

International Day of the World's Indigenous Peoples: Reflecting on Indigenous Rights and Development in India

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Abstract

The International Day of the World's Indigenous Peoples is a global observance that takes place each year on August 9 and is used to highlight the social, political, and economic rights of Indigenous Peoples around the world. Indigenous people, also known as Adivasis, or those who consider themselves as such, make up more than 8.6% of the population of India (more than 104 million people) and are constitutionally defined as 'Scheduled Tribes (STs)' in the Indian context. Even with elaborate constitutional provisions for affirmative action, socioeconomic protections, and autonomy in self-governance, Indigenous communities in India remain structurally marginalized, their lands taken away, environments degraded, and their health and educational systems lacking. This study explores the situation of Indigenous rights and development in the context of international frameworks, particularly the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in India. By employing a qualitative approach to the policy and legal study, this paper reviews pertinent domestic legislation, such as the Fifth and Sixth Schedule of the Constitution, the Panchayats (Extension to Scheduled Areas) Act (PESA) 1996, and the Forest Rights Act (FRA) 2006. It highlights the ongoing conflicts between the states' extractive development models and Indigenous autonomy (Swaraj) and suggests actionable policy recommendations to address gaps in implementation and close the divide between national development and sustainable Indigenous governance.

Key words: International Day of the World's Indigenous Peoples, Adivasi Rights, UNDRIP, Forest Rights Act (FRA), PESA, Scheduled Tribes, Development Displacement.

Introduction

In December 1994, the United Nations General Assembly formally declared August 9th to be the International Day of the World's Indigenous Peoples (Resolution 49/214) to signify the anniversary of the first meeting of the UN Working Group on Indigenous Populations in 1982. Indigenous peoples make up one in every six people in the world, with more than 476 million people living in 90 countries (International Labour Organization [ILO], 2019), and they represent the greatest share of the world's extreme poor (19% of the global total) (ILO, 2019). It is a very important day for the world to annually review progress made towards the goals of indigenous autonomy, intangible cultural heritage, and the elimination of systemic socio-

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economic inequalities.

Indigenous communities in India have one of the highest densities of indigenous people in the world. The ST groups are officially recognized as scheduled tribes under Article 342 of the Indian Constitution and are often self-identified as Adivasis (literally, 'original inhabitants'). According to the Census of India 2011, STs number 104.3 million and are distributed across various ecological zones from the Himalayan belts to the central peninsular plateau to the northeastern hill regions of India.

Indigenous rights are a historical process that has been unfolding over many centuries—from being conquered by colonizers, denied citizenship by law, and forcibly assimilated into broader society to being recognized as rights, granted territorial sovereignty, and having their right to self-determination and constitutional protections.

Indigenous peoples have long been regarded as people who lived on land without legal rights. They are now increasingly recognized as a nation by international conventions and national legal systems, and they have guardianship over global biodiversity.

In 2007, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly, providing a global model to support Indigenous peoples' claims to self-determination, control over their traditional lands, and resistance to forced displacement.

A principle that no commercial, industrial, or conservation project should be undertaken on indigenous territory without the free, prior, and informed consent of the local population.

C.R. Bijoy (2012) states, 'While India voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, the Indian state maintains a complex legal stance: officially holding that all citizens are indigenous to the soil, while recognizing Scheduled Tribes as historically disadvantaged groups requiring special constitutional protections. This tension between the adoption of international norms and domestic legal interpretation underscores India's approach to indigenous development.'

This article, on the eve of the International Day of the World's Indigenous Peoples, addresses the situation of the rights of Adivasis in India by looking at the disconnect between the promises in the Constitution and the realities of development on the ground.

Literature Review

Academic research on Adivasis increasingly challenges the very nature of the conflict between the State's developmental approaches and the insistence on safeguarding indigenous autonomy. Scholars increasingly highlight how rapid modernization and top-down policy interventions often precipitate identity crises, undermining the profound connection between Adivasi communities and their ancestral territories (Kumbhar, 2025). This ongoing dissonance between constitutional guarantees and on-the-ground outcomes reveals that current development frameworks frequently overlook the imperative of integrating culturally rooted and ecologically grounded paradigms into national planning. Furthermore, the persistent gap between developmental aspirations and systemic rights violations underscores the necessity of empowering these communities to define their own self-determined trajectories ([Apoorva](#),

