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PERMANENT MISSION OF  
  
INDIA  
  
TO THE UNITED NATIONS OFFICE  
  
GENEVA

STATEMENT MADE BY MR. PRABHU DAYAL  
ON BEHALF OF THE DELEGATION OF INDIA  
IN THE WORKING GROUP ON INDIGENOUS POPULATIONS

1 AUGUST 1990

GENEVA

Madam Chairman,

Since my delegation is taking the floor for the first time during this Session, let me, at the outset, congratulate you on your re-election as the Chairman of the Working Group. Under your able guidance the Working Group has been making an ~~enormous~~ contribution to the task of developing international standards concerning the rights of indigenous populations. I would like to compliment you for the successful performance of this Working Group which is largely due to the democratic manner in which you have always conducted its proceedings.

I seek your indulgence in taking the floor to respond to a few points raised in an intervention made yesterday by Dr. Kisku the representative of the Indian Council for Indigenous and Tribal Peoples. Over the years my delegation to this Working Group has clarified that the term 'Adivasis' used commonly in India to designate the Scheduled Tribes should not be confused with the term 'Indigenous Peoples'. Dr. Kisku claims that this is a misrepresentation of facts and a misrepresentation of the Constitution. Therefore, I must clarify the position in this regard and place the matter in correct perspective.

Madam Chairman, the Constitution Order of 1950 had declared 212 tribes located in 14 states as scheduled tribes. This number has since grown. Dr. Kishku pointed out in his statement that multiple criteria were applied for scheduling the tribes. It is noteworthy that no single criteria has existed in India to distinguish

the tribal from the non-tribal populations. Anthropologists, social reformers, Government officials, census commissioners and even the noted scholar Dr. G.S. Ghurye in his seminal study on the scheduled tribes has pointed out how religion, occupation or racial features have proved inadequate when attempting to distinguish the tribal people from the non-tribal population in India. To say which section of India's population is indigenous and which is not would be an even more difficult task.

Since this conceptual issue has been so emphatically raised here by Dr. Kisku, may I, Madam Chairperson, seek your indulgence to elaborate upon what I have just said. Professor Andre Betaille, an eminent sociologist, in an important study on the definitional aspect of this question published in 1960 had stated as follows:

"In the beginning, nobody bothered to give a precise meaning to the term tribe. This did not create very much confusion so long as the groups which were dealt with could be easily located and differentiated from groups of other types. By and large this was the case in Australia, Melanasia and in North America.

In India, and also to a certain extent in Africa the situation is conspicuously different. In this country, groups which correspond closely to the anthropologists' conception of tribes have lived in long associa-

tion with communities of an entirely different type. Except in a few areas, it is very difficult to come across communities which retain all their pristine tribal character. In fact, most such tribal groups show in varying degrees elements of continuity with the larger society of India."

Professor Andre Beteille went on to state that in India hardly any of the tribes exists as a separate society and that they have all been absorbed, in varying degrees, into the wider society of India. The ongoing process of absorption is not recent but dates back to the most ancient times.

In short, the situation as it has evolved is that ethnically speaking, most of the tribes in present day India share their origins with the neighbouring non-tribal population. India has been a melting point of races and ethnic groups and historians and anthropologists find it difficult to arrange the various distinct cultural, ethnic and linguistic groups in the chronological sequence of their appearance in the sub-continent. For example, it has been claimed that the basic substratum of India's racial structure is ~~Negroid~~<sup>Negrito</sup>, supplanted later by proto-Australoids. The analysis of India's tribal population shows that ~~Negroids~~<sup>Negritos</sup> are negligible and proto - Australoids pre-dominate, exactly as reflected in the rest of the population. If the linguistic criteria is applied, there is even greater confusion; the Bhils, a tribe numbering

over 5 million which lives in Central India speak a language which has 80 percent of its words in Sanskrit, an Indo-Aryan language.

Without extending this accademic debate any further, I would like to reiterate for the record that according to the understanding of our delegation, in the Indian context the term indigenous people cannot be equated with the scheduled tribes. These two terms are not synonamous or congruent.

Distinctiveness on grounds of religious, cultural, ethnic, linguistic or other predominant characteristics could apply to several other categories of people in India, not only to tribals. In case the various criteria of indigenous populations were to be selectively applied to the Indian context, at least 300 - 400 million people could come within its ambit. I would therefore reiterate my Government's view that tribals in India do not constitute what is understood here by the term indigenous population.

