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# GLOBALIZATION, TRANSNATIONAL LEGAL ORDER, AND THEIR IMPACT ON THE RIGHTS OF TRIBAL, INDIGENOUS, AND RURAL PEOPLE IN INDIA

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## ABSTRACT

This paper aims to highlight the risks and challenges that tribal, indigenous, and tribal people are facing in the course of globalization and the transnational legal order. The paper will discuss the obstacles such as breach of the right to have a decent livelihood, endangering the diverse culture, limiting the means of development, decreasing constitutional protection, communities becoming shorter and converting to the aches of city life, sterilizing, and controlling the behavior of tribal behavior in the name of law and order by the government, i.e., Naxals, etc. All these challenges will be discussed comprehensively in this paper, and nuances will be covered as to what the Conventions and government can do to sustain the life and rights of tribal, indigenous, and village people, and how both globalization and the diverse culture in the form of small groups of tribal and indigenous people can go hand in hand.

**Keywords:** Globalization, Transnationalism, Indigenous, life and livelihood, tribal behavior.

## INTRODUCTION AND BACKGROUND OF THE STUDY

In the last twenty-five to thirty years, the world has changed drastically in the context of the arrival of Globalization in the 1990s in India. The people have come closer, the connections have become stronger, the ideas are back and forth, the rapid development, the infrastructure of the cities and towns, smooth functioning of the government, technological advancement, policy-making both national and international, economic boost and most importantly, the lives of the people have become easier, fast and prosperous with the adamant effect of Globalization and Transnationalism.<sup>1</sup> Every coin has two sides to look at.

Though globalization and transnationalism entered the lives of many people, there was a certain sect of people who were not embraced by them. It created a negative impact on the lives of such people, i.e., firstly, the culture of indigenous people suffered as many left the villages, and there was not a significant number of people left in the town to continue the legacy of their diverse culture. Secondly, the development schemes of the government didn't reach the houses of indigenous people, which created a difference between the developed and the not-so-developed sectors of society. Thirdly, with the lack of support from the government and its intermediaries, the quality of living and livelihood has been deprived of the indigenous people. Fourthly, the laws made by the government look like anti-indigenous people and not for indigenous people. Terms like Maoist and Left-wing extremism are not the terms indigenous people have given to themselves, but the people of the government refer to them by these terms, whereas all they need is some help and assistance from the government to establish their livelihood. Fifthly, there is constitutional protection given to people who live in urban and developed areas of the country, where the same constitutional protection is lacking in the lives of indigenous and tribal people.

What happened in the 1990s was a drastic change that affected the lives of all the people living in this world. And whenever any change happens, some people applaud the change and accept it with all humility and consent, whereas a few do not accept the change and want to continue their life as it was before the change. So, the issue arises as to whether a certain sect of people should suffer just because they choose not to say yes to change.<sup>2</sup> I believe in the negative, and

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<sup>1</sup> Jivendra Kumar & Sanjay Yadav, *Impact of Globalization on Tribal Society: A Case Study*, 11 INT'L J. HUMAN. & SOC. SCI. STUD. 80 (2025).

<sup>2</sup> Deva Kumar Das, *Globalization and Tribal Communities in India: Navigating Socio-Economic, Environmental, and Cultural Challenges*, 3 INT'L J. ADV. STUD. & GROWTH EVALUATION 35 (2024).

therefore, this paper aims to bring the transnational legal order to bring the ideas of government and indigenous people together, and prosperity may run throughout in all ways possible to all communities.

## **RESEARCH OBJECTIVES**

- To analyze the sufferings and pain of the tribal people due to the advancement of globalization and the transnational legal order.
- To understand what went wrong in establishing a common law in India for all its citizens, and why the tribal people were left behind in development and technology.
- To access the Statutes and protection mechanisms assisting the tribal and indigenous communities in India
- To analyze the problems of tribal areas living in various states of India, such as Jharkhand, Chhattisgarh, Manipur, Assam, Madhya Pradesh, Mizoram, and Tripura, and how the issues change with the change in geography of the tribal population living in distinct areas.

