

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 2

2025

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Indigenous Peoples' Rights and Environmental Protection: Legal Challenges and Pathways to Sustainable Development

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ABSTRACT

Indigenous peoples are disproportionately impacted by the loss of biological diversity and environmental degradation due to the growing demands placed on their lands and resources, as well as the cultural and religious ties to their ancestral places. In the world, there are more than 200 million indigenous people. The majority of them are found in extremely sensitive ecosystems, such as the semiarid rangelands and mountains, the Arctic and tundra, tropical and boreal forests, and riverine and coastal zones.

The last few decades have seen an increase in the burden on traditional indigenous territories as outsiders have searched for, extracted from, or converted natural resources to meet an expanding worldwide demand. The areas that indigenous peoples used to be difficult to access have now become important sources of minerals, hardwoods, pasture land, and hydroelectric power. Climate change is putting other indigenous areas in danger of disappearing entirely.

Therefore, this paper seeks to investigate the varied nature of these issues, evaluate the applicable legal frameworks critically, and pinpoint potential avenues for bridging the gaps between Indigenous rights, environmental preservation, and sustainable development objectives. Additionally, this study aims to advance global sustainability goals by addressing these problems and fostering a more inclusive and equitable approach to environmental governance that respects Indigenous peoples' rights and aspirations.

Keywords: *Indigenous Peoples; Environment; Human Rights; Environmental Justice; Sustainable Development.*

I. INTRODUCTION

The pursuit of sustainable development is of utmost importance in contemporary society because of the multifaceted relationships that exist between societal advancement, environmental protection, and human rights. Indigenous groups are essential to maintaining the biodiversity, ecosystems, and land on Earth sustainably. Indigenous peoples are essential to the survival and renewal of culture in the modern period of urbanisation, globalisation, and the need

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to maintain cultural identities against oppression². Because only 5% of the world's population, Indigenous communities comprise nearly 15% of all impoverished people³. These communities are distinguished by distinctive Indigenous cultures, values, and beliefs; they reject market-oriented approaches in prefer kin-based structures⁴, and they place a strong emphasis on cooperation, resource sharing, and community orientation⁵. The accomplishment of all 17 *Sustainable Development Goals (SDGs)* depends on the active participation of indigenous populations. However, the *2030 Agenda's* primary goal of leaving no one behind is directly threatened by their marginalisation and exclusion. Therefore, the rights of Indigenous Peoples stand out as a crucial focal point within this complex nexus, comprising not just cultural and societal aspects but also significant ecological implications.

In this overview, the complex legal issues that underlay the relationship between the rights of Indigenous Peoples and environmental protection are revealed. This research attempts to shed light on the paths that lead to a happy coexistence—where sustainable development becomes a practical reality—by examining the tensions, synergies, and potential conflicts between these two important areas. This study aims to shed light on the complicated relationship between Indigenous rights and environmental preservation by a thorough review of domestic and international legal frameworks, case studies, and historical settings. By doing this, it hopes to support the development of sensible laws, policies, and socio-environmental practices that promote a more just, equitable, and environmentally balanced world. Thus, this overview sets out on a quest to investigate both the specific legal issues at hand as well as the larger ramifications for a global society working towards a sustainable future.

II. INDIGENOUS COMMUNITIES AND THEIR LIVELIHOOD

At least 370–500 million people are indigenous, making approximately 22% of the world's land area and a sizable portion of its cultural variety, with 5000 distinct civilizations represented. They are regarded as the guardians of the old-age languages, of which 5,000 are predicted to become extinct by 2100 and speak nearly 7000 different languages. According to the United

² Mary Lawhon & James T. Murphy, *Socio-Technical Regimes and Sustainability Transitions: Insights from Political Ecology*, 36(3) *PIHG* 354, 354-378 (2011), (Feb. 12, 2025, 11:00 AM), <https://doi.org/10.1177/0309132511427960>. & Michael Rock A, et.al., *A Hard Slog, not a Leap Frog: Globalization and Sustainability Transitions in Developing Asia*, 76 *TFSC* 241, 241-254 (2009), (Feb. 12, 2025, 11:15 AM), <https://doi.org/10.1016/j.techfore.2007.11.014>.

