, 1996 should be strengthened by introducing provisions that encourage meaningful representation of women in

Gram Sabha leadership and decision-making bodies within Scheduled Areas. Such measures would promote inclusive governance while respecting the autonomy of indigenous communities.

Second, the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 should be improved in tribal and remote regions through the effective establishment and monitoring of Internal Complaints Committees, regular awareness programmes, and accessible complaint mechanisms for women employed in both organised and unorganised sectors.

Third, governments should introduce targeted digital literacy and digital inclusion programmes for indigenous women. These initiatives should provide affordable internet access, digital skills training, and education on cyber safety to enable women to participate effectively in governance, access legal information, and engage with public institutions.

Fourth, legal awareness campaigns should be conducted in indigenous communities through local administrative bodies, educational institutions, and civil society organisations to improve understanding of constitutional rights, statutory protections, and available legal remedies. Such programmes should be delivered in culturally appropriate forms and local languages wherever possible.

Finally, greater coordination between governmental authorities, indigenous institutions, and community organisations is essential to ensure that constitutional guarantees of equality are effectively implemented while respecting the cultural identity and traditional governance structures of indigenous communities.

XI. CONCLUSION

Indigenous women still face obstacles in politics. There are laws to protect their rights. Old ideas about men being in charge are still strong. Women don't have access to education or money. Some traditional practices don't let women make decisions. With digital tools not everyone has equal access and there are risks. Indigenous women struggle to make their voices heard and participate in governance.

We need to address these issues and create a system for indigenous women in politics. This means improving education and economic opportunities challenging ideas and making digital platforms safer and more accessible. By working we can help indigenous women have an equal chance to participate in governance and be heard.

Laws to protect women are not enough. They must be strong, easy to access and work for them. We need to support women with education and awareness programs so they can stand up for their rights. This way we can make a difference and help indigenous women overcome challenges.

Indigenous women need a say in decisions that affect their lives. We need policies that help women get involved in politics and be heard. Traditional practices must not block equality and justice. Getting women online and comfortable with technology is important. It can help them take control of their lives and participate fully. By doing this we can help women in communities have more power and make a difference.

To make a difference for indigenous women we need to tackle the problem from all sides. This means changing laws shifting attitudes and ensuring access, to technology. When we work together indigenous women can participate in decision-making get treatment and help build fair and inclusive communities. They deserve the opportunities as everyone else to contribute to their communities and create a better future.

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