

Ethnomethodological Study on the Equal Justice and Free Legal Aid for Indigenous People -Case Study of Right towards Self Determination

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Abstract

Legal Services Authority was established with the purpose of empowering marginalised and disadvantaged members of society by providing them with legal counsel and promoting legal literacy in order to narrow the gap between the accessible legal provisions and the qualified receivers. IP represent and sustain 80 percent of the world's cultural and ecological variety and inhabit 20 percent of the planet's geographical area. They try to retain traditional lifestyles, and engage in the existing governmental institutions. Despite all these contributions IP have a history of oppression, of being murdered, tortured, and enslaved.

The undertaken research paper have been drafted considering objectives that implies to assess the discriminatory and socioeconomic disparities faced by IP worldwide, to analyse the violation of Indigenous people's human rights by restricting their access to customary law, punitive institutions, and access to justice, and to review legal actions conducted nationally and globally to assist Indigenous people with equitable justice and free legal aid.

Data was gathered using Surveys, questionnaires, schedules, and observation were used to collect primary data. The Law Division's online papers, journals, publications, books, and websites are secondary data. The article was created using a qualitative analysis.

An Indigenous perspective will be brought to the legal commission's projects by the analyses' conclusions. As a consequence of colonialism, which persists in many society institutions, indigenous people experience widespread prejudice and injustice. Developing restorative justice projects entails regaining authority over their own people for Aboriginal communities, and this control must be core and crucial.

Key words: *Indigenous, colonialism, governance, prejudice, justice, customary law, punitive institutions, legal aid*

1. Introduction

The tribal people of India are much diversified. Each tribe has a distinct personality and nature, which necessitates a different approach. The world's most diversified indigenous population may be found in Asia. India has estimated between 94 million and 200 million IP in the area based on information¹ from different sources since there is no consistently disaggregated data on ethnicity and gender¹. According to recent research, the post-Independence Indian government has done a good job of caring for its indigenous people. More than 100 million tribal people live in 18 states throughout India. While tribal groups make up the majority in certain states (e.g. the North-Eastern states), tribal communities may also be found in smaller zones termed Scheduled Areas and Tribal Areas in various other states. Legislation, both national and state, enforces major checks and balances on the treatment of India's tribal community. Indian Indigenous People (IP) developed this report as part of their fight for human rights respect, protection, and acknowledgment.

1.1. Background

8.2 percent of the population of India is Indigenous (Adivasi), which means that 84 million people, or 8.2 percent of the population, are descended from the indigenous occupants of India. With approximately ethnic tribes (461) and a further 174 unrecognised indigenous groupings, only a small proportion of IP in India are categorised as "Scheduled Tribes" under the Indian Constitution (1950)². Only a few tribes are mentioned in the Constitution, although the phrase "Scheduled Tribes" is not defined. Scheduled Tribe ethnographic narratives are

¹ Dument, J. (2019). Justice and native peoples. In Native Americans, crime, and justice (pp. 20-33). Routledge.

² Cunneen, C., & Tauri, J. M. (2019). IP, criminology, and criminal justice. Annual Review of Criminology, 2(1), 359-381.

often contested, according to India's Census of 2004, since it is conceptually and practically difficult to recognise different populations as Scheduled Tribe. Other caste-groups that share similar interests, customs, and values are questioned regarding the distinction between recognised tribes and the other caste-groups that surround them. 5 Still, the national government primarily adheres to the Lokur Committee's Revision of the Lower Castes List in "1965 Advisory Committee Report", widely acknowledged as the "Lokur Committee Report", in defining the Scheduled Castes and Communities of India³. The term "Scheduled Tribes" is used to describe a group of Indigenous people who exhibit "primitive features, unique culture, geographic seclusion, shyness of interaction with the population at large and backwardness," in an offensive way. "Backwardness" and "protection" are used in the Constitution of India to describe the Scheduled Tribes, who have been categorised as a Scheduled Tribe under Articles 15(4) and 46 because of their "social, educational, and economic" status.

