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On the Losing End: Adverse Effects of Environmental Degradation on Women in India with Special Reference to Indigenous Women

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ABSTRACT

Today, the state of the environment is dismal, and with no sense of immediate reversal of damage in sight, the consequences of its damage are real and they are in front of us. While the ill effects of environmental degradation will be borne by everyone, from nations and governments to individuals and entities, this paper attempts to analyse the skewed effect it has on the female gender, due to their assigned gender roles and various economic handicaps. This paper further observes that even within one gendered community the proportion of damage varies among different groups with change in the social and economic status. The women of the indigenous population, stuck with poverty and isolation, emerge as the most vulnerable group in a community which is already under grave threat. With the acknowledgment of the impact it has on women, the present paper goes ahead and attempts to take a peek into the legal framework and policies available that provide a remedy in this regard and also tries to judge its effectiveness in delivering the promised impact. Thus through the observations, it becomes relevant to understand that one of the most important factors in conserving the environment lies in reversing the status quo of the women in our country.

Keywords: *Environmental degradation, Gender Disparity, Indigenous Women, Legal Framework.*

I. INTRODUCTION

“We need a green planet but the world is on red alert. We are at the verge of the abyss. We must make sure the next step is in the right direction. Leaders everywhere must take action.....”

– **Antonio Guterres² (Leader’s Summit on Climate, 2021)**

The deteriorating state of the environment and ensuing climate change is the biggest threat facing the global community in this century. Though the state of our environment as it appears

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² UN Secretary-General.

today is majorly a result of contributions made by a ‘few’, its consequences are being unfairly reaped by the other ‘many’. The implications of such degradation has had and continues to have a visible impact on the smaller and relatively marginalised communities. One such community that is disproportionately affected as a result of climate change is Women. Both genders are exposed to the same environmental conditions however are impacted differently. The differential gender roles assigned to women coupled with their meagre access to lands and natural resources to fulfil their needs as well as the needs of the family as the homemaker has led to a skewed nature of gender justice in the face of environmental damage.³ Thus women have emerged as one of the most vulnerable groups that need to be saved through adaptive strategies and policies.

The irony however lies in the fact that despite being major stakeholders, women as a gender along with their various contributions and knowledge on sustainability, has been kept out of the purview of discussion on climate protection. The evidence of women’s long held understanding and knowledge of having a sustainable approach to surroundings can be found in indigenous campaigns led by them.⁴ One such struggle was the Chipko movement of India wherein in a series of events, groups of rural women hugged trees so as to prevent them from being cut down. However in recent years, the international forum has taken steps to recognise the contribution of women and save them from disproportionate impact. Agenda 21, an action plan on sustainable development, decided by the global community at the United Nations Conference on Environment and Development, 1992 focused on acknowledging women as important stakeholders in achieving sustainability and also called for “Global action for protection of women” in its principles.⁵

(A) Literature Review:

The objective of the literature review is to analyse and revisit the works that have been published on the public domain in regards to the status of women in the face of rapidly increasing threats of environmental degradation and understand the skewed effects on a few groups of women as compared to others. The literature review can be regarded as the first stage of starting research.

1. **“State Environmental Protection Efforts, Women’s Status, and World Polity” (2009) by Colleen Nugent & John M. Shandra** - The research paper analyses concept of ecofeminism and collects empirical evidence to understand the broad link between

³ Lorena Aguilar, *Is there a connection between gender and climate change?*, IUCN (2008).

⁴ Preeti Jain & Rajveer, *Gender Justice vis-à-vis Ecological Balance*, 48(3&4) INDIAN BAR REVIEW, 345, 347 (2021).

⁵ sustainabledevelopment.un.org.

the female gender and environment and how that could affect the state and world polity. The paper concludes that a larger stake of women in decision making roles could positively reduce the disadvantaged position of women in current scenario of depleting access to natural resources. Though the paper forwards arguments for improving the status of women, it does not adequately recognise the heterogeneity in impact that women face even within their own gendered community, it falls short of explaining how its suggestion could equally benefit all women.

