
INDIGENEITY AND INDIGENOUS PEOPLE: A NORTH-EAST, INDIAN PERSPECTIVE

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Abstract

The issue for arriving at an agreed definition of ‘who the indigenous people are’ has been one of the most disputable subjects of the post-colonial governmental issues. Various distinctions of sentiment and accentuation spark from this subject. The major detestation of colonialism and its massive influence on contemporary governmental issues resulted in the response of many groups of people who have been living a traditional and secluded way of life. Indigenous people groups, non-indigenous people groups, and the state play an important characteristic in connecting the dots in the dispute of indigenous people and their rights. In vast cases, indigenous put themselves far from these two groups (i.e., the non-indigenous people’s groups and the state) or subject. These groups of people have always seen themselves as a community whole, who have been in progress and a self-reliant and self-administering group of people. Until with passage of time, they see themselves from a victimhood point of view as one of the most undermined and underestimated communities within a nation-state. This scenario can be visualized in every region through notable inexcusable acts where indigenous people groups are being subjected to coercive expulsion from their community, forced acquisition of land and natural resources, and forced assimilation into the larger community and culture. This study is an attempt to highlight the gradual development in international laws design specifically to safeguard and protect the minority community from various oppression and exploitation, urging various representatives and organization to raise their voices on the pressing issues on the indigenous people groups and their rights, and also to secure these communities with some sort of self-autonomy and assure legal remedies as a remuneration for the past injustice.

Keywords: Indigenous People, Rights, Community, North-East, Self-Autonomy

Introduction

Formulating the concept of indigeneity happens to be prerequisite factors to determine the norm which could recognize minority community from other groups especially indigenous people groups who have high chances of being extinct in due course of time under the overarching nation-state.¹ Much understanding of the claims for indigenous rights is neatly based on the thorough knowledge of what the term indigeneity means? Indigeneity is the nature by which the unique state of affairs and the social cohesiveness within a community or group gathering are being expressed. Therefore, Understanding the question of indigeneity and its fundamental applicability is a prerequisite in seeking the rights of the indigenous people. For this reason, the exploration of indigeneity serves as the '*point de departure*' of this section.² Various attempts were postulated to straighten out the appropriate understanding of the concept of indigeneity. Of late, the claims of indigenous rights have been pertinent as a result of various advances made through protest and campaign and in turn have enormously contributed to the recognition and acknowledgment of the indigenous people and safeguarding their rights. The prevalent protest and post-colonial implication of the state in power remain to be one of the major reasons for the widespread acknowledgment and further even motivating factors for indigenous people of various regions, who have self-identified themselves as one, to protest against the state to recognize and acknowledge them.³ However, arriving in terms with a legitimate articulation of indigenous rights requires prerequisite conditions to define what is indigeneity all about and what being indigenous meant?

¹ Will Kymlicka, "Theorizing Indigenous Rights," *The University of Toronto Law Journal* 49, no. 2 (1999): 281-93. Accessed on March 16, 2020. doi:10.2307/826021. <https://www.jstor.org/stable/826021>

² G. F. Mbifi, "A Philosophical Justification of Indigenous Rights in Postcolonial Africa: A case study of the Republic of Kenya," (Master's thesis, University of Saskatchewan, Saskatoon, 2018), 8-9. <https://harvest.usask.ca/bitstream/handle/10388/8586/GEMOH-THESIS-2018.pdf>.

³ Joyshree Barua, "A look at some of the powerful protest that shook India," *ET Magazine*, April 07, 2018. <https://economictimes.indiatimes.com/news/politics-and-nation/a-look-at-some-of-the-powerful-protests-that-shook-india/articleshow/63658786.cms> For example, there has been a revolution of the indigenous people in the state of Assam to protect their rights, their homeland, against the illegal migrants who were penetrating the state for years. Also, protest the people of Tamil Nadu against the supreme court ban on the practice of bullfighting festival (Jallikattu) after being complaint by PETA.

