

Indigenous Communities: Human Rights and Right to Development Exploring the Indian Context

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Abstract

Adivasi homelands are shaped by the social dynamics of resistance and oppression. Longstanding issues like poverty, marginalization and discrimination remain entrenched in their lives. The urgent need for development has to ensure that the differentiated and diverse views of the communities are considered and that no rights are hindered in the process. The communities must be adequately equipped and empowered to seek their own developmental needs. The study aimed to understand indigenous communities, their power to exercise rights and their aspirations for development. The paper shed light on the gap that still exists after 75 years of independence between the developmental aspirations of the indigenous communities and the consistent violation of their rights. There were certain dilemmas that one faces in understanding the developmental discourse of the states, rights fulfilled and unfulfilled and how indigenous communities resist and survive. While evaluating the social and economic rights of the Indian tribal communities, the paper attempted to outline the problems, and possible sustainable future options, relying on primary and secondary sources for its analysis.

Keywords: Indigenous Communities, Development, Human Rights, Adivasis, Scheduled Tribes, United Nations

Introduction

The Adivasi-dominated forests of many places in India, including Jharkhand, Chhattisgarh, Odisha, Telangana and Andhra Pradesh, are the most lucrative reserves of coal, iron ore, bauxite, copper, manganese, and more. These are being eyed and explored by many capitalist powers in India. According to many, Indian mining is a success story waiting to happen (Shah, 2019). However, to start these mining operations, these forests will have to be turned, people displaced, and landscapes destroyed. This developmental success story will hide behind it the exploitation of the human rights of indigenous people.

Many state-led developmental policies aimed at recognizing and uplifting the indigenous communities have an ideology different from the latter's view of development. The state

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embraces the economy-focused model, reducing forest resources to profit-making items. These resources are a part of indigenous communities' culture and survival. The quest for development by the state results from a popularly established notion of progress. The state sometimes neglects that development might not always mean integration with the global world or economic upliftment. For some communities, it may be defined by a sustainable lifestyle that fulfils their needs without threatening biodiversity. Also, development is an inevitable way forward for most underdeveloped economies today. The processes of industrialization, urbanization and modernization become the main features of the societies, and the traditional beliefs thus are subjected to change and new trends.

It is not to say that development is not important, but the question remains of the cost and consequences. A human-development approach becomes necessary where humans can be defined as the subject and object of development overlapping with human rights (McInerney-Lankford & Sano, 2010). Rights should not be portrayed as a privilege. Even the most marginalized are entitled to them and should be active participants in preserving their interests. The plethora of laws safeguarding the indigenous lands today stands redundant due to their poor implementation and the simple denial of rights. As presented by the United Nations, the 2030 Agenda of Sustainable Development Goals still lacks the effort to protect indigenous people (United Nations, 2017):

It reinforces the GDP-focused growth, industrialization and increased production, thus potentially undermining indigenous people's holistic development approach. It lacks cultural sensitivity across its goals, such as health and education. Policy recommendations by influential groups have been made to ensure that the 2030 Agenda follows a human-rights-based approach integrating the governments, the private sector, stakeholders and civil society for capacity building and engagement.

Development and human rights are the most critical tenants of any nation-state today. Every individual, by virtue of being, is entitled to human rights constituted mainly of political, economic, and social rights. Human rights precede the law and are derived from the concept of human dignity. They have motivated domestic and international policies and challenged discriminatory practices across spectrums. On the other hand, development is a comprehensive, ever-evolving process of economic, social, political, and cultural improvement of the entire population, where individuals are active participants in the development process, and benefits are reaped by all equably. Both are independent entities, and their goals often complement each

other. Development and human rights must be seen as fundamentally complementary and mutually reinforcing in all time frames.

In this context, the study of indigenous communities becomes essential. They are being sidelined in almost all parts of the world. Their condition is critical, and the systemic discrimination and politics of exclusion marginalize them further. They continue to be oppressed, over-represented among the poorest, and most vulnerable to environmental disasters. This regular demoralization disregards their traditions, values, and practices. There is a need for effective governmental efforts to preserve their traditional knowledge and cultural expressions. According to the United Nations, basic rights are denied, and indigenous communities are even robbed of their right to life. The state's interference in the traditional workings of indigenous communities has been a common feature across countries. Despite the resistance, the communities still face injustice. The consequences of historical events, including colonization, dispossession of lands, territories, and resources, and inherent oppression, still haunt the lives of tribal people (United Nations, 2009).

