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## Commentary on *The Global Indigenous Peoples Movement: It's Stirring in India*

Richard Tucker

Virginus Xaxa, *The Global Indigenous Peoples' Movement: It's Stirring in India*, 2 J. L. PROP. & SOC'Y 141 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Xaxa.pdf>.

This commentary is in a series on the Indigenous Peoples Movement. See the introduction to this series and links to its other articles: <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-HardinAskew.pdf>.

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Commentary on  
*The Global Indigenous Peoples Movement:  
It's Stirring in India\**

Richard Tucker\*\*

**M**y research on the environmental history of India has looked primarily at colonial forest law and administration and the resulting social and political controversies over the last century.<sup>1</sup> Complementing the other commentary on this essay by Mayank Vikas, which is a consideration of more recent legal and political developments and their juridical bases and challenges, these brief comments may offer some earlier histories of converging social movements in India. I hope they may also provide a bridge to this issue's article and comments on east Africa. Viewing today's indigenous rights issues in historical perspective reveals the complex, evolving relationship between environmental NGOs and indigenous peoples in the Indian sub-continent. These are locally varied, just as they are elsewhere in the post-colonial world, but do reflect particularities of Indian social systems and of its colonial history, as the introduction to this issue and other chapters have signaled. Interactions among juridical, activist, and formal NGO sectors on these questions also continue to reflect persistent challenges not only in safeguarding access to resources for India's indigenous poor,

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\* Virginius Xaxa, *The Global Indigenous Peoples Movement: It's Stirring in India*, 2 J. L. PROP. & SOC'Y 141 (2016), <http://www.alps.syr.edu/journal/2016/11/JLPS-2016-11-Xaxa.pdf>.

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<sup>1</sup> My subsequent work has focused more on environmental impacts of large scale violence as in the case of war, but for earlier examples of my work on Indian forests see Tucker, 1988 or 1991.

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but also in improving their grasp of legal and policy knowledge that shapes that access, and their abilities to translate such knowledge into to their own internally meaningful intellectual and linguistic frames.

The environmental protest against colonial and postcolonial forest law can be traced back to 1878, when fundamental forest law was put in place for British India. The 1878 forest law was itself an accumulation of experience beginning in the 1850s and had its roots in German forestry law going back several more centuries. Several scholars have written on that tradition, focusing on the authoritarian, top-down character of the forest law as implemented in the designation of Reserved Forests under control of the British Indian government and forest departments.

As early as World War I, in the central Indian and Himalayan foothill forests, local populations protested the implementation of new Reserved Forests. These resistance movements sometimes turned violent.<sup>2</sup> Such movements have had parallels in other colonial settings (German Tanganyika is an example). There came to be a pattern of local forest-people protesting from the ground up against the imposition of forest administrations.

In contrast, at one moment in the early 1890s in the Punjab hill area, imperial forest administrators made an exceptional effort to deal systematically with the land and grazing rights of the forest people. At the time, this term “forest people” covered considerably more than those who saw themselves as “tribal.” This is an important ambiguity in the intricate social setting of rural India. The government of Punjab Province assigned a Mr. Anderson to interview everyone who had traditional farming, forest products and

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<sup>2</sup> Scholars have documented both human versus human violence (see Sivarmakrishnan 1999) as well as incendiary violence resulting in the burning of forests themselves (see the first chapter of Agrawal 2005).

grazing rights, since the transhumant pastoral system of traditional communal land tenure use had not previously been integrated into the legal system of the Raj. The resulting *Anderson's Report* was a codification of those traditional communal rights.

Nearly a century later, when I looked at the use the right-holders' descendants were making of the report, I discovered that in the 1980s and 1990s local people consistently referred to their legal rights by referring to their families' names in original report. But no one – neither villagers nor forest officials – had seen the report itself; it had achieved a mythic status.<sup>3</sup> After some effort, we found four copies of the report in distant archives, and it was then made available in some district offices. I use this example to illustrate a characteristic of the land rights situation in that part of India: an unusual bureaucratic effort to codify a long tradition, and then a demandingly difficult administrative effort to keep applying that tradition in grass-roots interaction with local people where challenges include not only access to natural resources, but also access to written laws and the forms of legal and policy knowledge that shape their implementation.

Moving forward to the late 1970s, both the controversy over forest law and the controversy over tribal rights were emerging rapidly among socially engaged activists. A major conference of environmental NGOs in 1980 was held in New Delhi, bringing together some 200 people from all over the country, plus several international scholar-activists. There were grassroots organizations from every state in India, but the language of the conference was English, which was a major problem for most grassroots participants. This language barrier illustrates the difficulties in access to leadership and effective

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<sup>3</sup> This is ironic, given scholarship about the proliferation of paper trails as a key form of postcolonial governance in the wider region (see Hull 2012).

voices, the tension or awkwardness between rural and urban movements, and the endless efforts of people from various backgrounds to work together. Few tribal rights advocates were there; they came into participation in the partially integrated movement a bit later, as urban and rural groups began to find mechanisms for more effective collaboration.

This conference was a time when the two movements began to find common interests but also had to confront considerable differences, depending on local circumstances. We have mentioned a profound gap between the priorities of the environmental forest protection movement and indigenous rights movements; there have also been powerful common interests between the environmental movements and indigenous groups. Both are threatened by illegal mining in the forest areas, the discovery of mineral deposits (petroleum in at least two cases) and hydropower (which has had profound impacts in other areas of the world as well). All these pressures of Development, and more, have had linked effects on both ecosystems and indigenous rights, about which Vikas writes further.

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