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The Rights of Indigenous Peoples

On 23rd December, 1994, the United Nations General Assembly passed the resolution 49/214 calling upon all member states to observe on 9th August every year as the International Day of the World's Indigenous People during the first International Decade of the World's Indigenous People (1995-2004) with the theme "A Decade for Action and Dignity". India supported this resolution. This date marks the first meeting of the UN Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights held in Geneva in 1982. The first International Day of the World's Indigenous Peoples was celebrated on 9th August, 2005, and the year 2019 marks 25 years of this landmark celebration in the history of indigenous peoples throughout the world.

Over the last two and a half decades, there have been several initiatives taken to highlight the issues of over 370 million indigenous peoples in over 70 countries. At the international level, the United Nations (UN) established the UN Permanent Forum on Indigenous Issues (UNPFII) in 2000, a Special Rapporteur on the Rights of Indigenous Peoples in 2001 and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in 2007. The UN General Assembly also adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) during its 107th plenary meeting on 13th September, 2007. India was among 143 countries that voted in favour of this declaration. In addition to the rights mentioned in the Charter of the United Nations and the Universal Declaration of Human Rights, UNDRIP recognises that indigenous peoples have the right to self determination, which includes autonomy and self government, in order to pursue their political, economic, social and cultural development based on their indigenous identity. The declaration advocates for the protection of indigenous peoples from dispossession of their lands, forced transfer of indigenous population, forced assimilation or integration and any racial or ethnic discrimination. UNDRIP also recognises the right of indigenous people to the preservation and development their languages, cultures, traditions, customs, ceremonies and religious or spiritual practices.

Indigenous people in India are called 'adivasi' or 'tribal'. In the Constitution of India, they are known as "Scheduled Tribes", which are communities in

the Scheduled List of Tribes. There are over 700 tribal communities existing in India with a total population of 104 million, according to Census 2011. They constitute 8.6 per cent of the population in India. This amounts to the second largest indigenous population in the world after Africa. The indigenous peoples in India have greatly enriched the culture of India with their music, dances, attire, languages, lifestyle, etc. Indigenous peoples have contributed immensely to sports and other disciplines as well. However, with the onslaught of globalisation and modernity, tribal populations are being uprooted from their land, forests, habitat, culture and the very identity of indigenous peoples is under threat. The habitat of indigenous peoples is rich in mineral resources and there is a constant struggle between the corporate powers backed by the State and the indigenous peoples for ownership of these resources. During the last few decades, industries and development projects have encroached on tribal land displacing millions of tribals, who continue to wage a struggle either to protect their habitat or demand for a fair compensation, rehabilitation and resettlement. In spite of several Constitutional provisions and legislations protecting the rights of indigenous peoples in India, they continue to find it difficult to access these rights and remain one of the most impoverished sections of Indian society. In order to move away from the cycle of poverty in their regions, many of them have migrated to cities and other parts of the country for a better living.

On the occasion of the silver jubilee of the International Indigenous People's Day, this issue of Social Action has published articles that have tried to comprehend the complexities of the problems faced by indigenous peoples in India. The article on the "Rights of the Indigenous Peoples: An Understanding from Gendered Perspective" by Mouchumi Kalita and Gitika Borah focuses on the place of indigenous women in the framework of the rights of indigenous women. She argues that indigenous women have been upholders of indigenous culture, traditions, language and beliefs and therefore the rights of indigenous peoples need to have a gendered perspective as well. D. C. Nanjunda's article on "Developmental Interventions among Particularly Vulnerable Tribal Groups (PVTG): Where Rubber Hits the Road?" argues that there is a need to understand the socio-cultural issues of PVTGs in order to develop a model of culturally suited development programmes for their welfare. The article "Food Security through Agro Biodiversity for Indigenous people of Attappady Hills, Kerala - A Case Study" by Deepa Kozhisseri stresses the need for agro biodiversity to enhance food security of

indigenous people living in forest areas. She argues that instead of moving to cash crops and wage labour forest dwellers and indigenous farmers should continue their traditional practices of foraging, swidden cultivation and marginal farming for their food security and survival. Shanta Rani Kerketta's article on "Study of Pineapple Cultivation by Tribal Cultivators in Manipur and its Marketability" highlights the need for better storage facilities, food processing industries and marketing of fresh pineapple fruits grown by tribal cultivators so that they are able to get a better price for the pineapple fruit and its products in Manipur as well as in other parts of the country. The article titled "A Discourse on the Society of Kisan Tribe: A Study on Sundargarh District in Odisha" by Sarojini Ekka is a description of the various changes taking place in the social and cultural aspects of the Kisan tribe, who live in Odisha, Jharkhand and Chhattisgarh. Situating the study in Sundargarh district, she describes the Kisan society, kinship ties, various ceremonies and rituals and changes taking place in their lives due to the influence of materialistic and individualistic culture of a post-modern society. The article on "Dam Displacement and Land Acquisition Impact on Tribal People in India: An Indigenous Perspective" by Sudesh Kumar and Anindya Mishra highlights the extent of displacement of indigenous peoples due to dams built on different rivers in the country. The authors not only highlight the trauma of tribals due to displacement but also their struggle for a just compensation, rehabilitation and resettlement by the Government as they are forced to live under impoverished conditions after displacement. Srijan Kishore's article on "Corporate Social Responsibility Towards Tribal Development - A Discussion" is an analysis of the failure of corporates in India to contribute towards the development of tribals in India through the mechanism of Corporate Social Responsibility (CSR) in spite of being eager to acquire their lands for setting up industries and mining or exploiting their natural resources. He argues that corporations need to use their CSR funds to ensure the well being of tribal communities along with the protection and promotion of the socio-cultural rights of indigenous peoples guaranteed to them by the United Nations. The article titled "Discrimination in Access to Health and Education: Narratives from Nat Community in Rajasthan" by Hemraj Jangir highlights the discrimination in access to health and education faced members of the Nat community because they are a de-notified tribe whose primary occupation is sex work. The author argues that unless the implementation of laws and welfare schemes for such communities is not ensured, the community will continue to remain on the margins of society.

It is hoped that the reflections of the articles in this issue of Social Action commemorating the silver jubilee of International Indigenous Peoples Day will help academicians and policy makers to work towards a hopeful future for indigenous peoples in India and that all citizens of India work together to ensure that indigenous peoples in the country enjoy all the rights guaranteed to them by the UNDRIP.

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