2. Literature Reviews

According to Özsungur, 2022, they were the initial occupants of the country, the people who spoke a variety of languages and lived in a variety of ways, and the people who practised various religious and cultural practises. The status and features of indigenous people differ from those of the rest of society in terms of their social, cultural, economic, and political position. For centuries, they have been the first people to settle in a region or nation, and hence they are regarded the earliest inhabitants of the territory⁴.

Author, García et al., 2021, stated that Scheduled Tribes, sometimes referred to as "Adivasis," are a group of Native Americans making up 8.2% of the total Indian population. Scheduled Tribes of India include 705 ethnic groups, but the country's cultural richness means there are many more that aren't formally recognised but should still be protected. Those who have lived in a nation for the longest period in human memory, strangely, are now fighting to keep hold of their identities, their land, their means of subsistence, and so on. Because of their disadvantage, they have to work for everything they have done or are a part of from birth. They are the most disadvantaged members of society. Indigenous people are accustomed to living in close proximity to nature; they find shelter, food, and spiritual meaning in the forest, and they have honed their resiliency in the face of extreme adversity. Because of this, their entire way of life revolves around protecting the planet's biological diversity⁵.

In the research done by Etchart, 2019, Environmental degradation is a well-documented side effect of industrial development in areas with abundant wildlife and lush vegetation. Tribes often bear the brunt of these consequences. Forests are being cut down for mining, infrastructure, agriculture, and other uses, and this is putting them in peril. As stated in the Indian Constitution, tribal interests are protected, including their right to self-determination and ownership of their territory. Indigenous tribes are protected from exploitation and their land rights are secured by this comprehensive plan. A right to self-determination is guaranteed in the Indian Constitution for indigenous people known as Scheduled Tribes⁶.

Forsyth, 2020, evaluated that Paradoxically, India's legal and legislative recognition of IP is on the rise both internationally and domestically. When it comes to "IP," India's government continues to insist that all Indians are Indigenous, notwithstanding the country's 2007 vote in favour of UNDP's declaration on indigenous rights and its signing of ILO

³ McIntosh, T. (2018). Indigenous rights, poetry and decarceration. In Human rights and incarceration (pp. 285-301). Palgrave Macmillan, Cham.

⁴ Özsungur, F. (2022). Functions of social work on integration of the indigenous population into society. In Indigenous People and Nature (pp. 199-216). Elsevier.

⁵ García Sánchez, C., & Hernández Ospina, A. (2021). The Universality of Human Rights: a commitment to the multiculturalism of IP

⁶ Etchart, L. (2019). IP and the rights of nature. *Voices of Latin America: Social movements and the new activism*, 97-119.

Convention No.107. 7 Rights that are guaranteed by international law are internalised by Indigenous tribes in India notwithstanding official rhetoric. According to ILO Committee Experts in 2012, a national tribal strategy has not yet been established. Indigenous rights activists in India have an uphill battle due to the widely held belief that all Indians are indigenous. The Supreme Court in 2010 ruled that Scheduled Tribes (IP) are the indigenous occupants of India, comprising up 8% of the populace, and that “Mundas” predates “Dravidian” languages, making “pre-Dravidian Aborigines” the progenitors of the existing Tribals or Adivasi (IP) of today⁷.

2.1 Research Gap

The study will focus on filling the research gap that has been discovered in previous studies. IP' human rights will be examined as part of the research. Studying a library of ideas that will be investigated, discussed, and ultimately stimulated the adoption of good practises to national and local contexts has erased all restrictions.. Indigenous people's human rights obligations have been upheld via collaborative efforts on this report, which emphasises the multi-party and communal nature of the implementation process of legal laws.

2.2 Research Question

- I. What are the discriminatory and socioeconomic disparities faced by IP worldwide.
- II. How have the Indigenous people's human rights been violated by restricting their access to customary law, punitive institutions, and access to justice?
- III. What are the legal actions undertaken nationally and globally to assist Indigenous people with equitable justice and free legal aid?

2.3 Importance of the Study

An evaluation of indigenous people's legal assistance and progress toward fair justice is crucial in this article. A key point is made by stating that because indigenous people live outside of a capitalist and globalised world where basic human rights are often ignored or not enforced, new policies enacted "for the betterment of society" neglect these people and further isolate them, leaving them uneducated and impoverished and unaware of the basic rights they possess. The report also focuses on elaborating that although many rights have been given and several laws have been passed by both the federal and state governments, many treaties have been signed but nothing has been done in terms of policymaking and implementation.

