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**INDIGENOUS AND TRIBAL PEOPLE: THE CASE OF THE**  
**JARAWA TRIBES IN INDIA”**

AUTHORED BY - YASHVI CALLA & UJJAWAL AHUJA

**Abstract**

This paper critically examines the complex interplay between development, indigenous rights, and transnational legal fabrics through a detailed case study of the Jarawa Tribe of the Andaman islets. It explores how ultramodern state-driven development enterprise similar as road construction, tourism, and infrastructural expansion have significantly disintegrated the Jarawa's traditional way of life, leading to social, artistic, and environmental declination. While these development systems are frequently justified under the guise of public interest and progress, they've constantly overlooked the lineage's autonomy and concurrence, performing in encroachments on their ancestral land and exposure to external influences that hang their survival.

The study contextualizes these developments within the broader frame of transnational mortal rights, particularly the International Labour Organization (ILO) Convention No. 169, which emphasizes the right of indigenous peoples to save their culture and control over their lands. Despite India not being a signatory to the Convention, the principles elevated in it give a precious normative frame for assessing the state's scores toward the Jarawa. The paper explores domestic judicial interventions, assaying corner judgments by Indian courts that have tried to strike a balance between state- led development and the protection of indigenous rights. Eventually, the paper argues for a further inclusive and participatory development model that recognizes the Jarawa's essential quality and right to tone-determination. It calls for a reassessment of current programs and lawyers for stronger legal safeguards to ensure that development doesn't come at the cost of erasing indigenous individualities and societies.

## Introduction.

The protection and creation of the rights of indigenous and ethnical peoples have come central enterprises in transnational mortal rights converse, especially as globalization and development imperatives continue to cross, frequently contentiously with the lives and livelihoods of these communities. Indigenous people, numbering over 476 million encyclopaedically, face disproportionate challenges, including social marginalization, profitable disenfranchisement, artistic assimilation, and systemic demarcation. These issues are particularly pronounced in countries witnessing rapid-fire development where indigenous homes are decreasingly viewed as spaces for resource birth, tourism, or infrastructural expansion. In response to similar systemic vulnerabilities, transnational legal fabrics have evolved over the decades to establish list and normative norms to guard indigenous peoples' rights. Among the most prominent of these is the International Labour Organization's Convention No. 169 concerning Indigenous and ethnical Peoples, espoused in 1989. ILO Convention No. 169 represents a significant shift in the transnational community's approach toward indigenous peoples. Unlike its precursor, ILO Convention No. 107, which had an integrationist and protectionist exposure, Convention No. 169 underscores the significance of discussion, participation, tone- determination, and respect for indigenous artistic integrity. It affirms the right of indigenous peoples to control their own institutions, ways of life, and profitable development, and to maintain and strengthen their individualities, languages, and persuasions. One of its most defining features is the emphasis on " free, previous, and informed concurrence" (FPIC) before bearing any development that affects indigenous homes or communities. Despite being extensively honoured as a foundational instrument for indigenous rights, the Convention has been ratified by only 24 countries to date. specially, India, a nation home to further than 700 honoured slated lines, constituting over 8.6 of its population has not ratified this convention.

The present paper critically examines the applicability, connection, and implicit counteraccusations of ILO Convention No. 169 in the Indian environment. It focuses specifically on the Jarawa lineage, one of the most isolated and vulnerable indigenous groups abiding in the Andaman and Nicobar islets. The Jarawa, who have lived in relative insulation for thousands of times, have decreasingly set up their traditional way of life disintegrated by state- led structure systems, similar as the controversial Andaman box Road (ATR), as well as by illegal encroachments, tourism, and artistic assimilation pressures. This case offers an important lens through which to interrogate India's broader legal and policy fabrics on

