Page 1484 - 1498 **DOI:** *https://doij.org/10.10000/IJLMH.117622*

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

Cultural Rights vs. Development: The Dilemma of Tribal Lands and Sacred Spaces

OWENSON MALANG[1] AND DR. RATNESH KUMAR SRIVASTAVA[2]

ABSTRACT

Using India as a case study, this book looks at the role of the state in finding a balance between the process of achieving economic development and the preservation of the rights of tribal peoples to enjoy their cultural heritage. The book attempts to identify those elements within their cultural context, which define their identity; and 'how the process of development, often through infrastructure projects, mining and urbanization and expansion, affected the lands and places of spiritual and cultural significance'. The book focuses on development projects – energy, mining and hydroelectric projects, roads, factories, and settlements – that often threaten cultural, spiritual and historical context of the lands of tribes, which are essential for the preservation of their identity and livelihood. The vague phrase 'unnecessary destruction of the character of any such place' presumed that around certain sacred places there could be significant differences between a majority view of how a space should be perceived and the perception held by certain minorities who saw their identity, history and religious values tied to that space Developing Inclusive Growth and Preserving Cultural Autonomy, written by Baxi, employs analysis of the constitutional and legal frameworks of India, key judicial pronouncements, and a cross-country comparison with Brazil and Canada, to delineate the means for 'state-led commercial activity designed to promote growth while respecting cultural diversity'. The book aims to lay the foundations of a development model 'while subverting the colonial and inequitable partitions of rights-based entitlements. The book argues that achieving access to social and economic resources by tribal peoples and the preservation of their cultural rights can go hand in hand. It shows that the recognition of distinct identity of tribal peoples through their culture and religion is crucial for the equal political, economic and social participation for tribal peoples. Enabling tribal peoples to practice their religion, live according to their customs, and to use their sacred sites and lands is essential for the preservation of their rights.

Keywords*: Cultural rights, Development, Tribal lands, Sacred spaces, India.*

[1] Author is a student at Law College Dehradun, Uttaranchal University, Dehradun, Uttarakhand), India.
[2] Author is an Assistant Professor at Law College Dehradun, Uttaranchal University, Dehradun, Uttarakhand), India.

 [ISSN 2581-5369]

I. INTRODUCTION

It is a thorny paradox – the very preservation of cultural rights clashing with the needs and imperatives of development. But the issue is acute because so much of the land and sacred spaces – not just homes – that development disrupts today, belong to tribal communities. In the country that is deeply marked by the plurality of languages and cultures and where grand developmental aims bump up against one another, now and then hopelessly, one of the oldest conflicts of our times arises: land. But it's deeper than that – turf and territoriality, of course, is a characteristic of the country's societies. Many of these lands have a deep cultural, spiritual and historical resonance for the tribal communities. And they are not expendable. Such communities see their identity and way of life – and their cultures – tied up in these lands.

The dilemma involves a reassessment the relationship between some development projects that have been historically undertaken to bolster economic growth and improve living standards on one hand, and indigenous or tribal peoples' cultural rights such as access and control over traditional lands, the use of customary laws, and the preservation of sacred sites, on the other. The tension has been exacerbated by the way in which such development projects have often been approved by state and national authorities under the rubric of public interest, setting up conflict between economic growth and cultural preservation.

Addressing this dilemma is essential for a pluralistic society – such as India – that acknowledges minority cultures and rights within the framework of national development. The importance of this study lies in the potential to generate ideas regarding the settlement of this tension. In particular, it shows the way to identify mechanisms through which development can be and has been pursued in ways that do not undermine the cultural basis of tribal groups. Achieving this balance is essential to establishing a more inclusive model of development that takes diversity into account and ensures its benefits are shared more equitably. (Ashokvardhan, 2006)

On what theoretical basis must the claims to cultural rights be pitted against development especially when it concerns tribal lands and protecting sacred spaces?

