



CENTRE FOR LAW, GOVERNANCE AND POLICY STUDIES

**HIS HIGHNESS MAHARAJAS GOVERNMENT LAW COLLEGE
ERNAKULAM**

**THREE DAY NATIONAL SEMINAR
On
REALISATION OF COLLECTIVE RIGHTS OF TRIBAL PEOPLE:
ISSUES AND CHALLENGES**

8th – 10th March 2019



CONCEPT NOTE

Indigenous people of countries around the world face social, political and economic marginalisation. India has the largest population of indigenous people of any country in the world. One fourth of the world's indigenous population *i.e.*, around 80 million people are scattered in India. Indigenous people enjoy individual as well as collective rights that are essential for their economic, social and cultural wellbeing. In India, collective rights of tribal people are not properly recognized. Collective rights

include Right to development, Right to self-determination, self-rule and autonomy, Right over land and natural resources, Right to free, prior and informed consent, Right against forcible evictions, Right to protect culture, Right to participate in the decision making process and the Right to conserve and protect environment through sustainable development.



In India, the two prominent tribal settlements are the North Eastern region states bordering China and Myanmar and the highlands and plains of Peninsular India. The Vth and VIth Schedules of the Constitution of India provide for special governance mechanisms for these Tribal regions. The Parliament of India enacted the Panchayat (Extension of Scheduled Areas) Act (PESA) in 1996 for Vth Schedule areas. The main objective of the legislation was to devolve certain political, administrative and fiscal powers to local governments elected by the communities whether tribal or non tribal. Even after two decades, PESA has not clearly achieved its objectives. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 came into force with an objective of assuring a variety of rights which are critical for the indigenous people. Further we also come across a trite fact that except the right for residing in the land, claims are not seen staked over many of the significant guaranteed rights envisaged in the legislation. It has also to be comprehended that the implementation of this legislation leaves a lot to be desired. Consequently the Tribals are denied full enjoyment of the rights granted under the Act including collection of forest resources which includes minor forest produce, cultivation of land, selling the collected forest produces etc. It is also a trite fact that in spite of being the natural owners of forest land, the Tribals are being deprived of their right of ownership over their land. Their status has been changed from self-reliance to one of dependence. The Tribals also face cultural encroachment by the mainstream society which leads to the violation of their right to protect indigenous knowledge and language.

It could be commonly perceived that non- incorporation of collective rights in the domestic law, the non-implementation of the existing laws and administrative laxity are the main challenges for the realisation of Tribal rights in India. These issues are to be projected and a comprehensive discussion on these aspects is the need of the hour. The main aim of the Seminar is to analyse the Legal, Constitutional and Policy perspectives

relating to Tribals for the purpose of securing the collective/ group rights of Tribals and to provide suggestions for the formulation of inclusive policies for their development.



His Highness Maharajas Government Law College Ernakulam is more than a century old heritage institution of legal learning in India. The Centre for Law, Governance and Policy Studies is one of the Academic Centres of this institution which aims to create a platform for a productive and purposive dialogue on seminal issues having multi polar ramifications in society.

Objectives of the Seminar

- To generate an understanding as to how various facets of collective rights are critical in fostering the identity based existence of the tribal/indigenous people.
- To explore the perspectives of rights based approach essentially needed to balance preservation of the fundamental attributes of the tribal with the need to attain indices of human development.
- To understand manifold violations of human rights of the tribals and multifarious under inclusion and exclusion and to frame enduring strategies and models to combat such violations so to be integrated with the legal architecture.
- To critically analyze the perspectives in the Constitution and international and domestic laws and its attempt to institutionalize the group/ collective rights of Tribals, and to probe into whether the legal architecture have impacted the quality of existence of the tribals.

- To identify and analyse the hazards like governance and implementation gaps and other lacunae which critically affect the effectiveness of the legislations.
- To examine whether judiciary has made critical contributions towards realisation of collective rights of tribals.

