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The Global Indigenous Peoples Movement: It's Stirring in India

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The Global Indigenous Peoples Movement: It's Stirring in India

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I. Introduction

O India is a signatory to the UN Declaration of the Rights of Indigenous Peoples. However, it refuses to recognize them as such in its internal affairs. India still holds to the colonial usage of the category “tribe,” a category that has now been widely discredited over the world- to describe and classify certain groups within the country. Groups and communities delineated as tribes identify themselves as adivasis meaning the original or indigenous peoples. Indeed, being adivasi is deep in consciousness of peoples referred to as tribes. In India, the category tribe has a constitutional sanction and has become an integral part of everyday politico- administrative practice. The communities known as tribes have

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been provided with certain rights and privileges in the Indian constitution. Accordingly, they have been listed in the schedule of the constitution and hence more specifically referred to as the scheduled tribes (ST).¹

The use of the term tribe and scheduled tribe is a pointer to a distinction. Tribe refers to aspects of socio-cultural identity and scheduled tribe to politico-administrative category. Although, the two generally overlap, it may not necessarily be so. One may belong to same socio-cultural and linguistic group and may find oneself recognized as scheduled tribe in some states but may not be so in other states within the country.² As to who are to be treated as scheduled tribe is a prerogative of the state governments that constitute the federal structure of the Indian Union. Anomalies and discrepancies are plenty, which explains, why there has been so much of demand and articulation for schedule tribe status in different parts of the country.

Groups and communities described as indigenous peoples/tribes have been enumerated at over 104 million as per 2011 census. They constitute 8.6 per cent of the total population of the country. They are scattered over the length and breadth of the country but the distribution is far from uniform. About 83 per cent of the indigenous peoples/ tribes are concentrated in the Eastern, Central and Western India belt. About 12 per cent inhabit the North-Eastern

¹ The constitution does not define the scheduled tribe. It merely lists. To address the problem of definition, the Government of India set up a Lokur Committee in 1965. The committee recommended five criteria for delineation of the scheduled tribe. These are: (1) primitive traits, (2) distinct culture, (3) geographical isolation, (4) shyness of contact with the community at large and (5) backwardness. The criteria so mentioned are used as official criteria for granting of the scheduled tribe status even today.

² Tribes from the Eastern and Central India who migrated to Assam as plantation workers since the middle of the 19th century are not recognized as scheduled tribes whereas their counterparts in Eastern and Central India do.

India, approximately 4 per cent in Southern India and less than 1 per cent in Northern India. The indigenous peoples/tribes are enormously diverse among themselves in terms of physical features, language, size of population, modes of making living, level of contact and interaction with the larger Indian society, social differentiation etc. The 2011 census has a list of 705 groups that have been notified as scheduled tribe.³

II. Constitutional Provisions

Post-independent India conferred the right of citizenship on its peoples. Indigenous peoples/tribes as citizens of free India are extended the same civil, political and social rights as those given to others. Besides these, India has also extended certain special rights to tribes as members of a distinct community. Such rights among other things, include provisions for statutory recognition (article 342); proportionate representation in parliament and state legislatures (articles 330 and 332); restriction on the right of the ordinary non-tribal citizen to move freely or settle in tribal areas or acquire property there (article 19(5)); conservation of one's language, dialects and culture etc (article 29). The constitution also has a clause that enables the State to make provision for reservation in general (article 14(4)) and in particular, in jobs and appointments in favour of tribal communities (article 16(4)). There is also the Directive Principle of the Constitution (article 46) that requires that the

³ The census enumerates scheduled tribes state wise. Hence tribes spread across different states find multiple entries. This inflates the number of scheduled tribes. The Anthropological Survey of India under the People of India Project that it undertook in 1980s has identified as many as 461 tribal communities in the country.

educational and economic interest of the weaker section of society, including tribes, is especially promoted (Bijoy and Nongbri 2013).