2023). This shift requires moving toward a "nature-need and people-centric" model that prioritizes human dignity alongside ecological sustainability, thereby transcending the paradoxes of conventional state-led growth (Ghosh, 2026). Crucially, this shift demands a departure from standard top-down welfare measures in favor of a participatory framework that safeguards traditional knowledge systems while actively mitigating the persistent pressures of land alienation and geographical isolation (Apoorva, 2023; Kumbhar, 2025). This approach must move beyond tokenistic inclusion, ensuring that the diverse aspirations and differentiated perspectives of Indigenous communities are not merely acknowledged but are central to the governance of their ancestral resources (Apoorva, 2023). By institutionalizing the role of this indigenous expertise in development planning, policymakers can transition toward a governance model that respects community agency and fosters resilience against the systemic exclusion that has historically undermined these populations (Ghosh, 2026). Scholarly discourse increasingly emphasizes that addressing these deep-seated inequities necessitates a fundamental restructuring of traditional institutional arrangements to facilitate community-driven natural resource management (Chawte, 2025). Such restructuring requires the rigorous and consistent enforcement of landmark legislation, such as the Forest Rights Act and the Provisions of the Panchayats Act, which currently suffer from significant implementation deficits due to bureaucratic inertia and political interference (Bhagat & Bhagat, 2026). Indeed, the structural failure to operationalize these mandates underscores the broader, unresolved tension between progressive legislative intent and the realities of institutional exclusion (Padvi 2023). This disconnection calls for a new paradigm in governance that prioritizes Indigenous governance models that combine traditional governance principles and practices with contemporary development strategies to achieve sustainable, community-led development. This reconfiguration not only reinforces the autonomy of these communities but also calls for institutional reform to ensure participatory parity, moving state intervention from alienation to authentic empowerment, grounded in the right to social inclusion.

Legal and Constitutional framework of Indigenous Rights in India

The legal and constitutional framework of indigenous rights in India is highly attractive. The legal and constitutional framework of indigenous rights in India is looking good these days.

India has one of the world's most comprehensive and complex laws protecting indigenous peoples from exploitation and ensuring their unique cultural identity.

1. Constitutional Guarantees

Article 46 (Directive Principles): It states that the State shall promote and protect the educational and economic interests of the weaker sections of society, particularly the Scheduled Tribes and the Scheduled Castes with special care, and take steps to prevent social injustice and protect them from all forms of exploitation.

The Fifth and Sixth Schedule: The Fifth Schedule enables the governments of the designated 'Scheduled Areas' in ten central and western states of India to curb the alienation of land, with sweeping powers granted to the governors. Under the Sixth Schedule, high-level administrative autonomy has been granted to the northeastern states (Assam, Meghalaya, Tripura, and Mizoram) via Autonomous District Councils (ADCs) with legislative, judicial, and executive

powers to provide such autonomy.

2. Statutory Self-Governance: PESA Act (1996)

The Fifth Schedule areas were brought under local self-governance by the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) of 1996. The Gram Sabha (village assembly) was recognized by PESA as the primary custodian of tribal traditions and was given statutory powers to approve development plans, stop alienation of land, manage minor water bodies, and manage minor forest produce in the village.

3. Historical Redressal: Forest Rights Act (FRA) of 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, marked a paradigm shift in the Indian environmental legislation. Designed to correct the 'historical injustice' committed during the colonial and post-colonial eras, when forest-dwelling communities were treated as encroachers on their ancestral lands, the FRA recognizes individual forest rights (IFR) for cultivation and community forest rights (CFR) over forest protection, management, and resource collection (Xaxa, 2014).

Evolution of Indigenous Rights

There have been important international and national events that have shaped the development of Indigenous rights that seek to recognise, protect and promote Indigenous rights. The United Nations declared 9 August to be the International Day of the World's Indigenous Peoples in 1994, celebrating the distinct cultures, identities and contributions of Indigenous communities and raising awareness of the problems Indigenous people face throughout the world. The Panchayats (Extension to Scheduled Areas) Act (PESA) came into effect in India in 1996, extending the local self-governance framework to the Fifth Schedule tribal areas, and giving *Gram Sabhas* the powers to control the use of local resources and to safeguard customary practices. In 2006, another significant measure towards tackling historical injustices was the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (Forest Rights Act, FRA), which recognizes the forest rights of tribal and forest dependent communities. In the wake of these advances, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted in 2007, with India's ratification, which recognizes the collective and individual rights of Indigenous peoples, encompassing their rights to land, culture, language and decision making. These milestones have been achieved on a global and worldwide scale, reflecting the international and national focus on protecting the rights of indigenous peoples, advancing social justice and inclusive and sustainable development.