Babie Shirin, "How dams are far more damaging than beneficial in Manipur," *Imphal Free press*, Retrieved on 07/02/2021. <https://ifp.co.in/how-dams-are-far-more-damaging-than-beneficial-in-manipur>

Defining Indigeneity and Indigenous people:

The term indigeneity refers to the nature of being indigenous and according to Barume, the word 'indigenous' etymologically is derived from the Latin word 'indigent' where the word *indi* stands for 'within' and *gen* or *genre* means 'root'.⁴ It would mean the first group of people who are born or inhabitants of a region or a territory. It indicates the earliest people who have been residing in a given land since time immemorial and the people who have the ancestral lineages to this earliest people who had their way of life, customs, and traditional way of living would be coined as natives or indigenous.⁵ Francesca Merlan in her "Indigeneity: Global and Local", points out that "indigeneity is taken to imply first-order connections (usually at small scale) between group and locality. It connotes belongingness, originality, and deeply felt processes of attachment and identification, and thus it distinguishes 'natives' from others."⁶

The genealogy of this term 'Indigenous' can be traced back to the times of colonialism where colonizers gave names to native Americans as 'Indian'.⁷ Although in the past, these native people had no names that describe themselves to be distinct from the European settlers. Jerome Levi and Biorn David Maybury-Lewis maintain that "the European invaders started referring the inhabitants indiscriminately as Indians as they thought that they had no common characteristics that distinguished them from the settlers."⁸ The indigenous people had no idea of the impending business brought by the colonizers or the European settlers that are concerned with buying and selling of goods, neither did they knew education and advancement of institutions. The progress of liberal values was led known to these- people and the native people had the practice of Christianity introduced to them for the first time. At a certain point in time, it was presumed that these groups of indigenous population would perish with the advancement and exploitative nature

⁴ Albert Kwokwo Barume, "Land Rights of Indigenous Peoples in Africa," *IWGIA Document* 128 Copenhagen, 2nd ed. 2014, 24.

⁵ *Ibid*; 24

⁶ Francesca Merlan, "Indigeneity Global and Local," *Current Anthropology* Vol. 50, No. 3 (2009): 304. <https://complit.utoronto.ca/wp-content/uploads/MERLAN.pdf>

⁷ The definition is being given in this paragraph as this chapter discusses the linkage between the attempts of defining who the indigenous people groups are and how indigenous rights can be assigned to these particular groups people, it is important to highlight the historical articulation, its definition, and genealogy in this section, for a clear depiction of arguments that follows from it in the context of indigenous people of North-East, India.

⁸ J M Levi and B Maybury-Lewis, "Becoming Indigenous: Identity and Heterogeneity in a Global Movement," in *Indigenous Peoples, Poverty and Development*, eds. G Hall and HA Patrinos (Washington DC: World Bank, 2010), 207, Chapter 2.

of colonialism. However, the indigenous people through various agitation, made their existence and their claims for acknowledgment and reclamation of their native characters and rights felt in the post-colonial era regardless of the experience of a considerable number of adversities, deprivation, and anguishes that they face. Driven by a continuous effort of restoring themselves as groups of people with a shared interest and reclaiming their identity, indigenous people have far set aside the question of surrendering their traditional way of life, culture and customs, and their identities.⁹ The concern with the overwhelming response against the atrocities and discrimination, liberal states in various regions are bound to modify their constitution, improve the political framework, and also re-look and revise governmental functioning in various developmental stages. In post-colonial times, many liberal states have also started to recognize and acknowledge the importance of community and culture in shaping the individuals as well as the people within the society and are slowly adhering to the theory of liberal-multiculturalism. Nevertheless, as much as the minority groups expect liberal democratic states to accommodate and recognize them, they are presented on various occasions due to the prevailing structural constraint of the capitalist society.¹⁰

The query on indigeneity can be dealt with in two essential ways. Genuinely considering the first inhabitants of a specific domain would be the primary way of connecting the indigenous people to their indigeneity. In this case, it would imply that the present population of indigenous people would be the direct descendants of the earliest people that lived in the region. Subsequently, there is the second way that the indigenous people are the population that lived in a particular territory before the advent of European conquerors. The later definition of indigeneity tends to relate to an earlier occupant of a region, whereas the former emphasizes the first inhabitants of a region.¹¹ The former definitional approach focuses on the first occupation of a region whereas the latter exhibits some sort of variable events referring to the incapacitating supremacy or dominion of a conqueror and series of events or consequences associated with those who happen to live then. For instance, James Anaya contends that the said terms allude to “the living relatives of pre-

⁹ H. Srikanth, *Indigenous people in a liberal democratic state* (Bauu Press: Colorado, 2010), 1-27. https://www.academia.edu/16835955/Indigenous_Peoples_in_Liberal_Democratic_States

