



# General Assembly

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## Human Rights Council

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### Human rights bodies and mechanisms

## **Written statement\* submitted by World Barua Organization (WBO), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2023]

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\* Issued as received, in the language of submission only.



## **The Plight of Indigenous Peoples in India**

This Statement, while appreciating the the provisions of United Nations Declaration of Rights of Indigenous Peoples (UNDRIP), brings forth the plight of indigenous peoples from India. We take this opportunity to communicate with the council to attract its attention towards the plight of the indigenous peoples of India.

UNDRP and the Constitution of India:

UNDRIP has recognised the rights of indigenous peoples over land and forest. It specifically declare in Article 26(2) that:

"Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired"

They own the natural resources they are cohabitating with. The above-mentioned and other articles do recognise the rights of indigenous peoples.

The Constitution of India does not recognise the term indigenous peoples as such but Scheduled Tribes of India are part of the term indigenous peoples. In India, 461 ethnic groups are recognised as Scheduled Tribes and they are India's indigenous people. The rights of indigenous peoples are protected by different articles including Article 244, A330, A334, A371 and others. For the realisation of these constitutional safeguards various laws have been enacted. For instance, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA in short). This act in section 4(5) states that -

"save as otherwise provided, no member of a forest dwelling Scheduled Tribes or Other Traditional Forest Dweller shall be evicted or removed from the Forest Land under his occupation till the recognition and verification procedure is complete."

Under Section 5 of FRA, Gram Sabha is, inter-alia, empowered to ensure the decision taken in Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and biodiversity are complied with.

But these provisions at the international and national levels are non existing in reality. The Government itself violates the provisions, thereby rights of indigenous peoples, in place of protecting them. For instance, the Scheduled Tribes residing in the Gadachiroli District of Maharashtra State in India are protesting against proposed illegal mining work for more than a hundred days but the government is not taking cognizance of this protest. The mining work carried out and proposed to be carried out in this area is illegal as all the concerned Grampanchats have passed a resolution against this work. The resources owned and maintained for centuries by these indigenous peoples are being looted in the name of development.

In another similar case, the indigenous peoples were uprooted from their ancestral home land for Uranium Mining in the State of Jharkhand, India. The villagers, almost all of them belonging to Scheduled Tribes, from Chatikocha village of Jadugoda region from State of Jharkhand, India are still struggling after more than twenty years for proper rehabilitation as they were shifted for operations of Uranium mine and processing work. All the Indigenous Peoples residing in the vicinity of the Uranium Mines and processing units are facing tremendous health hazards due to these mining activities. Due to rapid deforestation in the name of development, the indigenous community leaving close to the forest areas has started facing various unknown health issues. On the other hand, indigenous peoples from the North East States have suffered for a long and are still suffering due huge influx of illegal migrants, poor mismanagement of this issue and illegal mining work in the region. The recent communal violence in the State of Manipur has highlighted the problems faced by indigenous peoples, namely, poverty, unemployment, addiction etc. These problems have contributed to the escalation of ethnic contradictions into a riot.

We urge the independent mechanism to communicate with India to uphold the international commitment by protecting indigenous peoples and by implementing the existing national legislation for the promotion and protection of Indigenous peoples.

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Voices for Peace, NGO(s) without consultative status, also share the views expressed in this statement.