Critical Challenges in Indigenous Rights and Development

Despite these legal safeguards, facts about the developmental status of the indigenous people of India indicate that serious systemic deficiencies exist at many levels.

1. Development Displacement and Land Alienation

Land alienation due to resource extraction, industrialization, and infrastructure projects is the foremost structural issue for Adivasi communities. More than 80% of India's mineral resources

(coal, iron ore, bauxite, and manganese) are found in the Scheduled Areas. This has resulted in a disproportionate burden on tribal people due to the national expansion of industry.

The loss of ancestral homes leads to socio-cultural trauma and economic disruption, which is not always addressed in the compensation and rehabilitation process as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013.

2. Dilution of PESA and FRA Implementation

Although statutory measures such as the PESA and FRA give local *Gram Sabhas* power, they are often weak in practice due to administrative centralization, bureaucratic apathy, and corporate interests.

"The systematic diversion of forest land for industrial purposes without obtaining the genuine, uncoerced consent of the Gram Sabha directly violates the spirit of PESA and FRA, reducing statutory self-governance to a mere administrative formality."

— (Xaxa Committee Report, Ministry of Tribal Affairs, 2014)

In many resource-rich states, the rules under PESA were either delayed for decades or drafted in ways that diluted the *Gram Sabha's* veto authority over land acquisition and environmental clearances (Sundar, 2016).

Likewise, community forest rights applications under the FRA are also rejected at a high rate for similar reasons, including bureaucratic challenges, the lack of land mapping technologies, and the unwillingness of state forest departments to give up territorial authority.

3. Health, Nutrition, and Educational Deficits

- **Maternal and Child Health:** High rates of infant mortality (IMR) and under-five mortality persist due to geographically remote healthcare facilities and culturally insensitive medical services in the region.
- **Malnutrition:** The transition away from traditional, nutrient-rich forest food systems toward processed public distribution system (PDS) grains has exacerbated micronutrient deficiencies and anemia among tribal women and children.
- **Educational Exclusion:** The absence of Mother-Tongue-Based Multilingual Education (MLE) in primary schools creates severe learning barriers for tribal children who speak indigenous languages rather than state regional languages (Mohanty, 2019).

Aligning International Frameworks (UNDRIP) with Indian Reality

The International Day of the World's Indigenous Peoples is an appropriate time to check India's domestic human rights record against the international standard, UNDRIP.

Free, Prior, and Informed Consent (FPIC):

UNDRIP Articles 10 and 19 require the Free, Prior, and Informed Consent (FPIC) of Indigenous peoples to be obtained before any relocation. Although PESA and FRA include

provisions of consent through the Gram Sabha, in reality, consent is often ignored, fabricated, or coerced in environmental impact assessments (EIA) in India.

Cultural and Environmental Stewardship:

UNDRIP emphasizes Indigenous peoples' rights to maintain their spiritual relationship with traditionally owned lands. India's Supreme Court upheld this principle in the landmark Niyamgiri Case (*Orissa Mining Corporation v. Ministry of Environment & Forests*, 2013), ruling that the *Dongria Kondh* tribe's religious and cultural rights over their sacred hill had to be respected, leading to the unanimous rejection of bauxite mining by 12 *Gram sabhas*. This case remains a powerful example of the alignment of UNDRIP principles with domestic jurisprudence.

Policy Recommendations for Rights-Based Indigenous Development

To ensure that the commemoration of August 9th comes to fruition as structural changes for the Adivasi communities in India, the following policy recommendations are made:

1. Enforce PESA and FRA Compliance

Before any project involving industry, mining, or infrastructure is undertaken in Scheduled Areas, ensure strict adherence to the *Gram Sabha* consent provisions.

Simplifying the process of recognizing Community Forest Rights (CFR) as per FRA and handing over the management of MFPs to tribal cooperatives.