2.4 Research Objectives

- I. To assess the discriminatory and socioeconomic disparities faced by IP worldwide.
- II. To analyze the violation of Indigenous people's human rights by restricting their access to customary law, punitive institutions, and access to justice.
- III. To review legal actions conducted nationally and globally to assist Indigenous people with equitable justice and free legal aid.

2.5 Hypothesis

H0: There is no adequate justice and free legal aid facilities available for Indigenous people in term to safeguard their human rights.

H1: There is adequate justice and free legal aid facilities available for Indigenous people in term to safeguard their human rights

2.6 Scope and Limitation

The paper is limited to the research of equal justice and free legal aid for indigenous people -case study of right towards self-determination.

For the purpose of producing a more inclusive, egalitarian, and united society, the study has focused on analysing inside legal systems, how to combatively resist racism in the handling of intellectual property (IP). Decolonizing legal possibilities for ensuring indigenous people's fundamental human rights might be aided by this paradigm, which could help build actions that are specifically customised to the local situation.

⁷ Forsyth, C., Short, S., Gilroy, J., Tennant, M., & Irving, M. (2020). An Indigenous cultural competence model for dentistry education. *British Dental Journal*, 228(9), 719-725.

3. Research Methodology

A comprehensive foundation for understanding the project's major themes is provided by the research offered here. An array of methods, approaches, and action plans will be used to gather the data needed for future research purposes. An evaluation of the project's capabilities will be carried out as part of this project's responsibility. A case study on indigenous people's right to self-determination may be used to collect data, organise it based on outcomes, and make predictions regarding equal justice and free legal assistance for indigenous people using this technique⁸.

3.1 Research Method & Design

The study has used a variety of methods to collect data. Data from the Law Division's online papers, journals, publications, books and websites is first gathered. Inquiry council findings, court decisions, and media pieces in reputable and non-legitimate sources are only a few examples. National councils and organisations that deal with indigenous problems have provided the original data. Based on a set of assumptions that drive the researcher's questions and data interpretation, a qualitative analysis was used to develop the article. Ethnography is a field research approach in which the qualitative researcher actively interacts with the topic matter⁹.

3.2 Research Approach

When doing undertaken case studies, the use exploratory method and research methodology has been done. This study's inductive and deductive approaches have combined to provide a novel hypothesis about the way data and observations are collected. Goals and objectives are developed inductively, and secondary data is utilised to track progress in the opposite direction. New subjects, new theories, and new fields may be discovered as a consequence of secondary data patterns¹⁰.

4. Analysis of Study

1. What are the discriminatory and socioeconomic disparities faced by IP worldwide.

Global estimates place the number of Indigenous people now at 370 million. 15% of the world's most impoverished individuals are IPs, and a third of the rural poor are also IPs. A quarter of the world's population land and water is occupied by IP, which accounts for 80% of the world's biodiversity¹¹. However, study indicates that they are just as much a part of the city as they are the country. Studies on “Indigenous Latin America” in the “21st Century” reveal that about half of the continent's indigenous people now reside in urban areas. IP suffer unique challenges all around the world, including being among the poorest and most disadvantaged members of society in almost every setting.

Approximately 80% of the world's IP lives in poverty, according to the research, which analysed survey data from 10 nations in Latin America, Asia, and Africa¹². Looking back over a long period of time - often more than 20 years — to build trend lines of poverty rates found that indigenous people' poverty rates fell at a slower pace than non-indigenous populations', indicating that the gap between the two groups was expanding. Recent Latin American data suggest that the dissimilarity amongst the poverty rates of indigenous and non-indigenous people is not only narrowing, but in some instances is even widening. This trend will likely continue. In spite of this overall tendency, China's data covers a broad range. A

⁸ Bairagi, V., & Munot, M. V. (Eds.). (2019). Research methodology: A practical and scientific approach. CRC Press.

⁹ Cr, K. (2020). Research methodology methods and techniques.

¹⁰ Rinjit, K. (2020). Research methodology.

