

5th session: Expert Mechanism on the rights of Indigenous peoples
Languages and cultures in the promotion and protection of the rights and identity of the
Indigenous Peoples

That the languages and cultures of the Indigenous Peoples are as important and valuable as the other dominant communities has become an accepted fact and a reality today.

India is a multi-national nation and is considered one of the most democratic countries in the world. There are a number of indigenous tribal peoples all over the country. They are minorities except in a few states such as (1) Mizoram (94.5%), Lakhimpur (94.5%), Nagaland (89.1%), Meghalaya (85.9%) which are mainly in the north east India. In the mainland India, the hard earned statehood Jharkhand was granted to the tribals but having only 31.8% of the whole population. The north east Indian states have 68% of the tribal population while at the national level the tribals' total population is 8.2% (2011) only.

There is no specific article in the Constitution for safeguarding and protecting the indigenous tribal peoples. However, article 29 of the Constitution mentions in general any section of the citizens residing in the territory of India on any part thereof having distinct language, script or culture of its own shall have the right to conserve the same. It can be assumed that it refers to the indigenous minority tribals and their languages. The states are given special directives the responsibility to execute the cultural and educational rights of the Indigenous minorities in general.

Very few languages are, however, approved by the states which are taught from the primary to the higher studies but without the fund allocation by the state government. It is the tribals concerned that formed the literature society and takes the whole responsibilities of preparing and printing the books out of their interests for teaching their children at all levels in educational institutions. The state does not take the issue seriously, whereas for teaching the dominant language which is included in the 8th schedule of the Constitution, the state government takes the responsibility to promote them. They also introduce this language in all the schools from primary to high schools, where the indigenous children should be learning in their mother tongue.

Human beings manifest their thoughts and ideas through language and cultural activities. Due to conscious educational planning to impose the language of the dominant culture to colonize the mind of the indigenous peoples, one develops negative self image and slowly gets alienated from its own society because his mother tongue, culture, history, norms and values find no space in the school curricula.

National and state government laws can be easily used contesting the ownership of land and natural resources of the indigenous tribals in the name of implementing development project. At the grass-root or village and district levels new administrative systems have already been in depriving all the powers of the traditional chiefs councils and autonomous district councils respectively not respecting the aged old tribal land rights. The government has directly interfered in the village administration by using their agents.

Linguistically, all languages written or spoken communicate and have a structure and are equal in that sense. Imposing the dominant language, ignoring and undervaluing indigenous tribal peoples' languages are more of political construct than a linguistic fact. It is the most potent weapon that will toll the death-knell to the indigenous traditional culture as the influence of the language and the educational curricula is very powerful.

Nagas in Nagaland state use English as the official language, whereas they have 16 tribes speaking 16 distinct languages. For the development and promotion of the languages, the government entrust the responsibility to the respective community management. It is the first of its kind where community is involved. The village education council takes up the responsibilities to manage, direct, supervise and control the schools to ensure participation in the community and create a sense of ownership and belongingness.

Every indigenous community has its respective system of governance under the traditional chiefs council/traditional village council represented by clan elders. The post of the chief may be elected or hereditary. The council has the highest authority on every matter within its jurisdiction. Dormitory systems are also practiced for both boys and girls or the youth center where the main learning takes place-the knowledge and skills required for a responsible member in the community. It can be said that in a mechanized educational system, the indigenous child becomes a misfit but in the traditional educational system, every child succeeds.

There is a need for the government to recognize and approve tribal languages with adequate assistance to promote them.

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