## **RESEARCH QUESTIONS**

1. Whether the rights and development of tribal people have been violated by the adverse effects of globalization?
2. Whether the transnational legal order as a concept assists the government in making better laws for the protection and development of tribal groups and areas?
3. What are the challenges faced by the tribal people against the course of globalization and the transnational legal order?
4. Whether the terms “Naxals” or “Maoists” given to the tribal people are valid by law, or if tribal people are also citizens of the country, Article 14 and 21 of the Constitution of India is violated or not.

## TRIBAL POPULATION DIASPORA ON INDIAN SOIL

In India, tribals and indigenous people constitute eight percent of the total population, i.e., compared to other countries, India has one of the highest numbers of people living in tribal areas. Tribals are considered to be the natives of the country, living since the beginning of time. The argument is subject to different opinions of different authors. But then also, they constitute a large number in the population and cannot be ignored.

With the era of globalization and transnationalism, the development, means of livelihood, opportunity to enhance growth, etc. all are missing from the lives of people living in tribal areas and if supportive measures will not be taken by the government shortly, then it will be difficult for people living in tribal areas to catch the race of life with people living in urban areas or other words, people who have agreed and move along with change that has come with the entrance of globalization in the modern world.<sup>3</sup> Even though the government is trying to uplift the people living in tribal areas, it has not been successful in the task. Hence, the concept of transnationalism marks its presence wherein the governments of different nations and the international conventions passed in consensus with all the states shall come forward together to strengthen the lives of indigenous people living in tribal areas.

The states of Jharkhand (i.e., land of the forests), Chhattisgarh, Madhya Pradesh, Maharashtra, and Gujarat in India, where Indigenous people find solace, or in other words, they call it home. Since the colonial or post-colonial era, the tribal people have a different set of statistics in the areas of development, culture, and social structure compared with what India has achieved as an emerging nation in the last thirty years.<sup>4</sup> The rebellion of tribal people is widely related to environmental protection, forest conservation, wildlife protection, and different socialist approaches.

Recently, the National Green Tribunal on February 16<sup>th</sup> cleared the Rs. 92,000 crore Great Nicobar Mega Infrastructure project, observing that it did not find any appropriate ground to interfere with the construction and licensing of the project. The project necessitates the cutting down of one million trees in the Nicobar Islands, and the area is one of the last remaining untouched and undisturbed nature rich on earth. The Scheduled tribes of Nicobarese and

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<sup>3</sup> Nagaraja S., *Globalization and Tribes: Social Justice in India*, 30(1) EDUC. ADMIN.: THEORY & PRAC. 5636 (2024).

<sup>4</sup> Jonathan Liljeblad et al., *Indigenous Theories of International Law: Living Inter-Nations Legal Orders*, 118 PROC. ASIL ANN. MTG (2024).

Shompen communities are the inhabitants of this forest land. The question that frustrates is at what cost progress is taking place, and whether sustainable development exists only on paper and not in practice.<sup>5</sup>

### **Impact of globalization on making the tribal culture vulnerable**

With the initiation of liberalization, privatization, and globalization in India in the 1990s, the lives of indigenous people have been undoubtedly affected.<sup>6</sup> The Indigenous people living in the areas of Assam, Manipur, Jharkhand, Chhattisgarh, Tripura, Meghalaya, Mizoram, and parts of Madhya Pradesh have suffered banishment, exile, expulsion, and involuntary displacement. The growth of society regarding development has become unipartite because of the reforming of the market structure in only one way. It can be said that the market forces have generated wealth, security, and prosperity in the lives of indigenous people by taking away their basic means of livelihood and culture.

One million indigenous people get displaced every year because of the development schemes introduced by the government, as per the 1994 World Bank Report. These displaced indigenous people not only suffer monetary losses but also experience environmental degradation, which also takes place since the government wants to cut trees and establish buildings in such places. The question is to be asked by the development authorities whether destroying the ecology of the State and constructing industries and factories can be said to be a part of development, or is it vice versa.

