

“Human Rights of Indigenous People in India: A Legal Study”

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Abstract

India is home to over 700 recognized indigenous communities, constitutionally classified as Scheduled Tribes (STs), who maintain distinct socio-cultural identities yet remain among the most marginalized in the country. This paper undertakes a comprehensive legal study of the human rights situation of India's indigenous peoples by critically analyzing constitutional provisions, statutory safeguards, judicial interpretations, and international frameworks. The paper also interrogates India's ambivalent engagement with global human rights instruments like UNDRIP and ILO Convention No. 169, revealing limitations in aligning domestic law with international norms.

Particular emphasis is placed on land rights and displacement caused by development-induced projects, exposing how legal mechanisms are routinely subverted to dispossess tribal populations. The paper explores how such structural violence leads to psychological trauma, identity loss, and erosion of traditional governance systems. It also examines the shortcomings of institutions like the National Commission for Scheduled Tribes (NCST) in safeguarding tribal rights. Drawing from jurisprudence, grassroots movements, and ethnographic insights, the paper presents a set of legal and policy recommendations including formal recognition of customary law, strengthening Gram Sabhas, institutionalizing Free, Prior and Informed Consent (FPIC), revitalizing tribal languages, and ensuring culturally sensitive justice mechanisms. This legal inquiry reaffirms that the realization of indigenous rights is essential not only for justice and equity but also for the democratic integrity and ecological future of the Indian Republic.

Keywords: Indigenous Rights, Scheduled Tribes, Land Alienation, Customary Law, Legal Pluralism

I. Introduction

India is a land of immense cultural and ethnic diversity, with over 700 distinct indigenous communities, officially recognized as Scheduled Tribes (STs) under Article 342 of the Indian Constitution³. These communities, traditionally residing in forested, hilly and geographically

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³ *The Constitution of India*, art. 342, cl. (1) & (2).

isolated areas, have maintained distinct social, cultural and linguistic identities. Despite constitutional protections and affirmative actions, indigenous peoples in India face persistent human rights violations, social exclusion, economic deprivation and cultural erosion. They remain among the most marginalized groups in terms of health, education, political representation, and access to justice. This article aims to critically examine the human rights condition of indigenous communities in India from a legal perspective, assessing the role of the Constitution, statutory mechanisms and judicial interventions in safeguarding their rights while identifying implementation gaps and reform needs⁴.

II. Constitutional and Legal Framework for Tribal Rights

Constitutional Provisions

The Indian Constitution provides a detailed framework for the protection and promotion of the rights of Scheduled Tribes. Article 15(4) and Article 16(4) permit the state to make special provisions for the advancement of STs in education and employment⁵. Article 46 mandates the state to promote the educational and economic interests of STs and protect them from social injustice and exploitation⁶. Articles 330 and 332 reserve seats for STs in Parliament and State Legislative Assemblies, ensuring political representation⁷. Article 244, read with the Fifth and Sixth Schedules, provides for the administration of Scheduled and Tribal Areas through special autonomous governance structures and protective provisions⁸. Article 338A establishes the National Commission for Scheduled Tribes (NCST) to monitor the implementation of safeguards for STs. Collectively, these provisions represent the constitutional commitment to ensuring dignity, equality, and justice for indigenous people⁹.

Key Legislations

India has enacted various laws to operationalize constitutional mandates. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 criminalizes acts of violence, humiliation, and social boycotts against STs¹⁰. The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) grants substantial powers to Gram Sabhas in Scheduled Areas, recognizing their authority over land, forests and resources¹¹. The Forest Rights Act, 2006 (FRA) restores the traditional rights of forest-dwelling STs, including community rights over forest resources and the right to habitat¹². The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 incorporates special protections for

⁴ Cultural Survival, "Observations on the State of Indigenous Human Rights in India" (2016) (Prepared for the United Nations Human Rights Council Universal Periodic Review).

⁵ The Constitution of India, arts. 15(4), 16(4).

⁶ The Constitution of India, art. 46.

⁷ The Constitution of India, arts. 330, 332.

⁸ The Constitution of India, art. 244.

⁹ The Constitution of India, art. 338A.

¹⁰ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act 33 of 1989).

¹¹ The Panchayats (Extension to Scheduled Areas) Act, 1996 (Act 40 of 1996).