Indigenous Communities

Numbering at least 370-500 million, indigenous people occupy 22% of the global land area and represent a significant part of the world's cultural diversity representing 5000 different cultures. Speaking almost 7000 languages, they are considered the preservers of the old-age languages, out of which 5000 languages are estimated to be extinct by 2100. According to the United Nations, they represent a unique culture with political, social, and economic characteristics distinct from the dominant societies. Countries prefer different terms for the prevailing indigenous communities like tribes, aboriginals, ethnic groups, Adivasi, First people, natives and janajati. Ancestral land is of fundamental importance for their collective and cultural survival as people. They have their conceptions of development based on their values, priorities, and vision. Indigenous communities possess unique traditional knowledge that supports natural resource management, utilization of biological resources, food production innovations, addressing global environmental sustainability challenges and contributing to more robust regional and national economies (Drissi, 2020).

Indigenous people own, occupy or use less than a quarter of the world's area but safeguard 80% of the world's biodiversity (Sena, 2022). They are a part of the pre-invasion and pre-colonial societies and now are the harbingers of a historical continuity representing specific geographic, ethnic and cultural identities. These groups value biological diversity and have,

over the centuries, evolved their cultural practices to promote the persistence of this diversity (Gadgil & Guha, 2012).

In India, 705 recognized indigenous communities officially frame 8.6% of the national population (Dhir, 2015). Initially, the Indian government considered that there were no indigenous people in the country owing to the complex historical migratory patterns. Eventually, the Adivasis or tribals were recognized and officially designated as the Scheduled Tribes by the government. These Scheduled Tribes or Adivasi spread across the terrain and culturally, socially, ethically, and demographically influence the area they inhabit.

They constitute over 6% of the world's population and are three times as likely to be victims of extreme poverty and exclusion. Their life expectancy is 20 years lower than that of non-indigenous populations (World Bank, 2022). Indigenous communities comprise less than 5% of the world's population and protect 80% of global biodiversity (Raygorodetsky, 2018). Across nations, significant gaps exist in the indigenous communities' development and human rights indicators. More than 86% of indigenous people work in the informal economy and get denied adequate social protection and economic resources (International Labour Organization, 2020). Considered the most disadvantaged and vulnerable groups of people, indigenous communities have, through the years, sought to gain recognition for their identity, culture, ways of life, and traditional rights over land, territory, and natural resources.

Livelihood Options and Development Concerns

Adivasi populations over the centuries have evolved according to the changing times and adapted to developmental needs. They have created a symbiotic relationship with the land and consider themselves the usufructs of the land, not the owners (Deo, 2021). The land is the most intrinsic part of their being. Forest is the source of their livelihood, characterized by its multipurpose contributions. Tribal communities across India have distinct livelihoods, lifestyles, and agricultural practices. From plant conservators and agriculturalists to healers and hunters, tribal people perform various activities. They base their livelihood on landscape biodiversity. They are usually foragers and shifting cultivators sustaining their lives on food provisioning, collecting non-timber forest produce, and hunting. The consumption and economic independence of these communities thus stem from their ability to foster the vast richness and natural heritage of forests.

The traditional lifestyles close to nature are preserved by these communities, and hence they are also considered the custodians of the environment for centuries. However, with the

accelerated environmental problems today, these communities stand the most vulnerable to the menaces of climate change. There is an imbalance between the environment and the development designs. The United Nations recognizes an intrinsic link between the environment and the realization of human rights (OHCHR, 2022).

Deforestation, change in landscape and biodiversity due to mining, intensified agriculture, timber plantations, and construction of dams in many areas have created problems for the tribals. Irrigation is becoming the primary occupation for many, and these communities have to accept such seasonal work and migration to the plains. This shift endangers not only the people but also the forest ecology and indigenous knowledge. Rather than being tribal-friendly, the politics of votes is ensuing the government's developmental agenda. Over the years, lands have changed into feudal lands used to extract money and resources from their dwellers. The destruction of forests threatens not only their livelihood but also their food security.

Today, with the diversification of vocational programs, communities are also taking over tourism and creative industry-related activities. Eco-tourism and ethnic tourism in many regions are gaining popularity. These invitations into the private spaces of the indigenous communities expose them to various dangers like the commodification of their cultures and resources and, most importantly, have irreversible ecological effects. Hence, these new activities must be practised in moderation to provide economic sustainability and secure biodiversity. Strengthening cultural, social and economic ties to nature is necessary. Conservation has to be adopted as a social process for and by people.

Issues like these hamper the people's right to work and force them into a vicious circle. The right to livelihood further affects the communities' social, economic, and political rights. Malnutrition, food insecurity, minimal healthcare, and lack of education all add to the concerns. The communities are exposed further to violence, discrimination, and neglect without other basic facilities and no options for a sustainable livelihood. Paul Salopek (Paul, 2019) in his extensive research talks about various marginalised north Indian communities.