³ *Partnering with Indigenous Peoples for the SDG*, IFAD (2019), (Feb. 12, 2025, 12:15 AM) https://www.ifad.org/documents/38714170/41390728/policybrief_indigenous_sdg.pdf/e294b690-b26c-994c-550c-076d15190100.

⁴ J.C. Altman, *Indigenous Communities and Business: Three Perspectives*, 9 *CAEPR* (2001), (Feb. 13, 2025, 3:00 PM), <https://openresearch-repository.anu.edu.au/bitstream/1885/40154/2/CAEPRWP9.pdf>.

⁵ Michael T. Schaper, *Australia's Aboriginal Small Business Owners: Challenges for the Future*, *JSBM* (1999).

Nations, they reflect a distinct culture with political, social, and economic traits different from those of the dominant societies. Other labels, such as tribes, aboriginals, ethnic groups, Adivasi, first people, *natives*, and *janajati*, are preferred by other countries for the prevalent indigenous communities. For their continued existence as a people group and culturally, ancestral land is vital. Their ideas on development are shaped by their priorities, values, and vision. Indigenous communities provide distinctive traditional knowledge that promotes the management of natural resources, the use of biological resources, innovative food production, tackling difficulties related to global environmental sustainability, and bolstering regional and national economies⁶.

Indigenous people retain 80% of the planet's biodiversity, despite owning, inhabiting, or using less than 25% of it⁷. They are the messengers of a historical continuity that embodies certain regional, ethnic, and cultural identities. They were a part of pre-invasion and pre-colonial communities. These communities have long valued biological diversity and have modified their cultural norms to support its continued existence⁸.

Being more than 6% of the global populace, they have a threefold higher probability of experiencing severe poverty and marginalisation. Compared to non-indigenous groups, their life expectancy is 20 years shorter⁹. Less than 5% of people on the planet live in indigenous communities, which nonetheless preserve 80% of all species¹⁰. There are large differences in the human rights and development indices for indigenous populations across national boundaries. According to the *International Labour Organisation (2020)*, over 86% of Indigenous people are employed in the informal sector and are not provided with sufficient social safety or financial resources. Indigenous communities, who are among the most marginalised and vulnerable groups of people, have worked over the years to be recognised for their identity, culture, and customary rights to land, territory, and other resources.

Over the ages, *Adivasi* populations have changed to satisfy the demands of progress and to adapt

⁶ Siham Drissi, *Indigenous Peoples and the Nature They Protect* (2020), (Feb. 13, 2025, 11:15 AM), <https://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect>.

⁷ Dr. Sena, *Recognizing Indigenous Peoples' Land Rights, and Consequently 80% of Global Biodiversity, Should Be Placed at the Center of Present and Future Global Challenges* (2020). (Feb. 12, 2025, 1:15 PM), <https://www.worldwildlife.org/stories/recognizing-indigenous-peoples-land-interests-is-critical-for-people-and-nature#:~:text=By%20fighting%20for%20their%20lands,they%20have%20lived%20for%20centuries.>

⁸ Madhav Gadgil & Ramachandra Guha, *Oxford University Press, India*, (2d ed. 2012), (Feb. 13, 2025, 12:15 PM) <https://doi.org/10.1093/acprof:oso/9780198077442.001.0001>.

⁹ World Bank, *Indigenous Peoples* (2022), (Feb. 13, 2025, 7:15 PM) <https://www.worldbank.org/en/topic/indigenouspeoples>.

