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Bridging Global and Local Frameworks: An Empirical-Doctrinal Study of Laws Protecting Indigenous Women's Rights in International and Indian Contexts, with Special Reference to Tripura

[*1]Dr. Khumtiya Debbarma

[*1]Assistant Professor, Department of Law, Manipur University (A Central University), Manipur, India.

Abstract

Indigenous women occupy a position of layered vulnerability, standing at the intersection of gender-based and ethnicity-based marginalisation. Although an extensive body of international and Indian law formally recognises and protects their rights, a persistent gap continues to separate legal entitlement from lived access to justice. This article undertakes a doctrinal and field-based examination of the normative architecture protecting indigenous women (IW), tracing its development from international human rights instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to the constitutional and statutory framework of India. It further draws on qualitative field data gathered from indigenous villages, the State Women's Commission, and the Agartala Women's Police Station in Tripura to identify the practical barriers that keep indigenous women from approaching the formal justice system. The findings show that while the legal text is comprehensive, indigenous women in Tripura are disproportionately excluded from formal remedies because of language barriers, limited legal awareness, the cost of litigation, cultural insensitivity within the judiciary, geographic isolation, and the erosion of customary dispute-resolution institutions. The article concludes that legal protection without institutional translation into accessible, culturally responsive mechanisms yields only a symbolic form of justice, and proposes targeted measures to close this implementation gap.

Keywords: Indigenous women, human rights, access to justice, vulnerability, Tripura, customary law, gender equality.

1. Introduction

The protection of indigenous women's rights sits at the confluence of two historically marginalised identities: being a woman and belonging to an indigenous community. This dual positioning exposes indigenous women (IW) to compounded forms of discrimination that neither general women's rights frameworks nor general indigenous rights frameworks fully address in isolation. [1] Over the past seven decades, the international community has built a substantial body of instruments recognising the rights of women and of indigenous peoples, ranging from the United Nations Charter and the Universal Declaration of Human Rights (UDHR) to specialised instruments such as CEDAW and UNDRIP. [2] India, home to one of the world's largest indigenous populations, recognised under the constitutional category of Scheduled Tribes, has correspondingly developed a dense constitutional and statutory framework intended to secure the social, economic, and political rights of indigenous communities and, within them, indigenous women. [3]

Despite this normative density, a recurring theme in the socio-legal literature on indigenous and tribal justice in India is the wide gulf between the "law in the books" and the "law in action." [4] This gap is especially pronounced for indigenous women in remote, hill, and border regions, where formal courts remain distant, linguistically inaccessible, and culturally unfamiliar institutions. Tripura, a state in Northeast India with a substantial indigenous population and a still-surviving, if weakened, customary justice tradition, offers a useful site for examining how this gap manifests in practice.

This article, therefore, combines two methods of inquiry. First, it doctrinally maps the layered international and Indian legal architecture that protects indigenous women's rights. Second, it draws on field observations and semi-structured discussions conducted in indigenous villages and with justice-delivery functionaries in Tripura to examine whether, and to what extent, that architecture translates into accessible justice. The article proceeds in the following parts: Part 2 reviews the existing literature on indigenous women's rights and access to justice; Part 3 states the objectives of the study; Part 4 sets out the methodology; Part 5 presents the results, organised around

***Corresponding Author:** Dr. Khumtiya Debbarma

the international framework, the Indian constitutional and statutory framework, relevant institutions, and the field findings from Tripura; Part 6 discusses these findings; Part 7 draws out their implications; and Part 8 concludes.

2. Literature Review

Scholarship on indigenous women's rights has developed along three broadly overlapping strands, each of which informs the present study.