Kol villages sunk into a form of demoralization more profound than poverty, which speaks of the utter disorientation and inertia of homelessness.

The freedom of expression is violated, privacy is intruded upon, and the fear of being displaced constantly threatens them. The criminalization of social protest activities, numerous detentions, and increasing brutality exposes the state's politics. Thus, despite living in resource-rich areas,

the socioeconomic condition and livelihood security of indigenous people is tragic. Their rights are non-existent, and their freedom is curtailed.

Rights of Indigenous Communities

In order to realize the developmental potential of the land and resources, the indigenous communities' rights have to be recognized, discussed and enforced. Land plays a central role in the indigenous peoples' socioeconomic development, self-determination and cultural integrity. With the first UN International Decade of the World's Indigenous People (1995-2004), the interest in protecting indigenous rights increased and gained global popularity (UNDRIP, 2007).

There is no formally accepted definition of indigenous people on the international level. Under Article 33 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), the indigenous peoples have the right to determine their identity or membership according to their customs and traditions (UNDRIP, 2007). They also have the right to determine their structures, underlining the importance of self-determination and self-identification (United Nations, 2007). This argument of indigenesness stems from the massive displacements caused by colonialization and the overthrow of the original land inhabitants in America, Russia and other parts of the Pacific. There are still contentions regarding the definitions of the indigenous in the Asian and African regions. Many argue that all the people of the land are indigenous, and hence no distinction can be made between the original inhabitants and the later populations. UNDRIP thus affirms this right of self-definition *visa vi*, ensuring that indigenous people are equal to others and can practice their rights without discrimination. The states have no right to relocate the indigenous people without prior and informed consent (UNDRIP, 2007).

In India, Scheduled Tribes is the administrative term used for successfully granting certain special protective provisions to these disadvantaged sections of the population. The government aims to eradicate historical injustices through proper anti-discriminative laws and substantive schemes for their advancement. The fundamental rights protecting all citizens grant the rights of freedom of religion, the right to protection of language, script and culture and the prohibition of discrimination. Their right to self-determination is guaranteed in Article 244, recognizing and ensuring the enforcement of the Fifth and Sixth Schedules of the Constitution. These schedules lay out detailed provisions regarding the administration and control of the Scheduled Areas and Tribes.

The Panchayat (Extension to Scheduled Areas) Act, 1996, is considered the backbone of tribal legislation in India. It recognizes the traditional self-governance systems and the right of tribal communities to protect traditional beliefs, customs, identity and community resources. Ownership of minor forest produce lies with the self-governing bodies. This act enables a consistent administrative framework to empower the indigenous communities at the grass-root levels, thus ensuring their representation in the political system. PESA ensures control of the gram sabhas in regulating their villages' social and economic life, from approving development projects and managing local markets to deciding on mineral extraction. However, many areas have retained the traditional self-governance system based on communal ownership of land, autonomous village communities and unique practices. PESA provides legal backing and control to the communities while protecting them against external or internal conflicts. Proper government accountability will be ensured only when there is a proper decentralization of power. Out of the ten states under the purview of PESA, four states have still not, in the 25 years, formulated the required state-specific rules (PIB, 2022). Implementation remains a big issue. Politics, rigid bureaucracy, exploitation at the hands of contractors, and insurgency all play a critical role in this neglected implementation of PESA.

The Ministry of Tribal Affairs was set up in 1999, aimed at the overall policy, planning, and coordination of programs for developing STs. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, commonly known as The Forest Rights Act FRA, was enacted to recognize and vest forest rights and occupation in forest land. It provides a statutory framework for protecting the Forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) (Ministry of Tribal Affairs & UNDP, 2014). It aimed at protecting and regenerating forests *vis a vi*, protecting the marginalized forest-dwellers, and providing them with development opportunities. The FRA protects title, use, forest management, and relief-development rights. The Forest Rights Act is in accordance with the UNDRIP and has the potential to democratize forest governance. UNDRIP is the most comprehensive international instrument on the rights of indigenous people and establishes a universal framework of minimum standards for survival, dignity and well-being (UNDRIP, 2007). India, being its signatory, has to adhere to the rights mentioned.

National and international communities have discussed the rights of indigenous communities at length. Nevertheless, the efforts toward self-determination, regional development, and socioeconomic upliftment face various challenges. National priorities often take precedence over local priorities (Gadgil & Guha, 2012). Implementation and knowledge of their rights are

still lacking; thus, the effect of these rights is still to be observed. Interest in their lives and a genuine will lead the way towards inclusive development without hampering their rights.