Over and above these, there are provisions in the form of the 5th or 6th Schedule of the Constitution. Articles 244 and 244(a) empower the state to bring the area inhabited by the indigenous/tribal peoples under special treatment of administration. Thus, indigenous/tribal population scattered in various regions of India are variously placed in respect of the politico-administrative structure existing in the country. Where they are numerically small they are part of the general administrative structure of the country but enjoy privileges and benefits provided in the constitution. However, where they are numerically dominant, two distinct administrative arrangements have been provided for them in the constitution in the form of 5th and 6th Schedules referred earlier in the discussion. The 6th Schedule provides for institutions of the autonomous district and regional councils. The objective is to ensure grant of autonomy and self-management rights to tribes. The councils are empowered with legislative, executive and judicial powers on matters delineated in the provisions of the 6th Schedule. The 6th Schedule provisions were initially provided for the hill/tribes inhabited districts in the erstwhile state of Assam in north-eastern region. The tribes living in the plains did not have such provision. Such provisions also did not exist in other states of the region. The extension of such provisions in areas where they were not initially has been a part of a mobilization and movement of the people.⁴

⁴ The autonomous council in the form of Tripura Tribal Areas Autonomous District Council granted to tribal communities in Tripura in 1985 and the Bodoland Territorial Autonomous Council to the Bodos living in the plains of Assam in 2003 under the 6th Schedule of the constitution was a product of protracted armed struggle of respective tribal group for sovereign state.

Similarly, there are states where there is a provision of the 5th Schedule. Districts having over 50 per cent of tribal population have generally been described as scheduled districts. Blocks as a whole or cluster of villages in a block have also been identified as scheduled areas.⁵ The 5th Schedule contains provisions relating to administration of scheduled areas other than in Northeast India. The provisions under the schedule are meant to provide protection to indigenous/tribal peoples in the form the role of the Governor and Tribe Advisory Council. The Governor of the state having scheduled areas has a power to declare a law enacted by the Parliament or State Legislative Assembly as not applicable or applicable with modification keeping in view the interest and welfare of the scheduled tribes. He is also mandated to submit annual report to the President in respect of the administration of the scheduled areas. The 5th Schedule has also the provision of the Tribes Advisory Council which is supposed to advise the Governor on issues relating to welfare and administration of the tribes in schedule areas. The 5th Scheduled areas have given legal and administrative reinforcement in the form of Provisions of Panchayat (Extension to Scheduled Areas) Act since 1996. There are nine states in India, which come under the 5th schedule provision (Got of India 2014).

The provisions in the Constitution thus range from special privileges in the form of reservation in state employment and state educational institutions, special schemes for their economic and social development, to representation in the parliament and state legislature in proportion to the size of the population and to creation of scheduled and tribal areas for spe-

⁵ Certain parts or areas of nine states in the country come under the purview of the 5th schedule. The states are: Himachal Pradesh, Rajasthan, Gujarat, Maharashtra, Andhra Pradesh, Madhya Pradesh, Odisha, Chhattisgarh, and Jharkhand.

cial administration. In short, the Constitution aims at safeguarding, protecting and promoting the interest of indigenous/tribal peoples.

III. Marginalization Despite Constitutional Provisions

Despite such special provisions, indigenous/tribal peoples have gone on being uprooted from their land and territory due to the movement of people from outside into their habitat on the one hand and development and infrastructure projects of the state on the other. The processes such these have their roots in colonial policy, law and administration. Despite promise of protection and development in the constitution in post-independence India, the government has only accelerated the processes unleashed under the colonial rule. The indigenous /tribal peoples remain among the poorest and most marginalized sections of the Indian society today. They are disproportionately represented among the people living below poverty line, are most illiterate and suffer from extremely poor physical health. To illustrate, the persons below the poverty line in rural areas were enumerated at 37.7 per cent for population as a whole in 2004-05. In case of tribes the same was as high as 60.0 per cent. The scenario was no different in the sphere of education and health. As per National Family Health Survey, 2005-06, the infant mortality was 62.1 as compared to 48.9 for others and under-five mortality was as high as 95.7 as compared to 59.2 for others. The literacy rate of tribes in 2001 was 47 per cent as compared to 69 per cent for the country as a whole (Govt. of India 2014). The low literacy rate is compounded by high drop-out rate of tribal children at successive higher levels of school education resulting in low enrolment in higher education. According to the Higher Education Statistics 2010-11, the scheduled