indigenous rights and to assess whether they align with internationally honoured mortal rights norms. This study integrates amulet-dimensional approach, incorporating literal, legal, socio-political, and mortal rights perspectives. It begins with a literal overview of the Jarawa lineage, pressing their unique socio-artistic identity and the challenges they face in conserving it. The paper also traces the elaboration and crucial aspects of ILO Convention No. 169 and contrasts them with India's domestic legal fabrics governing the rights of slated lines. likewise, the analysis includes a notice of India's explanation for not ratifying the convention and explores the ramifications of this decision on the lives of ethnical communities, with an emphasis on the Jarawa. The study also considers the part of transnational advocacy, civil society interventions, and judicial responses in shaping indigenous policy in India. Eventually, this paper aims to give a comprehensive assessment of the comity between India's indigenous rights governance and transnational mortal rights norms. It proposes practicable recommendations for aligning public laws and practices with global stylish practices, including way that could be taken indeed in the absence of formal ratification of ILO Convention No. 169. In doing so, the study contributes to ongoing conversations on the ethical, legal, and experimental imperatives of guarding indigenous communities in a period of rapid-fire change and queried globalization.

## **2. Historical Background**

### **2.1 The Jarawa Tribe Origins and Cultural Practices**

The Jarawa lineage is one of the last remaining indigenous communities in the Andaman islets, part of the larger Andaman and Nicobar archipelago positioned in the Bay of Bengal, under the governance of the Indian Union Territory. Historically, the Jarawa have inhabited the western plages and forested innards of South and Middle Andaman islets. With an estimated population ranging between 250 and 400 individualities, they form a small but culturally significant group whose way of life has been shaped by centuries of insulation and harmony with the natural terrain. The origins of the Jarawa can be traced back to the first mortal migrations out of Africa, making them part of the so called "Negrito" lines, a bracket used to describe several indigenous peoples of Southeast Asia and the Andaman islets who partake certain phenotypic traits. inheritable and anthropological substantiation suggests that these communities may have migrated to the Andaman islets knockouts of thousands of times ago, during a time when ocean situations were lower and land islands conceivably connected regions of South and Southeast Asia. This long standing habitation of the islets has allowed the Jarawa to evolve distinct artistic, verbal, and social practices unique to their terrain.

Traditionally, the Jarawa have been huntsman gatherers, counting on the rich biodiversity of the Andaman timbers and girding littoral areas for food. Their diet consists of a variety of wild fruits, tubers, honey, and small creatures similar as gormandizers and turtles. They're also complete fishermen, using curvatures and arrows and traditional spearfishing styles to catch fish in the creeks and littoral waters. This life has cultivated a deep understanding of their ecological surroundings and has fostered sustainable living practices that are nearly aligned with environmental conservation.

The Jarawa language belongs to the Onan language family, which also includes the language spoken by the now defunct Jangle lineage and the more distant Onge people. It's a unique verbal system that has no script and is passed down orally through generations. Because the Jarawa have historically defied contact with outlanders, their language remains largely offhanded and unclassified in terms of its syntactic and phonological complexity. Still, it represents a critical aspect of their identity and artistic durability. Socially, the Jarawa have a fairly egalitarian structure, lacking rigid scales or formal leadership systems. opinions are frequently made inclusively, and community life is centred around family units and association ties. Marriage within the lineage is guided by traditional customs, and gender places are flexible, with both men and women sharing in subsistence conditioning. The Jarawa do not maintain endless agreements but rather move within designated areas of the timber, constructing temporary hooshes made of leaves and branches as demanded. Clothing among the Jarawa is minimum and acclimated to the tropical climate of the islets. They beautify themselves with natural beautifiers similar as chokers made of shells and vines, and body oil using ochre and other natural colours is a common practice, particularly during artistic rituals and fests. Music, cotillion, and liar also play a vital part in their social life, serving as vehicles for artistic transmission and collaborative cling. For centuries, the Jarawa maintained their insulation from the outside world, defying contact with colonizer and postcolonial authorities. During the British social period, several attempts were made to "pacify" the lineage, frequently performing in violent conflicts. The construction of social structure and the affluence of settlers disintegrated the traditional homes of numerous Andamanese lines, including the Jarawa, but they managed to remain largely independent, moving deeper into the timbers to avoid battle. Post-independence India inherited the social heritage of dealing with the indigenous populations of the Andamans. programs ranged from forced integration and recuperation to unresistant neglect, frequently shaped by paternalistic hypotheticals about "citifying" ethnical communities. The construction of the Andaman box Road (ATR) in the 1970s, which cut

