

INDIAN COUNCIL OF INDIGENOUS & TRIBAL PEOPLES  
28, Mahadev Road, New Delhi-110001

Economic and Social Council

General E/CN.4/Sub.2/1988/25

Commission on Human Rights

Sub Commission on Prevention of

Discrimination and Protection of Minorities -

Discrimination against Indigenous Populations

A Working Paper by Mrs. Erica Daes containing a set of draft Preambular paragraphs, - and principles - for insertion into - a universal declaration on Indigenous Rights.

Item 5

Intervention By Prof. A.K. Kisku

for Indian Council of Indigenous Tribal Peoples (ICITP)

4th of August 1988

WGIP 88/SAS/IND/2

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Madam Chair Person

As we are now doing some conceptual exercise on these draft standards prepared by the Working Group, I would like to place some comments from the point of our indigenous Peoples in India.

First: Part II - Art. 5. - India, after independence with its new Federal structure with linguistic states, and recognition to the major languages as official languages, but none of the languages or dialects of the indigenous Peoples, were not only, not recognised, or developed, but all kinds of Politics or indirect pressures, were brought in to assimilate our people in the main stream. A Parliamentary Committee was set up, for the study of the languages of the linguistic minorities, but nothing tangible has been done. What script should be used, whether Roman scripts, Devnaghi - or any other - has been one of the controversies, introduced on the subject, which has practically throttled the development of our languages. Government grants are extremely meagre, when we try to develop our own language and literature - Madam Chairperson, if you want to kill a "people" - kill their language.

What I am asking for is a little more positive wording. In either Art. 5 - after "forced assimilation or integration" - or - in Art. 9, - words like "right to receive from the State Exchequer substantial aid, to develop their own language and literature, according to their own genius.

My second Comment: On the Art.5 again on "of any propaganda, directed against them" (last line). It is most unfortunate - and painful for us in India Madam, whenever we have undertaken any movement on any of the Indigenous issue. Like "Language" - or "homeland" etc. We have been subjected to most virulent propaganda, - that we are doing such movement, under the influence of "Foreign Missionaries" - CIA agents. Therefore, I would ask for some positive protective words - in this draft - for such propaganda.

My third comment: Right of ownership and possession of land, is a concept for the future. I want to impress upon this house, the need for "right to the restoration of our alienated land", as our people have been evicted on a very large scale.

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It has a reference to Art. 15 - " the right to reclaim land". But are the words "reclaim" and "restoration" the same.

Fourth Comment: Art. 17 This art. seems to permit the state to exploit sub-soil resources - in the Tribal Habitat. It is one of the basic agony of our people that it not only enables the Government to exploit sub-soil resources, but also to put up industry, to manufacture finished goods, on the same spot. We cannot be satisfied only with compensation, but a substantial or major percentage of the profit, must go for the development of our People. Jharkhand region is one of the richest territory in India, and whereas the Industrialists and the Government have been making profits, jobs are going to the new migrants, and our people getting more and more evicted, unemployed and pauperised.

My last comment: is on Art. 27. Treaties or other Agreements.

We need some clarification on "other agreements", or some concrete elaboration. Our Indigenous Peoples had fought the British before any other people. There was Santal Rebellion, Munda Rebellion, Kol. rebellion, etc., and in every case we were ruthlessly crushed, we never surrendered. However, therefore, we cannot say, that there were treaties in the ordinary sense of the term, but after the episode was over, the British Government, did recognise the existence of our People, demarcated the land where our forefathers lived. Enacted special legislation on Land Tenancy Acts, and recognised our own self-government-systems, including Judicial systems and these special administrative measures were recorded in the official Gazette.

I would like to put on record our claim for a deeper study, and recognition and implementation of these measures, which may not come strictly under "Treaties", but the wordings in the draft should appropriately extended to give effect to such matters, for benefit of the Indigenous Peoples in India.

Thank you, Madam.