Main Human Rights Concerns

Throughout historical debates, the question of the human rights of indigenous communities has been the most fascinating. Individual civil and political rights violations to widespread economic, social, and cultural discrimination. Some areas of rights violation include militarization, state repression, land alienation, killings, illegal detentions, discrimination, neglected health care and basic amenities, mass displacements, and violation of resource/forest rights. The struggle caused over livelihood issues is not just a fight over resources but reveals a systematic failure of democracy.

Displacement, Loss of Livelihood and Extractive Entities. The British started the exploitative non-tribal intruder regime to ensure the economic possession of indigenous lands and resources. The priorities of colonial forestry were essentially commercial in nature (Gadgil & Guha, 2012). Remote forests were made accessible with the advent of improved transportation networks. A commercial regime was established where forest ecology was sold at lower prices and developed into plantations. The timber extraction led to long-term social and ecological changes in the forests. The British also redefined property rights, thus imposing a management and control system over the foresters. Thus, the extractive policies of the British Raj ultimately led to the exposure of the forest resources and, at the same time, left the areas isolated. Chenchus, a hunter-gatherer community in Hyderabad, rapidly lost their autonomy when their hunting activities were made illegal and denied their existing monopoly over the forest produce (Guha & Gadgil, 1989). They were forced to follow the state and lost their habitats as numerous inroads mushroomed in their earlier undisputed domains.

With the advent of the zamindari system, nurturers of land lost their control and were forced into an unfair system of taxes and exploitation. Land acquisition, rent, evictions, land rights, forest protection, and occupancy rights all date back to colonial times. The extraction of raw materials has been crucial for imperial interests and post-independence for the benefit of the commercial-industrial sector.

Development-induced displacements have been common, and governments have always wanted some part of the indigenous, their land, resources or knowledge. Many tribal habitation areas are places with an abundance of mineral resources, eyed by governments and corporations alike. It is ironic how the oldest residents of the land are forced out and have to

fight to reclaim the lands that they depend on. A tribal is five times as likely as a non-tribal to have his land seized by the state (Guha, 1999). It is estimated that in India post-1947, approximately 26 million people have been displaced by dams, mining operations, and evictions continue to date (United Nations, 2021).

According to OHCHR, land is not merely an economic asset for indigenous people (OHCHR, 2017). It is a defining element of their identity, culture, and relationship with their ancestors and future generations. In April 2020, 32 Adivasi families belonging to the Kondh tribe in Sagada village Odisha were evicted forcibly by the Kalahandi Forest department. They were removed from their homes and harassed, and their belongings were destroyed (OHCHR, 2021). Many such instances have been reported over the years. The government of India continued with its Rs 750,000 million vision for the Holistic Development of Great Nicobar Island in Andaman and Nicobar Islands, ignoring the potential hazards to the Nicobarese and Shompen tribes (The Indigenous World, 2022).

The various challenges multiply due to a lack of responsibility and accountability. Recently, Bodo and Missing communities in Guwahati, Assam, compelled the municipality to stop its illegal dumping activities. These are among the largest indigenous communities of Assam and were affected by toxic waste dump emissions. This casual ignorance of the rights of these communities has led to environmental problems that might take years to recover (IUCN, 2022).

Displacement and loss of livelihood have been seen in many developmental-related governmental projects. These projects aimed at providing sustainable livelihoods, diverting river water for supplying water to islands or using the resources somehow end up violating the inhabitants' rights. The case of Manipur's Loktak Lake is a good example of how development is prioritised over rights without prior adequate compensation:

According to a study published by IUCN (IUCN, 2022) in Manipur, the Meitei indigenous fishers are facing a loss of habitat and livelihood due to the development-related intervention by the state. This community largely depends on and thrives on Loktak Lake's ecosystem. Loktak Hydroelectric Power Project 1983, built with the intention of adequate water supply to Manipur, changed the ecological and hydrological character of this Ramsar Site. Along with this, the man-made Ithai Barrage constructed across the Manipur River cuts off the traditional passage of migratory fish upstream from western Myanmar's Chindwin-Irrawaddy River system. Subsequently, this impacted the livelihood of fishers in the Lake. In 2011, the Local Development Authority started evicting Loktak fishers, citing them as illegal occupants

forcibly. Their shelter huts, locally called Phumshang, were pulled and burnt by the authorities showcasing an outright denial of rights. The Lake, with such a unique ecosystem, deemed the only floating National Park in the world, witnessed continued anthropogenic interference, pressuring its inhabitants' livelihoods. The Manipur Government has also advanced the Loktak Inland Waterways Improvement Project and the Loktak Mega Tourism Project. These developmental projects threaten the effective and sustainable management of the Lake (IUCN, 2022).