through the heart of Jarawa home, marked a significant turning point. It brought increased contact between the Jarawa and the settler population, leading to enterprises about artistic corrosion, complaint transmission, and exploitation. In recent decades, there has been growing mindfulness about the need to cover the rights and autonomy of the Jarawa. Legal and policy measures, including the protestation of the Jarawa Reserve under the Andaman and Nicobar Protection of Aboriginal lines Regulation (ANPATR) of 1956, have aimed to produce a buffer zone around their niche and circumscribe stranger access. nevertheless, challenges persist. Illegal coddling, encroachment, and the controversial" mortal safaris" in which excursionists were taken on road passages through Jarawa areas to observe the lineage have sparked public and transnational outrage. The Jarawa continue to navigate the delicate balance between conserving their traditional way of life and conforming to the pressures of a fleetly contemporizing world. While some lineage members have initiated conservative relations with bordering communities, particularly for medical aid or trade, they've largely maintained their artistic boundaries. sweats by the government and civil society to engage with the Jarawa now emphasize concurrence, quality, and artistic perceptivity, though the perpetration of similar approaches remains inconsistent.

## 2.2 ILO Convention No. 169 Genesis and objects

The International Labour Organization (ILO) Convention No. 169 represents a significant corner in the global recognition of indigenous and ethnical peoples' rights. espoused in 1989 as a modification of the earlier Convention No. 107(which was espoused in 1957), Convention 169 marked a paradigm shift in transnational legal norms. Where Convention 107 had emphasized integration and assimilation, frequently assuming that indigenous societies were" backward" and demanded to be streamlined, Convention 169 emphasized respect for artistic integrity, tone- determination, and participatory development. The elaboration of Convention No. 169 must be understood against the background of rising global mindfulness about the rights of indigenous peoples during the ultimate half of the 20th century. Following decades of colonization, forced relegation, and artistic marginalization, indigenous movements across the world began to assert their rights to land, language, and autonomy. In response to these demands, the ILO shouldered a comprehensive review of Convention 107, engaging in expansive consultations with indigenous representatives, legal experts, and member countries. The result was a more progressive and mortal rights acquainted instrument Convention No. 169 which readdressed the relationship between indigenous peoples and the state. Convention No. 169 outlines a range of rights for indigenous and ethnical peoples, including but not

limited to land power, artistic preservation, education, and political participation. One of its core principles is the right to tone- identification, meaning that individualities and communities have the authority to determine their own status as indigenous or ethnical, without the duty of external criteria. This recognition serves as the base for other rights and ensures that indigenous peoples are not subject to arbitrary delineations by governments or institutions. Another foundation of the Convention is the demand for " free, previous, and informed concurrence" (FPIC) before bearing any development design or legal measure that may affect indigenous lands or coffers. This principle ensures that indigenous communities have the occasion to share in decision making processes and can accept or reject proffers grounded on full mindfulness of implicit consequences. In this way, the Convention affirms the agency and sovereignty of indigenous peoples over their homes and ways of life.

Land rights are central to Convention No. 169. It obliges ratifying countries to fete the collaborative and ancestral power of land by indigenous communities and to give legal protections against acquisition or exploitation. It also calls for the discrimination of traditional homes and the establishment of mechanisms for disagreement resolution that respect indigenous customs and practices. also, the Convention acknowledges the spiritual, artistic, and profitable significance of land to indigenous individualities, emphasizing the familiarity of people and place. In the realms of education and employment, the Convention lawyers for culturally applicable and linguistically applicable services. It encourages bilingual education programs that integrate indigenous knowledge systems and seeks to exclude demarcation in the plant through affirmative measures. Health services, structure development, and social weal schemes must also be designed in discussion with indigenous populations, icing that their values and perspectives are integrated into planning and perpetration.