International Legal Recognition of Indigenous Women: A first strand of literature traces the gradual, and initially slow, recognition of indigenous women as rights-holders in international law. Early indigenous-rights instruments and early women's-rights instruments developed largely in parallel, with indigenous women often rendered invisible within both. [5] The adoption of UNDRIP in 2007 and the sustained advocacy of bodies such as the CEDAW Committee and UN Women marked a shift toward treating indigenous women as a distinct rights-bearing category, entitled to equality, self-determination, and freedom from violence, while also retaining the right to their distinct culture and institutions. [6] Commentators nonetheless note that declaratory recognition at the international level does not automatically generate domestic enforcement, particularly where declarations such as UNDRIP are non-binding. [7]

Constitutional and Statutory Protection of Tribal and Indigenous Rights in India. A second strand examines India's distinctive constitutional treatment of Scheduled Tribes, including the Fifth and Sixth Schedules, protective discrimination measures under Articles 15(4) and 16(4), and statutes such as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. [8] This literature generally credits the constitutional design with formal comprehensiveness while documenting persistent implementation deficits, particularly regarding land rights, forest rights, and representation of tribal women within local self-government institutions established under the Panchayats (Extension to Scheduled Areas) Act, 1996. [9]

Access to Justice for Indigenous and Tribal Women. A third, more empirically oriented, strand of literature examines barriers to justice faced by indigenous and rural women, including legal illiteracy, language barriers, distance from courts, distrust of formal institutions, and the coexistence of customary and formal legal orders. [10] Studies of Northeast India in particular emphasise the continuing, if diminished, role of customary councils and village-level dispute resolution among communities such as the Tripuri, Reang, and Jamatia, and note that women's access to and standing within these customary forums is itself frequently constrained by patriarchal norms embedded in custom. [11] The present study builds directly on this third strand by supplying field-level evidence specific to Tripura, an area that remains comparatively underexamined in the published literature relative to other indigenous regions of India.

Read together, this literature suggests two things relevant to the present inquiry: first, that indigenous women's rights are now well-articulated in both international and Indian domestic law; and second, that the central research problem is no longer the absence of law but the absence of accessible, functioning pathways through which that law reaches indigenous women in practice. This is precisely the gap the present study investigates in the Tripura context.

3. Objectives of the Study

The study pursues the following objectives:

i). To map and consolidate the international legal instruments and mechanisms that protect the rights of indigenous women.
ii). To examine the constitutional and statutory framework in India that safeguards the rights of indigenous women, along with the institutional machinery created to implement it.
iii). To identify, through field engagement in Tripura, the specific barriers that prevent indigenous women from accessing the formal justice system.
iv). To assess the present condition of the customary justice system among the indigenous communities of Tripura and its role, if any, in delivering justice to indigenous women.
v). To propose measures for narrowing the gap between formal legal entitlement and the actual, lived access to justice of indigenous women in Tripura.

4. Research Methodology

This study adopts a mixed doctrinal and qualitative field-research design.

Doctrinal Component: The doctrinal component involved a systematic review of primary legal sources at the international level (the U.N. Charter, UDHR, ICCPR, ICESCR, CEDAW, UNDRIP, the Rome Statute of the International Criminal Court, the Geneva Conventions and their Additional Protocols, and relevant ILO Conventions) and at the domestic level (the Constitution of India and central legislation bearing on Scheduled Tribes and indigenous women). General Comments and General Recommendations issued by the CEDAW Committee, the Human Rights Committee, and the Committee on Economic, Social and Cultural Rights were consulted as authoritative interpretive sources.

Field Component: The field component was conducted in indigenous villages of Tripura and with two categories of justice-delivery functionaries:

i). A law officer of the State Women's Commission (SWC) of Tripura, and
ii). The Deputy Superintendent of Police in charge of the Agartala Women's Police Station. Data was gathered through semi-structured, open-ended discussions with village elders and indigenous women, and through key-informant interviews with the above functionaries, undertaken to understand institutional experience with complaints from indigenous women. This qualitative approach was chosen because the research question of why indigenous women underuse formal justice mechanisms despite their existence is a question of lived experience and institutional practice that quantitative caseload data alone cannot answer.

Sampling and Scope: The field engagement was purposive rather than randomised, targeting respondents with direct exposure to the justice-seeking behaviour of indigenous women: village elders as custodians of customary memory, and the SWC and police officials as the two principal formal points of entry into the justice system for women in Tripura. The scope of the study is accordingly limited to the state of Tripura and does not claim statistical generalisability to indigenous women elsewhere in India; its contribution lies in the depth of contextual, institutional insight it offers rather than in numerical representativeness.

Analytical Method: Findings from the field discussions were thematically organised around the recurring barriers that respondents identified, and these themes were then read against the doctrinal findings to assess the distance between formal entitlement and practical access the central analytical move of the article.