II. CULTURAL RIGHTS DEFINED

Cultural rights are part of human rights; they arise out of the right that people and communities have to practice their cultural traditions, speak their own languages, and have access to, and ownership of, their traditional lands. Such rights are set out in international law in a number of important documents: the Universal Declaration of Human Rights (UDHR) of 1948; the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966; and the

 [ISSN 2581-5369]

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP, for example, states that the rights of indigenous peoples include the right to 'maintain and strengthen their distinct political, legal, economic, social and cultural institutions', and the right to 'maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions'.

The constitution in India provides a structure for the protection of cultural rights in general under Articles 29 and 30 (the latter of which specifically guarantees 'rights of minorities to establish and administer educational institutions of their choice'), as well as in particular under Article 21 which provides: 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 exemplifies a legally recognized right to participate in the governance of natural resources, in seeking to redress the historic injustice of excluding certain populations – namely forest-dwelling communities – from the titles to and uses of forests, and provides that rights over forest land and forest resources, including the right 'to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use.' (Butzier & Stevenson, 2014)

III. DEVELOPMENT GOALS EXPLORED

They also experience a broad development programme that is traditionally seen as 'human development' – a process of expanding human freedoms done through various economic, social and political initiatives aimed at improving a population's welfare and living standards. This includes building roads, bridges and dams; mining raw materials; and building new neighborhoods in cities and towns – all based on the notion of 'development' that is in the national interest, necessary for economic growth and contributes to the general development of the country. (Strickland & Protti, 1993)

But development is not just about economics: it has an important social dimension and an important environmental dimension. The social aspect is the improvement of people's well-being, which includes not just economic prosperity but access to education, health, and social justice. The environmental aspect involves sustainable practices that respect and preserve natural resources for the future.

A key area of conflict is the role of development in stealing the culture, homelands and development rights of indigenous peoples. Development is supposed to help create roads and infrastructure, but often projects lead to displacement, uprooting traditional livelihoods, and contribute to the severing of the spiritual, cultural and original ties with the land on which

indigenous peoples depend. This rupture is rooted in a clash of basic ideas about valuing land and natural resources: where development sees only economic value and a connection to money, indigenous peoples see heritage, identity and their future.

The real work, then, is the reconciliation of the two: how to realize these development targets, while respecting the cultural rights of the tribal populations. A remaking of development objectives is needed to embed an economy that focuses on growth but also on cultural heritage and a model of development that values the right of indigenous populations and respects their wishes, so that projects have positive ramifications for the various stakeholder groups involved, from increased revenue generation, to the preservation of cultural identities and practices of tribal populations.

IV. Constitutional Framework in India

As a living document, the Indian Constitution embodies the celebrated ideals of the varied heritage of Indian culture – including the core idea of protecting the tribal communities and their sacred spaces. Below, we elaborate on the multiple articles of the Constitution that incorporate the clauses to secure the cultural rights as well as reflecting on the (recent) legal identity of cultural rights, the evolving nature of property rights, and articulating the envisaged interface of environmental laws and tribal rights. (Singh, 2020)

(A) Protection of Cultural Rights

The protection of the cultural rights of minorities and indigenous peoples in particular is clearly set out in Articles 29 and 30 of the Indian Constitution. Article 29(1) provides that any section of the citizens resident in the territory of India having a distinct language, script or culture of its own shall have the right to conserve the same. Article 29 is particularly important for tribal peoples since it provides not just the right to preserve their distinct cultural identity and ways of life, but also the right to safeguard and protect their territorial identity and their sacred sites and lands. (Carpenter, Casaperalta, & Lazore-Thompson, 2020)

Article 30 goes further by giving the right to minorities to establish and administer educational institutions of their choice, which also ensures the cultural and educational rights of these communities. Although addressed to religious and linguistic minorities, the spirit of the article also ensures that tribal communities could develop and maintain their culture through their education.

Courts have interpreted the articles broadly, recognizing that, without their ancestral lands and the use of them, tribal cultures are at risk However, the use of these articles to protect tribal

cultural practices and lands has been uneven.

(B) Right to Property and Land Laws

Arguably, the right to property was the first substantive fundamental right in the Constitution but, since then, especially in relation to tribal lands, it has been moved from being a fundamental right in Constitution (Articles 19 and 31) to being a substantive right under Article 300A by the 44th Amendment Act 1978. This had a dramatic impact on property rights.