Despite its progressive vision, Convention No. 169 has faced limited ratification. As of moment, only 24 countries have ratified the Convention, the maturity of them in Latin America and corridor of Europe. specially, India is not among the signatories. The reasons for this limited uptake vary but frequently include enterprises over sovereignty, resource control, and executive feasibility. Governments may be reticent to admit the full extent of indigenous land claims or sweat that feting independent governance structures could challenge public confinity. The Convention also suffers from enforcement limitations. While it sets transnational legal norms, it lacks strong mechanisms for monitoring and responsibility. perpetration depends largely on the political will of individual countries, and compliance is subject to domestic legal interpretations. nonetheless, Convention No. 169 remains an

important tool for indigenous advocacy and has informed other global instruments, similar as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) espoused in 2007.

In the Indian environment, the principles bedded in ILO Convention No. 169 have applicability indeed in the absence of formal ratification. India's Constitution includes vittles for the protection of slated lines, and laws similar as the Panchayats (Extension to slated Areas) Act (PESA) and the Forest Rights Act (FRA) reverberate with the Convention's emphasis on tone-governance and land rights. still, the practical enforcement of these laws has been uneven, and the gests of ethnical communities like the Jarawa punctuate the continuing gap between policy and practice. As debates around indigenous rights gain instigation in the face of climate change, biodiversity conservation, and sustainable development, the vision offered by Convention No. 169 becomes decreasingly material. It offers a frame for coordinating development with quality, progress with preservation, and state authority with community autonomy. For the Jarawa and other indigenous peoples around the world, it provides a reference point for their struggles to be seen, heard, and admired on their own terms.

### **3. Legal Framework**

#### **3.1 India's Position on ILO Convention No. 169**

India, despite being home to one of the largest populations of indigenous peoples in the world appertained to as listed lines in legal and executive converse has not ratified the International Labour Organization (ILO) Convention No. 169. This corner transnational instrument, espoused in 1989, aims to cover the rights of indigenous and ethnical peoples by affirming their right to tone determination, artistic preservation, and control over their traditional lands. still, the Indian government has constantly abstained from ratifying the Convention, citing several enterprises related to public sovereignty, legal counteraccusations, and executive feasibility. At the core of India's vacillation is the Convention's emphasis on feting collaborative rights, particularly over land and natural coffers. Unlike individual rights, which are formerly bedded in the Indian Constitution and legal system, collaborative rights indicate a community grounded approach to governance, land term, and development. Ratifying ILO Convention No. 169 would bear an abecedarian evaluation of how the Indian state interacts with ethnical communities. This includes feting traditional forms of governance, customary law, and collaborative power of land all of which could potentially challenge the current centralized model of legal and executive authority. likewise, India's socio-political geography

is marked by extraordinary diversity and complexity. With over 700 officially honoured slated lines spread across different ecological zones, artistic settings, and socio profitable conditions, enforcing a one- size fits all transnational frame poses significant practical difficulties. ethnical communities in landmass India, similar as those in Chhattisgarh, Odisha, and Jharkhand, face different challenges compared to the further isolated indigenous groups in the northeastern countries or the Andaman and Nicobar islets. As similar, an invariant operation of the Convention could produce legal inscrutability and conflicts with being indigenous vittles.

Another critical concern is the implicit imbrication or conflict between the Convention and India's being legislative frame, particularly laws governing land accession, timber operation, and development planning. For case, while the Forest Rights Act (2006) does admit community rights over timber coffers, its perpetration has been fraught with detainments, regulatory resistance, and legal challenges. Ratifying Convention No. 169 could produce fresh legal scores that might further strain the formerly delicate balance between development imperatives and indigenous rights. Despite these reservations, India is a signatory to the before ILO Convention No. 107, espoused in 1957. This Convention, named "Convention Concerning the Protection and Integration of Indigenous and Other ethnical and Semi-Tribal Populations in Independent Countries," reflected a more integrationist approach. It viewed indigenous peoples as "backward" and in need of assimilation into the dominant public culture. Although this perspective is now extensively blamed for its paternalistic and social saturations, it remains the only ILO convention on indigenous peoples that India has ratified.

