

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 4

2023

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Rights of Indigenous People in India: Socio-Economical Study on Trends of North-East Region

DR. RAKESH MONDAL¹

ABSTRACT

In the North-East India million of tribal communities are living since the time immemorial. Some of them are claiming the rights as indigenous people of the region. However no such communities are officially declared as indigenous people by the state or central government. Although they have all the required characterizes of indigenous community still none of them are included within the purview of indigenous people. However, history shows that these communities were residing in north-east zone before the settlers come. Some constitutional rights are guaranteed by the state to those tribal's. Further no policy has been frame or survey conducted to indentify the indignity of these communities. The claims of those communities regarding indignity need some political consideration. Unfortunately, the issue has never been solved and the question of who are indigenous in north east remains controversial. This article endeavours to find out politics behind the indigenous identity of the tribal's of north east region. Moreover, the expansion of tribal identity within the indigenous identity is the need of hours. Further, the author endeavours to discuss the socio-economical safeguards in order to protect and maintain the indigenous hegemony.

Keywords: *Indigenous people , North-East India , Cultural Rights of Tribal, Indigenous Hegemony.*

I. INTRODUCTION

Indigenous peoples are the aboriginal peoples who are residing in a particular geographical area form a long period of time and they have a distinct cultural identity which is different from the others. In other words, indigenous peoples are those who were living on their lands before the settlers came from the elsewhere.² Professor Sanders has defined the term indigenous peoples as “an indigenous people is a collectivity which has descent from the earliest surviving population in part of the state where the people traditionally lived and which has a distinct

¹ Author is an Assistant Professor at Department of Law, The University of Burdwan, Golapbag Campus, India.

² Mr. Rakesh Mondal, “Identifying the vulnerability of the indigenous people in India: A socio-legal study”, 93, IJJS . Vol 1, (2016).

identity associated with its history.”³

According to the 2011 census, there are approximately 600 tribal groupings in India, which has 104 million people. After Africa, these native people make up the second-largest tribal population in the world. Several villages were uprooted as industry encroached on their lands, and some of them persisted in fighting to either protect their homes or demand just compensation.⁴ the valid question may arise that why these tribal communities are required to protection and reservation? In order to analyze their special claims we must understand their struggle. Understanding their struggle for survival depends on recognising their rights to forest regions and forest management techniques. The food security of these people who rely on forested resources and wild food remains directly threatened by the loss of forest cover, mining, and the expansion of hybrid crops. The effects of climate change on species that grow in the wild and are used by indigenous people who live adjacent to forests require scientific and scholarly discussion.

II. CONCEPTS OF INDIGENOUS PEOPLE

The concept of the indigenous peoples has been clarified in the ILO Convention 107 of 1957. It has been mentioned that among indigenous people are those who belong to semi-tribal or tribal populations in independent nations, whose social and economic conditions are less advanced than those of other groups within the national community and whose status is wholly or partially governed by their own traditions, customs, or laws.

Thus, the ILO has included the tribal or semi-tribal community within the purview of the indigenous peoples. United Nation has appointed Mr. Jose R. Martinez Coda as Special Rapporteur and he has submitted the final Report on 10th August, 1982 wherein he has provided a working definition on indigenous peoples as “indigenous communities, peoples and nations are those which, have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories consider themselves distinct from other sectors of the societies now prevailing in those territories or parts of them. They form at present non-dominant sectors of society and determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identities as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.

There are some criterions to determine the status of the indigenous peoples. One or more of the

³ Douglas Sanders, *The UN Working Group On Indigenous Populations*, 11, HRQ, 408 (1989).

⁴ available at: <https://www.downtoearth.org.in/coverage/governance/indigenous-people-in-india-and-the-web-of-indifference-55223>

following factors may be present as the determinators: a) common ancestor with the original inhabitants of these lands; b) possession of ancestral lands, or at least a portion of them; c) common ancestor with the original inhabitants of these lands; d) They prefer a particular language in public and private corresponding which is habitual as general or normal language; e) Residence in certain parts of the country, or in certain regions of the world; On the individual basis we can define an indigenous person is one who belongs to these indigenous populations through self-identification as belongs to indigenous community and recognized and accepted by this group as one of its members the community.

III. TRIBALS IN INDIA AND INDIGENEITY

Much of the discussion questioning the indigenous people's status in India has centred on the complex historical processes of the movement of the population and their settlement in the subcontinent. It is said that unlike in the Americas, Australia, New Zealand with a recent history of conquest, immigration and colonisation in India identification of indigenous people is not easy. Rather there have been in India waves of movement of populations with different language, race, culture, religion dating back centuries and millennia. Even groups or communities described as tribes have not been outside of this process. However, the conception of indigenous people of Canada, Australia and USA are different from the demands and claims of the India. Indian Tribals as indigenous people had no claim to being the original inhabitants of the region. However, their demand is to get prior claim over the natural resources against the outsiders. Again, their claim over the natural resources even against the dominant caste.