5. Results

5.1 The International Legal Framework Protecting Indigenous Women

Equality and Non-discrimination: Indigenous women are entitled to equality with men and freedom from discrimination based on origin or identity. [12] States bear the responsibility of ensuring that indigenous women enjoy their socio-economic, political, and cultural rights without discrimination on grounds of gender, race, or colour, and of enacting domestic legislation to that effect. [13] The U.N. Charter reaffirms faith in fundamental human rights and in the equal rights of men and women, [14] while the ICCPR guarantees equal protection of the law without discrimination on grounds including race, colour, sex, language, religion, or other status. [15]

Political Participation, Public Life, and Self-determination: Indigenous women have the right to participate in decision-making processes that affect their rights and the rights of their communities, and to represent their communities and countries in public life. [16] They also possess the right to self-determination, including the right to govern their internal and local affairs and to pursue their social, economic, political, and cultural development. [17] Political participation extends beyond voting to the right to stand for election, campaign, and hold public office. [18] Recognising the historic underrepresentation of indigenous women in political leadership, the CEDAW Committee has recommended temporary special measures financial assistance, training, recruitment initiatives, and gender-equality campaigns to correct this imbalance, [19] while the Human Rights Committee has called on states to adopt effective, positive measures, including affirmative action, to promote women's participation in public affairs. [20]

Identity and Nationality: Indigenous women are recognised as persons before the law and are entitled, according to the customs and traditions of their communities, to nationality and belonging. [21] States must ensure that indigenous women have rights equal to men in retaining, acquiring, or changing their nationality, and marriage alone must not be permitted to render a woman stateless or force a change of nationality. [22]

Freedom from Violence and Protection in Armed Conflict: Indigenous women hold the right to a peaceful and secure life, free from all forms of violence, with states obliged to legislate against exploitation and trafficking. [23] Rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilisation, where committed as part of a widespread or systematic practice, constitute crimes against humanity and war crimes under the Rome Statute, triable before the International Criminal Court. [24] During armed conflict, indigenous women are protected as civilians and as members of the armed forces, and states must treat them without adverse distinction based on gender, [25] while international humanitarian law specifically prohibits indecent assault and outrages upon personal dignity. [26]

Education, Language, and Culture: Indigenous women are entitled to free and compulsory education without discrimination as to location, and education must be directed toward the full development of personality, dignity, and respect for freedom, while promoting tolerance and friendship among nations. [27] They also hold the right to learn and transmit their own language, culture, traditions, and oral histories to future generations. [28]

Health Care and Reproductive Rights: States must ensure indigenous women's access to comprehensive reproductive health services and equal standards of physical and mental health, while encouraging traditional cultivation and medicinal knowledge and prioritising nutrition, childbirth care, and family planning. [29]

Marriage, Family, and Parental Rights: The family is recognised as the natural and fundamental unit of society, entitled to protection. [30] Indigenous women have equal rights within the family, including the right to choose whether, when, and whom to marry, and to determine the number and spacing of their children; marriage requires the free consent of the woman, and traditional practices must not override her legal right to choose her spouse. [31]

Economic and Social Equality: States must take measures to improve indigenous women's socio-economic conditions, including social security, insurance, and credit, and must involve them in decisions on community development affecting education, health, culture, and housing. [32]

Employment and Property Rights: Indigenous women are entitled to equal employment opportunity, choice of profession, fair working conditions, equal pay, maternity leave, and social security, and states must eliminate discriminatory practices affecting their employment and property rights, including the right to administer property and to contract on an equal footing with men. [33] The International Labour Organization has developed complementary standards on equal remuneration, non-discrimination in employment, workers with family responsibilities, minimum social security standards, and maternity protection. [34]

5.2. International Institutional Mechanisms

Beyond binding and non-binding instruments, dedicated United Nations bodies support the rights of indigenous women in practice. **UN Women**, established by the General Assembly in July 2010 as the United Nations Entity for Gender Equality and the Empowerment of Women, consolidated four previously separate UN bodies the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women, the Office of the Special Adviser on Gender Issues, and the United Nations Development Fund for Women into a single entity with a stronger institutional mandate. [35] The **Commission on the Status of Women (CSW)**, established under ECOSOC Resolution 11(II) of 21 June 1946 as the principal global intergovernmental body dedicated to gender equality, monitors and documents the condition of women worldwide and, since 1996, has led the review of the implementation of the Beijing Declaration and Platform for Action. [36]

5.3. The Constitutional and Statutory Framework in India

The Constitution of India contains a dense set of provisions protecting the rights of indigenous women, summarised in Table 1.