2. **“Women and Environment: Issues and Responses” (1990) by Jenny Llaguno, Sofia Logarta, IDA Mae Fernandez and Rosalinda Oferneo** – The paper analyses various themes affecting the environment before exploring the relation of women and environment. It uncovers the vulnerability of indigenous women as they depend the most on environment and would be the first to get affected by its deterioration. The paper also analyses the stakes of urban women and then goes on to elucidate the various campaign and struggles undertaken by these women to improve their position and protect the environment. The research does not consider the legal framework that may overlook the relation between women and environment and thus does not forward policy changes that could reverse the impact to an extent.
3. **“The Differential Impact of Deforestation and Environmental Degradation on Men and Women: Issues for Social justice” (1993) by Anoja Wickramasinghe** – The research paper tracks in detail the impact of degradation and specifically deforestation on indigenous and rural women. The researcher takes the case of Sri Lanka to forward their argument and justify the factors due which women are differently impacted. In the ensuing research I would like to take the case forward by focusing on factors other than deforestation.

(B) Research Methodology

Doctrinal research methodology has been used for gathering data that has been used for the purpose of this research paper. The nature of data visited for this research is secondary. The research material has been gathered from various sources such as books, journal articles and government websites, all of which have been mentioned in the references below. The reason for opting for secondary research instead of primary is the lack of suitable sample to approach for primary data collection along with restraints of resources. The sources referred to are credible which ensures a conclusive analysis.

II. UNDERSTANDING THE IMPACT

The effects of environmental degradation keeps getting worse as it trickles down to the lowest strata of society. In this pyramidal structure, women inevitably form the part of the lowest and most marginalised strata no matter which nation. Thus in order to understand how climate change disproportionately affects women, it is imperative to first understand their disproportionate share in society itself.⁶

The Gender Inequality Index of 2021⁷ ranks India at a dismal 140th rank out of 156 countries. On the other hand the recently released Global Gender Gap Index 2022 released by WEF⁸ ranks India at 135 out of 146 countries, the low rank of India is attributed to economic indicators. These indexes are evidence enough of showing the level of poverty women of the nation are relegated to, this is coupled with limited access to healthcare, literacy and most importantly natural resources. Thus due to their position, women and especially rural and marginalised women are most impacted by environmental destruction.

As the role of homemaker, women depend directly on the nature for many things. In rural areas women are expected to arrange for safe drinking water, for which they walk many miles, and wood for cooking food. Similarly the tribal women live in close proximity to nature, and its degradation directly impact their quality of life and livelihood. `

Recourse and Remedies in Law: Are there any?

The issue of gender disparity is an age old debate which is being remedied with evolving constitutions and policy frameworks. With the linkage between environmental destruction and impact of women becoming more apparent, the issue of gender justice in the legal framework must be revisited and expanded to accommodate the issue at hand.

In India, equal protection of laws is guaranteed by Article 14⁹ of the constitution, this poses an inherent duty upon the state to make laws that benefit everyone equally. The relation between the provision and environmental protection was analysed in the judgement of Bangalore Medical Trust v. B.S. Muddappa¹⁰. The equal protection herein needs to be understood in light of the doctrine of 'positive discrimination' as women and men are not equals as regards to the

⁶ Gitanjali Nain Gill, *Feminisation of Poverty: Rural Indian Women and the Environment*, 63 N. IR. LEGAL Q. 291 (2012).

⁷ United Nations Development Programme, *Human Development Report 2021/22*. https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf

⁸ World Economic Forum, *Global Gender Gap Report 2022*. https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf

⁹ INDIA CONST. art 14.

¹⁰ Bangalore Medical Trust v. B.S. Muddappa, (1991) 4 SCC 54 (India).

impact that environmental degradation has on them.

Another fundamental right enshrined in the constitution that has emerged as the most important provision with regards to protection of environment for the upliftment of all sections of society especially women in our case is Article 21¹¹. The courts through judgements such as in *Rural Litigation and Entitlement Kendra & Ors. v. State of Uttar Pradesh & Ors.*¹² And *Municipal Council, Ratlam v. Shri Vardhichand & Ors.*¹³ among others has expanded the Right to life and personal liberty to include right to a clean and green environment.