The complex historical processes of demographic change and settlement on the subcontinent have been a major topic of dispute regarding the status of indigenous people in India. Indigenous rights activists discuss the cultural dominance and economic exploitation that indigenous people have experienced in colonial and postcolonial regimes. North-east India's experience in this area is very different. Local languages survived colonial rule in the area. The sense of isolation that native children at residential schools in Canada and the USA felt was not felt by the native communities in the northeast.⁵

In remote villages, Christian missionaries opened schools. They created scripts for regional dialects and learned the peoples' native tongues. Preaching and teaching were conducted in regional languages. It is true that most regional religious beliefs and practises perished with the introduction of Christianity. Yet, the majority of tribal groups, particularly those in the hilly regions, adopted Christianity and started recognizing themselves Christians. Currently, we

⁵ Littlefield 2001; Miller 2003; Francis 1998:51-87

hardly ever witness people in the northeast bemoaning the passing of their ancient faiths and beliefs. Instead, to set themselves apart from the rest of India, Christianity has evolved into an identity for the majority of the hill communities in the north east region.⁶ Today, we do not see many in the north-east lamenting over the loss of their traditional faiths and beliefs. Rather Christianity has become an identity for most of the hill communities in the region to distinguish themselves from the rest of India.

Fears were expressed on the eve of Independence that joining India would lead to Hindus or Muslims dominating those that follow Christianity or their traditional faiths. However, constitutional guarantees and political initiatives taken by government of India restored confidence that the customs, religions, languages and traditions of local communities would be respected. It is true that racial prejudice exists and the people of the north-east experience discrimination and harassment outside their region.⁷ However, in the region, they are at the helm of affairs and no outsiders dare humiliate or look down on them. As such, the precolonial, colonial and postcolonial experience of the local people in the north-east has been very different from the experience of indigenous peoples in countries like the USA, Canada, Australia and New Zealand. It is not that there are no differences between tribals and non-tribals, the people in the plains and the hill people, and the rest of India. However, to say that the contradictions have taken the form of a conflict between indigenous people and dominating migrants is a bit of an exaggeration.

IV. SOCIO-ECONOMIC CONDITIONS OF THE NORTH-EAST INDIA

The first argument usually advanced by claimants of the status of indigenous peoples is that their community was the first to settle in a given territory, and hence it is entitled to special status and treatment. In countries like the US, Canada and Australia, it is not difficult to distinguish between the first settlers and later migrants⁸. However, identifying the first settlers in a vast country like India with a complex history of invasions and migrations is not easy. Scholars such as Andre Beteille have reflected on the problems associated with identifying tribals in India as indigenous peoples⁹. What Beteille says is also true of the north-east inhabited by different ethnic communities. Even before the British, India's north-eastern region was inhabited by several mongoloid communities, who had migrated in waves from east and south-east Asia at different points of time and settled both in the plains and hill areas of the north-

⁶ Snaitang 1983; Subba, Puthenpurakal et al 2006

⁷ Thounaojam 2012:10-13

⁸ Page 2004; Wilson 2000; Bann 2007; Havermann 1999

⁹ Beteille 1998; 187-91; Xaxa 1999:3589-96

east. In the plains, the communities looked for space for settlement either in forests or near the banks of rivers where there was fertile cultivable land. However, hill communities faced harsh physical conditions and were compelled to move from one place to another in search of cultivable land and better living conditions. The process of migration and settlement was not smooth because presently North east share 98% of its borders with the neighbouring countries of Bangladesh, Bhutan, Myanmar and China and only 2 % with the other state India. Therefore, it has a sharp cultural difference in terms of civilization levels of development, culture and tradition. There were frequent wars between communities that had migrated and settled earlier and communities that sought an entry a little later. It was only during colonial rule that the movements of hill communities in the north-east were contained through enactment of the inner line regulations and the creation of separate hill districts to accommodate the major hill communities.