¹⁰ Gleb Raygorodetsky, *Indigenous Peoples Defend Earth's Biodiversity—But They're in Danger*, NGS, (2018), (Feb. 15, 2025, 12:15 PM), <https://www.nationalgeographic.com/environment/art/can-indigenous-land-stewardship-protect-biodiversity>.

to the ever-changing times. They regard themselves as the land's usufructs rather than its owners because they have developed a symbiotic relationship with it¹¹. The most fundamental aspect of their existence is the land. Their livelihood comes from the forest, which is valued for its many uses. India's tribal cultures all have different ways of living, including agriculture. Tribal people carry out a variety of tasks, from farmers and plant conservators to healers and hunters. Their livelihood is based on the biodiversity of the area. Their primary means of subsistence include food provisioning, gathering non-timber forest produce, and hunting. Typically, they are foragers and shifting cultivators. Thus, these communities' capacity to preserve the enormous diversity and natural wealth of woods is the source of their consumption and economic independence.

These communities have been renowned for generations as the guardians of the environment because they have managed to maintain their ancient, natural lives. These communities are particularly susceptible to the threats posed by climate change, nevertheless, because of the current acceleration of environmental issues. The development designs and the environment are not in equilibrium. The environment and the fulfilment of human rights are inextricably linked, according to the *UN (OHCHR, 2022)*.

III. INTRODUCTION TO INDIA'S INDIGENOUS PEOPLE

The world's largest concentration of indigenous peoples is found in India. About 80 million indigenous people, or nearly 25% of the world's total population, are dispersed throughout India and represent an astounding range of ethnicities, cultures, and socioeconomic backgrounds. They include some of the largest, like the *Gonds* and *Santhals of central India*, and some of the last uncontacted indigenous people in the world, such as the *Sentinelese of the Andamans*. They comprise both extremely impoverished communities and communities with socioeconomic metrics significantly higher than the national average. However, despite differences in conditions and geography, India's Indigenous peoples do have one thing in common with other Indigenous populations worldwide: they are marginalized on the social, political, and economic fronts.

Indigenous people are frequently referred to as "*Adivasis*" in *Southern Asia*, particularly in the context of India, which means "*forest dwellers*" or "*people of the mountains*." The term Adivasi, in its broadest definition, refers to residents because the word '*Adi*' means '*origin*' or source. '*Vasi*' is a word that signifies "*one who dwells*." Consequently, the phrases when combined

¹¹ Shipra DEO (ed.), This is Not Your Home: An Assessment of Land Rights of Tribal Women in Jharkhand, SHARC, (2021), (Feb. 15, 2025, 10:15 PM), <https://cdn.landes.org/wp-content/uploads/This-is-not-your-home-10-August-2021-Jharkhand.pdf>.

signify "*original dweller*."

Officially, the Indian government does not recognise any particular group of its citizens as "*Indigenous peoples*," as the term is usually understood and inferred from its use in the UN. Instead, the government asserts that all of its citizens are indigenous. However, certain groups of people designated as belonging to the administrative category of "*Scheduled Tribes*" (*STs*) are regarded as indigenous peoples in many of its practical transactions. While the terms "*tribal*" and "*Adivasi*," which refer to indigenous or original people, are not synonymous with *STs*, it is generally acknowledged that the majority of *STs* in the Indian context are "*indigenous peoples*." The Indian Constitution, however, has provided the indigenous population with considerable recognition since India's independence. The Constitution refers to India's native population as "*scheduled tribes*."

The indigenous people of India have inhabited the country's territory for many years. Their habitat on the subcontinent can be found anywhere from *Assam's woodlands to the little islands in the Bay of Bengal and the slopes of the Himalayas*. Natural disasters and tyranny throughout history have put the Indian indigenous population's fortitude to the test. There are currently over *100 million* indigenous people living throughout the nation. Even many indigenous Indians have found their way into India's mainstream civilization due to the growth of Indian towns and villages. About a dozen Indian States, including many in the *Northeast, Uttarakhand, Himachal Pradesh, Jharkhand, and West Bengal*, are now home to sizable communities of them. Nowadays, *Madhya Pradesh, Jharkhand, and Chhattisgarh* have the largest populations of Indigenous people in the center of India. And these States account for 75% of all Indigenous peoples worldwide and less than 1% of the people living in *Karnataka* are native to the State¹².