¹² The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007).

tribal land and requires consent of Gram Sabhas in acquisition processes¹³. However, despite these strong legal foundations, the real challenge lies in implementation and enforcement.

III. International Human Rights Context

India is a party to key international human rights instruments such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These treaties affirm the universal rights to equality, non-discrimination, self-determination and cultural identity, all of which are crucial for indigenous populations. India has also ratified ILO Convention No. 107, which provides for the integration and protection of tribal and indigenous peoples. However, this convention has been considered outdated and replaced by ILO Convention No. 169, a more progressive treaty that emphasizes autonomy, participation, and land rights. India has declined to ratify Convention No. 169, citing administrative and definitional concerns, particularly its use of the term "indigenous peoples" which India does not officially recognize in the same way as international law.

Moreover, India's reluctance to formally endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) reflects its cautious approach to international recognition of tribal autonomy. The government argues that all Indians, including tribals, are indigenous in the historical sense, and that the constitutional category of Scheduled Tribes adequately protects their interests. However, this stance limits the applicability of international norms that could otherwise reinforce indigenous land rights, free prior informed consent (FPIC) and the protection of cultural integrity. Countries like Bolivia, Canada and Australia have made significant strides in recognizing and empowering indigenous communities through these frameworks. India's partial commitment undermines efforts to align domestic legal protections with evolving global human rights standards. Aligning Indian law with international norms would not only strengthen tribal rights but also enhance India's global standing on human rights issues¹⁴.

IV. Land, Displacement and Resource Alienation

Land is not merely a means of livelihood for indigenous communities; it is deeply intertwined with their cultural identity, spiritual life and social systems. However, in the post-independence era, the Indian state has prioritized industrialization and infrastructure development, often at the expense of tribal lands. Projects like the Sardar Sarovar Dam, mining in Niyamgiri Hills, and coal extraction in Hasdeo Arand have led to the forced displacement of thousands of tribals without adequate rehabilitation or consent¹⁵.

¹³ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Act 2 of 2007).

¹⁴ Cultural Survival, "Observations on the State of Indigenous Human Rights in India" (2016).

¹⁵ Neelmani Jaysawal and Sudeshna Saha, "Impact of Land Alienation, Displacement and Migration on Livelihood and its Response through Resettlement and Rehabilitation" 1(2) International Journal of Sociology, Social Anthropology and Social Policy 152-167 (2015).

While the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 mandates Gram Sabha consent and fair compensation, its provisions are often diluted or bypassed through emergency clauses and state amendments. The Forest Rights Act (FRA), 2006, which aimed to correct historical injustices by granting individual and community forest rights, is poorly implemented, with high rates of claim rejection and bureaucratic resistance¹⁶.

Legal protections like the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), which vest land-use decisions in Gram Sabhas, are routinely ignored in practice. The erosion of customary land rights is also exacerbated by the misclassification of forest-dwelling tribes as "encroachers" on forest land. Many states have failed to demarcate traditional tribal land or recognize community resource governance systems, creating a legal vacuum exploited by both public and private actors.

The displacement of tribal people often leads to urban migration, poverty, and loss of social capital, making them vulnerable to exploitation and trafficking. The alienation from their ancestral lands not only violates their right to livelihood but also disrupts inter-generational knowledge systems, ecological stewardship and cultural survival. Any comprehensive solution to indigenous rights in India must start with restoring and respecting tribal land ownership and ensuring meaningful participation in resource governance¹⁷.

V. Socio-Economic Rights and Exclusion

Despite constitutional safeguards and affirmative action, Scheduled Tribes continue to experience some of the worst socio-economic indicators in India. The literacy rate among STs is significantly lower than the national average, with especially poor performance among tribal women. Health indicators reveal high rates of malnutrition, maternal mortality, and infant mortality in tribal regions. Access to clean drinking water, sanitation, and healthcare is limited, particularly in remote tribal areas. Tribal communities also suffer from chronic underemployment and are overrepresented in low-paying, unskilled labour sectors. While government schemes such as the Tribal Sub-Plan (TSP) exist to channel funds into tribal development, issues of corruption, misallocation, and lack of community participation have impeded their success. This systematic exclusion violates the right to development, education, and health, which are essential components of human dignity¹⁸.