The continued adherence to Convention No. 107 suggests a conservative approach by the Indian state, wherein the protection of indigenous peoples is framed within the broader ideal of public development and confinity. While some vittles of the Convention, similar as protection against demarcation and access to education, align with India's domestic programs, its outdated worldview does not align with the current global agreement that recognizes the value of indigenous autonomy and artistic plurality. The gap between India's transnational commitments and its domestic realities has drawn review from indigenous rights lawyers and civil society associations. They argue that India's turndown to confirm Convention No. 169 undermines its credibility as a popular state committed to social justice. also, it limits the compass for indigenous communities to engage with transnational mortal rights mechanisms and to claim protections that go beyond the indigenous frame. nonetheless, it's important to note that numerous principles of ILO Convention No.169 similar as participatory

development, land rights, and artistic preservation are reflected in colourful public programs and laws. The challenge lies not in the absence of legal vittles but in their effective perpetration and enforcement. The case of the Jarawa lineage is elucidative of this gap, where indigenous and legal protections live on paper but are constantly undermined by executive negligence, marketable interests, and societal incuriosity. In recent times, there has been adding domestic and transnational pressure on India to readdress its station on Convention No. 169, especially in light of its bourns to be a global leader on sustainable development and mortal rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), espoused in 2007, which India has championed, offers a reciprocal frame that reaffirms numerous of the principles elevated in ILO Convention No.

169. lawyers argue that aligning domestic laws with these transnational norms would not only strengthen indigenous rights but also contribute to environmental conservation, social cohesion, and inclusive growth.

### 3.2 Domestic Laws Pertaining to Indigenous People

India's domestic legal armature includes a wide array of indigenous vittles, statutory laws, and executive regulations designed to guard the rights and interests of its indigenous populations. Appertained to as listed lines under the Constitution, these communities are accorded special protections and entitlements in recognition of their literal marginalization, socio- profitable disadvantage, and unique artistic individualities.

#### Indigenous vittles

The Indian Constitution, espoused in 1950, provides a robust foundation for the protection and creation of ethnical rights. Several papers address the social, profitable, and political addition of slated lines Composition 15 and 16 enjoin demarcation on the grounds of race, estate, coitus, or place of birth and allow for affirmative action in Favor of slated lines in education and employment. Composition 19(5) empowers the state to put reasonable restrictions on the freedom of movement or hearthstone in the interest of slated lines, thereby enabling the creation of ethnical reserves or defended areas. Composition 46 directs the state to promote the educational and profitable interests of slated gentries and slated lines and to cover them from social injustice and all forms of exploitation.

In addition to these, the Fifth and Sixth Schedules of the Constitution give for independent

governance in ethnical- dominated regions. The Fifth Schedule applies to landmass India and authorizations the creation of Tribal Advisory Councils and the Governor's optional powers to guard ethnical interests. The Sixth Schedule, applicable to the northeastern countries, provides for independent quarter councils with legislative, administrative, and judicial powers.

### **Crucial Statutory Laws**

#### **1. The slated gentries and slated lines (Prevention of Atrocities) Act, 1989**

This law provides strict penalties for acts of violence, demarcation, and exploitation committed against slated lines. It aims to discourage estate- and lineage- grounded atrocities and ensures prompt disquisition and justice through special courts.

#### **2. The Panchayats (Extension to the slated Areas) Act, 1996 (PESA)**

PESA extends the vittles of the 73rd indigenous Correction (which introduced Panchayati Raj institutions) to the ethnical areas of ten countries. It grants Gram Sabhas (Vill assemblies) the power to manage natural coffers, authorize development plans, and apply traditional customs and disagreement resolution mechanisms. While PESA empowers ethnical communities with tone- governance, its perpetration has been inconsistent due to executive resistance and a lack of political will.

#### **3. The slated lines and Other Traditional Forest reside (Recognition of Forest Rights) Act, 2006 (FRA)**

This corner legislation recognizes the rights of ethnical communities to timber land and coffers that they've traditionally enthralled or used. It provides for individual land titles as well as community rights over common coffers similar as grazing areas, water bodies, and sacred groves. FRA seeks to correct the literal injustice of disaffection and relegation caused by social timber laws and development systems. still, the law's perpetration has been hampered by regulatory detainments, lack of mindfulness, and judicial interventions that challenge its compass.