IV. INDIGENOUS PEOPLES' HISTORICAL RELATIONSHIP WITH THEIR LANDS

The Puranas, Vedas, Upanishads, and other sacred texts of Sanatan Dharma in India explain how plants, trees, and wildlife are portrayed, as well as their importance to the people. In particular, they explain how the indigenous people worship all the elements of the land. *The Rig Veda* highlighted the tight relationship between humans and nature, the value of Mother Earth to Indigenous People, and the conservation of biodiversity in India. It also highlighted how nature manages the climate, biodiversity, and the development of human life. *The Yajur Veda* highlights the closer relationship between forests and animals by emphasising humankind's mutual respect and friendliness with nature, whereas the *Atharva Veda* views plants and forests

¹² Office of the Registrar General and Census Commissioner, India, PCA (ST): Primary Census Abstract Data for Scheduled Tribes, India & States/UTs (District Level), (2011)

as the homes of many Gods and Goddesses.

It is important to note that human civilization in India has always depended on nature and the natural environment for both survival and sustainable growth. As a result, humanity and nature have a primordial and unbreakable bond. Plants, trees, and animals were among the many elements and forces of nature that were revered in ancient India. The five manifestations of *Panchmahabhut (Prithivi, or Earth, Agni, or Fire, Jal, or Water, Akash, or Sky, and Vayu, or Wind)* are how Nature (*Prakriti*) manifest themselves, and they are all venerated in our nation.

Regardless of where they choose to live, indigenous tribes rely on biodiversity and the natural world for survival. From agriculture to biopesticides, feed, forest products, and fuel that support the Indigenous community's sustainable development, biodiversity has a huge positive impact on the growth and development of Indigenous people and vice versa. Therefore, it is crucial to preserve natural equilibrium and conserve biodiversity. Our Mother Earth is said to have formed *4.6 billion years* ago, and the earliest life on Earth appeared 4 million years ago thanks to a straightforward procedure involving unicellular bacterial cells. *Alfred Wegener, a German geologist, geophysicist, and meteorologist, explained in 1912 that the many continents that are seen today are the outcome of the ongoing evolution (continental drift hypothesis) of the earth's geological activity and organic evolution in the biosphere.*

India is home to four biodiversity hotspots out of the 34 global biodiversity hotspots, making it one of the world's seventeen mega biodiversity countries. It also accounts for roughly 8% of all recognised species worldwide. India, home to 1.4 billion people, is also home to 96,000 distinct kinds of animals and 47,000 different species of plants, including about half of all aquatic plants in the world¹³.

V. ROLE OF INDIGENOUS PEOPLE IN SUSTAINABLE DEVELOPMENT

Sustainable development is a form of economic growth that supports social justice, equality, and environmental conservation. Including scientific and conventional knowledge in a fair representation of different knowledge systems is essential to addressing the core issues of the *2030 Agenda*¹⁴. The key component in achieving sustainable development is community development. Indigenous communities have lived sustainably for numerous centuries, establishing the experience of living in tune with the environment. Indigenous communities are a driving force behind achieving the SDGs because of their connections to the natural world

¹³ Ramesh Chandra Sethi, *et.al.*, Indigenous People and Biodiversity Conservation in India: Scrutinizing a Symbiotic Relationship, *ASSEHR* 821 (WAC2023).

¹⁴ Giorgia Magni, Indigenous Knowledge and Implications for the Sustainable Development Agenda, *EJE* 52(4), 437, 437–447 (2017).

and its resources. Indigenous wisdom and methods are priceless because they offer potential answers to problems like climate change and resource management, while also advancing agricultural systems that guarantee everyone has access to a healthy diet.