¹⁰ H. Srikanth, *Indigenous people in a liberal democratic state*. (Bauru Press: Colorado, 2010), 1-27. https://www.academia.edu/16835955/Indigenous_Peoples_in_Liberal_Democratic_States

¹¹ Benedict Kingsbury, “Indigenous people in international law: A constructivist approach to the Asian controversy,” *American Journal of International Law*, Vol. 92, No. 3 (1998): 416-8. <http://www.jstor.org/stable/2997916>.

invasion occupants of lands currently subjugated by other. They are indigenous because their hereditary roots are imbedded in the terrains where they live... considerably more profoundly than the underlying foundations of all the more impressive areas of society living on similar regions or territory.”¹² Various contestation has been made by minorities over the globe, on being officially recognized as indigenous at the local and global level. This could be one of the reasons why many scholars, law specialists, and social activists put up a reasonable inquiry of indigeneity. The people who legitimately claim the rights and sought the protection might be either conceded or denied access to an indigenous right system only based on scholarly and down-to-earth reasoning base on the concept of indigeneity.¹³ Hence, the major take-away from this excerpt would be that indigeneity stands as a fundamental feature for all the indigenous people and it is the identity that remains in-take associated with their nature of being bound together with the strong thread of traditional ethos and attachment.

Indigeneity and Indigenous People’s Rights in International Laws:

Considering the huge decent variants of the indigenous people across the globe, the articulation of the meaning of the said expression has not been a simple task in the international arena. Few of the groups were taken into consideration at the governmental level from a defensive and systematic point of view and several larger groups were characterized in a manner that was generally convenient to them. There have been various attempts made for the classification of the claimant people who would later subscribe to the benefits of the legal recognition by various legal experts.¹⁴ To deal with the definition, certain statements have been formulated at the international level by the United Nations, the International Labour Organization (ILO), and the World Bank. And ever since, the meaning of indigenous people has not been embraced and it is still evolving as these articulated definitions elevated the degree of debate and added fuel to the existing political uncertainty within the United Nations. However, the working definition of the Report for the UN

¹² James Anaya, *Indigenous Peoples in International Law*, (UK: Oxford University Press, 1996), 3.

¹³ Anthony J. Connolly, *Indigenous Rights*, (London: Ashgate Publishing Ltd., 2009), 13.
Connolly, Anthony J. *Indigenous Rights*. London: Ashgate Publishing Ltd., 2009.

¹⁴ Krishna Menon, “Human Rights of Indigenous Peoples,” *e-PG pathshala*, 4. Accessed on 02-05-2020. <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=20>

Sub-Commission on the Prevention of Discrimination of Minorities (1986), somehow kept the definition still in practice as the rapporteur Martínéz Cobo stated that:

Indigenous populations are: composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them, by conquest, settlement, or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part, under a state structure which incorporates mainly national, social and cultural characteristics of other segments of the population which are predominant.¹⁵

The above definition was criticized as it identified certain objective criteria such as cultural differences, non-dominance, and less ‘advanced stage of development,’ and talks about the native aboriginal communities inhabiting the European Colonial Settlements in the United States & Australia. Whereas on the other hand, the government of Asian and African nation supported this formulation as it strengthened their position of no indigenous people in their countries – concerning an original occupier – who required special protection. This definition focuses on the objective aspect of the people such as cultural contrasts, less dominating, and less progressive communities.¹⁶ Furthermore, the UN special rapporteur’s definition was criticized basically for advocating only those communities that are under the European settlers in countries like the United States and Australia which shows a state of ignorance towards other tribal and ethnic groups in various parts of the globe.¹⁷ However, in Asian and African nations, the people who were segregated and classified as native or aboriginals by the settlers during the period of colonization were later on integrated as original citizens of the nations after the withdrawal of European forces. As a result, the government in Asian and African nations endorses this definition as it strengthens

¹⁵ Martinez Cobo, “International Day of the World’s Indigenous People,” *Asian Center for the Progress of Peoples*, August 2007.