Though the government put forward rehabilitation schemes for the displaced indigenous people doing this is not enough. The indigenous people shall have a decent livelihood, and employment opportunities should also be given to the displaced indigenous families so that they can carry forward their lives in a reasonable and welcoming manner.<sup>7</sup>

Also, the planting of new trees and the chopping of the already existing trees is not a viable option for development.<sup>8</sup> Climate change and environmental degradation are major concerns of today, and the government must acknowledge some better and newer forms of developing

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<sup>5</sup> Orissa Mining Corp. v. Ministry of Env't & Forest, (2013) 6 SCC 476.

<sup>6</sup> PRIYANKA SHIVADAS, INDIGENOUS LITERATURES OF AUSTRALIA AND INDIA: A TRANSINDIGENOUS PERSPECTIVE (2026).

<sup>7</sup> Press Information Bureau, *Cabinet Approves PM-JANMAN for PVTGs*, MINISTRY OF TRIBAL AFFAIRS (Nov., 2023).

<sup>8</sup> *Commentary: Amendments in the Forest Conservation Act*, MONGABAY-INDIA (Mar. 18, 2026).

society so that the generations to come shall live prosperously without any issues concerning climate and the environment.

In June 2025, police raided the tiger reserve in Hunsur District of Karnataka, wherein more than 250 police officials tore down the houses of the Jenu Kuruba indigenous community, which was a grave violation of the right to acquire land in forests by the indigenous community guaranteed under the Forest Rights Act, 2006. In Bastar, Chhattisgarh, it is currently in the news that the last standing Naxal leader Papa Rao is set to surrender to the Chhattisgarh police by the end of March 2026. Thus, it will have strong implications on the livelihood of the community living in the indigenous areas of Chhattisgarh, and the change in way of living is a way forward for the tribal population living in certain parts of the State.

### **DIFFERENCE BETWEEN TRIBAL PEOPLE AND INDIGENOUS PEOPLE**

The word 'tribe' has come from the Latin term "Tribus," which means people who live outside the mainstream society, have different, unique cultures, and have been attached to their ancestral lands for many years. In India, the tribes have been living for thousands of years, and it has been researched that they are indigenous immigrants of the country, and some have come from parts of Mongolia and Indonesia. Some indigenous people in India are given the reservation under the Scheduled Tribes (hereinafter referred to as "STs"), and the President has declared some tribal people of the specific areas to be considered as SCs under Article 342 of the Constitution of India, 1950.<sup>9</sup> When India was a colony of the British, it was then that Indigenous people were given the right to establish and protect their habitat without the involvement of the ruling authority. If a tribe is to be considered an ST, some specific criteria need to be fulfilled, such as a distinct culture and religious activities, backwardness concerning societal standards, and, monetarily, the ecology of the tribe shall be located in a secluded area that the general public is not allowed to enter in such areas.<sup>10</sup>

The question is why the indigenous people are not happy, or why they are acting as rebels against the government. Is it because the government has not fulfilled its needs and protected them from the different vulnerable conditions that have existed in their lives since the very beginning? Whether they have been neglected as citizens of the country by the government, the development schemes of the government still have to be made available to the indigenous

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<sup>9</sup> The Constitution of India, 1950, Art. 342, Act of Parliament (India).

<sup>10</sup> The Van (Sanrakshan Evam Samvardhan) Adhiniyam of 2025 (India).

people. If we say that this is the era of globalization, it should also be considered that there are still parts of the world where light has not reached, where children still don't go to schools, where there is no concept of education and infrastructure, or where the people suffer from diseases and hospitals aren't accessible to them.