The Narmada valley Dam project is another example of a developmental project having a substantial ecological and social impact. It consists of constructing thirty large dams and hundreds of small dams along the length of India's largest westward-flowing river. The project aimed to provide irrigation facilities to lakhs of hectares of land in Gujarat, Rajasthan, and Maharashtra. Generation of electricity, flood protection, and power stations are all considered additional benefits of this project. It also claims to benefit the indigenous populations via employment generation, water supply, agro-industrial development, recreational activities, and fisheries development (Government of Gujarat, n.d.). However, the question remains of the large tracts of land that will be submerged to create the biggest artificial reservoir in India (Kalpavriksh, 1988). The project is now characterized by the forced displacement of millions of people and immense ecological damage affecting the habitats of tribals, rare species, and poor peasants. This development agenda envisioned by the government followed the policy of adequate compensation and resettlement. But the ecological and social damage is said to be immense with the clearance of large tracts of forest land and villages. Considering the amounts spent on dams, the question is whether the dams meet the intended expectations. There is a need to better monitor the economic, environmental and fiscal performance of these dams, and alternations have to be introduced.

The transformation in terms of road construction owing to the project integrated the Bhil tribal community into the market-based economy, thus increasing access to health and education. Post the Narmada Bachao Andolan efforts, the Bhil community now has a more substantial footing vis-à-vis government officials. Improved Public Distribution System, reduced harassment by the officials gave independence to Bhils to cultivate their lands. But still, their rights to economic freedom and social upliftment are hindered. Economic differences and caste discrimination are still prominent and reflect the historical process of generational wealth accumulation, dispossession, and exploitation. Compared to the dominant community, their economic power is low, leading to an enormous burden on seasonal migration.

Dams in such sensitive and fragile ecological zones are considered a sign of development by the government. Depletion of natural resources increased the capitalization of lands, and no alternative employment opportunities dispense the indigenous groups to fight alone. The state-led development projects hinder the economic capacity of individuals, resulting in the handicap of social and political rights. Dependency rather than empowerment is promoted. With the inability to sustain their families and find a new source of livelihood, the people are stuck in the never-ending loop of acceptance. They resort to agitation, but their demands are often neglected or made to compromise.

Poverty. In India, Adivasi districts or tribal-dominated areas like Odisha, Jharkhand, Chhattisgarh, and Madhya Pradesh display a high poverty level (Ministry of Social Justice & Empowerment, 2021). Geographical isolation, reduction of forest lands, increased demand for resources from outside industrial consumers and thus, the extreme pressure on forests led to the intensification of poverty pockets in many areas. An internal colonial frontier is created where the tribal communities face massive displacements, benefits diversion, systemic extraction of resources and a bias in the allocation of development resources. Poverty also threatens the traditional knowledge of tribal communities. Over-exploitation of territories stems from the need for survival. The rate of erosion of traditional ecological biodiversity-related knowledge has never been as high as the current generation (United Nations, 2009).

Development today carries heavy economic connotations. The concept that the lowest in the economic pile will eventually be benefitted from economic progress through the trickle-down effect is still dominantly accepted. But the high level of poverty amidst the high levels of growth questions this aspect of benefits reaching the poorest. According to Moose, multidimensionality, severity, and duration are regarded as the critical intersecting parameters of poverty (Moose, 2007). Tribals worldwide are historically more likely to own fewer assets and are vulnerable to inter-generational chronic poverty.

The ongoing inclusion of Adivasis and Dalits into the economy is based on historical disadvantage and institutionalized discrimination. Discrimination may not be overt but a consequence of inherited inequalities of power that further the conditions for poverty. Social discrimination, that is, discrimination based on identity, marks the contours of poverty (Shah, 2010). The Scheduled Castes, Scheduled Tribes, and some other groups in India constitute a significant chunk of the poor. Five of six multidimensionally poor people in India are from lower tribes or castes. The Scheduled Tribe group accounts for 9.4 per cent of the population

and is the poorest, with 65 million of the 129 million people living in multidimensional poverty (UNDP, OPHI, 2021).

Protection policies by the government in the form of reservation of seats in the Lok Sabha the reservation in jobs do not reflect the envisioned results. The resources spent on participatory development projects get scattered along the way and never reach the intended beneficiaries. The elite society dominates the decision-making structures creating a new deficit in the society, a situation of deprivation among the lowest castes and tribes (Shah, 2010). Chronic poverty creates conditions of hindrance to effective political representation and organization. This further marginalizes the tribal populations. The tribals have remained backward in all aspects of human development. The socioeconomic infrastructure among the tribals is inadequate, leading to deprivation and disempowerment (Government of India, 2008). Thus, a systematic lack of financial, social, political and economic inclusion in the tribal societies pushes them into a trap of violence and deprivation.