It is impossible to undervalue the contributions made by indigenous groups and their significance in achieving the SDGs. We have acquired important knowledge of how these communities can help organisations and what these communities have to teach those organisations. Indigenous tribes can impart valuable knowledge on the morality and practical implementation of sustainable development. By involving all stakeholders holistically and promoting the prosperity of all, working with these communities helps to achieve the SDGs. This helps organisations realise the benefits of a holistic approach over one that is narrowly focused¹⁵. The majority of organisations place a strong emphasis on metrics, individual successes, and immediate outcomes and think that their style of thinking is the only valid one. Long-term, multigenerational advantages, communal procedures, and trust-building are viewed as less important. Conversely, Indigenous communities place a strong emphasis on the value of self-governance, self-sufficiency, meeting immediate as well as long-term requirements, community welfare, and fair and trustworthy relationships and partnerships.

VI. CHALLENGES FACED BY THE INDIGENOUS COMMUNITY AND TO THEIR LIVELIHOOD

Indigenous society has historically endured a significant deal of hardship. Numerous Indigenous people have accomplished tremendous things for their communities despite facing enormous obstacles. Some of the challenges faced by them are as follows:

- **Proving land ownership:**

Land ownership is still a significant concern in modern times. A crucial component of preserving Indigenous culture is ancestral land. Indigenous people also utilise it to assess their economic value within their communities. Indigenous people have valued land rights greatly because they have been able to regain their ancestral lands and rebuild their culture. There are several obstacles in the way of indigenous communities wishing to claim their territory. In addition to being costly and time-consuming, court cases often need a lot of evidence and information, which can be hard to come by. Every state has different laws about land rights, but Indigenous people must prove several things in every land ownership dispute.

¹⁵ Sanchita Bansal, et.al., Attaining Circular Economy Through Business Sustainability Approach: An Integrative Review and Research Agenda, JPA (2020).

- **Remoteness:**

A portion of Indigenous people still reside in extremely remote locations, even though the majority of them live in rural towns and cities. They face numerous difficulties as a result of their isolated location, which restricts their access to essential services like healthcare and educational facilities. Additionally, it lessens job opportunities, which raises the unemployment rate.

- **Health:**

The highest rates of mortality (death) and the poorest health are found among indigenous people. The health of the native inhabitants has suffered significantly. The majority of Indigenous people now have the same access to healthcare as the general public. Nevertheless, their rates of poor health remain the highest. Some of the factors linked to this poor health include social attitudes, remoteness, and hostility toward the medical field.

- **Education and Employment:**

The lowest data continue to be found among Indigenous people (attendance, retention, continuing their education). These days, excessive absenteeism and low retention rates are the main issues facing Indigenous kids. Even with the implementation of measures (financial support), much more may be done to elevate the significance of education within the indigenous population. Unfortunately, the Indigenous population's high unemployment rate is a result of negative perceptions about the current educational system. Even though a large number of Indigenous people have relocated to towns and cities in pursuit of employment, a large number of them still reside in rural areas with limited job openings.

- **Social attitudes:**

The prevalent unfavourable social attitudes that still affect the Indigenous community today are regrettably one of their biggest obstacles. Recently, a lot of work has been done to educate non-Indigenous people about their history and how it continues to influence them now. To improve awareness of Indigenous culture and forge stronger bonds within the community as a whole, reconciliation has become crucial.

- **Livelihood:**

The development of dams in several locations, increased agriculture, deforestation, mining-related changes to the environment and biodiversity, and intensified agriculture have all caused issues for the indigenous people. Many people's only source of income is now irrigation, and these communities must accept this seasonal labor and their relocation to the plains. This change

puts indigenous knowledge and the forest ecology in jeopardy in addition to the people. The politics of votes is impeding the government's developmental goal, not making it more tribal-friendly. territories have evolved into feudal territories over time, utilised to extort resources and money from their inhabitants. Their food security is also at risk due to the loss of the trees.

- **Other Human Rights:**

Problems such as these impede people's right to work and trap them in a never-ending cycle. The social, economic, and political rights of the communities are further impacted by the right to subsistence. Concerns are heightened by malnutrition, food insecurity, inadequate healthcare, and illiteracy. In the absence of further basic amenities and viable means of subsistence, the communities are subjected to increased levels of violence, prejudice, and recklessness. They face frequent threats of being uprooted, invasions of privacy, and violations of their right to free speech. The politics of the state are made clear by the criminalization of social protest actions, the large number of detentions, and the rising brutality.