¹¹ Walter, M., Kukutai, T., Carroll, S. R., & Rodriguez-Lonebear, D. (2021). Indigenous data sovereignty and policy (p. 244). Taylor & Francis.

¹² Moreau, S. (2020). Faces of Inequality: A Theory of Wrongful Discrimination. Oxford University Press, USA.

significantly shorter time than the available data for other nations, thus this conclusion is less reliable¹³.

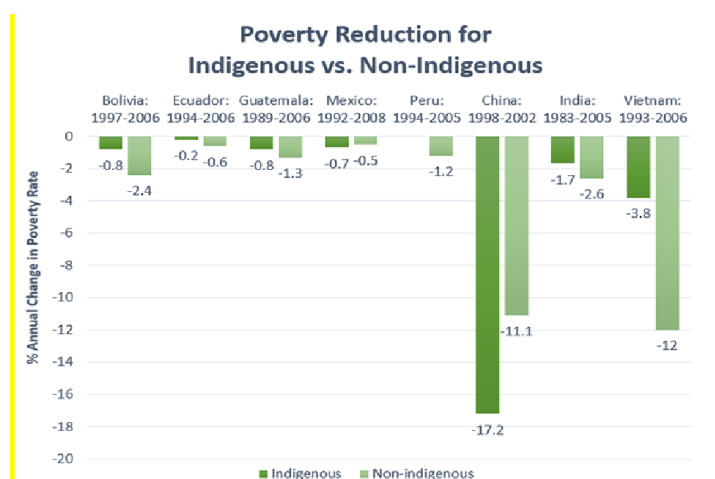


Figure 1 <https://blogs.worldbank.org/voices/poverty-and-exclusion-among-indigenous-peoples-global-evidence>

Indigenous people make up the bulk of the population in Asia. The oppression and injustices that they face, many of which can be traced back to European colonisation, are widespread. In order for indigenous children to become self-sufficient adults, there was a severe dearth of educational options, as well as traditional values and information¹⁴. The United Nations Declaration on the Rights of IP (UNDRIP) was approved in 2007, yet colonial-era discriminatory language continues to be used by governments and mainstream culture, despite decades of Indigenous organisations fighting for their rights.

"Indigenous" is a term and concept that recognises the unique position and rights of Asian peoples, although it has yet to be adopted or implemented by national governments. A number of Native American activists have been persecuted for their ideas and sometimes slain by the federal government. After he was held by four authorities from the Kaeng Krachan National Park in Thailand in 2014 on suspicion of unlawfully carrying a wild honeycomb and six bottles of honey, well-known Karen land activist Porlajee Rakchongcharoen (also known as Billy) went missing¹⁵. Since then, he's been AWOL. Indonesian indigenous farmer Bahtiar bin Sabang received a year in prison in 2016 after he was accused of stealing 40 pieces of timber from the Sinjai area of South Sulawesi.

Indigenous and non-IP health inequalities may be traced back to the failure to ensure IP freedom to fully realise their personal, social and economic potential. Indigenous and non-IP face vast disparities in health and wealth. To decrease the overall health gap between indigenous and non-indigenous people, we must reduce indigenous health inequalities. A lack of indigenous health monitoring and research is beginning to be addressed even in industrialised countries¹⁶. IP in industrialised nations have been shown to have poor health outcomes, such as mortality, sickness, good behaviours, and health care, but research on IP health in developing countries are few. Native American health inequalities may be attributed in large part to racial and economic inequities between indigenous and non-indigenous people. For indigenous people, health disparities continue to be exacerbated by

¹³ Latimore, J. (2018). Indigenous people are being displaced again—by gentrification. *The Guardian*, 9.

¹⁴ Avery, S. (2022). Intersections in Human Rights and Public Policy for Indigenous People with Disability. In *Disability Law and Human Rights* (pp. 221-238). Palgrave Macmillan, Cham.

¹⁵ Shih, W. Y. (2022). Socio-ecological inequality in heat: The role of green infrastructure in a subtropical city context. *Landscape and Urban Planning*, 226, 104506.

¹⁶ Ghebreyesus, T. A. (2018). Improving the health of Indigenous people globally. *The Lancet Oncology*, 19(6), e277.

socioeconomic status, reiterating the importance of socioeconomic position in reducing health disparities at the population level¹⁷.