Militarization and State Violence. Many tribal concentrated areas in India, like the Northeastern states, Jharkhand and Chhattisgarh, are sites of intense violent conflicts. Abductions, sexual assault, illegal detentions, and torture are typical and heavy military deployment has become a feature (C.R, Shankar, & Shomona, 2010).

The biggest challenge is the Maoist-inspired armed guerrilla Naxalite movement fighting for a communist society (Gadgil & Guha, 2012). The Indian intelligence agency, as per the Red Corridor, has claimed that Maoists have affected 40% of India's land area, encompassing areas stretching from the border area of Nepal to Andhra Pradesh (Shah, 2019). The patrol missions led by security forces generate terror. They use the villagers as human shields and informers to find Maoist insurgents (Shah, 2019). The Naxalite movement agenda show similar dichotomies and downsides. They aim to create an egalitarian society with political education, health camps and social empowerment while promoting isolation and structural violence in these marginalized areas.

The deliberate subversion of the democratic process at the ground level shows the inability of the government to create a trustworthy relationship with tribal populations. This left-wing extremism caused by historical wrongdoings is deeply embedded in the affected areas. The deprivation continues from the tribal land ownership patterns, socioeconomic inequalities, and political deprivation to the lack of food and health security. This creates resentment, which is further fuelled by the insurgency groups. Insurgency pushes marginalized people into the

darkness of larger underdevelopment. All these issues stem from the lack of economic, social and political rights for the tribal people. The strengthening of counter-insurgency efforts is possible only when holistic development happens. Development of roads, infrastructure and a proper policy for economic and political strengthening of each person. Another issue here is that economic development does not account for the social identities of the agents, and the role of the sons of the soil is also intertwined with the development goals (Das, 2012). Corruption remains the biggest hurdle to effective developmental planning and security assurance.

Grievance is the driving force for militancy in the Northeast Indian Region. The ethnic insurgency began in Naga Hills during the mid-1950s and has since engulfed almost all of the Northeast. It has acquired a global character, where countries like Bangladesh, Bhutan, and Myanmar are used as sanctuaries for insurgents. In these areas, the insurgency is rooted in interethnic rivalries. Minor communities like the Bengalis in Tripura, Dimasas in Nagaland, and other outsiders are subjected to violence and cleansing (Brahmachari, 2019). Easy access to arms and other means of violence encourages insurgent groups to flourish. The government has failed to ensure human security in such areas, and a combination of insecurity and underdevelopment has led to a conflict trap (Das, 2012).

Women-related denial of rights. Discrimination against women goes against the value indigenous communities traditionally place on women. Matriarchal and matrilineal societies were common, and women were leaders, nurturers, decision-makers, teachers, healers, and warriors all at the same time. The Garo tribe, the second largest in Meghalaya, is one of the few remaining matrilineal societies worldwide (Government of Meghalaya, n.d.). The social system of the tribe makes women the owners of the land and sole inheritors of ancestral property. On the other hand, in Jharkhand, inheritance matters are informally governed by the tribe's customary practices, and women are not allowed to inherit the land.

Despite forming the majority of the tribal population, indigenous women are the most disadvantaged section of society. The harassment they face surpasses all bounds. Trafficking, sexual violence, killing, utmost denial of fundamental rights, and state and development-induced displacement constitute just a tiny percentage of discrimination (Erni & Luithui, 2012). The perpetuation of a patriarchal society and the idea of land ownership systematically denied women's customary rights to land, thus leading to a severe crisis in gender relations. The shift to fragmentation, ownership, and privatization led to an increasing denial of women's rights (Deo, 2021). Thus, systemic discrimination and violence against women also began. There has

thus been an erosion of indigenous women's role. This is due to the persistent lack of education, social and economic structures, and knowledge regarding their political rights.

Indigenous women also play an important part as allies in climate change adaptation and mitigation. They are considered the guardians of traditional knowledge, its customary use, and its language and transmission (United Nations, 2021). Their essential contributions and role create necessary conditions for conservation and management but are still often ignored by some governments.