The Fifth and Sixth Scheduled of the Constitution especially deal with administration and control of the tribal areas by providing a legislative framework for the preservation of tribal culture and land rights of tribal populations. The Fifth Schedule applies to tribal areas in the nine states of India, and empowers the President of India to declare any area as a 'Scheduled Area' where tribal populations are considered to have the right to self-governance. The Governor of the state appointed by the President of India has the power to legislate on any matter with respect to that area for the peace and good governance, including regulations relating to land transfer to prevent abuses of tribal people by non-tribals.

The Sixth Schedule, in force in some parts of the Northeast, provides still more autonomy. Here there are Autonomous District Councils that have the power to make laws on land use, agriculture, forests and other matters over and above the laws of the state. Here tribal land cannot be usurped by outsiders, and the traditional ways of the tribe cannot be disrupted by actions of the regime. (Wolfley, 2016)

(C) Environmental Laws and Tribal Rights

One embodiment of this fusion between environmental law and tribal rights is found in the FRA. The Forest Rights Act, 2006 reimburses historical deprivations to forest-dwellers by providing statutory rights over forest land they have traditionally resided on, and over forest produce and the right to manage it. The FRA is an important environmental protection law, which ensures that the rights of tribal people – who have themselves pledged to the protection, regeneration, conservation and management of their customary, traditional and ancestral forest lands – are enshrined in Indian law.

The Act carves out certain rights under different heads: the right of the forest dweller to hold and exhibit the possession over the forest land, which the Scheduled Tribes individual or community have been traditionally occupying and cultivating; right of ownership over minor forest produce, access to collect, use and dispose of minor forest produce falling in the community forest resource; right to protect, regenerate or conserve or manage any community forest resource, or right to enjoy such facilities, as are given to the forest dwellers for their

 [ISSN 2581-5369]

welfare by the State Government. This enactment ensures that the tribal community can continue their traditional practices and use the sacred lands without the risk of expulsion and expropriation. The issue of the cultural and livelihood rights of tribal communities became entwined with environmental protection.

Additionally, any environmental law that might appear, on its face, neutral in its relationship to tribal rights, can serve as an ally to the FRA. Laws like the Environmental Protection Act, 1986 or the Biodiversity Act, 2002, that aim to curtail environmental destruction and preserve biodiversity, aid protection of both tribal habitats and their livelihoods, even if such provisions were not directly included in these laws.

V. CASE LAW ANALYSIS

1. Narmada Bachao Andolan v. Union of India[3]

One of the most publicized cases was *Narmada Bachao Andolan v. Union of India* First, the Supreme Court of India directed construction of the Sardar Sarovar Dam on the Narmada River to continue. The Narmada Bachao Andolan had opposed construction of the Dam, arguing it would displace thousands of families, many of them tribal communities. The Court acknowledged the environmental and rehabilitation concerns, but ruled in favor of the project. It stressed the need to maintain a balance between developmental requirements and the interests of the environment and society. It directed the government to implement rehabilitation packages in the form of land, housing or cash to those who would suffer from displacement. The judgment prioritized the developmental interests of the state over the environmental and cultural rights of the indigenous populations. From this event onwards, the Indian environmental movement always vied to strengthen the court's pro-environment stance against the government.

2. Samatha v. State of Andhra Pradesh [4]

This judgement had enormous implications for tribal rights in scheduled areas. The Supreme Court held that: the leasing out of lands in the scheduled areas to persons who are not tribals would deprive the tribals of their constitutional rights under Article 244 (Constitution) of their property and land and violate their established cultural rights of occupation of land over generations. This court pointed out the protective measures enacted in the Constitution for the scheduled regions and statutorily restrained the state or its state instrumentalities from conducting mining operations in the scheduled areas or leasing them out to private commercial entities. The decision is cited as a landmark precedent for the proposition that tribal cultural and

[3] AIR 2000 SC 3751.
[4] AIR 1997 SC 3297.

 [ISSN 2581-5369]

land rights must be privileged over commercial interests.