Since all mongoloid communities settled in the region had migrated to the region at some point in history and many were moving from one place to another in the region, it does not make much sense to argue who among them were the first to settle in the territory that they now occupy. Most communities went through a process of conflict, displacement and accommodation. During the pre-colonial period, it was not possible to make a clear distinction between the plains people and the hill communities on the basis of development, or tribal and non-tribal characteristics. Even the more advanced communities. Even the more advanced communities such as the Kochs, Ahoms, and Meiteis were also tribals at one time. In the course of time, some of these communities, living mostly in the plains, were Hindu, they even built kingdoms that exhibited feudal characteristics. But even in the plains, there were many communities such as the Bodos that remained tribal. Similarly, although almost all the communities living in the hills remained tribal, those like the Jaintias and Dimasas, officially identified as tribals, had proto-kingdoms and their chieftains were called rajas by even British officers.¹⁰

V. CULTURAL DOMINATION

According to eminent scholar Mohammed Taghi Farvar, former director of Avicenna University in Iran, "most of the countries do not recognize indigenous people as people. However, they use the term indigenous community instead of indigenous people but both the terms are different from each other. as a result of that the rights of indigenous people and their traditional

¹⁰ Gait 1963; Mackenzie 2004

knowledge remains largely unprotected in spite of international treaties.¹¹

In 2004, in the seventh Conference of Parties (CoP 7), the Programme of Work on Protected Areas (POWPA) was approved and it has a section—Governance, Equity, Participation and Benefit Sharing in Protected Areas.¹² Every state was required to report by 2008 what it has done about giving the indigenous people the rights over protected areas. However, the countries are simply not compiling with the order. the reasons behind that they did not really give importance to it. according to the treaty every country which is a party to the CBD is supposed to form a National Biodiversity Action Plan and they need to protect traditional knowledge of indigenous people and local communities.¹³ However, the parties are simply not doing it. The problem with CBD is that compliance is very weak. No proper assessment and reviews are done.

India is home to about 700 tribal groups with a population of 104 million, as per [2011 census](#). These indigenous people constitute the second largest tribal population in the world after Africa. As industries encroached upon their lands, many communities were displaced and some continued to wage a struggle to either protect their homes or demand a fair compensation.

By taking away forest lands for industries and plantation forestry instead of preserving natural species that provide livelihood to these people, the government was depriving them of the basic means of livelihood.

The battle for Niyamgiri may be won by Odisha's Dongria Kondhs and the Baiga tribe of Madhya Pradesh may have become the first indigenous people to get habitat rights in India after a century-long struggle, but these developments don't dwarf the challenge that lies in promotion and protection of indigenous people's rights.¹⁴

India has recently enacted the Forest Rights Act, 2006 is a steps forward for compliance of international treaties. However, it has been contended that when india built up a national park or protected area does she consults with the indigenous people and the local communities who are living there for generation to generations.¹⁵ Indian government does not give the importance to the invigenous communities and does not bother to take their prior informed consent. Further, few schloars have also expressed their doubt about the implementation of the said legislation.

¹¹ available at: <https://www.downtoearth.org.in/interviews/most-countries-dont-want-to-recognise-indigenous-people-as-people-39492>

¹² Catherine Corson and Rebecca Gruby et al.12, *Conservation & Society* ,193(2014).

¹³ Dudley, N (Eds.)(2008), *Guidelines for Applying Protected Area Management Categories*.Gland, Switzerland 86 WITH Stolton, S.P. Shadie and N.Dudley(2013)

¹⁴ available at :<https://www.downtoearth.org.in/coverage/governance/indigenous-people-in-india-and-the-web-of-indifference-55223>

¹⁵ Indranil Bose,*How did the Indian Forest Rights Act, 2006, emerge?*,IPPG,6,2010.www.ippg.org.uk

VI. CONCLUSION

The improper communication is the major problem in the area of north-east region of the country. In the pre-colonial era Britishers used to neglect that region because of poor communication and problem to understand local languages. The tribal inhabitants frequently reacted strongly against British military expeditions into the hill areas. For the tribes, these expeditions were nothing but intrusions and invasions against their sovereignty which they stood to protect at whatever cost. As a result, for every military mission of British force, raid by tribal on their own land.¹⁶

The repair of severed communication linkages was an essential problem that India faced after independence vis-à-vis the Northeast. After the establishment of East Pakistan and Except for the 20-km-wide "Siliguri Corridor," often known as the "Chicken's Neck," which connects the Northeast with the rest of India, all main linkages to the country were severed when Burmese invaded.¹⁷ This led to an insurgency, boundary disputes, and secessionist activity from the area, all of which posed a severe threat to the nation-building mission. As a result, the GoI's top objective was to develop the physical infrastructure that links the area with other regions of India and thereby validates the political integration as a sovereign state.

¹⁶ Raik Rocky Ziipao, *Roads, tribes, and identity in Northeast India*, AE, 3-4 (2018).

¹⁷ ANASUA BASU RAY CHAUDHURY & PRATNASHREE BASU, *INDIA BANGLADESH CONNECTIVITY : POSSIBILITIES AND CHALLENGES* (Observer Research Foundation, 2018)