¹⁶ Krishna Menon, “Human Rights of Indigenous Peoples,” *e-PG pathshala*, 6. Accessed on 02-05-2020, <https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=20>

¹⁷ H. Srikanth, *Indigenous people in a liberal democratic state*, (Bauru Press: Colorado, 2010), 1-27.

their intention of establishing no indigenous people within the state. However, in this act, many deserving ethnic communities have been neglected from being recognized as groups that needed special protection from the majority. Moreover, the bitter truth is that even today substantial figures of tribal and minorities community (indigenous people) in these nations are still living their lives and still endorsing traditional mode of living and adhering to ancient culture and customs which are prominently distinct from the majority population who are ready to exploit them for their land and natural resources. Apprehending the incoming complexities, Chairperson of United Nation Working Group on Indigenous People (UNWGIP), Erica-Irene Daes, did contribute to expanding the perceived concept of indigeneity and acknowledging different ethnic and minority communities as indigenous people but did not maintain a specific classification of the said terms. She indicated that indigenous people are: (1) direct progenies who had been living in a particular region when people of other mainstream culture and tradition showed up; (2) those the people who exhibit similar characteristics with indigenous people who maintain a far distance from the major population by inheriting the practically flawless customary techniques and traditional way of lives, as a practice by their predecessors; and (3) the people who integrate to the larger national social and political fabric which they are unfamiliar to.¹⁸

The definition articulated by the working group had a model referenced in a more adaptive manner accompanied with self-identification as a particularly important criterion. The methodology adopted in the formulation did soak up the flexibility of taking self-identification but concrete and final meaning have not been arrived at. The assertion was made clear that these groups of people must have the authority to monitor and go on with their authentic and distinct way of sustaining life and as well as have the right to self-define or classify themselves as indigenous and be acknowledged. The world bank in line with the understanding of the changing forms of idea and to address the apprehension, articulated a broader and more inclusive meaning of the indigenous people accompanied with the qualities and understanding of the connections that these people have with their naturally habited regions, the sense of self-identification and the acknowledgment bestowed by the majority section of the population, unique sets of local dialect

¹⁸ Erica- Irine A. Daes, "Report of the Chairman of the Working Group on Indigenous Peoples," A review of these definitions and other definitions are made by UNCPDPM (Sub-Commission), (10 June 1996) E/CN.4/Sub.2/AC.4/1996/2.

which are distinct from the mainstream people, the existence of different sets of institutional and public norms, and the various survival techniques and resource focused traditional invention to sustain themselves.¹⁹

Indigenous people and Indigenous Rights:

The concrete meaning of indigenous people as groups of people who have occupied a particular territory before colonial civilization occurs is very well taken. Commonly, rights can be comprehended as a privilege to something by the virtue of an individual's qualification, and comprehensive knowledge on the philosophical consideration of indigenous rights plays a supportive role in the discussion of this subject. Indigenous rights can be regarded as a legit claim of the indigenous people to keep themselves (their antique way of living, techniques and community norms to sustain themselves, age-old traditions, culture, and customs, etc.) protected from exploitation and misuse of the land and natural resources. Indigenous rights include starting from non-material rights such as political autonomy and self-determination to material rights such as rights over land and natural resources of the region. Joseph Raz in his "*The Morality of Freedom*," (1986) states that "an individual has rights if and only if he is entitled to have the rights and to hold another person under certain obligations is a sufficient condition for the well-being of an Individual, taking everything into account."²⁰ The correlation between rights and obligation is depicted in this definition.

Ethical rights and legal rights have also been differentiated by various scholars and philosophers. The lawful proceeding of the state is responsible for the formation and acknowledgment of legal rights. An individual with legal rights implies the right given by the state under the framework of law and assigns the obligation to the individual arbitrarily. For example, the universal adult franchise is the right to vote granted to all the citizen who attains the age of eighteen and above. These citizens must vote because these voting rights are granted by the state and so, they are obliged to assist the state. This is the whole crux of rights. On the other hand, rights that spring mainly from moral perception and which are cherished merely by being human

¹⁹ UN-REDD Programme Guidelines on Free Prior and Informed Consent, Annex 1, "Identifying Indigenous Peoples," pp. 36-40. Accessed on 02-05-2020. available at http://www.un-redd.org/Newsletter36/UN-REDD_Launches_FPIC_Guidelines/tabid/106080/Default.aspx.