Table 1: Constitutional Provisions Relating to Indigenous Women

Category	Article	Content
Social	Art. 14	Equality before the law
Social	Art. 15	Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth
Social	Art. 15(4)	Special provision for advancement of socially and educationally backward classes, including Scheduled Tribes
Social	Art. 16	Equality of opportunity in matters of public employment
Social	Art. 16(4)	Reservation in appointments for backward classes inadequately represented in state services
Social	Art. 16(4A)	Reservation in promotion for Scheduled Castes and Scheduled Tribes
Social	Arts. 25-28	Freedom of religion
Social	Arts. 29-30	Cultural and educational rights of minorities
Social	Art. 338A	National Commission for Scheduled Tribes
Social	Art. 339(1)	Commission to report on administration of Scheduled Areas and tribal welfare
Social	Art. 340	Commission to investigate conditions of socially and educationally backward classes
Social	Art. 342	Specification of Scheduled Tribes
Economic	Art. 46	Promotion of educational and economic interests of Scheduled Tribes and protection from social injustice and exploitation
Economic	Art. 275(1)	Grants-in-aid from the Consolidated Fund of India for tribal welfare and Scheduled Area administration
Economic	Art. 335	Consideration of Scheduled Tribe claims in services and posts
Political	Art. 330	Reservation of seats for Scheduled Tribes in the House of the People
Political	Art. 332	Reservation of seats in State Legislative Assemblies
Political	Art. 243D	Reservation of seats in every Panchayat
Political	Art. 243T	Reservation of seats in every Municipality
Political	Art. 243M(4)(b)	Extension of Panchayats to Scheduled Areas
Political	Art. 243ZC(3)	Extension of Municipalities to Scheduled Areas (not yet enacted)
Political	Art. 244	Administration of Scheduled Areas (Fifth Schedule) and tribal areas of Assam, Meghalaya, Tripura, and Mizoram (Sixth Schedule)

Source: *Compiled by the author from the Constitution of India.*

In addition to these constitutional guarantees, several central statutes reinforce the protection of indigenous women:

- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, a central enactment aimed at preventing atrocities against Scheduled Caste and Scheduled Tribe persons, establishing Special Courts, and providing relief and rehabilitation to victims. [37]
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which recognises the customary forest rights of indigenous communities and forest dwellers, exercised since time immemorial. [38]
- The Immoral Traffic (Prevention) Act, 1956, which criminalises trafficking and provides mechanisms for prevention, awareness, and punishment of offenders. [39]
- The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), which establishes Gram Sabhas for self-governance in Scheduled Areas, recognising customary rights over land, minor forest produce, and other community resources. [40]
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which requires the consent of affected communities and mandates compensation and rehabilitation before land is acquired for development projects. [41]

5.4. Institutional Machinery in India

At the central level, the Ministry of Tribal Affairs, constituted in 1999, coordinates policy and planning for the socio-economic development of Scheduled Tribes. [42] The National Commission for Scheduled Tribes (NCST) monitors welfare measures and investigates atrocities and rights violations affecting Scheduled Tribes. [43] The Commission for Scheduled Areas and Scheduled Tribes, constituted under Article 339(1), promotes the welfare of Scheduled Areas. [44] A joint Committee on the Welfare of Scheduled Castes and Scheduled Tribes, comprising members of the Lok Sabha and Rajya Sabha, has the power to summon officials and review welfare-related reports. [45] The National Scheduled Tribes Finance and Development Corporation (NSTFDC) channels central funds into income-generation schemes, training, and skill development, while the Tribal Cooperative Marketing Development Federation (TRIFED) provides indigenous women a national platform to market handmade products. [46] At the state level, Departments of Tribal Welfare administer development schemes for Scheduled Tribes, and Tribes Advisory Councils, established under the Fifth Schedule, advise state governors on tribal welfare. [47] Finally, the National Human Rights Commission (NHRC) and its state-level counterparts, the State Human Rights Commissions (SHRCs), safeguard the rights of indigenous women alongside their general human rights mandates. [48]

5.5. Field Findings: Barriers to Justice for Indigenous Women in Tripura

Field discussions in indigenous villages of Tripura, together with interviews with the SWC law officer and the Deputy Superintendent of Police at the Agartala Women's Police Station, indicate that formal complaint numbers from indigenous women remain very low, despite the existence of the SWC, the legal services authority, and awareness programmes conducted across all eight districts of the state.