tribe enrolment in higher education constituted mere 4.39 per cent of the total tribal population in the country. This in turn has implication for their participation in government services and employment despite the provision of reservation. Thus, the employment status of scheduled tribes in central government services from 1978 to 2000 pointed to a participation which was much below the proportion of scheduled tribe population to total population of the country. The participation tends to be smaller and smaller as one move from lower to upper grade of service. This could be either due to non-implementation of the provision of reservation provided for scheduled tribes or non-availability of suitable candidates for employment or both (Govt. of India 2014). There is still another side to the tribal situation. This is to do with the story of dispossession of tribes from their life support system viz. land and forest. The alienation of land from tribes to non-tribes despite law prohibiting alienation has been going on unprecedented in post-independence India. And so has been the case of dispossession arising from large scale mineral exploitation, industry, multi-purpose hydro-electric and dam projects inter alia roads and railways. It is important to note that a total of 21.3 million people from the 5th schedule states of Andhra Pradesh, Jharkhand, Gujarat Maharashtra, Madhya Pradesh, Chhattisgarh, Rajasthan and Orissa have been displaced from projects mentioned above during 1951-1990. Of this 8.54 million, that is, about 40 per cent were tribes (GOI 2001:39). The scenario is no different in respect of administration of scheduled areas. The Governors in 5th Schedule Areas have never exercised their constitutional obligation to examine if laws enacted by the parliament or state legislature were in the interest of the tribal communities. Even the filing of the obligatory annual report to the President of India has hardly been in place.

IV. Indigenous/Tribal Peoples and International Forum

The indigenous peoples in India have a long history of struggle and resistance.⁶ The early encounter of indigenous /tribal peoples with the British had invariably assumed the form resistance to their entry and rule in their territory. However, even after the British rule had firmly set in, revolt and rebellion occurred at a regular interval in many regions. These revolts were against alienation of land from indigenous/tribal peoples to migrants and restriction imposed on use and access to forest under colonial rule. The momentum of freedom struggle in India against the British especially from the second decade of the 20th century had a bearing on indigenous / tribal peoples too. The emergence of association and articulation of autonomy among certain section and region of the indigenous/tribal peoples, though in a nascent form, were traceable during this phase.⁷ As India approached towards freedom from British rule, the demand and articulation for autonomy among the indigenous people too grew and was intensified in post independent period. The struggle for autonomy, which was earlier confined among certain indigenous/tribal peoples or territories, caught the imagination of other indigenous/tribal groups and communities as well. Since then, demand for autonomy and self-governance has become a pervasive feature of indigenous/tribal peoples politics and articulation. Demand for autonomy has assumed various forms in different regions. These have ranged from demand for sovereign state to state within the Indian

⁶ Raghavaiah has made a list of 70 tribal revolts from 1778 to 1971 giving chronology of them. Ref. V. Raghavaiah, 'Background of Tribal Struggles in India' in A.R. Desai (ed.) *Peasant Struggles in India*, 1979. The anthropological Survey of India has identified 46 ongoing tribal movements in 1976-1977.

⁷ The Naga Club was formed as early as 1918. The tribes in what is known today as Jharkhand in cultural sense had formed The Chhotanpur Unatti Samaj in 1915.

Union; autonomous territorial/district councils; village self-governance etc. This has led to formation of new states as well territorial and district councils in some parts of the country. Alongside India also witnessed large scale resistance to mineral exploitation and development projects of the state and private capital by indigenous/tribal peoples in different parts of the country. Some of these developments preceded the emergence of the global indigenous people's movement but some emerged during the phase of global indigenous peoples movements (Xaxa 2008).