VII. LEGAL FRAMEWORKS FOR INDIGENOUS RIGHTS AND ENVIRONMENTAL PROTECTION

(A) International Perspective:

International law has evolved concerning the inclusion of and application to indigenous peoples. This has encouraged states to implement and enforce international laws granting rights to their land, which has led to the notion of rights for indigenous peoples to their land and the degree to which they can protect their living environment.

The 1948 Universal Declaration of Human Rights (UDHR)¹⁶, the International Covenant on Civil and Political Rights (ICCPR) 1976¹⁷, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1976¹⁸, the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) of 1969¹⁹, all relate to specific Indigenous peoples without specifically mentioning Indigenous peoples.

In 1975 the International Labour Organisation (ILO) adopted the Conventions Concerning the Protection and Integration of Indigenous Populations and Other Tribal and Semi-Populations

¹⁶ Universal Declaration of Human Rights Resolution 217 a (III), 1948.

¹⁷ International Covenant on Civil and Political Rights (ICCPR) Resolution 2200A (XXI), Dec. 16, 1966.

¹⁸ International Covenant on Economic, Social and Cultural Rights (ICESCR), Resolution 2200A (XXI), Dec. 16, 1966.

¹⁹ International Convention on the Elimination of all Forms of Racial Discrimination, Resolution 2106 (XX), Dec. 21, 1965.

*in Independent Countries (Convention No 107)*²⁰. It was the first worldwide conference devoted to discussing the rights of Indigenous peoples. This convention affirms the obligation of nations to respect and preserve Indigenous ways of life.

The Indigenous and Tribal Peoples Convention (No. 169) was adopted by the *International Labour Organisation (ILO)* in 1989. Since then, 20 nations have ratified the Convention, which has served as a source of inspiration and guidance for governments and Indigenous peoples worldwide as they fight to advance and defend the rights of these groups²¹.

Indigenous representatives agreed to refer to themselves as "Indigenous Peoples" on a global scale at the *First International Conference of Indigenous Peoples*, held in *Port Alberni, British Columbia, Canada, in 1975*. They identified as individuals "who have a consciousness of culture and peoplehood on the edge of each country's borders and marginal to each country's citizenship" when they ratified the *Solemn Declaration in 1975*²².

A significant advancement for indigenous peoples and their environmental rights was the *United Nations Conference on Environment and Development*, which took place in *Rio de Janeiro, Brazil, in June 1992*. The Conference, also known as the *Earth Summit*, acknowledged that native peoples and their communities are essential to developing and managing the ecosystem. The world community is committed to promoting, strengthening, and safeguarding the rights, knowledge, and practices of indigenous peoples and their communities, acknowledging the significance of these practices.

Apart from this, several other legislative documents were drafted during the Earth Summit, such as the *Rio Declaration, Agenda 21*, and the *Convention on Biological Diversity*. In the areas of environmental management and conservation, these instruments establish international legal norms to protect Indigenous peoples' rights to their traditional knowledge and methods. Crucially, a worldwide legal framework now exists that recognises the unique relationship that native peoples have with their ancestral lands.

The Convention on Biological Diversity acknowledges the special role that local communities and indigenous peoples play in preserving biological diversity and life on Earth. The Convention's preamble and its clauses codify this acknowledgment. By *Article 8(j) of the*

²⁰ International Labour Organization (ILO), *Convention Concerning the Protection and Integration of Indigenous Populations and Other Tribal and Semi-Populations in the Independent Countries*, Convention No 107, UN Doc C107, June 26, 1957.

²¹ International Labour Organization (ILO), *Indigenous and Tribal Peoples' Rights in Practice: A Guide to ILO*, (Feb. 16, 2025, 12:15 AM), <https://www.ilo.org/publications/indigenous-and-tribal-peoples-rights-practice-guide-ilo-convention-no-169>.

²² Eugenia Recio & Dina Hestad, *Indigenous Peoples: Defending an Environment for All*, IISD (2022).

