

# Beyond Integration: indigenous assertion in India

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India

In 2004 the Ministry for Tribal Affairs in India proposed a new 'National Policy on Scheduled Tribes', a venture that has not been undertaken since Independence. The document is still a draft; the Ministry has posted it on its homepage for feedback from interested parties.<sup>1</sup> The policy, the Ministry states, 'seeks to bring Scheduled Tribes into the mainstream of society through a multi-pronged approach for their all-round development'. Judging from the massive critique by tribal or indigenous peoples' organisations, much of the problem stems from this very aspiration.

By Bengt G. Karlsson

For tribal or indigenous peoples, the goal is not to be integrated into mainstream society, nor to be developed by any, however benevolent, outside agency. What they want is recognition as peoples in their own right, treatment as equal partners and control over their lands and livelihoods and, through this, the ability to develop themselves.

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Several indigenous organizations have rejected the proposed national policy, arguing it is 'paternalistic and patronizing in intent as well as language' and that it avoids the most pertinent questions relating to rights to and control over ancestral lands and natural resources.<sup>2</sup> In the case of displacement, one of the most contentious issues, the Ministry's draft policy states that it 'causes much trauma to the affected people' and should be kept to a minimum, applied only when it is absolutely necessary 'in the larger interest'. These vague formulations are unacceptable to indigenous organizations who maintain that displacement should be prohibited in any circumstance unless the people in question have given their 'free and informed prior consent'.<sup>3</sup>

## Right of veto

The 'larger interest' has historically implied that people in the way of large development projects are forced to give up their land in the name of progress or for 'the greater common good'. The contention is whether the new national policy makes any difference in preventing further loss of 'tribal lands'. Would those who face threats of displacement be empowered in any way to veto such proj-

ects? Although the Ministry acknowledges the seriousness of the matter – stating that as many as eight and half million tribals have been displaced up until 1990 by major development projects, reservation of forests and establishments of national parks – the policy gives no such veto rights to concerned communities. The national policy focuses rather on how the effects of future displacements can be mitigated, rec-

ommending for example that land should be compensated with land, not money – as has often been the case. In this context one would assume that the Ministry of Tribal Affairs would have something to say about providing justice to past victims of displacement. But also here, the Ministry remains silent.

## Forced eviction

The Asian Centre for Human Rights' (ACHR) report on the draft national policy argues that displacement can more aptly be described as 'forced eviction'. For them, it is crucial that the government recognises international human rights laws that treat forced evictions as human rights violations.<sup>4</sup> More generally, according to the ACHR there is nothing new in the proposed national policy; is it a simple continuation of the 'welfare and charity approach'. What is needed, instead, is the formulation of a new 'rights based approach'. Constitutional provisions already exist, but have not been implemented.<sup>5</sup>

This is the crux in the controversy around the proposed national policy. To put it bluntly, the government continues a strategy of governing the 'tribals', whereas the latter seek means for governing

themselves. Hence, tribal or indigenous peoples' aspirations can no longer be contained within the state project of integration. Tribal or indigenous organizations demand that India recognizes international developments within the field of indigenous rights, for example, that the government ratify the new ILO Convention (No. 169 from 1989) and supports the work of the United Nations to adopt the draft declaration on the rights of indigenous peoples.

In this context, Indian tribal spokespersons claim the status of 'indigenous peoples' and have, over the last decade, increasingly started using this term and to participate in the meetings and networks of the global indigenous peoples' movement.<sup>6</sup> As a result, the divide between the Indian state's 'tribal policy' and the aspirations of indigenous organizations is widening. To make sense of this assumption, some background is necessary.

## Scheduled tribes and adivasi

India has a constitutionally recognized category of 'scheduled tribes' (listed tribal communities or STs), which since independence has been linked to a comprehensive programme of affirmative action. A person belonging to any of the

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ST communities is entitled to special safeguards, for example in education and employment. In addition, there are specially designed programmes for the economic 'upliftment' of scheduled tribes, commonly described as 'tribal development' projects. Even though many of these programmes failed (money was misused and ended up in the pockets of middlemen and contractors), belonging to a ST community can, in a situation of increased competition for government jobs and admission to educational institutions, still be an advantage.

Communities also struggle to get ST status. About 8 percent of the Indian population belong to a ST community, roughly 80 million people from some 450 communities. These include small groups of hunter-gatherers and pastoralists to agricultural communities of several million. A sizeable part of these communities have also entered the urban labour force and in some cases, the middle-classes. As this suggests, the tribal predicament is not uniform, though there is a widespread sense of a shared history of exploitation and marginalization, and thus of common identity.