### **Impact of LPG in the 1990s on the lives of tribal, indigenous, and rural populations of India**

When the National Economic Policy was adopted by India in 1991, and LPG (Liberalization, Privatization, and Globalization) came into force, the society started developing as an uncountable force, and within the next 30 years, the world changed from what it was before. But the indigenous people have been neglected for the last three centuries, and the natural resources and natural wealth have been taken away by international bodies such as the WTO and the UNCITRAL model of law, because of which exploitation of natural resources, as well as of indigenous people, has happened. Therefore, Indigenous people lost trust in any of the government or private agencies and to protect the natural resources and their homes, their culture and environment, and their style of living and heritage, these tribal people acknowledged the fear and took action by calling for arms and rebels against anyone whom they may think is acting in danger against them.

With the advent of globalization, the tribal people have suffered in many ways.<sup>11</sup> Firstly, their lands were snatched away by big industrialists to establish factories and MNCs. Secondly, the tribal people had to migrate and then had to move to tier II or tier III cities for living because of the snatching away from their lands where they used to live for centuries, which cost them lives and livelihood. Thirdly, the forests were cut down, and the traditional culture that they used to follow was devastated. Fourthly, the indigenous people had to take loans to establish their new places of living, which they obtained after migration, but such indigenous people weren't able to pay the debts of the creditors and are suffering financially. Fifthly, the tribal people who were rich at one time have crossed the boundaries of poverty and have nothing to eat and suffer for basic human rights in their daily lives.<sup>12</sup> Sixthly, the unique and extraordinary culture of such indigenous people has become endangered or, in some places, extinct because

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<sup>11</sup> Misal M., (2016) Tribal Development Policies in India - An Overview, *International Journal of Humanity and Social Sciences*, (1) pp. 81-83.

<sup>12</sup> Banerjee, Prathama. 2016. Writing the Adivasi: Some historiographical notes in *The Indian Economic and Social History Review*, 53, 1 (2016)

of all the atrocities suffered by them due to the adverse effects and impacts of globalization.

### **Issue with the terms like “Maoists” and “Naxalism”**

The concern is that every day in the news, we see that many Maoists are killed or many government officers are killed by one another. Recently, in Bastar, 35 Maoists were killed by the government forces, and the government celebrated its victory.<sup>13</sup> If there had been 35 government officers, then I believe the Maoists also would have celebrated the victory. The tussle between the two has been there since the time of British colonial rule. But who provides arms and remuneration to the indigenous people so that they counter-attack the government with stronger and better strategies? It has been said by various scholars that it's easier to protect the country on borders like Pakistan and China than to protect the country's Sovereignty and integrity from within India. At least on the borders of the Nation, we know who the enemy is, and we can strategize accordingly, but we don't know the enemy living within India.

The indigenous people living in tribal areas have suffered a lot and are still suffering from such problems that the normal people of a civilized society have overcome such problematic barriers a long time ago. But on the other hand, having such good qualities of arms and emissions leads to a question of who's at fault now.<sup>14</sup> If certain tribal areas are rich and have the best quality of arms and emissions, then why aren't they using the money for their development, for their people to prosper, and for their betterment? It is a counter-productive cycle of violence that impedes the socio-economic advancement of the very communities it claims to represent.

India shares borders with enemy countries like Pakistan, China, Bangladesh, Myanmar, and Sri Lanka, but on paper, in writing, India behaves as a non-aligned country. A non-aligned country is a country that, at the time of war between two distinct nations, takes a neutral stand and sides with both countries.<sup>15</sup> But in reality, when enemy countries are not able to harm India from outside, i.e., borderline, then such countries create tensions by providing arms to tribal people, bomb blasts in different eminent places, and targeting the vulnerable groups of the country to promote terror and destruction in the society. These are the obstacles that the country has to face and conquer every year. India is built on a strong footing, sees all its citizens as brothers

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<sup>13</sup> Steger, Manfred (2009). "Globalization: A Very Short Introduction". Oxford University Press.

<sup>14</sup> John M. Hobson (2004), *The Eastern Origins of Western Civilization*, p. 29-30, Cambridge University Press, ISBN 0-521- 54724-5.