²⁰ Joseph Raz, *The Morality of Freedom* (New York: Oxford University Press, 1986), 166.

is a moral right such as the right corresponding to life.²¹ The above all wellbeing of the indigenous people is being safeguarded through the above comprehension of rights. The structures of indigenous rights are being led down on the basis that these groups of people are entitled to the rights and are the operators furnished with the interest to upheld moral obligations. Although the indigenous people are put into the impediment of being in a minority status within a liberal state, it does not imply that there is a conflict of interest between the indigenous people and the non-indigenous people. The gap between these people and the mainstream population is being bridged through the empowerment of individual forces and freedom through the articulation of indigenous rights. However, due to the inferable evidence of different varied, exceptional recorded, and social experiences of the indigenous people, no single or comprehensive meaning of the rights of indigenous people have not been held. Nevertheless, despite the diverse and notably unique sets of people's group, culture, and historical setups, the concept of indigeneity act as a shared notion of qualifying these fundamentals. Consequently, Anthony Connolly characterizes indigenous rights as:

The rights aspired to, claimed, held, and exercised by indigenous peoples qua indigenous peoples—that is, under them being indigenous peoples and not members of other groups, such as the class of citizens of a nation-state or the class of minority groups within a nation-state. As rights, indigenous rights may be conceived in terms of claims to do with some human fundamental interests.²²

This section depicts studies that re-look and revise the reason behind undermining the rights of the minority groups, especially the indigenous people of North-East regions of India on the ground of inappropriate and inapplicability of the term 'indigenous' to these communities. The claims for the rights of indigenous people do not replicate with other post-colonial countries. Unlike capitalist-driven European nations, the claims for indigenous people's rights stand dubious due to the controversial understanding of the term indigeneity in Asia, particularly in India. The

²¹ G. F. Mbifi, *A Philosophical Justification of Indigenous Rights in Postcolonial Africa: A case study of the Republic of Kenya* (Master thesis, University of Saskatchewan, Saskatoon, 2018), 8-9, <https://harvest.usask.ca/bitstream/handle/10388/8586/GEMOH-THESIS-2018.pdf>.

²² Anthony J. Connolly, *Indigenous Rights*, (London: Ashgate Publishing Ltd., 2009), 13. https://www.researchgate.net/publication/236136108_Introduction_Indigenous_Rights.

demand for indigenous rights has been formulated and advanced by them on the idea of the Nozickian Framework (1974) also known as the historical rights.²³ This is evident in the context of the Indian sub-continent because the union of India was formed through the merging of various princely states after independence under the strong ideology of the national building process. The agreement of union or the memorandum of understanding signed between the central authority and the representation of the state paved the way to treaties about the protection and non-interference to the indigenous people in their traditional culture, way of life, public and private authorities, and institutions and customs. The Northeast regions have been the homeland and territory for all the indigenous people in the region since time immemorial and many of the tribal people were left undisturbed and un-interfere during the colonization period too. Before the birth of the country as a whole union of states, the forefathers of today's indigenous people were living in their territory with nature sustaining them. So, when requesting rights and sway over domains, indigenous individuals do as such for the sake of first inheritance.²⁴

In India, although the government is not in the mood to accept any concrete definition assigning the indigenous people as declared in the UN declaration, the native people now and then utilize 'indigeneity' on various occasions to charge against the authentic treacheries and other social, political and financial exploitation. Against all the odds of exploitative systems throughout the world, the concept of indigeneity serves as the spearhead of any political movement set out to achieve standard protection for the indigenous people. The ordered development of the possibility of indigenous people's rights is rooted in the concept of indigeneity and the nature of indigenesness. The concern and commitment of various social and political and philosophers on this subject are in line with this perspective. Although, a large number of indigenous communities have originated with authentic varied historical backgrounds, the government particularly in India neglect and abstain from recognizing the indigenous people and assigning them specific rights.

²³ Robert Nozick, *Anarchy, State and Utopia* (Oxford: Basil Blackwell, 1974), 35-38.

²⁴ The Constitution of India grants few states of North-Eastern region with the provision of sixth schedules which provides to states like Assam, Meghalaya, Tripura and Mizoram in order to protect the tribal population of each states. Sixth Schedule is provided under article 244(2) and article 275(1) of the Indian Constitution. However, I argue that this special provision is bias in nature, as there is no effort made to comprehensively include the remaining states like Manipur where there is indigenous people and who require certain provisions to protect themselves from illegal immigrants and corporate institution whose sole aim is exploitation in the name of development.

These groups of people who had a rich culture and historical background right from their origin have been often neglected or integrated into the nation-building process. Although various community adherence and various historical interpretation of who the indigenous people are conflicting in their nature, several ethnographical works and through a hereditary testing process that the tribal people and lately the Indian legal executive has declared this reality compellingly in some indispensable decisions.²⁵ The recognition of indigenous people and their legitimate rights have both been protected as well as deprived of on various occasions taking a similar instance of evolution of various theorists in the social and political scenario. Nevertheless, there have been contrary considerations in comparative postcolonial settings, for example, India and actually in the north-eastern areas of India. These indigenous people remain stripe of their legitimate rights to be protected and the existence of an unmistakable hostility towards indigenous claimant group.