[49] The Deputy Superintendent of Police reported that in her five years of service, her office had received very few complaints from indigenous women; the small number that were registered concerned non-tribal complainants or matters relating to relationship disputes, with serious offences rarely reported. [50] Five interlocking barriers emerged from this field engagement.

Language Barrier: Court proceedings and official business in Tripura are conducted primarily in Bengali, with English and Hindi as secondary languages. The Kokborok language, though constitutionally recognised as an official language of the state, is rarely used in court, except in a limited number of Autonomous District Council offices. Indigenous women with little formal education, who are often not fluent in Bengali, Hindi, or English, are consequently reluctant to approach courts they cannot linguistically navigate.

Lack of Awareness: With the exception of a small, formally educated segment, indigenous women in Tripura generally lack awareness of their legal rights and of the availability of free legal aid. Even where some awareness exists, a lack of confidence in navigating the system leads many to pay high fees rather than assert their entitlement to free assistance.

High Cost of Litigation: Indigenous women, predominantly from rural and village backgrounds, perceive formal litigation as prohibitively expensive, a perception reinforced by limited awareness of free legal aid schemes. This perception is captured in a Kokborok proverb repeated among respondents: *"Khilung kadi teibo Adalat ta kadi"* roughly, "one may set foot in the mud, but never in a courtroom" reflecting a widely shared belief that engaging the formal legal system leads to loss rather than remedy.

Cultural and Institutional Distance: The formal court system lacks jurisdiction over many matters that are central to tribal social life, such as marriage and divorce, though it retains jurisdiction over general offenses. Most judges are drawn from non-tribal backgrounds, and the small number of tribal judges limits the judiciary's familiarity with the socio-economic realities of indigenous women's lives. Field respondents suggested that this unfamiliarity can affect how well judicial outcomes correspond to the actual circumstances of indigenous litigants.

Geographical Distance: With the exception of a minority residing in urban centers, most indigenous women live in remote villages with limited connectivity to district towns and cities, where courts are located. Reaching these institutions often requires travel over difficult terrain, consuming both time and resources that many indigenous women and their households are unable to spare.

5.6. The Customary Justice System in Tripura

Prior to the merger of the Kingdom of Tripura with the Union of India, indigenous communities maintained active customary institutions for resolving social disputes, operating on principles resembling natural justice investigation, hearing, and testimony, before imposing sanctions. [51] Sanctions were comparatively restrained by contemporary standards, typically consisting of fines, temporary exclusion, or social ostracism (*kongyoro*, meaning "to avoid" in Kokborok); the customary system did not employ capital punishment, life imprisonment, or incarceration. In more serious cases, banishment from the village functioned as the most severe available sanction.

Field respondents also recounted a historical practice, no longer in use, among villages bordering Bangladesh including Sabroom, Lokhisora, and Manu, in which a woman found to have conceived outside marriage was, as a penalty determined by the village committee, sent on a river-borne boat along the Feni River, provisioned to survive for roughly a month, with no expectation of return to the village.

According to present-day field observations, this customary institution has substantially weakened and has not been actively reconstituted or strengthened, leaving indigenous women in Tripura with a diminished capacity to seek redress either through customary channels, which have eroded, or through formal channels, which remain largely inaccessible for the reasons identified in Section 5.5.

6. Discussion

The results point to a structural mismatch between the comprehensiveness of the legal framework protecting indigenous women and the practical avenues available to them to enforce it. International law provides indigenous women with an unusually broad catalog of guarantees of equality, political participation, self-determination, freedom from violence, education, health, family autonomy, and economic and employment rights, supported by dedicated institutional machinery, including UN Women and the CSW. [52] India's constitutional and statutory architecture mirrors and, in several respects, deepens this protection through reservation, protective legislation, and dedicated commissions. [53] Yet the Tripura field data show that formal legal protection, in practice, functions as a largely unused resource for the very population it is designed to protect.