Land alienation is often legitimized under the guise of "public interest" or "national development." Despite constitutional safeguards under the Fifth Schedule and protective legislation like the Chotanagpur Tenancy Act (1908) and Santhal Parganas Tenancy Act (1949),

¹⁶ S.N. Tripathy, "Impact of Land Alienation and Involuntary Displacement on the Socio-Economic Condition of the Koya Tribe" in *Tribal Economy, Culture and Society in India* 311 (2019).

¹⁷ Anis A. Dani, "Annexation, Alienation, and Underdevelopment" in *Watershed Resources Management: Studies from Asia and the Pacific* 145 (1991).

¹⁸ Nico Koopman, "Human Dignity, Human Rights and Socio-Economic Exclusion" in Johannes A. van der Ven and Hans-Georg Ziebertz (eds.), *Religion and Human Rights: Global Challenges from Intercultural Perspectives* 131–148 (De Gruyter, Berlin, 2015).

loopholes and weak enforcement allow non-tribals, corporations, and state agencies to bypass restrictions. The use of legal instruments such as eminent domain for large infrastructure projects, dams, mining and industrial corridors has led to widespread and often irreversible displacement of tribal communities. In states like Jharkhand, Odisha, and Chhattisgarh, such processes have not only dispossessed tribals of their ancestral lands but have also destroyed their cultural and ecological habitats¹⁹.

Adivasi resistance to land dispossession has been persistent and widespread. Movements such as the Narmada Bachao Andolan, Dongria Kondh's resistance in Niyamgiri and the Pathalgadi movement in Jharkhand highlight the demand for community consent and protection of tribal self-rule. Despite this, compensation and rehabilitation packages under laws like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) have been largely inadequate and poorly implemented. Moreover, displacement is not merely physical, it often results in economic impoverishment, loss of identity, and breakdown of community life. True justice in land governance will only be achieved when land is seen not as a commodity, but as a cultural and spiritual entity central to tribal existence²⁰.

VI. Cultural Rights and Language Loss

Cultural rights form the cornerstone of indigenous identity, yet India's dominant development model often disregards tribal heritage. Cultural expressions like Baiga tattooing, Santhali music and Gond art are often commodified for tourism or commercial gain, stripping them of their original social and spiritual context. Tribal festivals, rituals and collective practices are rarely included in mainstream cultural policy, further marginalizing indigenous narratives from the national discourse. The lack of legal safeguards for intellectual property rights of tribal communities over their folklore, biodiversity knowledge, and art forms leads to cultural appropriation without benefit-sharing²¹.

Moreover, tribal languages, which encode centuries of environmental, medicinal, and cultural knowledge, are dying at an alarming rate. Most tribal languages are not included in the Eighth Schedule of the Constitution, nor are they taught in schools. For instance, Ho, Bhumij and Kurukh languages are spoken by millions but lack adequate institutional support for education, publishing, or broadcasting. The National Education Policy (NEP) 2020 acknowledges the value of mother tongue instruction but lacks a concrete roadmap to revitalize endangered tribal

¹⁹ Johannes A. Van der Ven, "Inclusion and Exclusion from the Perspective of Socioeconomic Rights and Religion" 2(2) *Diaconia* 114–144 (2011).

²⁰ Bose, Rajanya. *Land, Labour, Dispossession, and Politics Among Scheduled Tribes in India: Framing an Adivasi Agrarian Question*. PhD diss., University of East Anglia, 2023.

²¹ Orlin, Theodore S. "The Death of Languages; the Death of Minority Cultures; the Death of a People's Dignity: Its Implications for Democracy and the Commitment to Human Rights." In *Cultural and Linguistic Minorities in the Russian Federation and the European Union: Comparative Studies on Equality and Diversity*, 47–79. Cham: Springer International Publishing, 2015.

languages. Educational alienation contributes to high dropout rates among tribal children, especially in early schooling years²².

Preserving cultural rights requires proactive state involvement in supporting community media, museums and tribal research institutions. Initiatives like the Tribal Research Institutes (TRIs) need to be expanded and reformed to reflect authentic tribal perspectives rather than external ethnographic descriptions. Constitutional protection under Article 29, which provides the right to conserve distinct languages, scripts, and cultures, should be operationalized through legislative and budgetary actions. Strengthening local ownership of cultural spaces, community archives and curriculum reforms that embed indigenous histories and cosmologies can help restore cultural dignity²³.