However, the two historical developments that have led to process of empowering the indigenous/tribal peoples in India seem to resonate with events in the global indigenous peoples movements. The Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 (popularly known as the PESA) is one of them. The Act provides space for restoration of traditional system of governance. The other is the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act 2006, which aims to redress historical injustice done to indigenous peoples and other forest dwellers through state control of forests since the colonial rule.

Indigenous/tribal peoples found international focus for the first time in the ILO Convention on Indigenous and Tribal Populations in 1957. The convention aimed at protecting indigenous/tribal peoples against discrimination and ensured their continued existence. Later in 1989, the ILO went for a more progressive convention which emphasized their right to live as separate peoples rather than be assimilated with the dominant population, as was the position with the earlier convention. In case of the United Nations, indigenous/tribal peoples received formal attention in the context of its work against racism and discrimination. The UN Sub-Commission on Prevention and Discrimination and Protection of Minorities commissioned Spe-

cial Rapporteur, Martinez Cobo, to undertake a study on The Problems of Discrimination against Indigenous populations in 1970. The monumental work was completed in 1984. It was against this backdrop that the United Nations set up the Working Group on Indigenous Population (WGIP) in 1982. The WGIP met annually in Geneva during which indigenous/tribal peoples representatives from all over the world gathered and submitted their views to the Working Group on various issues. Alongside, they discussed their problems among themselves, worked out networks and organizations, developed strategies and processes with a view to move towards a common goal and agenda. The consultations, conferences, seminars at national, continental and inter-continental level became another forum of getting indigenous peoples together to work out the collective agenda. It was these developments that led to United Nations Declaration of 1993 as the Year of the Indigenous Population and 1995-2004 as the International Decade of the of the World's Indigenous Peoples. An important outcome of effort and mobilisation of the indigenous peoples was that the WGIP could up with draft declaration on various critical issues affecting the indigenous and tribal people in different parts of the world. The establishment of the Permanent Forum on Indigenous Issues in 2001 was another milestone in taking the indigenous peoples issue further. This was the first time indigenous/tribal peoples representatives were allowed to address directly an official United Nations Charter body. All these developments eventually led to the UN Declaration on the Rights of the Indigenous Peoples in September 2007.

Indigenous/tribal peoples in India could not remain untouched from what was happening at the global level. As a part of the response, some leading intellectuals hailing from the community of indigenous/tribal peoples and others who had been working with

indigenous/tribal peoples and their issues organised all India consultations on Indigenous and Tribal Peoples in 1987. The consultation culminated in the formation of "Indian Council of Indigenous and Tribal Peoples" (ICITP). ICITP is a confederation of Indigenous and Tribal Peoples organizations engaged in issue based movements in their respective geographical regions. Its nomenclature was changed to Indian Confederation of Indigenous and Tribal Peoples in 1994. The confederation aims at coordinating and facilitating the activities of the member organizations towards greater solidarity and concerted thinking and action on indigenous and tribal peoples issues at the national level. ICITP participated in the WGIP in August 1987 for the first time and since then its members have participating in the WGIP and other international forum. One of the key agenda of the Indian delegates and the ICITP at the WGIP has been the recognition of the tribal peoples in India as the indigenous peoples, which the Indian Government has been consistently contesting at the international forum (Roy Burman undated; Karlsson 2003). Indigenous/tribal peoples organization and its members as well as intellectuals, scholars and activists working with indigenous peoples have been participating in consultations at international forum going beyond the UN forum. Needless to say that the issues and agenda emerging and shaping at the global level have also been shaping and impacting the thinking and perspectives on the indigenous/tribal peoples question at the national level. It is these that have largely shaped the indigenous peoples agenda making in contemporary India as evident in two recent developments: The Provisions of Panchayat (Extension to Scheduled Areas) Act 1996 and the Scheduled Tribe and Other Traditional Forest Dwellers Act 2006. The key idea developing at the WGIP that was instrumental in shaping the PESA was the idea in terms of which right of self-determination began to be thought and articulated. The WGIP's draft declaration drawn in

1992, 1993, focused on the right of self-determination. The discussion on self-determination has gone through various trajectories in the UN and by the time it came to be implicated with the issue of indigenous peoples, the idea underlying self-determination had acquired new layers of meanings (Roy Burman undated). This undoubtedly had a bearing on India.