II. How have the Indigenous people's human rights been violated by restricting their access to customary law, punitive institutions, and access to justice?

The most promising and problematic development in judicial reform is the subject of customary justice and its role in supporting the rule of law. Customary law is a term for which no consensus can be reached. The habits, beliefs, and conventions that is so essential to the functioning of a society or economy that they are regarded as if they are laws." Customary 'laws' include customary worldviews, values, standards, and codes of behaviour, in addition to long-standing customs or traditions¹⁸. International talks on customary law rights to resources and land have witnessed a steady rise in the importance of intellectual property (IP) organisations. Indigenous peoples are unable to support themselves by traditional farming, harvesting, or collecting because they lack access to and respect for nature's wealth. As a result, they lack access to traditional healthcare and other cultural pillars. Indigenous and tribal peoples are forced to live in insecure or subhuman conditions due to a lack of access to ancestral lands and no government intervention. In addition to an increase in infant and child mortality, malnutrition and an increased risk of sickness are on the rise, too.

Punitive justice, on the other hand, sees IP' rights breaches as profound, systematic, and pervasive (PJ)¹⁹. Indigenous people are subjected to PJ because it is a kind of retributive justice, which punishes criminals and is utilised as a form of discrimination. There is a long history of criminalization of IP, ranging from the outlawing of ceremonial rituals to the suffering of police aggressions in response to denouncing significant societal and political injustices perpetrated against people as well as their communities and the environment. Many genocide efforts to obliterate Indigenous culture, such residential schools and the 1960s scoop, were carried out with the use of political and legal means. Punitive violence against indigenous people's human rights has resulted in cultural dislocation, internalised self-hatred, and a range of powerful emotions, from outright wrath to pride in the strength necessary to live and prosper despite such crimes. In addition, the number of women in jail has increased dramatically, with special harm being done to Indigenous women²⁰. Over the last two decades, the number of women in prisons throughout the globe has more than doubled.

The contemporary state places a high value on access to justice, which is a cornerstone of the rule of law as codified in international treaties. It allows for the resolution of conflicts between the government and its citizens, as well as issues within the population being controlled. Additionally, the human rights of indigenous people are being violated because of a lack of justice. Structural flaws and shortcomings are commonplace in government-run judicial systems. For example, trials in the courts may drag on for months or even years before a verdict are rendered. Women are discouraged from taking action and pursuing justice in formal legal institutions because of delays and procrastination by the courts. As a result, women are less aware of their rights and unable to exercise their rights due to a lack of education and illiteracy²¹. Women are frequently unable to access judicial services due to poverty and a lack of information. As a result of their gender and ethnicity, indigenous women face many forms of discrimination, which is sometimes exacerbated by the fact that they are already marginalised on the economic front. In both the official and indigenous legal

¹⁷ Walter, M., Lovett, R., Bodkin Andrews, G., & Lee, V. (2018). Indigenous data sovereignty. Briefing paper.

¹⁸ Williams, V. R. (2020). IP: An Encyclopedia of Culture, History, and Threats to Survival [4 volumes]. ABC-CLIO.

¹⁹ Dawson, N., Coolsaet, B., Sterling, E., Loveridge, R., Nicole, D., Wongbusarakum, S., ... & Rosado-May, F. (2021). The role of IP and local communities in effective and equitable conservation. *Ecology and Society*, 26(3).

²⁰ Ornelas, E. (2020). *International Journal of Critical Indigenous Studies*.

²¹ Young, S. (2019). *IP, Consent and Rights: Troubling Subjects*. Routledge.

systems, the majority of these people suffer enormous obstacles to getting justice. Some significant issues may be found that severely restrict indigenous women's access to justice across the globe, even though these obstacles are typically country- or context-specific.

III. What are the legal actions undertaken nationally and globally to assist Indigenous people with equitable justice and free legal aid?

Access to legal assistance is essential to ensuring that all persons have equal access to justice. Government-funded legal aid programmes have a similar purpose of providing people with timely and accurate information about their legal rights and alternatives, regardless of how they come into contact with the court system²². You may get this support via public legal aid programmes or by seeking out specialised services for a specific topic or group. Legal aid programmes are available to anybody who qualifies as part of the community.