VII. Political Participation and Governance

Despite formal political reservation under Articles 330 and 332, tribal representation is often symbolic rather than substantive. Many tribal representatives in Parliament or State Assemblies are co-opted by mainstream political parties, leaving little room to address tribal-specific issues like land rights, forest governance or displacement. Political literacy and leadership training among tribal youth and women remain neglected. In tribal-dominated districts, decision-making is often concentrated in the hands of bureaucrats, sidelining elected local bodies and undermining grassroots democracy.

The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) was a revolutionary step toward tribal self-governance, recognizing the centrality of the Gram Sabha. However, in many states, PESA remains unimplemented or diluted. States like Maharashtra and Chhattisgarh have made progress, but others, such as Jharkhand and Odisha, lag in notifying PESA rules. Even where Gram Sabhas exist, their resolutions are often ignored by higher administrative authorities, particularly in matters of mining, land acquisition, or commercial forestry. The lack of clarity on the legal enforceability of Gram Sabha decisions adds to this institutional erosion²⁴.

For genuine democratic inclusion, tribal governance models must move beyond tokenism. Strengthening Autonomous District Councils in the Sixth Schedule areas (in northeastern states), expanding Scheduled Area status to more tribal regions and implementing community-based monitoring systems for government schemes are critical. Women's political participation must also be prioritized through reservation in Gram Sabhas and training programs. Democratic renewal in tribal areas depends on empowering local institutions with legal authority, financial autonomy, and administrative respect.

²² Genia, Erin M. "The Landscape and Language of Indigenous Cultural Rights." *Arizona State Law Journal* 44 (2012): 653.

²³ Ayan, Erdal. "Minority language loss: Socio-cultural and linguistic causes." *European Journal of English Language, Linguistics and Literature* 2, no. 1 (2015): 62–88.

²⁴ The Panchayats (Extension to the Scheduled Areas) Act, No. 40 of 1996, Gazette of India, Extraordinary, Part II, Sec. 1 (Dec. 24, 1996).

VIII. Judicial Interpretation and Role of Courts

The Indian judiciary has at times acted as a bulwark for tribal rights, yet its interventions are inconsistent. In the *Samatha v. State of Andhra Pradesh* (1997) case, the Supreme Court prohibited leasing tribal land in Scheduled Areas to non-tribals, asserting tribal sovereignty over land²⁵. Similarly, in the *Niyamgiri* judgment (2013), the Court upheld the FRA and ordered that Gram Sabhas decide the fate of bauxite mining in Odisha's sacred hills, respecting the Dongria Kondh tribe's cultural and religious rights. These rulings marked watershed moments in tribal jurisprudence, affirming the principle of free prior informed consent (FPIC)²⁶.

However, not all judicial pronouncements have been as progressive. In many cases involving mining and infrastructure projects, such as POSCO's steel plant in Odisha or Vedanta's operations in Chhattisgarh, courts have either refrained from intervening or prioritized economic development over tribal rights. Procedural justice for tribals remains a challenge, as access to legal aid, language support and culturally sensitive adjudication is minimal. The judiciary often fails to consider the customary laws and traditions of indigenous communities, applying a rigid formalist approach ill-suited to tribal contexts.

Going forward, the judiciary must adopt a more empathetic and human rights-based lens when adjudicating cases involving Scheduled Tribes. Incorporating anthropological and cultural evidence, recognizing oral testimonies and respecting customary governance systems are essential. The establishment of tribal legal aid cells, mobile courts, and paralegal training for tribal youth can help improve access to justice. Constitutional courts must also actively monitor the implementation of landmark rulings to ensure that tribal rights are protected not just in law but in practice.

IX. The Role and Limitations of NCST

The National Commission for Scheduled Tribes (NCST) plays a statutory role in monitoring the safeguards provided to STs under the Constitution. Established by the 89th Constitutional Amendment in 2003, the Commission has powers to summon officials, conduct inquiries, and make recommendations. It also submits annual reports to the President, which are tabled before Parliament. While this creates a framework for accountability, in practice, NCST's impact has been limited due to lack of enforcement mechanisms, inadequate funding, and low public visibility²⁷.

One of the main criticisms of NCST is its advisory nature. Unlike courts, it cannot enforce compliance with its findings, nor can it impose penalties for violations. Many of its reports remain pending for action by concerned ministries or state governments. For example, its recommendations on PESA implementation and FRA claim rejections have largely gone

²⁵ *Samatha v. State of Andhra Pradesh*, (1997) 8 SCC 191.