This mismatch is best explained not by any single barrier but by the cumulative interaction of the five barriers identified in Section 5.5. Language exclusion compounds legal illiteracy; legal illiteracy compounds the perception of high cost; and geographic isolation compounds all three by making the marginal cost of correcting misinformation or simply appearing before an unfamiliar institution prohibitively high. The Kokborok proverb recorded in the field data, associating the courtroom with loss rather than remedy, illustrates how, over time, structural barriers to access can harden into a durable cultural expectation that formal justice is not "for" indigenous women, regardless of what the law actually provides.

The weakening of the customary justice system compounds this problem rather than offsetting it. Where formal courts were once, at least in part, substitutable by an accessible, linguistically and culturally familiar customary forum, the erosion of that forum without a corresponding rise in the accessibility of the formal system has left a justice vacuum rather than a transition from one system to another. This finding qualifies the assumption, sometimes implicit in access-to-justice literature, that the decline of customary law is unambiguously a step toward greater legal protection for women; in Tripura, that decline appears instead to have narrowed, rather than widened, the practical avenues available to indigenous women seeking redress.

Finally, the low complaint rates reported by both the SWC and Agartala Women's Police Station corroborate the village-level findings and reduce the risk that these barriers reflect only the perceptions of village respondents. The convergence between community-level and institutional-level accounts of underreporting strengthens the article's core claim: the deficit lies not in legal recognition but in the socio-institutional pathway between recognition and remedy.

7. Implications

Theoretical Implications: The findings support a broader socio-legal claim: for populations facing compounded

marginalisation, legal entitlement should be evaluated not only by the comprehensiveness of the applicable text but also by the accessibility of the institutional pathway through which that text can be invoked. A purely doctrinal assessment of indigenous women's rights in India would conclude that protection is extensive; adding the field dimension reveals that this conclusion substantially overstates the practical position of indigenous women in a state like Tripura.

Policy Implications: The findings suggest several concrete directions for policy. First, court and legal-aid materials, along with a proportion of court proceedings in indigenous-majority areas, should be made available in Kokborok and other indigenous languages of Tripura, alongside targeted recruitment and training of indigenous-language-speaking legal aid functionaries. Second, legal literacy programmes should be intensified and specifically tailored to reach women in remote villages, rather than relying solely on district-level awareness camps. Third, mobile or circuit-based legal aid and adjudicatory mechanisms could reduce the burden of geographic distance identified in the field data. Fourth, judicial and legal aid appointments in tribal-majority districts should give weight to cultural and linguistic familiarity with indigenous communities. Fifth, targeted state support for revitalising customary dispute-resolution institutions while ensuring their compliance with constitutional guarantees of gender equality could restore an accessible, community-rooted layer of justice provision alongside, rather than instead of, the formal system.

Practical Implications for Institutions: For the State Women's Commission and the police, the findings imply a need for proactive, village-based outreach rather than passive availability, given that awareness campaigns conducted thus far have not translated into a corresponding rise in complaint registration. Periodic, disaggregated monitoring of complaints by indigenous women specifically, rather than by women generally, would help institutions track whether outreach measures are narrowing this gap over time.

8. Conclusion

Indigenous women in India, and in Tripura specifically, are the subject of an unusually comprehensive body of international and domestic law that spans equality, political participation, self-determination, protection from violence, education, health, family autonomy, and economic rights. Despite this, the article's field findings demonstrate that indigenous women in Tripura rarely invoke the formal legal system to vindicate these rights, owing to language barriers, limited legal awareness, the perceived and actual cost of litigation, cultural distance from the judiciary, geographic isolation, and the parallel weakening of customary justice institutions that might otherwise have offered an accessible alternative. Legal protection that cannot be practically accessed functions, for the population it is meant to protect, as only a partial form of protection. Bridging this gap will require sustained, targeted investment in linguistic accessibility, legal literacy, physical access to justice institutions, cultural competence within the judiciary, and the careful revitalisation of customary mechanisms consistent with constitutional guarantees so that the extensive legal architecture reviewed in this article translates into a genuine, lived entitlement for indigenous women.