### **Specific Protections for the Andaman and Nicobar islets**

#### **The Andaman and Nicobar islets (Protection of Aboriginal lines) Regulation, 1956 (ANPATR)**

This regulation was legislated to cover the unique and vulnerable ethnical groups inhabiting the islets. It prohibits-tribal persons from entering notified ethnical areas without a permit and restricts any form of commerce, agreement, or marketable exertion that may exploit or harm

the indigenous communities. Violations of the regulation are treated as felonious offenses, with penalties including imprisonment and forfeitures.

Under ANPATR, the Jarawa Reserve was established, demarking a defended area gauging roughly 1,000 square kilometers across South and Middle Andaman. Entry into this reserve is rigorously controlled, and government agencies are assigned with monitoring compliance. The regulation also empowers the administration to take action against any encroachment or exploitation of ethnical lands and coffers. Despite these vittles, enforcement has frequently fallen short. The construction of the Andaman box Road (ATR), which cuts through the heart of Jarawa home, has led to increased contact with outlanders, coddling, and cases of " mortal safaris," where excursionists would observe the Jarawa as if they were specs. Although the Supreme Court of India ordered the check of the road and banned tourism conditioning in sensitive areas, perpetration has remained partial due to contending profitable and political interests. To address these enterprises, the Andaman and Nicobar Administration periodically reviews its programs through the " Jarawa Policy," which emphasizes-intervention, artistic preservation, and minimum contact. still, critics argue that the policy remains largely reactive and fails to empower the Jarawa with meaningful participation in opinions affecting their future.

## **4. Case Study: The Jarawa Tribe**

### **4.1. Impact of Development systems**

The Jarawa, one of the last remaining vagrant indigenous lines in the Andaman and Nicobar islets, have endured severe dislocations to their traditional way of life due to ultramodern development systems, the most prominent being the construction and expansion of the Andaman box Road( ATR).Firstly conceived in the 1970s to ameliorate connectivity between North, Middle, and South Andaman islets, the ATR cuts directly through the Jarawa Tribal Reserve( JTR), a designated area meant to guard the lineage's insulation and autonomy.

Before the road's construction, the Jarawa had minimum contact with the outside world, allowing them to save their unique culture, language, and social systems. Their way of life centered around subsistence practices hunting wild gormandizers and cover lizards, gathering fruits and honey, and fishing along the seacoast. The completion of the ATR, still, unnaturally altered this dynamic. Suddenly, the formerly- insulated reserve came accessible not only to government vehicles but also to excursionists, dealers, and settlers. With this increased access

came a slew of challenges. One of the most burning issues was the preface of transmissible conditions. The Jarawa, having lived in near-total insulation, warrant impunity to numerous common ails. In-deed fairly minor affections similar as the flu or chickenpox can have ruinous consequences. There have been proved outbreaks of conditions among the lineage following contact with outlanders, which, given their small population (estimated at around 400 individualities), poses a significant trouble to their survival.

In addition to health pitfalls, artistic corrosion has been a prominent concern. As members of the lineage are exposed Tonon-indigenous customs, technology, and goods, there's an observable shift in gets and bourns particularly among the youngish generation. Cases of Jarawa youth being seen wearing ultramodern apparel, accepting food or plutocrat from excursionists, or showing curiosity about civic cultures emphasize the adding artistic decomposition. While change is ineluctable in any society, this externally convinced metamorphosis is neither voluntary nor gradational; it's assessed through systemic exposure and frequently comes without acceptable safeguards. Another consequence of the ATR has been profitable and social exploitation. There are proved cases of non-tribals soliciting Jarawa individualities with food or alcohol in exchange for labour, timber yield, or indeed for voyeuristic relations. Similar relations constantly go unpunished, and in numerous cases, there's little legal expedient available to the victims. The ease of access handed by the ATR also facilitates illegal logging, coddling, and encroachment into defended areas — conditioning that directly undermine the lineage's ecological base and traditional life.