Indigenous Rights with Reference to North-East, India:

Indigenous peoples' demand for their rights has been properly articulated and has taken a significant turn in Western countries such as the United States, Canada, Australia, New Zealand, etc as a form of a worldwide movement of Indigenous People.²⁶ The main argument is that; indigeneity refers to the concept of being indigenous or being distinct from the mainstream population irrespective of the sub-classification of "scheduled tribes".²⁷ The supreme court of India has ruled that "Scheduled Tribes are indigenous peoples of India" whereas in the Working Group debate whether the "Scheduled Tribes" of India are "Indigenous People" or not, the representative of the government of India, stated that the "Scheduled Tribes" of India are not "indigenous peoples".²⁸ As a result of this vagueness in the definition of who the indigenous people are various claims for indigenous rights by the indigenous people groups remains

²⁵ N. K. Das, "Indigeneity, Anthropology, and the Indian Tribes: A Critique," *Journal of Adivasi and Indigenous Studies*, Vol. 2, No. 1, (2015):

16. https://www.academia.edu/17308647/Indigeneity_Indigenous_People_and_Indian_Anthropology

²⁶ Rima, Wilkes. "The Protest Actions of Indigenous peoples Canadian-U.S. Comparison of Social Movement Emergence." *American Behavioral Scientist* 50, no.4 (2006): 514. <https://doi.org/10.1177/0002764206294059>.

²⁷ In India, all the citizens are taken as indigenous and scheduled tribes are mistakenly referred to as indigenous people. This way of understanding, I argue is misleading.

²⁸ Erica-Irene a. Daes. Report of the Working Group on its Third Session. UN. Doc. E/CN.4/Sub.2/1984/25 at p.35. Much of the discussion questioning the Indigenous.

unrecognized particularly in North-Eastern states like Manipur where the Meitei²⁹ who are not tribal but who makes the general population of the region has its unique culture and traditions. The articulation of a proper definition was much difficult in case of the India, as the nation has been colonized irrespective of the indigenous and non-indigenous people by the British. However, historical narratives remarked that certain backward communities were granted special protection with an agreement of non-interference. There was no instant of being recognized as indigenous people even though certain protections were granted by the colonizers. This treatment under the special protection devise by the colonizers was not based on being identified as the indigenous people but based on the socio-political backwardness and the demographic isolation of the community, who needed the intervention of the higher authority.³⁰ Similarly, following the same systematic classification of these people as backward people sustaining their living with the primitive traditional and customary techniques and ways of life, the leaders in post-colonial India neglect the legitimate claims and demands of the indigenous people, which is a pure indication of the effect of colonization.

Historically, the Indian sub-continent has experienced a large influx of immigration and it has been populated with tribal and non-tribal. All these communities have by and enlarge contributed to the upbringing and contributed to the growth of the civilization of the nation. With huge migration going on within the country historically, administrative leaders are posing with the difficult question of identifying who the indigenous people. Locally, the tribal community has been identified as the first people and they are locally referred to as the 'Adivasi.' However, certain non-tribal communities or ethnic communities such as the Ahom, the Koch, and the Meitei were the first people to origin in their regions even though they are non-tribal.³¹ India was the land of different princely states in the pre-colonial era. The process of unification and the idea of creating a union of the nation with a multicultural texture came later after independence. One can apprehend the efforts made by the post-colonial rulers to integrate the tribal people and integrate them in building a union of states. In an attempt to build up a strong country, various political and social

²⁹ The Meitei are the indigenous people of Manipur who inherited the land and the resource right from the beginning and before the arrival of colonialism.

³⁰ H. Srikanth, *Indigenous people in a liberal democratic state*, (Bauu Press: Colorado, 2010), 5-8. [https://www.academia.edu/16835955/Indigenous Peoples in Liberal Democratic States](https://www.academia.edu/16835955/Indigenous_Peoples_in_Liberal_Democratic_States).