²⁶ *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest & Others*, (2013) 6 SCC 476.

²⁷ National Commission for Scheduled Tribes, "*Annual Report 2021–2022*" 56 (2022).

unheeded. The Commission suffers from staffing shortages, lack of field presence, and limited engagement with civil society and tribal movements, which weakens its grassroots credibility.

To enhance its effectiveness, NCST must be empowered legislatively with quasi-judicial authority like the National Human Rights Commission (NHRC). It should have a dedicated grievance redressal mechanism, field offices in tribal regions, and greater coordination with state tribal welfare departments. The appointment of commissioners with lived tribal experience and academic expertise is crucial for informed advocacy. Transparent publication of reports, performance audits, and regular public consultations can make NCST a more accountable and dynamic institution in safeguarding indigenous rights²⁸.

X. Psychological Consequences of Rights Violations

The psychological impact of displacement, marginalization, and cultural erosion on indigenous peoples in India remains a deeply neglected area of legal and policy discourse. Land alienation, forced evictions and constant threats to livelihood induce a chronic sense of insecurity and loss among tribal communities. For many, land is not merely a means of subsistence but the cornerstone of their identity and worldview. Its loss leads to identity fragmentation, emotional detachment, and intergenerational trauma. Studies in regions like Bastar and Niyamgiri have shown that communities experience anxiety, depression and social withdrawal after displacement, exacerbated by lack of mental health services tailored to tribal needs.

The dismantling of traditional community structures and knowledge systems due to mainstreaming policies leads to psychological dislocation. Indigenous youth, caught between the pressures of assimilation and loyalty to cultural roots, often struggle with self-worth and alienation. In educational institutions and urban workspaces, they frequently face discrimination, stereotyping and cultural invisibility, which affects their self-esteem and social integration. When tribal customs, languages and belief systems are delegitimized or ridiculed, it creates a cognitive dissonance that leads many to suppress their identity, causing deep psychological stress. This is compounded for tribal women, who face dual marginalization both as women and as members of a culturally devalued community²⁹.

Despite the severity of these issues, India lacks a culturally sensitive mental health framework that addresses the specific experiences of tribal populations. Most government schemes focus on nutrition, livelihood or education, but ignore the mental well-being essential for true empowerment. What is needed is an ethno-psychological approach that respects indigenous knowledge systems, community healing practices, and collective memory. Mental health services in tribal areas should be designed in consultation with tribal elders, healers, and youth, ensuring that care is rooted in trust and cultural legitimacy. Recognizing the psychological

²⁸ The Protection of Human Rights Act, 1993 (Act 10 of 1994), s. 3.

²⁹ Nora Sveaass and Nils Johan Lavik, "Psychological aspects of human rights violations: The importance of justice and reconciliation" 69 *Nordic Journal of International Law* 35 (2000).

consequences of rights violations is vital not only for legal justice but also for restoring dignity and resilience among India's indigenous peoples³⁰.

XI. Recommendations and Way Forward

To ensure the full realization of human rights for indigenous communities in India, there is an urgent need for structural, legal, and policy-level reforms that go beyond symbolic inclusion. While constitutional safeguards and progressive laws like PESA and FRA exist, their weak implementation and lack of political will have prevented meaningful change on the ground. The following recommendations are aimed at strengthening indigenous self-governance, securing land and cultural rights, reforming institutions like the NCST and ensuring that development is both participatory and respectful of tribal worldviews. These proposals are grounded in legal analysis, international human rights norms, and the lived experiences of tribal communities. If adopted, they can pave the way for a more just, inclusive and equitable India that honours its indigenous heritage and upholds the dignity of all its citizens.

1. Recognize and Protect Customary Laws and Governance

The Indian legal system must formally recognize the customary laws, dispute resolution mechanisms and governance structures of tribal communities. This includes acknowledging tribal councils, customary tenure systems, and oral legal traditions as valid forms of law within Scheduled Areas. Legislative amendments to the Indian Evidence Act and Panchayat laws can enable this recognition, ensuring that state mechanisms do not override traditional systems unjustly.