Madam Chairman, over the years my delegation has pointed out in this Working Group that the specific designation of scheduled tribes in India has been made in keeping with the developmental requirements of certain sections of our population. Dr. Kisku has wrongly concluded from this that in our view such develop-

ment should be paternalistic. He has also wrongly concluded that the Government of India wishes to develop the tribals according to its own goals, plans and executive machinery. Far from considering the tribal people as inferior beings not capable of consultation or participation, the Government of India has been conscious of the fact that the scheduled tribes should be allowed to develop according to their own ideas and goals. It is a travesty of facts to say that our view of the development of the tribal people in India is paternalistic. I submit to the Working Group that in actual fact a system of positive discrimination and special treatment for the scheduled tribes is followed by our Government in order to secure for them special privileges and to ensure their accelerated progress.

The Constitution itself prescribes protection and safeguards for the scheduled tribes either specially or by way of insisting on their general rights as citizens with the object of promoting their educational and economic interests and of removing the social disabilities. Some of the main safeguards are:

- a) The curtailment by law in the interests of any scheduled tribe, of the general rights of all citizens to move freely, reside and settle in any part of India.

- b) Permitting the state to make reservation for the backward classes including scheduled tribes in public services in case of inadequate representations and requiring the state to consider their claims in the making of appointments to public services.
- c) Reservation of seats in the Lok Sabha and the State Legislatures.
- d) The setting up of tribal advisory councils and separate departments in the States and the appointment of a special officer at the centre to promote their welfare and safeguard their interest.
- e) Special provision for the administration and control of scheduled and tribal areas.

The progress registered during the last <sup>43</sup>~~39~~ years in the development of scheduled castes and tribes and other disadvantaged groups is considerable when compared to their conditions at the time of independence. The existing pace of development has to be assessed against the background of social and economic backwardness, reinforced by centuries of apathy and India's recent history of colonial rule and the inherent constraints on the resources of a developing economy.

Madam Chairman, Dr. Kisku claimed that in the name of development, the land and the territories of the tribal people have been invaded, and they have been evicted from their traditional habitat. He alleged that the tribes had been dislocated by the construction of dams. The reality is that land has been acquired by government for developmental projects of national importance from all sections of the Indian people, and it is incorrect to give an impression that the tribal population alone has been subjected to special privations. As regards the problems of social deprivation and exploitation, these are not linked to a tribal or non-tribal entity. Rather these are common problems for which there can be common solutions even if they may be especially tailored to take care of special situations.

Madam Chairman, over the years the Indian Council of Indigenous and Tribal Peoples has, in its statements in this Working Group demanded the right of self-determination. Self-determination is a specific term with a specific meaning. As is clear from Article 1 of the International Covenant on Civil and Political Rights the right of self-determination includes the right to freely determine one's political status. The right to self-determination includes the right to cessation and to form a separate political entity. It is for this reason that my delegation has repeatedly pointed out that the Government of India does not recognise the right of



self-determination of any group of people within India. Dr. Kisku has now clarified that his organisation is not asking for the right of self-determination in its traditionally accepted meaning, for he is not asking for the right of cessation but is asking for self-determination within the Constitutional framework of the Indian federal structure. It is clear from his statement that what he has in mind is not really self-determination but greater autonomy for the tribal people in running their affairs. Such misunderstandings need not arise if words are more carefully chosen. Self-determination is not the same thing as autonomy. In the international lexicon it has a specific meaning which is different from what Dr. Kisku has in mind. As regards greater autonomy and a separate state within the Indian federal structure, Dr. Kisku is well aware of the status of these questions. I will not dwell on them.

The Indian Council for Indigenous and Tribal Peoples, in its presentation also stated that tribals of India are fighting against an internal colonial situation created by dominant groups of our own country. Members of the Working Group are aware of the political and social diversity of India. From the distinguished membership of the Council present here it was difficult to expect such a sweeping generalisation. Professor Kisku himself who spoke on behalf of the Council has been a former Minister in the Central Government. The other representative, Mr. Samor. Brahma Choudhary is an erstwhile member of Parliament. In different states of India

governments of all <sup>States</sup> ~~states~~ and ideological opinion enjoy power. In the north-eastern states, i.e. Meghalaya, Arunachal Pradesh, Mizoram, Tripura and Manipur where the population is predominantly tribal, the tribals themselves are running the government. Where is the question of tribals in India living in a colonial situation and being dominated by the dominant ruling groups as has been claimed by the Council in its statement?