Pathways to Engagement and a Sustainable Future

Issues such as poverty, malnutrition, exclusion, vulnerability to global warming, inaccessibility, and denial of rights are deep-rooted in many tribal dominant areas. The Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization (ILO), Article 23 of the UNDRIP, and the African Charter on Human and Peoples' Rights all recognize the indigenous peoples' right to development (OHCHR, 2016). Right to development ensures that people participate in the process and proceeds of development. The 1986 UN Declaration on the Right to Development (DRTD) reinforced the rights of indigenous peoples, including non-discrimination, accessible, active, and meaningful participation in development, and the right of peoples to exercise complete sovereignty over all their natural wealth and resources (OHCHR, 2016). It should be recognized that the locals can identify and measure their indicators of change (Catley, Burns, Abebe, & Suji, 2014).

The 2030 Agenda of the "endeavour to reach the furthest behind first" should be adopted widely as a token of equality, participation and accountability (United Nations, 2015). Prioritizing key issues and relentless efforts toward fulfilling Sustainable Development Goals and securing land rights should be of utmost importance for states. Development must be inclusive and community-driven, conservative practices must be adopted, and all other interferences must be restrained.

Resource Management and Opportunity Generation. Resource allocation, control, and usage lie at the centre of all international and domestic policies and debates. The developmental policies of the states require them to burn fossils, extract more and cut down forests. All leading to the loss of territory and biodiversity, high levels of anthropogenic greenhouse gas emissions, forced migrations, increased temperatures and further threats to the indigenous communities. Their resilience is constantly challenged. Human rights bodies have highlighted that such acts towards indigenous communities cannot be justified based on public interest. Agribusiness

activities, extractive regimes and massive displacements cannot justify its commercial gains (United Nations, 2021).

Economies creating opportunities for indigenous entrepreneurship, business growth, and resource management is the key to addressing issues of poverty and unemployment. Improving indigenous statistics, classification, and financial intermediation will expand frameworks for successful business development plans (OECD, 2019). But at the same time, the enthusiasm to modernize or commercialize should not create conditions that deprive their cultural identity. Indigenous communities should feel safe fostering alliances with authorities and civil society.

Traditional handicrafts, vocational training, and cottage industries should be encouraged. This will ensure the cultural development of the tribal community along with fulfilling practical occupational needs. Indigenous knowledge can be used as an essential tool for seeking the potential impact or the risks posed to their rights, beliefs, well-being, livelihoods, development, and survival. The scope of this knowledge is ever-expanding and evolving. Diligent use of this knowledge while safeguarding the cultural and social historicity of indigenous communities can enhance participation and decision-making.

Rights-Based Approach. This approach to development creates public interventions creating legal entitlements for meeting basic human needs. Human rights achieve a space of protection and dignity from where development can move forward. The interaction of human actors, their basic livelihood security, and interaction with authorities mutually reinforce human rights and development. Thus, the integration of human rights and development is related to creating conditions for empowerment, improving access to justice, and enabling marginalized populations to demand their rights (Sano, 2000).

Access to medical care, education, food, clothing, housing, and sanitation are all meagre. Roads, connectivity and communication, are needed as the main precursors of developing education, healthcare, and security facilities. Along with these, digital literacy, financial inclusion & security, responsive polity and administration, access to govt schemes, legal literacy, and access to cost-effective and speedy justice will go a long way in empowering the tribal people.

Education, a prerequisite and the most effective instrument for economic and social empowerment, lacks many aspects. Of the total enrolled students in higher education, the Scheduled Tribes constitute only 5.6% (AISHE 2020). The health condition of indigenous people is critical. There is a near complete absence of data on the health situation of the various

tribal communities (Government of India, 2018). The care system in Scheduled Areas is considered to be a low-output, low-quality and low-outcome delivery system. There is an urgent need for the systematic reconstruction and strengthening of the public health care system, focusing on an inclusive, needs-based approach. A systematic and integrated approach to health, economy and society needs to be adopted. Recommendations of the Expert Committee on Tribal Health provide a holistic outlook on this change (Government of India, 2018).

The right to development as a cluster, integrative and bridging right can connect individual and collective human rights ensuring their empowerment (Schrijver, 2020).

Women-Centric Decision-Making. The PESA rules 1996 are one of India's few gender-progressive forest-related laws. The gender-responsive policy framework, institutional arrangements and decentralized approach all enable women to be at the centre of decision-making (Tyagi, 2018). Hence, the problem lies in the lack of awareness of these rights and the power to practice them. There is also a limited engagement with the structural issues and many socio-cultural and economic barriers that restrain women from accessing local institutions (Tyagi, 2018). The capacity for policy formation has to be enhanced. FRA, 2006, mandates 1/3rd representation in decision-making institutes at all administrative levels and promotes full and unrestricted participation of women in Gram Sabha (Ministry of Tribal Affairs & UNDP, 2014). The Sixth Schedule to the Constitution ensures that out of the three members of the Autonomous District Council shall be a woman. The provisions provide enough inclusivity to women, but socio-cultural intersectionality is overlooked in certain places. Not all areas are gender-responsive and gender-inclusive, and women have become a mere bureaucratic presence. Thus, there is a need to strengthen awareness dissemination structures and empower women to take control of local decision-making.