IP' international legal safeguards have arisen out of existing international law to take into account their particular circumstances and interests, thanks to existing human rights agreements.

International law safeguards IP' rights by providing standards and places for their advocacy. According to customary international law or "universal principles of law recognised by civilised countries," many United Nations pronouncements are not binding on governments. Additionally, IP' rights have been incorporated into domestic legal systems in recent years²³.

Anti-Native American bigotry is a serious issue. Many Indigenous people face prejudice whether applying for jobs, renting a home, or utilising government services. Discrimination against particular groups is a violation of human rights.

The Human Rights Legal Support Centre, which delivers services customised to indigenous people's cultural requirements, may assist them better access the human rights system.

Concerns over the high incidence of Indigenous incarceration and fatalities in jail have led to a concentration on criminal law and the help of Indigenous individuals at danger of detention or imprisonment in legal aid service's ILAP service providers are paid by the federal government, but the issues they deal with are governed by state and territorial legislation, therefore they must go via those jurisdictions' legal systems²⁴.

The process of ensuring that people have easy access to the legal system entails working with many different organisations. ILAP, which receives government funding, may be able to remove some of the hurdles to justice for Indigenous people, but it cannot solve all of them. In addition, state and territorial legislation have a significant impact on the demand for services. To put it another way, changes in state and territory legislation may have a major impact on demand for Indigenous legal support services.

All service providers must produce a wide variety of reports to monitor their success in terms of plan implementation and customer satisfaction²⁵.

H0: There is no adequate justice and free legal aid facilities available for Indigenous people in term to safeguard their human rights.

The vast majority of international agreements do not carry the authority of law with them when they are signed. To use just one example, declarations are among the most important documents pertaining to human rights. A declaration can only rely on the moral weight it transmits in order to achieve obedience. The rights of IP are intricately interwoven

²² Watson, N., & Douglas, H. (Eds.). (2021). *Indigenous Legal Judgments: Bringing Indigenous Voices into Judicial Decision Making*. Routledge.

²³ Jaswal, S., & Kshetrimayum, M. (2022). A review of Indigenous social work around the world: Concepts, debates and challenges. *International Social Work*, 00208728211073851.

²⁴ Foley, D. (2018). Indigenous methodology: Is it invented or is it legitimate?. *Journal of Australian Indigenous Issues*, 21(3), 20-38.

²⁵ Rainie, S. C., Kukutai, T., Walter, M., Figueroa-Rodríguez, O. L., Walker, J., & Axelsson, P. (2019). *Indigenous data sovereignty*.

with a wide variety of other human rights. There are a number of fundamental rights held by IP that are not specifically outlined in any of the existing treaties pertaining to IP' rights; rather, these rights are incorporated into more comprehensive documents like the Universal Declaration of Human Rights and the Convention on Genocide²⁶.

H1: There is adequate justice and free legal aid facilities available for Indigenous people in term to safeguard their human rights.

Article 244 governs India's Scheduled Areas and Tribal Areas to safeguard the economic rights of indigenous people. According to Article 275 of the Constitution, the parliament has the authority to allocate special funds to the state for the implementation of development plans that benefit Scheduled Tribes. The Tribal Article 244 political rights, Tribal Article 244 as well as the Tribal Article 244 are to be protected. To represent the state's scheduled tribes, states like Chandigarh, Madhya Pradesh, and Orissa are allowed to create a separate ministry under A164 (1)²⁷. The Indian Constitution's Fifth and Sixth Schedules safeguard India's Scheduled Tribes.

Constitution Amendment Act of 2003 created the National Commission for Scheduled Tribes. Vice-Chairman and three full-time members make up the board (including one female Member). There is a three-year staggered start for each of their periods. This commission investigates and resolves citizens' complaints concerning infringement of their civil liberties, serving as a watchdog in the process. Everything they do have to be in conformity with the constitution or other applicable legislation, and this is something they continually check. They have to be. It is also their job to advise and monitor the progress of these new organisations²⁸.