V. The Provisions of Panchayat (Extension to Scheduled Areas) Act

Both the Acts referred above were result of social mobilization in which indigenous peoples, their organizations and civil society organization working on indigenous and tribal peoples issues played a critical role. In case of the Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996, Bharat Jan Andolan (Indian People's Movement), National Front of Tribal Self-Rule, Adivasis Sangamam and the Indigenous and Tribal People's Initiative were the frontrunner organizations spearheading the movement (Bijoy and Nongbri 2012). They organized meetings, rallies, protests at different places and even in national capitals in which a large number of indigenous/tribal peoples participated. The organized struggle was also a part of their protest against mass displacement of indigenous/tribal people from their land and habitat due to state and non-state initiative projects following the announcement of the new economic policy in 1990. The new economic policy had opened the door for liberalization and globalization of the economy. The state responded to the agitation by setting up a committee, headed by a Member of Parliament, Mr. Dileep Singh Bhuria belonging to one of the community of the indigenous/tribal peoples. The report referred to long historical tradition of the system of governance through Gram Sabha (village assembly) among indigenous and tribal communities and

made a strong case for its recognition as the main unit of indigenous/tribal peoples governance (Bijoy 2012).

India has a strong tradition of local self-governance at the level of village. Notwithstanding, it had no place in the formal political institutional structure that emerged in post-independence India. Rather, it acquired the formal place by default. India embarked on a path of rapid economic and social development. To this end, it launched a community development programme in rural areas, which could not make much headway due to absence of people's participation. The local self-governance system was introduced with a view to secure this participation. This institution was also extended to indigenous/tribal people resulting in undermining the traditional system of governance, as the state system was vested with state power and resources. However, due to various factors, the institution failed to develop as an effective institution of local self-governance. There was a fresh rethinking on this institution of governance in 1980s. Attempt was to give it a national framework as well as a constitutional status. The constitutional amendment bill, after several aborted attempts was eventually passed in December 1992 in the form of 73rd Constitutional Amendment Act. The Act, hailed as a landmark initiative, was not extended to indigenous/tribal peoples, as has been the case with many laws in the past.

In a sense this was an important departure, and the reason for it lay in an ongoing mass movement of the indigenous and tribal peoples for a system of governance in tune with their traditional system and ethos. This new wave of thinking seems to have stemmed from the mode of thinking and perspective that have been gaining ground in the global indigenous peoples movements. Accordingly, a new bill was introduced specifically for regions predominantly inhabited by the indigenous/tribal peoples. As referred earlier in the discussion, the regions where indigenous/tribal peoples are numerically

dominant come either under the 5th or the 6th Schedule of the constitution. The Act in reference is operative in the 5th Scheduled areas and not in the 6th, since the latter has the system of autonomous district/territorial council.

The Act, popularly known as the PESA is a radical enactment as it legally recognizes and empowers the Gram Sabha (village assembly) to safeguard and protect the tradition and customs of the people, their cultural identity, common resources and customary mode of dispute resolution. It thus aims to reinstate their own system of self-governance or create new legal space and institutions that would not only reverse century of political and cultural subjugation but also open up opportunity to control their own destiny (PRMF undated). To enable Panchayats as institutions of self-governance, the state government is mandated to ensure that that the Panchayats at various levels and the Gram Sabha are endowed inter alia with power to prevent alienation of land and to take appropriate action, restore any unlawfully alienated land, control local plans and resources, exercise control over money lending and over institutions and functionaries in all social sectors, issue utilization certificates for government work undertaken in the village etc. It also confers ownership rights over minor forest produce and right to be consulted on matters of land acquisition (Govt. of India 2014). This move to ground the system of village governance in the mould of traditional system is a novelty that seems to have emanated from the global indigenous peoples movements. That this may be so finds reiteration in the fact that there is now a move for an amendment to PESA. The proposed amendment seeks to change the existing law by providing for “prior informed consent” of the gram sabha to be mandatory before any land acquisition, which will bring it in tune with the UN Declaration on the rights of the indigenous peoples. The proposed amendment also mandates “prior informed consent” of the Gram

Sabha before granting of prospecting license or minor lease for minor minerals (*ibid.*).