Cases arising from the law called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:

This law is remarkable as it marks a 'paradigmatic shift' in land acquisition laws by emphasizing the 'right of persons affected by acquisition of their land or any interest therein to demand fair compensation and receive it in a time-bound manner; them being part of the decision-making process of rehabilitation and resettlement; and the provisions for rehabilitation and resettlement.' While petitions in this context have addressed a whole range of land-acquisition issues including compensation for grave and aggravated loss, like the Kerala Land Reforms Act, 1963, the Act itself has ushered a 'paradigmatic shift in the nature of prescriptions under the acquisition law by laying down an overarching philosophy' towards implementing projects that will result in compulsory acquisition of private land, on which tribal and rural populations would be rehabilitated and resettled.

The judgments in these cases revealed a subtle contextual balance drawn by the judiciary between cultural rights and development needs. In the Narmada Bachao Andolan case, the Supreme Court's pragmatic reading of development's overall benefits – which the Court felt trumped the social and environmental harms wrought by the dam – were paralleled by unprecedented emphasis by the Court on rehabilitation. Indeed, the damage occasioned by displacement to tribal communities weighed heavily in the Court's considered recommendations.

So, the Samatha judgment marks a decisive stand by the Court in support of tribal rights and sovereignty over their land against corporate encroachments. The Supreme Court also laid out the restriction on granting land leases in all scheduled areas to non-tribals and corporations. This judgment entrenched the protective provisions of the Constitution towards tribal communities and reminded the state that economic development did not trump the rights of culture and heritage.

As the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, became a reality, and several cases began to come up under it to interpret and apply this new law, there has emerged a more sympathetic and responsive legal framework dealing with land acquisitions for development that promote greater humanity, consultation and participation, and equitability in dealing with displacement. Several of the recent legal judgments reinforcing the legal protections of the affected communities for more equity and fairness in development projects implementation emanate from the proposed and

 [ISSN 2581-5369]

actual acquisition of land from affected tribal populations.

We can turn the concerns into accolades by noting how careful analysis of these judgments displays a judicial understanding about balancing developmental needs and cultural rights. The legal reasoning underlying these decisions draws on an interplay of legal provisions in the Constitution, international legal principles on indigenous rights, as well as a nuanced understanding of the socio-economic realities surrounding development projects. At the same time, the judgments demonstrate the difficulty of achieving perfection in the balance, and reveal how courts grapple with nuanced legal, ethical and socio-economic considerations to arrive at decisions that seek to minimize harms and promote a fair and inclusive pattern of development. (Donatuto, Ranco, Harper, & O'Neill, 2011)

VI. CHALLENGES AND OPPORTUNITIES

The politicization of culture and the contestation over meaning are far from simple; full of nuanced complexities The discourse between cultural rights-based claims and development project-based claims throws up a host of dilemmas. These have both possibilities and challenges for legal and policy reform in India. To illustrate by way of an example: several tribal communities live in locations that are rich in the natural resources required by developmental projects. In such situations, there is clearly a conflict between the exercise of the developmental vision (an to conserve the cultural memory and way of life of tribal communities. (Hammer, 2018)

(A) Challenges

- Legal Vulnerabilities: Where the law governing land acquisitions (including environmental clearance procedures) is generous, ambiguity in their interpretation and implementation in individual cases has severely curbed the efficacy of the law in protecting tribal lands. For instance, ambiguity in implementation of the Forest Rights Act, 2006, and the Land Acquisition Act, 2013, has not always ensured effective protection of tribal rights. Deliberate ambiguity of the law and procedural delays are the key hurdles for tribal communities who were facing threats of displacement and livelihood impairment.
- Social problems: Once off their land, the key pillar of their culture is broken; their basic social units are dismantled, the foundations of their cultural identity are lost, their territory, upon which their culture depends, is removed; their sacred places and sacred monuments are erased. Literally centuries of meaning are destroyed. • Dispersal breaks apart their communities, when land-owners move members of communities to new

 [ISSN 2581-5369]

towns and villages in the occupied territory without the means to rebuild social networks.