³¹ H. Srikanth, *Indigenous people in a liberal democratic state*, (Bauu Press: Colorado, 2010), 5-8. [https://www.academia.edu/16835955/Indigenous Peoples in Liberal Democratic States](https://www.academia.edu/16835955/Indigenous_Peoples_in_Liberal_Democratic_States).

scientists such as Andre Beteille, Justice Y. K. Sabharwal, and others argued against the chronological definition of indigenous people and expresses that the term ‘indigenous people’ is irrelevant in the Indian context.³² And in these attempts, outrightly discarded as not relevant with the Indian settings. The state maintains that the characterization of the community as ‘indigenous’ does not apply to both specific classes of community or the tribal people. Even after many years of reparations, the Indian government is unable to arrive at a concrete meaning of the term. Historically, the Indian subcontinent experienced migration of people from other regions, and the people contributed to the development. In this context, social scientists believe that the sweeping utilization of the term ‘indigenous people’ instead of ‘tribal people’ is problematic. Andre Beteille argues that any classification of the term indigenous is a huge problem in India, as people who are identified as tribal in the ‘scheduled tribes’ have co-existed together with the non-tribal community. He expressed the difficulty of segregating these groups and establish a concrete and distinct definition. Additionally, he states that building a positive framework assigning criteria such as (environment, racial characteristics, language, or religion) to differentiate between the two is an impossible task.³³ In 1993, at the Indian Institute of Advanced Study, Shimla, discussing the pressing matter and addressing the case, nearly 20 social theorists stated in their resolution that:

the word ‘indigenous’ should be used not in [the] chronological sense but in the normative sense to cover people who feel rooted in their surroundings, entertain a custodial sense about their territory and resources, are bound together primarily through moral bindings, and entertain a sense of reciprocity and mutuality reinforced by egalitarian ethos. We consider that in [the] ideal-typical cognitive realm, tribe as a social category can be considered to be indigenous in the foregoing sense.³⁴

³² André Beteille, “The Idea of Indigenous People,” *Current Anthropology* 39, no. 2 (1998): 187-92. Accessed on March 20, 2020. doi:10.1086/204717. <https://www.jstor.org/stable/10.1086/204717>. Also, see, Y. K. Sabharwal, “Plenary Session: Rights of Indigenous people,” *International Law Association- 72nd Conference*, Toronto (2006): Accessed on March 20, 2020. http://www.supremecourtindia.nic.in/speeches/speeches_2006/ILA-TORONTO.pdf

³³ *Ibid*; 187-92.

³⁴ B. K. Roy Burman, “Indigenous and Tribal Peoples in World-System Perspective,” *Studies of Tribes and Tribals*, July, (2003): 7-27.

On the other hand, many activists and social theorists in an attempt to define the indigenous people took to a consensus that it is suitable to take the tribal community who under the scheduled category as the indigenous people. However, the primary concern here is not the substitution of Indigenous people alone but the non-recognition of indigenous people who are not enlisted as tribal people.

Conclusion

As far as the north-eastern states of India are concerned, these states only got separated after decolonization and before the advent of colonizers, states like Manipur and Tripura were a princely state ruled by kings. The major population of Manipur was the Meiteis. They are a non-tribal community that has been living in the territory before the arrival of the British and these people live a traditional way of life and can be distinguished by their cultures, food habits, and occupations, and even today they stick to the age-old customary belief system accompanied by the shadows of aboriginal characters evading the mainstream population from integrating and assimilating them. So, the idea of ascribing the meaning of indigenous people to the tribal community requires a revision and it needs to be cross-checked.³⁵ The distinction between indigenous people and non-indigenous people otherwise, the interchangeability of the term denoting both Indigenous people and also tribal people in India are misleading. Moreover, these communities who have their traditional way of existence and who have been practicing their age-old customary laws based on natural derivatives ought to be identified as indigenous people of India based on the concept of indigeneity. Today, indigenous people are in great need of a right to protect themselves and their lands and resources whom they regard as secret in their hearts and be safeguarded from the increasing influx of foreign migrants and outsiders, who not only see these lands as a figure of commercial potency but also depriving them of the resources that they use to sustain themselves.

³⁵ André Béteille, "The Idea of Indigenous People," *Current Anthropology* 39, no. 2 (1998): 187-92. Accessed on March 20, 2020. doi:10.1086/204717. <https://www.jstor.org/stable/10.1086/204717>. (Andre Beteille objects to calling the tribes indigenous peoples since the acceptance of the term would shift the focus from the more compelling problems of tribal development and integration to issues of political power).