Protecting these people from any type of racial or religious discrimination or torture is the purpose of India's Scheduled Castes (Preventing Atrocities Act, 1985 and 1995). The Scheduled Tribes Bonded Labor Abolition Act of 1976 was passed in the hopes of safeguarding them from any kind of exploitation. The Forest Conservation Act was passed in 1980 to safeguard these tribes' reliance on trees.

After a long process, the International Labor Organization (ILO) in 1957 issued the first international treaty recognising IP' rights. The International Labor Organization (ILO) Convention No. 107 was signed into law as a consequence of this, and IP' rights were protected. It was only after a two-year revision process that the Geneva Convention No. 169 was approved²⁹.

In 2007, the United Nations General Assembly enacted an addendum to the Universal Declaration of Human Rights. Another important right of IP is the right to preserve their cultural and linguistic heritage. There is no need to be afraid of pursuing one's own aspirations in terms of social and economic growth.

5. Results

Indigenous people place a high importance on protecting their land, biodiversity, and traditional knowledge. Their particular culture and unique position in society make them a target of prejudice. A common problem for indigenous people is the loss of their ancestral lands to invasion, colonisation, or development by other segments of society and governments. Indigenous people's human rights have been recognised and protected by several international accords during the last few decades. To understand indigenous people's rights to natural resources, this study looked at international legal frameworks and examined

²⁶ Griffiths, K. (2018, September). Statistics, rights and recognition: the identification of IP. In 16th Conference of IAOS OECD Headquarters, Paris, France (pp. 19-21).

²⁷ Goyes, D. R., & South, N. (2021). Indigenous worlds and criminological exclusion: A call to reorientate the criminological compass. *International Journal for Crime, Justice and Social Democracy*, 10(3), 115-128.

²⁸ Peters, A., Bigby, B. C., & Higgins-Desbiolles, F. (2022). Indigenous. In *Encyclopedia of Tourism Management and Marketing*. Edward Elgar Publishing.

²⁹ Etty, T., Heyvaert, V., Carlarne, C., Huber, B., Peel, J., & Van Zeven, J. (2020). Indigenous rights amidst global turmoil. *Transnational Environmental Law*, 9(3), 385-391.

the major impact of extractive industries on indigenous people's rights to their land. The United Nations Declaration on the Rights of IP has become the standard by which indigenous rights are judged in both national and international settings. In order to achieve the goal of eliminating all forms of discrimination and oppression against IP, it calls for a collaborative effort. In addition, it allows people the opportunity to safeguard their economic, social, and cultural freedoms. The Scheduled Tribes, whose history is intertwined with that of India's Constitution, have received special protection under that document. Indian law puts a high importance on maintaining the land rights of the tribes since it is vital to their long-term sustainability and the preservation of their distinct cultural identities.

6. Conclusion

Discrimination and human rights abuses against indigenous people are common. The IP of almost every nation in the globe are poor, socially and economically backward. Laws exist at both the international and national levels, but they are either poorly executed or do not provide the same advantages to everyone. As a welfare state, India is obligated to respect the rights of indigenous people since it has the world's biggest population of indigenous people. Despite the fact that India's constitution promises a slew of rights, including the right to life, education, and culture, these rights remain a pipe dream. For this reason, even though several laws protect indigenous people, research reveals that their rights are often infringed, and they continue to live in social and economic backwardness because of it. As a result, a comprehensive approach to indigenous rights preservation is needed.

6.1 Future Scope

The rights of indigenous people are protected by a variety of international and state treaties. However, as different cases throughout the globe demonstrate, there is a discrepancy between the legal promise and the actual reality. An evaluation of this gap is essential for future study.

6.2 Suggestions

- Treaties must be implemented on the national territory of all nations that have signed or ratified an international treaty if the pact is to be fully effective.
- Indigenous people's rights and specific needs should be brought to the attention of the security forces. The perpetrators of any such abuses must be held responsible.
- The indigenous people's right to self-determination must not only be acknowledged on paper but also in practise. These people have a traditional way of life, and the government should not meddle with it or attempt to make them live like the rest of society.
- Tribe, Adivasi /indigenous people, and indigenous people are all phrases that may be used interchangeably. As a result, the term "indigenous people" should be redefined to include all Indian tribes and Adivasi communities.
- Every year, India's government should undertake a census to gather accurate information on the country's indigenous populations.

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