- Political constraints: Development projects are usually driven by aggressive political and economic forces, by states or market actors, for whom tribal lands are sources of resources or which lack the political will to implement tribal rights, from fear of lobbies or following horizons of rapid industrialization or urbanization. In many cases, tribal interests are excluded from decision-making, or have no voice because the noise of the more powerful makes them inaudible.

(B) Opportunities for Legal Reform

These challenges call for diverse pathways to legal reform and strategic policy plans, including:

- Greater Community Consultation – Legal reform to strengthen mechanisms for community consultation and participation in decision-making, for example community advisory boards with the right to review and advise on development projects affecting tribal land and livelihoods.
- Comprehensive compensation and resettlement regimes: Compensation and resettlement policies fail to recognize culture- and society-specific losses of tribal groups. Legal reforms could introduce a compensation regime that provides alternative frameworks of redress, other than payment of money – new tracts for acquisition of lands, aid in revival of the culture and social institutions, programmes to preserve traditional culture and languages, etc.
- Strengthening EIAs: EIAs should be strengthened and they should include cultural impact assessments to determine the potential harm to tribal communities' cultural heritage. Legal reforms could mandate that EIAs include specific assessments of impact on sacred sites, traditional livelihoods and practices, and that such impacts are mitigated through mandatory mitigation strategies developed in consultation with affected communities.
- Legal Recognition of Cultural Landscapes: Recognition could serve as a trigger for the legal implementation of protections for sacred landscapes and culturally significant places from development pressures. Recognition could provide a basis for legal protections that emphasise the retention of cultural landscapes, even where proposal development projects are involved.
- Decentralization of Authority: Empowering locally controlled governance structures

within the tribal ambit can result in more development projects being vetted by the communities that are likely to be most affected. Decentralization of authority and strengthening of the autonomy and the rights of tribal governance through legal reforms can facilitate more culturally sensitive and community-driven development processes.

VII. COMPARATIVE ANALYSIS

The Indian balance between cultural rights and the demands of development projects reflects a global dilemma, shared by countries with diverse indigenous populations, such as Brazil and Canada. Here, legal structures and state practices shed light on possible alternatives to India's existing framework for balancing cultural rights with development needs.

(A) India's Approach

The Indian legal system relies on constitutional protections for cultural rights as well as on specific legislation, such as the Forest Rights Act, 2006, and landmark judgments like the *Samatha v. State of Andhra Pradesh*[5] to protect tribal lands and secure compensation and rehabilitation for displaced people, and increased community participation in the formulation of land use plans. Implementation, however, remains elusive and there are great tensions between major development pressures and cultural conservation. (Inter-American Human Rights System, 2010)

(B) Brazil's Approach

Brazil holds the Amazon rainforest and some of the world's last indigenous tribes. How can these lands be protected from deforestation, mining and agricultural interests? According to the 1988 Brazilian Constitution, indigenous peoples have 'the right to their lands, their culture, their environmental integrity, and the natural resources belonging to them or necessary for their subsistence and development'. The Statute of the Indian (Estatuto do Índio, Law No. 6001/73) details the legal status of indigenous territories, who has the right to the land, who decides about that land, what that land can be used for, who the authority over these processes is.

Brazil's jurisprudence has largely involved the demarcation and recognition of indigenous land: for example, in Raposa Serra do Sol, the court affirmed the perpetuity of indigenous land possession and reinforced the state's obligation to protect those lands. While this legal framework has been a success, it has also shown that Brazil struggles to enforce such protections in the face of political and economic pressures that threaten indigenous lands and rights. (Joseph & Beegom, 2017)

[5] AIR 1997 SC 3297.