Glossary

Kongyoro — to avoid or exclude a person, in the Kokborok language of Tripura.

Khilung kadi teibo Adalat ta kadi — "one may set foot in the mud, but never in a courtroom," a Kokborok proverb reflecting distrust of the formal legal system.

Declaration

The author declares that all sources relied upon have been cited, that the article is her own original work, and that it has not been published elsewhere.

Footnotes

1. See generally United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295, arts. 1, 2, 22 (Sept. 13, 2007) [hereinafter UNDRIP]; Convention on the Elimination of All Forms of Discrimination Against Women arts. 1-3, 15, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].
2. U.N. Charter pmbl., art. 1, para. 3; Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948) [hereinafter UDHR]; International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].
3. India Const. arts. 14-16, 15(4), 16(4), 16(4A), 25-30, 46, 244, 275(1), 330, 332, 335, 338A, 339(1), 340, 342.
4. Cf. Roscoe Pound, *Law in Books and Law in Action*, 44 Am. L. Rev. 12 (1910) (distinguishing formally enacted law from law as it is actually applied and experienced).
5. See, e.g., CEDAW Comm., General Recommendation No. 23: Political and Public Life, para. 15, U.N. Doc. A/52/38 (1997).
6. UNDRIP, *supra* note 1, arts. 3, 18, 21, 22; CEDAW, *supra* note 1, arts. 7-8.
7. See Mauro Barelli, *The Role of Soft Law in the International Legal System: The Case of the United Nations Declaration on the Rights of Indigenous Peoples*, 58 Int'l & Comp. L.Q. 957 (2009) (discussing the normative but non-binding character of UNDRIP).
8. India Const. sch. V, sch. VI; Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, India Code; Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2 of 2007, India Code.
9. Panchayats (Extension to Scheduled Areas) Act, 1996, No. 40 of 1996, India Code.
10. See, e.g., Nandini Sundar, *Custom and Democracy in Jharkhand*, 40 Econ. & Pol. Wkly. 4430 (2005) (discussing the interaction of customary and statutory law among tribal communities in Central India).
11. Cf. Virginius Xaxa, *State, Society, and Tribes: Issues in Post-Colonial India* (2008) (examining the erosion of tribal customary institutions under state penetration in India).
12. UNDRIP, *supra* note 1, arts. 1-2, 22; CEDAW, *supra* note 1, arts. 1-3, 15.
13. *Id.*
14. U.N. Charter pmbl.
15. CCPR, *supra* note 2, art. 26.
16. UNDRIP, *supra* note 1, art. 18; CEDAW, *supra* note 1, arts. 7-8; ICCPR, *supra* note 2, art. 25.
17. UNDRIP, *supra* note 1, art. 3; ICCPR, *supra* note 2, art. 1; U.N. Charter art. 1, para. 2; Declaration on the Right to Development, G.A. Res. 41/128, art. 1, U.N. Doc. A/RES/41/128 (Dec. 4, 1986).

18. Human Rights Comm., General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women), para. 3, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) (Mar. 29, 2000).
19. CEDAW Comm., General Recommendation No. 23, *supra* note 5, para. 15.
20. Human Rights Comm., General Comment No. 28, *supra* note 18, para. 29.
21. ICCPR, *supra* note 2, art. 16.
22. UNDRIP, *supra* note 1, arts. 6, 9; CEDAW, *supra* note 1, art. 9.
23. UNDRIP, *supra* note 1, art. 7; CEDAW, *supra* note 1, art. 6.
24. Rome Statute of the International Criminal Court arts. 7-8, July 17, 1998, 2187 U.N.T.S. 3.
25. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field arts. 3, 12, Aug. 12, 1949, 75 U.N.T.S. 31.
26. Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 27, Aug. 12, 1949, 75 U.N.T.S. 973; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts art. 4, June 8, 1977, 1125 U.N.T.S. 609 [hereinafter Protocol II].
27. ICESCR, *supra* note 2, arts. 13-14.
28. UNDRIP, *supra* note 1, arts. 13-14; CEDAW, *supra* note 1, art. 10; ICESCR, *supra* note 2, art. 15.
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30. UDHR, *supra* note 2, art. 16.
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