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Abstract

The rights of indigenous people came to be recognized with the establishment of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Protecting the rights of the indigenous people has led to one form of contestation or the other. When it comes to the rights of indigenous people, their rights has been emphasized often on their culture, their customs and recognition of their traditional systems. The persistent struggle for the rights as an indigenous people has often been met with resistance and non-recognition of their rights as indigenous groups within their territories are found to be prevalent which they felt the need to protect their rights viz. traditional, customary, historical and political.

States use different terminological reference to indigenous peoples in different countries those called as aboriginals, first people, etc., and Scheduled Tribe in case of India. The highest ethnic diversity among the indigenous and tribal population is in the North-Eastern region. The Nagas in the Northeast of India are the indigenous people traditionally inhabiting the Naga Hills of the Indo-Myanmar frontier. The Naga tribe in Manipur are situated in the Hill Areas. The Tangkhul Nagas in the hill areas form the non-dominant groups and remain marginalized. Special provisions for the tribals were introduced through Constitutional amendments, protective arrangement, affirmative action and through various developmental measures. There is special

provision for the under Constitution for the people in the hill areas of Manipur under article 371C.

In the light of the Declaration in ascertaining the full enjoyment of rights, in protecting their rights over land and natural resources through the recognition of their custom, and in affirming them of their autonomy, the thesis tries to reflect into the laws ascertained for the Scheduled Tribe in India with specific reference to the Tangkhul Nagas in the State of Manipur. In reference to the indigenous groups as Scheduled Tribes in India, it tries to find out whether the laws and mechanisms are provided for the tribals, particularly for the tribals in the hill areas of Manipur. The policy for protection of the tribals in the hill areas are studied through the Village Act, District Act and Special Provision of Article 371C. It also tries to seek whether the rights of the tribe are safeguarded within the State they are situated, and whether such mechanisms help in realizing their inherent rights. It also seeks to analyze the factors hindering the tribe from full enjoyment of rights and, whether such hindrance lies within the State structure and its policy towards tribals, or within the tribe itself.

The realization of the Declaration depends upon the effort of the member states, by making laws in line with the existing standard and ensuring the implementation of it. So does for India, being one of the supporters of the UNDRIP, calls for its responsibility towards the realization of the rights of indigenous peoples.

Key Words: indigenous rights, Manipur, Naga, Scheduled Tribe, UNDRIP, 371C.