Sub themes

- The jurisprudential analysis of the collective rights of Indigenous People - International perspectives on Collective rights of Tribals - Constitutional status of Tribals and the protection of Tribals with respect to collective rights- (PESA). Tribal welfare Programmes and governmental actions and inactions.
- Tribal land rights - Development induced displacement - Impact of Developmental Projects -Right to participation and right to free, prior and informed consent - Globalisation, Right to development and right against forcible eviction.
- Community rights under Tribal legislations: Implementation of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest rights) Act, 2006 - Rights of tribals over forest and natural resources and conservation of Biodiversity - Livelihood issues of tribals.
- Right to self-determination of tribals in India - Self government and autonomy - Tribal autonomy under Panchayat (Extension of Scheduled Areas) Act 1996(PESA),
- Ethnic identity, right to culture and language and literature - right to education- rights associated with indigenous knowledge-Tribal women issues and empowerment - health and sanitation issues.
- Tribal rights movements- role of NGOs - access to justice issues - role of judiciary.



Call for papers – Submission Guidelines

- ✓ Original works covering one or more of the above topics are invited for presentation.
- ✓ An abstract not exceeding 500 words shall be submitted for consideration.
- ✓ It must contain the synopsis of the paper, subtitles, and conclusion indicating the author's perspective.
- ✓ Abstracts will be subjected to peer review and only those abstracts approved by the reviewers shall be accepted for the purpose of presentation at the seminar.
- ✓ Word limit for full paper shall be 2500-3500. The final paper must contain a cover page with a brief profile of the author(s) with Full Name, Name of Institution/Organisation, Email ID, Contact number and address for communication.
- ✓ The papers must be in Times New Roman, Font Size 12 with 1.5 line spacing.
- ✓ Foot notes should be in Times New Roman, Font Size 10 with single line spacing.
- ✓ Full papers of selected abstracts are to be submitted along with the approval of the Head of the Institution. Selected papers will be called for presentation. Duration for the presentation will be 15 minutes.
- ✓ Selected papers will be published as Seminar Proceedings with ISBN number.
- ✓ One Co-author is permitted.
- ✓ Award will be given to the best paper.

❖ All communications to be made to the e mail id: clgps.glcekm@gmail.com

KEY DATES

Last date for submission of abstracts	-	22 nd January, 2019
Communication of Approved abstracts	-	24 th January, 2019
Last date for submission of Full paper	-	12 th February, 2019

Registration

The Registration for the Seminar can only be done through GOOGLE FORMS. Link: <https://goo.gl/forms/RHnkqSLvi6ncmB8H2> The link shall remain open till **11:59PM on 22nd January 2019.**

Registration Fee

The under graduate and post graduate student participants shall pay an amount of Rs. 300 /- and others shall pay an amount of Rs. 500/ towards Registration Fee. The Registration Fee may be paid in cash at the registration counter at the Seminar venue.

Hospitality

The organisers have genuine constraints in providing accommodation and TA/DA to the participants. The organisers will be happy to provide lunch and refreshments for the days of Seminar.

ORGANISING COMMITTEE

Patron

❖ **Dr. K.R. Reghunathan**

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His Highness Maharajas Government Law College, Ernakulam.

Faculty Co-ordinators

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Student Co-ordinators

- Mr. Dan Elias, - 2nd Semester LL.M.
- Ms. Gadha Suresh, - 2nd Semester LL.M.
- Mr. Devanand P.G., - 9th Semester (5 Year LL.B.)
- Ms. Gisha G.Raj, - 9th Semester (5 Year LL.B.)
- Mr. Joe S. Adhikaram, - 9th Semester (5 Year LL.B.)
- Mr. S. Muhammad Ali Khan, - 9th Semester (5 Year LL.B.)
- Ms. Alina Anna Kose, - 7th Semester (5 Year LL.B.)
- Ms. Arsha John, - 7th Semester (5 Year LL.B.),
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- Mr. Nigel Suresh, - 7th Semester (5 Year LL.B.)
- Ms. Reshma R. Krishnan, - 7th Semester (5 Year LL.B.)