In 2002, feting these pitfalls, the Supreme Court of India issued an order to shut down corridor of the ATR and halt marketable conditioning within and around the Jarawa Reserve. The Court emphasized the need to prioritize the lineage's right to life and artistic integrity over experimental intentions. Despite this clear directive, the road continues to remain functional, frequently under the defines of " public interest" or " strategic necessity." Government officers have argued that the road is vital for transporting goods and furnishing exigency services to the growing settler population in the region still, critics argue that feasible druthers live, similar as constructing a bypass road outside the reserve or investing in ocean routes that don't compromise ethnical homes. The uninterrupted operation of the ATR exemplifies the pressure between state- led development and indigenous rights, where the ultimate is constantly offered at the balcony of infrastructural progress farther aggravating the problem is the lack of comprehensive recuperation or compensation mechanisms.

## 4.2 Judicial Interventions

The Indian bar has played a vital part in trying to guard the rights and interests of the Jarawa lineage, particularly through interventions aimed at regulating or halting mischievous state conduct. still, the gap between judicial intent and ground- position perpetration continues to be a major handicap.

The corner 2002 Supreme Court ruling stands as the most significant judicial intervention concerning the Jarawa. In response to a Public Interest Action (PIL) filed by environmental and mortal rights activists, the Court ordered the check of the Andaman box Road that passes through the Jarawa Reserve. The ruling was grounded on the principle that the right to life under Composition 21 of the Constitution includes the right of indigenous peoples to live in a safe, healthy, and culturally secure terrain. The Court further directed the Andaman administration to enjoin marketable and sightseer conditioning near the reserve, cover illegal agreements, and develop indispensable transport routes that did not jeopardize ethnical interests.

Despite the legal clarity and strong moral backing of the judgment, its enforcement has been patchy and frequently ignored. The ATR remains functional, and while some sightseer conditions have been elided, they persist in colourful unofficial forms. consecutive governments have cited logistical challenges, profitable reliance, and executive constraints to justify non-compliance. Periodic status reports filed in court reveal minimum progress in shifting business or developing druthers. In 2013, following transnational commination over the practice of mortal safaris, the Supreme Court reiterated its enterprises and demanded detailed reports on the perpetration of former orders. This led to temporary crackdowns on unauthorized tourism, yet formerly media attention waned, violations resurfaced.

The bar has also supported nonsupervisory and policy fabrics, similar as the ANPATR, Forest Rights Act, and ethnical weal programs. still, it frequently lacks the enforcement ministry to ensure these protections are admired on the ground. Original- position officers may be either ignorant of the rulings or unintentional to apply them due to political or profitable pressures. likewise, the legal system's attainability to the Jarawa themselves poses a structural hedge. With no formal education, legal representation, or verbal ground, the lineage is effectively barred from seeking justice in their own right. This reliance on external lawyers — NGOs, intelligencers, and public petitioners — creates a fragile protection system that's contingent on

public interest rather than institutional responsibility nevertheless, judicial interventions remain a critical check against superintendent overreach. They serve as important precedents and give a legal base for continued advocacy. Moving forward, there's a pressing need to round judicial oversight with grassroots commission, transparent governance, and meaningful dialogue with indigenous communities.

## Analysis

### Ompliance With Transnational Morals

India's engagement with transnational fabrics concerning indigenous rights remains conservative and frequently fractured. The country's continued decision not to confirm International Labour Organization (ILO) Convention No. 169— the most comprehensive transnational convention dealing with the rights of indigenous and ethnical peoples underscores this ambivalence. ILO Convention No. 169, which replaced the outdated Convention No. 107 in 1989, authorizations recognition of indigenous peoples' rights to land, coffers, artistic identity, and tone- determination. It also stresses the significance of free, previous, and informed concurrence in opinions that affect indigenous communities.

India has cited colourful reasons for its disinclination to confirm Convention No. 169. Chief among these is the concern that feting collaborative rights to land and autonomy might discord with public laws and indigenous vittles. Given the country's immense ethnical and artistic diversity comprising hundreds of slated lines (STs) with varying socio-profitable statuses policy makers argue that applying an invariant transnational standard may not adequately regard for original complications. There's apprehension about the political counter accusations of granting autonomy or land rights, especially in areas with insurrection or border perceptivity.