Further, poverty reduction and socioeconomic empowerment schemes have to cater to gender-differentiated needs in targeted ways. Philanthropic engagement in India needs to engage with development through a gendered lens keeping in mind the various geographical, caste-ethnicity based and cultural contexts. Self-help groups as autonomous, change-fostering, community-based institutions should be encouraged. Adivasi women should have equal access to skill-based training, rehabilitation facilities and financial inclusion.

Women are at the forefront of all commercial/economic activity, and policy recommendations should focus on women's health, vocation, education and political rights to make long-term

structural change. The selection of Mrs Droupadi Murmu as the first indigenous woman president is a historic achievement, and many great hopes have been attached to the outcomes of this presidency.

Inclusion-Based Participatory Model. Systematic changes are needed where a self-determination-based partnership style engagement model is implemented. Community identification, governance, and self-led development remain significant to ensure sustainable livelihoods and ecosystems. Political participation of all community members and equal opportunity in leadership roles should be encouraged—the institutional mechanisms set up to empower the communities should be used judiciously. The emergence of powerful non-state actors with respect to their visibility, participation, and social & economic well-being will help further the goals of inclusion.

Participatory Impact Assessments should be conducted in a transparent and rights-compliant manner. Projects like the Sardar Sarovar should not hinder people's fundamental human rights; alternative rehabilitation must take precedence in executing such projects. Informed consent and consultation practices will give the tribal people the decision-making power they deserve. Individuals must be at the centre of the development process to reap its benefits. Mobilizing the youth and bringing the expertise of the local communities into the policymaking process will yield sustainable results. Young indigenous people should be the leaders of climate action, not the victim of climate policies (United Nations, 2022). Indigenous resurgence strengthens not only the climate leadership in countries but also changes the social norms raising indigenous knowledge governance systems supporting sustainable lifestyles (IPCC, 2022).

Indigenous communities' partnerships with civil society provide innovative solutions and can unblock pathways to remove institutional barriers (United Nations, 2021). Social safeguards via financial institutions and the adoption of judicial methods will further the goal of securing the rights of the communities. International law and solidarity also become important tenants in reinforcing the goal of transformative development. Today, there also is a global consensus on the efforts toward good governance, free expression, and social upliftment. Some governments are still criticized for lacking cultural sensitivity; better proactive among the community and immediate authoritative bodies, and the government will tackle this problem and smoothen the decision-making process.

Conclusion

As brought out by the Nobel Laureate Amartya Sen, freedom is the end and the means of development (Sen, 1999). Freedom comes from a place of security where one's rights are not hindered, and individuals can equally and meaningfully participate in social, economic, cultural and political development. The indigenous communities are in a disadvantageous position due to the many historical, economic and political factors discussed in the paper. Frequent displacements, heavy militarization and misuse of resources have long-term effects on the lives of the tribal community. A decent standard of living, right to education, right to freedom of expression, and all other fundamental rights enshrined in the Indian Constitution and international declarations must be ensured for each citizen. Indigenous women should be at the forefront and they should feel empowered enough to lead the developmental agenda forward.

Development and human rights both exist in an interdependent relationship and cannot work in isolation. Development creates conditions for the fulfilment of human rights, and human rights create opportunities for people to develop. The development consists of the progressive and phased realization of human rights and the economic transformation of society. To empower the indigenous communities, a human-centered integrative approach has to be adopted. The communities must be adequately equipped and empowered to seek their own developmental needs. This will address the issues of inequality, discrimination and unjust distribution of power that impede development progress. It will further ensure a healthy system of good governance.

India has to rethink and redefine the notions of development and make it a holistic, comprehensive and inclusive process. Short-term cyclic efforts will bear long-term structural gains. What is needed is a sustained effort to push for reforms relating to the indigenous communities. Along with the lack of institutional measures, there has also been a dearth of a systematic implementation process. In the last 75 years since independence, the government has failed to foster a safe environment of trust with the tribal communities. Transformative policies, better social equality, access to healthcare, systematic education delivery, and financial and technological inclusion must be ensured for each person. The ideas of oneness, interconnectedness and interdependence must come to the forefront. The government must constantly make efforts to gain the people's trust. These values will save the people from extreme conditions and help governments strategize better policies. As was the primary belief

of Verrier Elwin, the tribal society should be given the freedom to evolve/develop in its distinctive manner vis-a-vi the protection of rights (Guha, 1996).

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