<sup>15</sup> Steger, Manfred. *Globalization: A Very Short Introduction*. United States: Oxford University Press Inc. New York, 2009. 28- 37. Print

and sisters, and infringes on the fundamental rights of any person only when deemed necessary.

It can be said that the Indian subcontinent has the second largest number of indigenous people living after Africa. The Indigenous people constitute eight percent of the total population of the country, as per the 2011 census, and the highest number of Indigenous people living is in the northeast states of Mizoram, Arunachal Pradesh, Tripura, and Manipur, and the central states of Madhya Pradesh, Odisha, Maharashtra, and Chhattisgarh.<sup>16</sup> It will be a surprise to know that the sex ratio of people living in tribal areas is better than the national sex ratio, which is 990:1000 (indigenous) compared to 943:1000 (national).<sup>17</sup>

### **STATUTORY REGULATIONS IN INDIA CONCERNING THE PROTECTION OF RIGHTS OF TRIBAL, INDIGENOUS AND RURAL POPULATION**

The Supreme Court has allowed in cases wherein the tribal lands were given to private industrialists for development purposes. Article 244 of the Constitution of India, 1950<sup>18</sup> talks about the administration of tribal areas and is covered under Schedule VII of the Constitution of India. Articles 338 and 339 of the Constitution<sup>19</sup> talk about the appointment of a Commissioner for SCs and STs, respectively. The country's first Hon'ble Prime Minister, Mr. Jawahar Lal Nehru, gave five principles for the unification of the tribal population with the common citizens of the country, and those were firstly, it shouldn't be asked anyone to obey the command or follow orders, rather start being the genius of your own. Secondly, the distinct culture shall always be acknowledged.

Thirdly, the lands of indigenous people shouldn't be taken away, and the boundaries shall be considered by the government for development purposes. Fourthly, the indigenous people shall form a team of their own to develop and prosper themselves. Fifthly, the right to life and livelihood should be respected, and the quality of life of Indigenous people shall be the sole criterion for measuring the development.<sup>20</sup>

In 2007, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Bill (RFCTLARR) was introduced in the Parliament, which later became an

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<sup>16</sup> Bose A (1990). *Introduction in Demography of Tribal Development*, edited by A Bose, UP Sinha, RP Tyagi, B R Publishing Corporation, New Delhi, India

<sup>17</sup> *Unconstitutional to Deny Tribal Women Property Rights: SC*, HINDUSTAN TIMES (Mar. 16, 2026).

<sup>18</sup> The Constitution of India, 1950, Art. 244, Act of Parliament (India).

<sup>19</sup> The Constitution of India, 1950, Art. 338 & 339, Act of Parliament (India).

<sup>20</sup> *Samatha v. State of Andhra Pradesh*, AIR 1997 SC 3297.

Act in 2013.<sup>21</sup> Section 41 of the Act states that immovable property cannot be acquired in the areas of indigenous tribal people unless the Gram Sabha or District Council authorizes it. The procedure, precautions, rights, and duties have also been mentioned in the 2013 Act. The 2013 Act acts as a safeguard for the tribal people against the activities of private players and the government. Schedule V of the Constitution has to be read with the Panchayats (Extension to the Scheduled Areas) Act, which mandates the Gram Sabhas to manage the acquisition of land, preservation of cultural identity, resources arising out of land, and ensuring participation of all for the advancement of communities living under the Sabha.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989<sup>22</sup> came into force, intending to prevent the perpetration of crimes of atrocities against the persons of the Scheduled Castes and the Scheduled Tribes community. The Act was enacted to establish Special Courts for conducting trials of crimes affected under the Act and to grant relief and rehabilitation to the victims suffering from such atrocities. Under Chapter 2, which discusses the punishments for the crimes committed against atrocities, provides a list of offences under Sec. 3 that are largely covered under the Act, whereas Section 4 of the Act points towards the negligence in doing duties by the authorized persons of the State, and punishments for which such public servants are liable for the negligence performed by them under the Act.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006<sup>23</sup> was enacted firstly, to recognize and protect the rights of Scheduled Tribes and the persons having occupation in the forests before independence or since the time of the colonial era. Secondly, the maintenance of records and evidence relating to the rights vested in the forest land by the forest dwellers and the communities working in the forests. Thirdly, the rights recognize biodiversity, environmental preservation, and sustainable usage of forest land in consonance with imparting adequate livelihood and food security to the tribal communities and forest dwellers.<sup>24</sup> Fourthly, the communities that had to relocate due to the State development projects and expansion, their rights, security, and accessibility to means of living are shielded under the Act.