While India has not ratified Convention No. 169, it remains a party to Convention No. 107, which it ratified in 1958. Although progressive for its time, Convention No. 107 adopts an assimilationist approach, assuming that indigenous peoples would ultimately integrate into mainstream society. This perspective is now extensively regarded as outdated, as it overlooks the value of artistic preservation and tone-determination. In discrepancy, Convention No. 169 emphasizes participation, discussion, and respect for indigenous worldview principles that are only weakly reflected in India's domestic frame. India has also championed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), espoused by the UN General

Assembly in 2007. Though non-binding, UNDRIP outlines a comprehensive set of norms for the survival, quality, and well-being of indigenous communities. still, in the case of the Jarawa, India's perpetration of these principles appears inconsistent. For illustration, the right to live in insulation and save one's culture, a foundation of both UNDRIP and ILO Convention No. 169 is constantly compromised by structure development systems like the Andaman box Road (ATR) and tourism conditioning that violate the community's autonomy. likewise, mechanisms to ensure discussion and informed concurrence are weak or missing. opinions impacting the Jarawa are generally made by functionaries or politicians without any meaningful dialogue with the lineage. This top-down approach runs contrary to transnational stylish practices, which emphasize participatory governance and respect for indigenous voices. therefore, indeed though India may appear to uphold indigenous rights on paper, its failure to completely engage with transnational morals undermines the credibility and effectiveness of its defensive measures.

In summary, India's non-ratification of ILO Convention No. 169 and the absence of strong domestic parallels to transnational norms indicate a significant gap between global morals and public practice. This gap hampers sweats to guard lines like the Jarawa, whose rights to land, culture, and autonomy remain precarious in the face of ultramodern development and executive neglect.

### **Conclusion**

The situation of the Jarawa lineage in the Andaman islets serves as a compelling and frequently disquieting illustration of the broader challenges faced by indigenous communities in the face of ultramodern development, state programs, and global mortal rights norms. As one of the many remaining huntsman-gatherer lines in India, the Jarawa embody a unique artistic and ecological heritage that has survived centuries of insulation. still, in recent decades, their way of life has come under adding trouble due to infrastructural expansion, unsanctioned tourism, and shy policy perpetration. The ongoing construction and use of the Andaman box Road (ATR), which slices through the Jarawa reserve, has represented the delicate choices and systemic failings in India's approach to indigenous weal. While India has established several legal fabrics aimed at guarding the rights of slated lines, including the Jarawa similar as the Andaman and Nicobar (Protection of Aboriginal lines) Regulation, 1956 these mechanisms frequently fall suddenly in practice. Weak enforcement, regulatory indolence, and contending profitable interests have meant that violations of ethnical autonomy continue unabated.

Unauthorized tourism, generally appertained to as "mortal safaris," where Jarawa individualities are viewed or constrained into interacting with outlanders for entertainment, reflect the profound ethical and legal failures in the administration of ethnical protection laws. India's decision not to confirm ILO Convention No. 169 stands out as a significant gap in aligning public law with transnational mortal rights. This convention emphasizes the principles of tone-determination, artistic preservation, and land rights for indigenous people areas where India's domestic programs remain inconsistent or underdeveloped. Although India is a signatory to aged conventions and affirmations similar as ILO Convention No. 107 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), these commitments have yet to be completely integrated into practicable programs for lines like the Jarawa

What the Jarawa case eventually reveals is a need for a further holistic and inclusive strategy to cover indigenous communities. Legal vittles alone are inadequate if not backed by political will, executive thickness, and culturally sensitive enforcement. Any experimental action in the Andaman region must prioritize the rights of the indigenous population, particularly their right to concurrence, autonomy, and artistic preservation. likewise, community engagement and dialogue should form the foundation of policy opinions moving down from a top-down, paternalistic model to one that respects indigenous knowledge systems and precedences.

In conclusion, securing the future of the Jarawa lineage requires further than emblematic gestures or judicial interventions. It demands a coordinated and sustained trouble involving legal reform, stronger alignment with transnational conventions, public mindfulness, and institutional responsibility. Only through such an intertwined approach can India authentically cover its indigenous heritage and ensure that lines like the Jarawa are not left before in the pursuit of fustiness.

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