Convention, Parties have committed to upholding, protecting, and preserving indigenous peoples' and local communities' innovations, knowledge, and practices that are important for the preservation of biological diversity. They have also agreed to support the wider application of these practices, with the consent of knowledge holders, and to promote the equitable sharing of benefits that result from the use of biological diversity²³.

Furthermore, all of the activities and programmes under the Convention include concerns relating to the traditional knowledge of local communities and Indigenous peoples because of their relevance to the work of the convention. *The fourth Conference of the Parties (COP-4) created the Working Group on Article 8(j) and related provisions in 1998*. A strategy for how to carry out the obligations of *Article 8(j) of the Convention* to strengthen the role and involvement of indigenous peoples and local communities in the accomplishment of the Convention's goals was approved by the *Conference of Parties at its fifth meeting in 2000*. A substantial amount of work has been completed for the *Article 8(j) Work Programme*²⁴.

An important international legal tool for defending the fundamental components of pastoral governance, such as land, collective identity, customary institutions, leadership, and law, is the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*. To safeguard the rights that "*constitute the minimum standards for the survival, dignity, and well-being of the indigenous peoples of the world*," the UN enacted the *UNDRIP* on *September 13, 2007*. *Articles 25 through 30 of the UNDRIP* specifically acknowledge the communal rights to land, territory, and natural resources. To ensure self-determination within the framework of development programmes, the *UNDRIP* also underlined "process rights," which established unique mechanisms of involvement and consultation in the implementation of big projects that may damage the land and territories of IP.

(B) National Perspectives

Historically, in India, the indigenous or tribal people have been highly autonomous groups. The forest has mostly met their needs, and because their communities were small and close-knit, they have never needed anything from the outside world. Regretfully, though, the role has altered. Once the British arrived, they gradually began clearing the wooded areas to build railroads, establish factories, etc. The loss of their food, home, and means of subsistence forced the tribal people to choose menial jobs to survive. Even if many families' circumstances have improved throughout the ages, many issues still face the tribal community.

²³ The Convention on Biological Diversity, Art. 8(j), (1993).

²⁴ *Id.*

As a result, India enacted several laws to protect and promote tribal rights after obtaining independence. These consist of the Constitution's protections as well as particular laws aimed at dealing with the numerous issues that Indigenous or Tribal people face.

When it comes to the constitutional guarantees, we identify that the tribal population is entitled to such rights as *the Right to Equality*²⁵, *Non-Discrimination*²⁶, *Reservation in Employment*²⁷, *Reserved Seats in the Lok Sabha*²⁸ *State Legislative Assembly*²⁹, *the Right to Own Property*³⁰, *Right to appoint Commissioners for the Welfare of the Tribe*³¹, and *funding under state-run welfare programs*.³²

Furthermore, *Article 46*³³ mandates that the state safeguard citizens against exploitation and social injustice while advancing their economic and educational objectives. The constitution also forbids the transfer of any lands that these people have used for generations or any property that belongs to tribal tribes³⁴.

The Tribal people deal with a variety of issues, including social issues, issues related to their traditions and customs, issues related to geography, land alienation, issues related to culture, education, and the economy, issues related to health and sanitation, and environmental harm. *The Indian Forest Act of 1927 and the Forest Conservation Act of 1980* both declared it illegal to trespass on forests to address the issue of land alienation. Tribes and other traditional forest dwellers are acknowledged as having ownership rights under the *Scheduled Tribe and Other Traditional Forest Dwellers Act of 2006*. Along with the establishment of a Ministry for Tribal Affairs, numerous laws have also been implemented, including the *Forest Rights Act of 2006*, *the Protection of Civil Rights Act of 1955*, *the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989*, and *the Panchayat Extension to the Scheduled Areas (PESA) Act of 1996*³⁵.

Additionally, the court has played a significant role. Through required consultation, they have defended and promoted several rights for protection against environmental issues, including the

²⁵ INDIA CONS, art.14.

