

Plain exploitation of tribal women

From Our Staff Reporter

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Can a man from the plains marry a tribal girl according to tribal customs and traditions, beget children and then disown her and even refuse to maintenance on the plea that the marriage is in accord with legal provisions?

Will it be fair to expect a tribal woman to fight a prolonged legal battle with her husband who leaves her high and dry?

If despite court orders tribal women cannot get even a paltry maintenance amount where are they to go? These issues arise from cases of exploitation of tribal girls in the agency areas of East Godavari district in Andhra Pradesh.

Girls are seduced, and finally with additional mouths to feed, they are left to their fate. Ironically, all this is done in the name of marriage.

Usually the story starts with a man from the plains — generally a contractor or a businessman or even a Government employee — establishing temporary residence in the agency area. His stay will be for a period of two to five years. In this short period he sets up a family and then deserts the wife.

Tribal women bite the bait easily and become a prey. Vepa Gangamma of Irupalli village in Rampachodavaram mandal of East Godavari district was one such victim. A contractor from Gokavaram, lured her into marriage. They lived together at Bornagudem village and had a male child, who is blind. The contractor wound up his activities in the forest area and left for his native place. The efforts of Gangamma to trace him did not bear fruit.

With the help of a voluntary organisation, "Sakthi" Vepa Gangamma filed a case before the Sub-Divisional Magistrate (Sub-Collector), Rampachodavaram. The Sub-Divisional Magistrate in 1987 ordered the contractor to pay Rs.

300 a month for Gangamma and Rs. 200 for the blind son.

The contractor went in for appeal to the District Court at Rajahmundry. The Second Additional Sessions Judge, Rajahmundry, struck down the lower court order. In the judgment delivered in October 1988, he observed "The wife in the ordinary meaning, means "legally wedded wife", but not a lady who lives and cohabitates with a man for a pretty long time. In fact, this right to claim maintenance is available only to legally wedded wives but not to ladies who live with someone."

To the mortification of Vepa Gangamma, in her own petition for maintenance it was stated that she was a concubine. But concubines and co-wives are part and parcel of tribal traditions and there are instances of co-wives living under the same roof. Besides, there are different kinds of marriages among the tribal communities of Koyas, Kondareddys, Samathas, Kondador and Kammara which are simple but nevertheless accepted as marriages.

Some types of marriages in vogue among the Samathas as mentioned in the book, "The Samathas of Andhra Pradesh," brought out by the Tribal Cultural Research and Training Institute, Tribal Welfare Department, Andhra Pradesh, are marriage by negotiation (kaza pendli), marriage by elopement, marriage by compensation, marriage by service and marriage by capture.

The tribal point of view: The point to be noted is all the marriages are considered to be legal among the tribals. That is the reason why persons could easily marry a tribal girl.

Vepa Gangamma went to the High Court which in its order dated August 14, 1991, set aside the findings of the Appellate Court regarding her son and reposted the matter to the original court.

MAINTENANCE

15th JULY 1992

The cases of Matla Laxmi, a tribal woman from the Kondareddy community in Maredumilli mandal who married a contractor, of Kathula Mangamma hailing from Tadepalli village who married an employee in the Fire Service of Belam Bapanamma, of Chinabeerapalli village who married a Forest Department employee, of Erata Laxmi of Pedagaddada village in Rampachodavaram mandal who married a teacher, are more or less the same.

The case of Janaga Kanthamma, a Valmiki, who married an employee of the Agriculture Department, was different. The two were married at the Registrar's Office at Kakinada on February 4, 1978. After a year or so he deserted her. She went to court for maintenance. The Sub-Divisional Magistrate, Rajahmundry, ordered him to pay Rs. 100 a month. Janaga Kanthamma got the amount only for a short period. Meanwhile he retired from service.

According to a Rampachodavaram based voluntary organisation, the man is now residing at a village in Khammam district and getting his pension from the Sub-Treasury Office there. Repeated requests to the authorities to deduct the amount of Rs. 100 from his pension and send it to Kanthamma in view of the Court order have yielded no fruit. Kanthamma, now a TB patient, has nowhere to go.

The exploitation of tribal women has been going on unabated. They are victims of different value systems.

Protectors of the rights of tribal women suggest that a solution to the problem can be found only by placing the tribal women's right to maintenance in the statute book, to be enforced by tribal panchayats on which the tribal women should be adequately represented. What is, however, immediately needed is creating an awareness among people that such exploitation has been taking place for many decades.