 [ISSN 2581-5369]

(C) Canada's Approach

And Canada has moved closer to vindicating and securing the rights of its indigenous groups in the Canadian Constitution Act, 1982, notably in the form of Section 35 ('Recognition and affirmation of Aboriginal and treaty rights'), and the adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Canada has pursued comprehensive land claims agreements and the formation of self-government territories These include key court rulings on Aboriginal title, such as the case *Tsilhqot'in Nation v. British Columbia*[6], in which the Supreme Court of Canada recognised Aboriginal title to a particular, defined piece of land. The Canadian preference for negotiated agreements over development and the recognition of Indigenous land claims and self-government provides a model on how to try to marry development interests with the maintenance and recognition of cultural and land access claims. (Korostelina & Barrett, 2023)

(D) Comparative Insights

That is brought into further relief when contrasting India's approach with what has happened in Brazil and to some extent Canada, countries that are also multicultural societies with a long incidence of colonialism and formal elements of a federalist structure. So, even though there have been statutory limitations on development in defined 'Indian lands' in Brazil since the 1960s, there is a greater recognition of the rights of indigenous peoples as a result of the federal law on demarcation of indigenous territory that came into being in the 1980s and '90s. These rights reflect the greater recognition in Brazil to indigenous peoples as jetús, 'people with a soul'. In this context, the laws are yet to translate into actual protection from the claims for development that have been made. Comparing the Brazilian experience with the broader, off-reservation constitutional and statutory protections that have thus far recognised more than 500 tribal communities in the Indian context reveals similar implementation deficits, where the legal protections often have not sufficiently translated into actual protection from the vagaries of development claims.

An alternative model, one focused more squarely on indigenous autonomy, is Canada's, which has ratcheted up legal recognition, negotiated settlements and self-government. In the Canadian legal context – premised on a legal framework and case law that upholds indigenous land rights and title – the potential exists to canalize a political trajectory in which the realm of cultural rights can seek fuller incorporation, as a manner of unprecedented inclusion and participation,

[6] AIR 2014 SCC 44.

 [ISSN 2581-5369]

into the calculus of development.

In various ways, each emphasises the tensions and complexities in reconciling development and cultural and indigenous rights. Legal frameworks and landmark judgments provide critical foundations for the protection of these rights, but aren't effective unless they're implemented and there's political will to enforce them. The experience of Brazil and Canada, alongside India's difficulties and attempts, demonstrates the global nature of the problem and the need to share lessons and methods to better protect cultural rights through the lens of development. (McGee, 1976)

VIII. CONCLUSION

How does one balance the aspirations of cultural preservation and development? This is another complex challenge which is being poignantly played out in India in the context of its rich and diverse cultural geography and the high aspirations of development. Development projects that penetrate sacred places of tribals pose grave questions for the future of cultural identities and rights. At issue are the contradictory imperatives of development that want to go into tribal places which are otherwise insulated due to cultural considerations, and which run the risk of subverting their cultural rights, traditions and beliefs through processes of marketisation, expropriation and ecological destruction. These choices pose difficult questions in India, where the imperatives of development have to find expression despite being in conflict with cultural preservation.

The constitutional and legal structure of India, and recent legal judgments such as the Forest Rights Act of 2006 and three landmark judgments above, on which other Supreme Court judgments increasingly rely for their soundness, enable the state to protect tribal lands as well as their cultural rights – though such legal instruments depend on their implementation and political will to see them through. Meanwhile, broad concessions on resettlement in important judgments such as *Narmada Bachao Andolan v. Union of India*[7] and *Samatha v. State of Andhra Pradesh*[8] show the judiciary playing an important mediating role in at least allowing for the possibility of addressing development pressures while affirming cultural rights – with functioning state structures able to recognize the primary right of tribal groups to autonomy over lands.

By contrast, countries such as Brazil and Canada have reached reasonable settlements that balance development goals with cultural preservation, such as establishing demarcated lands

[7] AIR 2000 SC 3751.
[8] AIR 1997 SC 3297.

 [ISSN 2581-5369]

for indigenous peoples, unilateral recognition of indigenous title and self-government, among others. An aggregate analysis of the situation reveals not only the global variation in this dilemma, but also the diverse range of resolutions to it.

To summaries, balancing development and cultural rights requires a range of solutions involving legal reform, improved public consultation, robust compensation policies, and the robust application of environmental and cultural impact assessment. Respecting cultural landscapes and devolving power to the local level builds the organizational capacity for local governance. In the end, the challenge is to envisage development in ways that include all stakeholders and benefit them in more equitable ways, especially those most intimately involved in the use and care of these lands and forests.