The obstacles to realization of the promise made in the act are varied. The critical among them are legal and administrative. To begin with, many of the existing laws and provisions contradict PESA. Unless these laws are reviewed and changed, the act will not be able to deliver justice to the progressive provisions that are contained within it. There is a need for the central and state governments to make appropriate amendments to their laws so that they are in tune with provisions provided in Act. It is also important to note that the modern state and its legal apparatus do not recognize the customary ownership rights of land which are by and large unwritten in tribal community. If tribal communities cannot exercise ownership rights in their traditional fashion, the spirit behind the provision in PESA of managing land, water and other resources by Gram Sabhas is defeated (PRMF undated; Govt. of India 2014).

The implementation of the PESA from the very outset has met with difficulties because of centralized administrative structure in the country. Government functionaries regard indigenous/ tribal people as inferior and think that they have no idea what is good for them. They find it degrading to work under the authority of the village assembly. There are loopholes between self-governing laws and existing laws. The latter give power to various departments to control resources and many other functions that panchayat are supposed to do in a changed situation. The current system of governance, still largely colonial in nature, has been unable to accept this radical change. A bureaucracy conditioned on centralized authority is not willing to be supportive and accountable to the Gram Sabha. However, for this to occur there is a need to mobilize Gram Sabhas and build their capacity so that they able to manage efficiently and effectively (PRMF undated).

VI. The Scheduled Tribe and Other Traditional Forest Dwellers Act

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly referred to as FRA was passed in December 2006 and was notified in December 2007. The enactment of this act is a result of sustained struggle of millions of scheduled tribes and other forest dwellers. The struggle for restoration of rights by the indigenous and other peoples was fiercely opposed by the conservation lobby and the forest department of the government. The conservation lobby saw it as a flood-gate to massive forest destruction and extinction of biodiversity and wild life. The forest department consistently opposed the bill on a similar ground but it also opposed it since it saw it as a challenge to their supremacy and authority over the forest.

The Act recognizes and vests forest rights and occupation in forest land to scheduled tribes and other forest dwelling communities who have been residing in such forest for generations but whose rights were not recorded during consolidation of state forest dating from colonial period to the present time resulting in historical injustice. The Act addresses this historical injustice and confers right to land being occupied or cultivated or under customary use as well as to minor forest produce, grazing, water bodies and other community rights. It recognizes conversion of unrecognized forest villages/ settlements into revenue villages, also right to rehabilitation in case of illegal eviction or displacement (Govt. of India 2014)

Prior to the enactment of this law, the matters related to forest were governed by the Indian Forest Act, which bestowed on the forest department unlimited power and control over forest and other natural resources as well as over people and animals. However, even before this act had come to be in place, the colonial state had already

adopted a forest policy, which outlined the rules for conservation of forests. The policy vested unlimited power in the state and paved the way for state control and management of forests. This led to drastic curtailment of the rights and privileges that tribes had hitherto enjoyed over the forest. The new forest policy adopted in 1952 made things even worse as it withdrew the concessions that tribes had enjoyed under the British rule. The concessions they had were release of forests for cultivation, facility of free grazing and collection of minor forest produce. Under the changed situation, they were completely at the mercy of the forest officials. They were stripped of customary rights that they had in the form of the concessions.