Apart from the fundamental rights that enlist provisions to safeguard women from the vulnerability of environmental destruction, Part IV of the constitution¹⁴ also issues directives to the state that can be employed to ensure that the interests of women in face of environmental destruction is protected. Broadly understood in the context of environmental degradation, Article 39(a)¹⁵ places an obligation on the government to ensure that both men and women have an equal access to a decent living conditions. The provision coupled with Article 48A¹⁶ emanates the spirit of protection of the environment as well as protection of women from harmful effects due to its damage, as enshrined in the constitution.

Apart from recourses that can be found in the constitution that can help save women from the differential impact of degradation, an important tool that must be considered and evolved in this regard is policy making. Environment law is not only an evolving field in our nation, but is also shaped around various global commitments. As early as at the UN Conference on Women of 1975, India agreed to “improve the living conditions and quality of life for women particularly rural and urban poor women”. Two decades later, the issue was recognised at the international forum again when India along with other nations recognised ‘Women and Environment’ to be one of the twelve areas of concern in which action was needed (Beijing Platform for Action, 1995).¹⁷

On the domestic front, various policies have been introduced focusing on various aspects of environment ranging from water management to land ownership, however the extent of their effect needs to be analysed. The National Environment Policy of 2006¹⁸ is a significant

¹¹ INDIA CONST. art 21.

¹² *Rural Litigation and Entitlement Kendra & Ors. v. State of Uttar Pradesh & Ors*, 1985 SCR (3) 169 (India).

¹³ *Municipal Council, Ratlam v. Shri Vardhichand & Ors*, 1981 SCR (1) 97 (India).

¹⁴ Directive Principles of State Policy.

¹⁵ INDIA CONST. art 39(a) – “That the citizens, men and women equally, have the right to an adequate means of livelihood”.

¹⁶ INDIA CONST. art 48A – “Protection and improvement of environment safeguarding of forests and wild life”.

¹⁷ *Report of the High Level Committee on the Status of Women in India*, Ministry of Women and Child Development, Government of India, New Delhi (2015).

¹⁸ *National Environment Policy 2006*, Ministry of Environment and Forests, Government of India (2006).

framework that recognises gender disparities in the present context. The policy articulates the proximity between rural women and natural resources in order to fulfil the gender roles assigned to them, and also recognises the entitlements of women in forest dwelling indigenous communities. The policy calls for a “greater role of women in management of natural resources” as an effective way of reducing their vulnerability in the face of natural resource depletion.

Another progressive framework is the National Policy for Farmers, 2007¹⁹ which recognises the need to give women land rights and increase their access to water and its management. The policy advocated a “gender-sensitive” agricultural strategy that gives recognition to the traditional knowledge held by women. However many provisions of this policy are yet to be implemented in a way that yield meaningful results.

III. VULNERABILITY OF INDEGENOUS WOMEN

“Climate change affects us all, but it does not affect us all equally. The poorest and most vulnerable are bearing the brunt of the impact today” – Ban Ki-Moon

Due to their social and economic status in the society, indigenous women are more susceptible to the harsh effects of environmental damage as compared to not only the other gender but also urban and non-indigenous women. The UN’s Human Settlement programme has revealed that it must be acknowledged that even though women and especially tribal women are kept out of the decision making framework with regards to climate, the risk of injury or loss of life for them is way higher.

The societal discrimination, extreme poverty and exclusion from influence wielding positions creates a huge gap between them and climate adaptive strategies. With these increasing risks hanging on the indigenous groups, and more so on the women in these groups takes us farther away from realising the commitment of “nobody will be left behind” under which the Sustainable Development Agenda of 2030 was adopted.²⁰

The relation between indigenous women and environment have undergone many changes. When the forests and its resources were under the local control, women of the community acted as providers and ensured sustainable usage. However with changing times and depleting land access the women of communities such as Khasi and Jantia have been more affected than their

https://ibkp.dbtindia.gov.in/DBT_Content_Test/CMS/Guidelines/20190411103521431_National%20Environment%20Policy,%202006.pdf

¹⁹ *National Policy For Farmers 2007*, Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India (2007).