2. Strengthen Implementation of PESA and FRA

The effective implementation of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA) is critical. States must be mandated to notify PESA rules, provide capacity-building for Gram Sabhas and ensure the legal enforceability of Gram Sabha decisions, particularly concerning land acquisition and forest use. The Ministry of Tribal Affairs should regularly publish performance audits and penalize states failing to implement these laws.

3. Ensure Free, Prior, and Informed Consent (FPIC) in Development Projects

Adopt a legally binding FPIC framework for any development or extractive project affecting tribal land and livelihood. This framework should include mandatory environmental and social impact assessments conducted in local languages, transparent public hearings with tribal community participation and the right to veto projects by Gram Sabhas. This aligns with international best practices under UNDRIP, even if India does not formally recognize the declaration.

³⁰ Sandra Ikenyei N., "Health and social consequences of human rights violations in Rural Nigeria" 72 *International Social Science Journal* 829-852 (2022).

4. Revive and Protect Tribal Languages and Culture

Tribal languages should be included in the Eighth Schedule of the Constitution, enabling greater allocation of resources for education, publishing and media. Multilingual education policies must prioritize tribal languages as the medium of instruction in early childhood and primary schools. Cultural preservation funds and community-run media initiatives must be promoted to sustain tribal art, rituals, music and festivals without commodifying or diluting their authenticity.

5. Reform the National Commission for Scheduled Tribes (NCST)

The NCST must be transformed into a quasi-judicial body with powers to enforce compliance, issue binding recommendations, and adjudicate human rights violations. It should be granted independent investigative authority, regional field offices and sufficient budgetary autonomy. Tribal representation in the commission should be strengthened by appointing members from diverse tribal backgrounds with expertise in law, anthropology and human rights.

6. Enhance Political Participation and Tribal Leadership

Tribal communities need institutional support for political participation, including training programs for tribal youth and women, voter education and support for independent tribal political formations. Local self-governance must be strengthened by granting real financial and administrative powers to Gram Sabhas and political reservation must be coupled with autonomy in decision-making, not mere token representation.

7. Improve Access to Justice and Legal Aid

Establish dedicated tribal legal aid cells, mobile courts, and paralegal training programs in tribal regions to overcome the barriers of language, distance and legal literacy. Legal procedures should be adapted to accommodate oral evidence, customary norms and culturally sensitive practices. Judges and lawyers handling cases in Scheduled Areas must receive special training in tribal law and rights to ensure empathetic adjudication.

8. Reframe Development to Align with Tribal Worldviews

Development must be reimagined to align with ecological, cultural, and spiritual values of indigenous peoples. This means promoting community-led development, forest-based sustainable livelihoods, ecotourism and agroecology rooted in traditional knowledge. The model of extractive externally imposed “progress” has led to alienation and conflict. True development must enhance tribal dignity, autonomy, and well-being without displacing them from their lands or identities.

XII. Conclusion

The struggle of indigenous communities in India is deeply rooted in historical marginalization, colonial legacies, and post-independence development models that have often excluded or displaced them. Despite constitutional recognition and legal protections, Scheduled Tribes

continue to face systemic violations of their land, cultural, and political rights. While laws like PESA and the Forest Rights Act represent important milestones, their poor implementation reflects a gap between legal promise and practical reality. Indigenous identity is more than a demographic category; it is a living experience shaped by connection to land, traditions, and community governance all of which need active state support and legal reinforcement.

Moving forward, India must embrace a rights-based and inclusive approach to development that places tribal voices at the centre of decision-making. It is essential to move away from viewing indigenous people as beneficiaries of welfare and instead recognize them as rights-holders entitled to dignity, autonomy and justice. Greater alignment with international standards, respect for customary law and strengthening of grassroots institutions like the Gram Sabha are key to empowering these communities. Protecting the human rights of indigenous peoples is not just a matter of legal compliance but a moral imperative that speaks to the democratic ethos of the Indian Republic.

In this context, the role of civil society, academia and the judiciary is equally crucial in amplifying tribal voices and holding the state accountable. Research institutions must prioritize participatory studies that reflect tribal perspectives, while legal institutions must ensure accessibility and cultural sensitivity. The human rights of indigenous peoples are a litmus test for India's commitment to equality and justice. True progress will only be achieved when the Adivasi is no longer viewed as an obstacle to development but as a partner in shaping the nation's future. A transformative vision rooted in constitutional morality, ecological wisdom, and social justice is the need of the hour.

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