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<sup>21</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, No. 30 of 2013, § 51 (India).

<sup>22</sup> The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989, India Code (1989), § 3 & 4.

<sup>23</sup> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, § 3 and 4 (India).

<sup>24</sup> *Mineral Area Dev. Auth. v. Union of India*, 2024 INSC 547.

India has marked seventy-eighth year of independence and is advancing towards becoming the developed nation and after coming up with several schemes, strategies and course of action for the appraisal of tribal and ingenious communities, yet certain parts of Chhattisgarh, Jharkhand, and Madhya Pradesh are struggling for basic means of living, such as health, sanitation, hunger, poverty, quality education, and employment. The States of Assam, Manipur, Tripura, Meghalaya, and Arunachal Pradesh are somewhat doing better as we see more than 95 percent literacy in these States; however, the government had ignored their cycle of development until the 2000s, probably due to the possible Chinese aggression and belligerence. These communities need special attention, especially after the lands and forests are acquired by the State from them.

## CONCLUSION AND SUGGESTIONS

The junction of transnational legal order and globalization has formed a conflicting idealism for the tribal, indigenous, and rural population living in India, wherein, with the advent of liberalization, privatization, and globalization, the economy of the country has certainly been improved; however, the displacement of the tribal population and cultural erosion have harshly affected the indigenous diaspora in India.<sup>25</sup> The LPG reforms have transformed the nation with economic growth, welfare, and the richness of the country, yet they have also enabled the alienation of indigenous forest lands for industrial development. The current laws, regulations, and statutes provide an underutilized legal framework for the protection of the rights of indigenous people and environmental preservation.

Projects like the Great Nicobar Mega Infrastructure project is one of the key examples of the ongoing tension between "progress" and the survival of indigenous communities like the Nicobarese and Shompen. The statutes, such as the RFCTLARR Act 2013 and the Forest Rights Act of 2006, cover legal protection and enable the tribal population with rights and immunities from displacement and adequate means of livelihood. The statutes are also liable for the State to dutifully abide by rules and regulations, and the public servants acting in contravention of laws or acting in negligence are liable to punishments. However, despite laws and statutes enacted for protection, incidents such as the 2025 raid in the Hunsur district of the Karnataka tiger reserve show that the gap persists between legislative intent and administrative

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<sup>25</sup> *Ram Charan v. Sukhram*, 2025 INSC 200-227 (India).

action.

It is recommended that there must be strict adherence to the Panchsheel principles of the then Prime Minister Jawaharlal Nehru, wherein the quality of life of the tribal population must be measured with the industrial development rather than just forcing the indigenous communities for alienation of forest lands and taking away their occupation, means of living, and livelihood. The government should take guidance and support from international conventions for strengthening the rights of indigenous people, rather than acting as a hindrance to weakening the lives of tribal communities. With literacy rates exceeding 95% in certain Northeastern states of Assam, Manipur, Mizoram, and Tripura, similar targeted educational models should be applied in struggling regions of Chhattisgarh, Madhya Pradesh, and Jharkhand to bridge the development divide with the rest of the Nation. The State must ensure decent livelihood and employment opportunities for the displaced indigenous families to prevent them from the vicious cycle of poverty and debt in the city, instead of just issuing monetary relief to the victims.