This is perhaps most strongly expressed in the term *adivasi*, a Sanskrit derivation

meaning 'original inhabitants', coined in the struggle against the colonial state as well as land grabbers and money-lenders from the plains. Being *adivasi*, to assert such a collective identity, is thus political. *Adivasi* is commonly used as synonymous to 'tribal', which during the last decade has increasingly become equated to 'indigenous peoples'. Even if these terms are often used interchangeably, it is important to note that they have come into usage at different points of time and for different reasons.

The perhaps most controversial aspect of this terminological homology is that those designated as tribals (STs) would then become India's indigenous peoples, a status denoting internationally recognised rights to ancestral lands and resources and, crucially, the right to self-determination. The Indian government has consistently objected to this, as have several prominent Indian intellectuals and social scientists.<sup>7</sup> The government fears that recognizing the right to self-determination of indigenous peoples will strengthen ethnic separatist tendencies and jeopardize the state's territorial integrity.

For the government then, the status of scheduled tribes is an arrangement based on the particular realities of India which should not be conflated with situations in other parts of the world where the term indigenous peoples might be of relevance. Indigenous peoples' organisations in India obviously take the

opposite view, claiming that IP status applies and should be officially recognized. The politics of labelling is not without significance in the more mundane matters of daily survival. To exemplify this, I turn to India's forestlands where struggle over access and control remains a most contentious issue.

## Whose forests?

During British rule most of India's forest was transformed into a state asset, under the management of the state forest department. As several recent studies have addressed, the imposition of colonial forestry, which declared forest dwellers illegal intruders on lands they naturally considered their own, triggered protests and rebellions in many parts of the country. Conflicts over the forest continue; at stake is the basic question of whom the forests rightly belong to.

The independent Indian state has continued the colonial system of forest management, and the people who live in areas previously declared reserved forests or protected areas are practically without any legal rights in/to them. People living in the forest or its vicinity – the majority of them being tribals or *adivasis* – have continuously assert-

ed the forest should be returned to them. *Adivasi* and their supporters argue that those who live in and from the forest are best equipped to manage it in a sustainable fashion, pointing to the alarming rate of deforestation in many parts of the country.

Perhaps as a concession, the government introduced in the 1990s the much discussed national programme of 'joint forest management'. The forest remains under government ownership and control, but local communities are invited to manage the forest together with forest staff and also receive a portion of the generated revenue. But beyond such measures there are no state initiatives to strengthen tribal peoples' legal status in the forest. During the last two years there have been extreme moves in the opposite direction; the Ministry of Environment and Forests has launched an operation to evict all 'encroachers' from state forests. Those who have taken possession of forestlands after 1980 are to be evicted; many of the targeted 'encroachers' are tribal peoples who have long lived there. Millions of forest dependent people fear they will lose their lands and livelihoods.

It is in situations like these that indigenous peoples' status makes sense. It would certainly be much more difficult for the Indian government to legitimise such campaigns if international standards of indigenous rights had official sanction. <

## Notes

1. Available at [http://www.tribal.nic.in/national\\_st\\_policy\\_1.html](http://www.tribal.nic.in/national_st_policy_1.html)
2. See 'Adivasis Reject Draft National Policy on Tribals: Eastern Regional Assembly Opts for Alternative Adivasi Policy', press release, Ranchi 26 July 2004, and 'Position Statement of the North Eastern regional Assembly of Indigenous and Tribal Peoples organizations with Allies, on the Draft National Policy on Tribals', Dhemaji (Assam) 2-4 June 2004 (<http://www.iwgia.org/sw618.asp>).
3. 'Position Statement', op. cit., ref. 2.
4. See Asian Centre for Human Rights, 2004. *Promising Picture or Broken Future?: Commentary and recommendations on the Draft National Policy on Tribals of the Government of India*. New Delhi, pp. 63-69.
5. Ibid., pp. 4-5.
6. See B. G. Karlsson, 2003. 'Anthropology and the 'Indigenous Slot': Claims to and Debates about Indigenous Peoples' Status in India' in *Critique of Anthropology*, Vol. 23, No. 4, pp. 403-423.
7. This is the subject of B. G. Karlsson and T. B. Subba, eds., *Indigeneity in India* (manuscript under review).

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Meeting in Khasi Hills, Meghalaya. Part of the campaign to strengthen so-called traditional political institutions, meaning traditional chiefs and their councils.