*****

 [ISSN 2581-5369]

IX. REFERENCES

1. Ashokvardhan, C. (2006). Tribal Land Rights in India. Retrieved from https://www.lbsnaa.gov.in/lbsnaa_sub/upload/uploadfiles/files/CRS/Publications/Internal/20-Tribal_Land_Rights_in_India.pdf
2. Butzier, S. R., & Stevenson, S. M. (2014). Indigenous Peoples' Rights to Sacred Sites and Traditional Cultural Properties and the Role of Consultation and Free, Prior and Informed Consent. *Journal of Energy & Natural Resources Law*, 32(3), 298.
3. Carpenter, K., Casaperalta, E., & Lazore-Thompson, D. (2020). Implementing the United Nations Declaration on the Rights of Indigenous Peoples in the United States: A Call to Action for Inspired Advocacy in Indian Country. *University of Colorado Law Review Forum*, 91(1), Article 1. Retrieved from https://scholar.law.colorado.edu/cgi/viewcontent.cgi?article=1012&context=lawreview_forum
4. Donatuto, J., Ranco, D., Harper, B., & O'Neill, C. (2011). Environmental Justice, American Indians and the Cultural Dilemma: Developing Environmental Management for Tribal Health and Well-being. Environmental Justice, 4(4), 221-230. DOI:10.1089/env.2010.0036
5. Hammer, L. (2018). Cultural Heritage Protection and Sacred Spaces: Considering Alternative Approaches from Within the Human Rights Framework. Columbia Human Rights Law Review, 2018.
6. Inter-American Human Rights System. (2010). Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence. Retrieved from https://www.oas.org/en/iachr/indigenous/docs/pdf/ancestrallands.pdf
7. Joseph, A., & Beegom R. K., B. (2017). Cultural Genocide among Tribals: An Excrescence of Development Induced Displacement. *Journal of Multidisciplinary Studies in Archaeology*, 5, 620-630.
8. Korostelina, K. V., & Barrett, J. (2023). Bridging the digital divide for Native American tribes: Roadblocks to broadband and community resilience. *Policy & Internet*, 15(1), 43-64. https://doi.org/10.1002/poi3.339
9. McGee, P. P. (1976). Indian Lands: Coal Development: Environmental/Economic Dilemma for the Modern Indian. *American Indian Law Review*, 4, 279. Retrieved from https://digitalcommons.law.ou.edu/ailr/vol4/iss2/5

10. Ranco, D. J., O'Neill, C. A., Donatuto, J., & Harper, B. L. (2011). Environmental Justice, American Indians and the Cultural Dilemma: Developing Environmental Management for Tribal Health and Well-being. *Environmental Justice*, 4(4), 221-230.

11. Silhqot'in Nation v. British Columbia. (2014, June 26). Supreme Court Judgments. *Neutral citation: 2014 SCC 44. Report: [2014] 2 SCR 257. Case number: 34986. Retrieved from SCC Case Information: 34986.*

12. Singh, R. P. B. (2020). Sacrality and waterfront sacred places in India. In Sacred Waters (pp. 80-94). DOI:10.4324/9781003010142-9

13. Strickland, R., & Protti, M. (1993). The Dilemma of Preserving Tribal Culture and Promoting Resource Development: A Bibliographic Essay. Natural Resources & Environment, 7(4), 34–64. Retrieved from http://www.jstor.org/stable/40923251

14. Supreme Court of India. (1997, July 11). Samatha v. State Of Andhra Pradesh And Ors. Equivalent citations: *AIR 1997 SC 3297.*

15. Supreme Court of India. (2000, October 18). Narmada Bachao Andolan v. Union of India and Others. Equivalent citations: *AIR 2000 SC 3751*.

16. Wolfley, J. (2016). Reclaiming A Presence in Ancestral Lands: The Return of Native Peoples to the National Parks. *Natural Resources Journal*, 56, 55. Available at: https://digitalrepository.unm.edu/nrj/vol56/iss1/6

*****

 [ISSN 2581-5369]