²⁶ INDIA CONS, art.15.

²⁷ INDIA CONS, art.16, cl.4.

²⁸ INDIA CONS, art. 330.

²⁹ INDIA CONS, art. 332.

³⁰ INDIA CONS, art. 301.

³¹ INDIA CONS, art. 338

³² INDIA CONS, art. 275, cl.1

³³ INDIA CONS, art. 46.

³⁴ INDIA CONS, S 5.

³⁵ Dr. Sakshi Pathak, Implementation of Indigenous and Tribal Law in India: A Comparative Study on Legal Obligations, 5 IJLSI, 139, 139 – 159 (2023).

right to a safe and clean environment³⁶, the right to safe drinking water³⁷, The Right to Livelihood³⁸, and the right to self-determination in *Orissa Mining Corporation v. Ministry of Environment and Forest & Ors*³⁹.

VIII. CONCLUSION AND SUGGESTIONS

The indigenous peoples of India have a tale that goes beyond one of struggle and tragedy. Indigenous peoples in the subcontinent have engaged in large-scale campaigns against injustice for over 150 years. These conflicts have left their mark on the complex, frequently erratic, and deficient legal structure that protects *Adivasi* rights in India. Moreover, given their extensive use and knowledge of ecosystems, Indigenous knowledge and experiences are essential to supporting sustainable development for Indigenous communities. Indigenous people keep this planet's ecological and cultural variety in balance.

It is challenging to characterise the state of affairs facing India's Indigenous peoples as anything other than dire. Most regions of the nation are characterized by injustice, cruelty, repression, and poverty. The protections of international law seem like a faraway dream when you consider that tens of millions of *Adivasis* have been uprooted from their homelands by civil war, security operations, industrial projects, dams, mines, and land grabbing, and millions more have been reduced to a state of poverty so extreme that their survival is on the verge of extinction.

Therefore, to preserve the local ecosystem and biodiversity, national and international efforts should be undertaken to involve indigenous tribes and their knowledge. Moreover, nations have to compile an online database of the various antiquated techniques for biodiversity preservation. At the international, national, regional, and local levels, inspection panels can be set up to monitor the involvement of indigenous people in biodiversity and environmental preservation. These panels also need to coordinate to build a strong network for monitoring and legal compliance. It is imperative to enhance legal frameworks and regulations by augmenting the severity of penalties and monetary fines associated with illicit forest removal.

Furthermore, the use of such lands must be restricted, and State and other development entities responsible for damaging the ecosystem by diverting forest property for development purposes must be held accountable. To implement numerous ecological preservation initiatives and include the local tribal and native populations as beneficiaries of forestry rights under the *Forest Rights Act, of 2006*, for a more sustainable world, the *Gramme Sabha* and *Local Level*

³⁶ M.C. Mehta vs. Union of India, AIR 1987 SC 1086 (India).

³⁷ P. R. Subhash Chandran v Government of Andhra Pradesh & Others, 2001 (6) ALT 133 (India).

³⁸ Olga Tellis v. Bombay Municipal Corporation, 1985 SCC (3) 545 (India).

³⁹ W.P.(c) 180 of 2011(India).

Organisations must be strengthened and provided with the resources they need. Government and business interference in the local use of resources must end.

The conservation of biodiversity and the advancement of India's preservation and conservation efforts in the modern era can be facilitated by the new initiatives of collaborative forest management, indigenous approach (people-place relationship), community-based institutions, and cross-sectoral integrated approach for the management of natural resources. Because the natives and locals in the neighbourhood live close to forested areas, it is essential to strengthen their livelihood security. It is also crucial that they hire guards, tour guides, and other staff members because of their understanding of the environment and genuine concern for the preservation of the forest. Global warming and climate change are causing many changes and transformations throughout the world, including several continuing wars and crimes between nations. As a result, the whole human race is currently at a crossroads, full of doubts and confusion about the future of humanity. It compels us to consider sustainable development and how to live better lives in the future by meeting our current obligations without sacrificing those to our future generations and a more sustainable environment.