2. Establish Culturally Responsive Healthcare and Education

Expand the coverage of Mother-Tongue-Based Multilingual Education (MLE) in tribal-majority areas in primary schools, using scripts such as Olchiki (for Santali language) and adapted learning materials.

Incorporate traditional tribal healing systems and CHWs into the Ayushman Bharat National Health Care System to address gaps in health care delivery in rural areas.

3. Ensure Participatory Development and Forest Stewardship

Moving from top-down land acquisition to participatory development models, tribal communities' equity shares in sustainable local enterprises.

Improving forest governance by addressing the conflict between the Forest Rights Act 2006 and compensatory afforestation programmes, and by putting funds for afforestation into the direct control of the *Gram Sabhas* and not the forest bureaucracy.

Conclusion

The International Day of the World's Indigenous Peoples reminds us that in the world of economic growth, social justice and human rights go hand in hand. The constitutional and legal frameworks in India are robust enough to support indigenous self-determination and socioeconomic empowerment. However, the disconnect between the law and administration continues to displace and marginalize Adivasi communities and deprive them of the benefits

of national development.

The goal of inclusive development must be to empower Indigenous peoples not as passive beneficiaries of state assistance or obstacles to industrial development, but as fellow citizens, guardians of key biodiversity, and equal actors in national governance. Through the full implementation of legislation such as the PESA and FRA and respect for principles such as the UNDRIP, the Indian government can take a sustainable course that respects the dignity, culture, and rights of the country's original inhabitants.

References

- Aapoorva, A. (2023). Indigenous Communities: Human Rights and Right to Development. *Electronic Journal of Social and Strategic Studies*, 2(3), 289-313. doi:<https://doi.org/10.47362/EJSSS.2023.3302>
- Bijoy, C. R. (2012). The UN Declaration on the Rights of Indigenous Peoples and the Adivasis of India. *Asia Indigenous Peoples Pact (AIPP) Research Series*, 4(1), 45–68.
- Chawte, A. R. (2025). Tribal Empowerment through Inclusive Governance and Sustainable Development: A Case Study of Meghalaya. *Dynamics of Public Administration*, 42(1), 111-120. doi:<http://dx.doi.org/10.5958/0976-0733.2025.00009.9>
- Fernandes, W. (2008). Sixty years of development-induced displacement in India: Scale, impacts and search for alternatives. In H. M. Mathur (Ed.), *India social development report 2008: Development and displacement* (pp. 89–102). Oxford University Press.
- Ghosh, B. (2026). Paradoxes of Development: Critical Insights from India. *Journal of Developing Societies*, 42(2), 174-194. <https://doi.org/10.1177/0169796X261424989>
- Government of India. (2011). *Census of India 2011: Primary census abstract for Scheduled Castes and Scheduled Tribes*. Office of the Registrar General & Census Commissioner, India.
- International Labour Organization. (2019). *Implementing the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169): Towards an inclusive, sustainable and just future*. International Labour Office.
- Ministry of Tribal Affairs. (2014). *Report of the high level committee on socio-economic, health and educational status of tribal communities of India* (Xaxa Committee Report). Government of India.
- Mohanty, A. K. (2019). *The multilingual reality: Living with languages*. Multilingual Matters.
- Padvi, J. V. (2023). THE POLITICS OF TRIBAL DEVELOPMENT IN INDIA: A CRITICAL STUDY ON POLICY AND PRACTICE. *ShodhKosh: Journal of Visual and Performing Arts*, 4(2), 4207–4215. <https://doi.org/10.29121/shodhkosh.v4.i2.2023.4837>

Samir Kumbhar. The Tribal Identity Crisis in India: A Struggle for Rights and Recognition.

Int J Political Sci Governance 2025;7(12):134-140.

DOI: [10.33545/26646021.2025.v7.i12b.783](https://doi.org/10.33545/26646021.2025.v7.i12b.783)

Sundar, N. (2016). *The burning forest: India's war in Bastar*. Juggernaut Books.

Supreme Court of India. (2013). *Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests & Others* (Writ Petition (Civil) No. 180 of 2011).

United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (Resolution A/RES/61/295). United Nations.

Xaxa, V. (2014). Women and gender in the study of tribes in India. *Indian Journal of Gender Studies*, 21(3), 459–485. <https://doi.org/10.1177/0971521514544869>