The factor that led to encroacher status of the indigenous and tribal people was the non-recognition of their claims by the forest department all through the colonial and post-colonial period. More than 1.5 million indigenous/tribal families were estimated to have been living and occupying land for generations that were termed as encroachers in their own ancestral land and habitat. The lack of legal protection in which they lived led to massive eviction threat of indigenous/tribal peoples from their homes and habitat in 2002 (IWGIA 2005).

The eviction began with a letter from the Inspector General of Forest, dated 3 May 2002. The letter claimed to be in furtherance of an order of the Supreme Court Order on 23 November 2001 as a result of the Public Interest Litigation by T.N. Godhavarman Thirumulpad of Kerala. The petition protested the illicit felling of timber from the forest that his family had owned and protected but which had been decimated since the forest department took over. The Supreme Court expanded the scope of the case on its own initiative to cover all forests in the country irrespective of the category of land or ownership (IWGIA 2002). In response to this, hundreds of organizations working with indigenous and forest people throughout India

joined forces and launched “campaign for survival and dignity.” During 2004, brutal evictions of indigenous and forest dwelling families took place in states with relatively higher concentration of the indigenous peoples. Houses were set on fire, crops destroyed, women molested and number of people beaten up. However due to resistance and movements of the indigenous peoples, the more positive developments also began to emerge. The Ministry of Environment and forest, in a sworn statement to the Supreme Court admitted to the historical injustice meted out to the tribal people in the process of consolidating forest in the country (IWGIA 2005.)

After the passing of the Act, it took considerable uproar in the Parliament and massive protest across the country for its notification that finally came in December 2007 and rules were passed in January 2008. The implementation of the Act has met with tough resistance from the forest bureaucracy, conservation lobby not only in the execution but even in High Courts and Supreme Court.

The right to hold and live in forest land under individual and common occupation for habitation or self-cultivation for livelihood or for both has been a landmark achievement. However, its implementation has been till date has been poor. There is a big gap between the land claimed and the actual extent of the titles issued to the claimant. Of over 2.8 million claims received on 2014, only over 1 million titles were settled and 1.4 million rejected (Govt. of India 2014). The bottlenecks for actualization of the provision have been varied. Some of the key impediments are:

There is conflict between the national or state agenda of development that seeks to exploit or divert mineral and forest resources and the recognition of right under the FRA. The flaw also relates to the constitution of the Forest Right Committee at the grass root level. The committee has to play the crucial role of assisting the Gram Sa-

bha in determining the claims of individuals by receiving, consolidating and verifying claims. The committee has fared poorly in this respect. The Act prevents the forest dwelling community from eviction and removal from forest land under their occupation till the process of recognition and occupation of their rights is completed. However, there has been enough evidence from different states/regions in regard to their violation. The lack of special set of guidelines for proper use of spatial technology has posed question to delineation, location and status verification of claims filed. Though the act does not state any dead line for completion of the record of rights, state must expedite the recognition of the forest within an appropriate time frame. The implementation has pre-eminently focused on individual tenures. The community rights have generally been overlooked. The claims have been rejected without assigning reasons or lack of evidence or absence of GPS surveys (*ibid.*).

To conclude, the Indian state has come up with new legislations and institutions from time to time for social and economic upliftment of the indigenous/tribal peoples. Though these arrangements were aimed at protecting and safeguarding the indigenous/tribal interest, they had no reference to their social arrangement, tradition, customs, values and ethos. Rather, they were mainly responsible for their erosion and disintegration. It is only in recent years that attempt has been made to restore traditions. Nowhere is this more evident than in two acts in reference. Both these acts aim to provide for renewed space for indigenous/tribal peoples. The Provisions of Panchayat Act aims to recognize traditional system of governance. The system has however either already been destroyed or has waned. Can this be restored and would it stand under the changed conditions? The Recognition of Forests Rights aims to restore traditional rights indigenous/tribal people enjoyed over forest and other resources. The process is one but there are too many stumbling blocks on the way.

Both these legislations are premised on setting right the historical wrongs that led to increasing marginalization, impoverishment and vulnerability of indigenous and tribal peoples.

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