<https://agricoop.nic.in/sites/default/files/npff2007%20%281%29.pdf>

²⁰ Shivpriya, *Impact of Climate Change on Tribal Women and Their Role in Environmental Protection*, 8 IJCR 3200, 3206 (2020).

male counterparts and there are several reasons for this. The most basic explanation is the skewed power dynamic between men and women due to which even in face of damage, men of the house keep themselves on a dominant position to save them from harm. The other reason is the intrusion from external areas in the form of rapid globalisation and privatisation, which has given an impetus to the exploitative strategies in the name of development. Classic and most rampant examples of this is displacement of tribal communities due to construction projects such as building of a dam. The instable economic condition of these communities further adds fuel to fire. As discussed before due to the assigned role of a homemaker to the women, it becomes their responsibility to provide for the basic food and comfort needs even in difficult times.

Mining in Chhattisgarh

The rampant mining activities in the state of Chhattisgarh by private players has made land into a commodity for sale and contributes directly to rapid damage of environment. This has stripped the Indigenous population of their access to these lands and also their identity which was attached to it. With no access to shelter, resources and a broken community, these tribes and especially the women find it extremely difficult to provide for their livelihood. This dispossession has thus made Chhattisgarh one of the leading states in land title claims.

The meagre source of income in the family pushes indigenous women out of the house forcing them to become migrant labourers and domestic helps, working in often pitiable conditions. These also extend to an attack on women's bodies as they are forced into trafficking.

In the face of capitalism, the government joins hands with wealthy players, an example of which was recently seen when a project of around thirty coal blocks was passed which would replace the Hasdeo Arand Forest area in the state of Chhattisgarh. When the Indigenous women protested against this move which was a massive threat to their livelihood and the environment, they were repressed by brutal force.

IV. ANALYSIS AND WAY FORWARD

Through the discussion so far and available empirical data, the argument that environmental degradation in all its manifestations affects women and especially indigenous women disproportionately becomes uncontested. However it's important to also take into consideration that in face of vulnerability, women have not just accepted their fate but have responded at multiple levels against the skewed gender justice.

The landmark judgement of Krishna Gopal v. State of Madhya Pradesh²¹ is one of the many examples of this. In the case at hand a women, Mrs Sarla Tripathi, took action against a Glucose Saline Factory as its emissions were causing harm to the residents.²² Apart from legal action, women have also resorted to collective actions to mitigate the consequences of environmental Damage. The Adivasi women of Aarey set an example through their 'Save Aarey' movement of 2019 in which they resisted the construction of a metro car shed in the forest area and subsequently the region was declared to be a 'Reserved Forest' in 2020. Their efforts and role in mitigation activities have also been recognised in the international forum such as by the United Nations Framework of Climate change Convention.

However, with the speed at which the environmental conditions are deteriorating, mitigating its effects on women though their role at smaller levels becomes increasingly difficult. An effective legislative action is needed on this front which is based on well researched data and includes all classes of women. Even though the government has taken steps in the area of policy framework, its effective implementation remains in question. The National Policy for Women Empowerment (2001) recognises the relation of women and environment and has included it as one of its many policy prescriptions, however no effective progress in the field has been seen. In order to ensure effective policy making, the stakeholders such as indigenous women, urban women, gender experts, must be involved and given management roles.

With the evolution and growing importance of environmental law, various acts in the regard have been found, such as the landmark The Environment Protection Act of 1986 and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 among others. However the lacuna between upliftment of women vis-a-vis environment needs to be covered with acts that address gender disparities. The Joint Forest Management Biodiversity Act, 2002 has been a significant step in this direction however much is yet to be addressed.

The vulnerability of women affects not the female gender but the entire nation and its economy. It is pertinent to recognise the disparate consequences of climate change on them and take necessary action in reversing it to fulfil the nation's goals of sustainability.

²¹ Krishna Gopal v. State of Madhya Pradesh, 1986 CriLJ 396 (India).

²² Preeti Jain & Rajveer, *Gender Justice vis-à-vis Ecological Balance*, 48(3&4) INDIAN BAR REVIEW, 345, 350 (2021).

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