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Paradox between Policy and Practice: Implications of Land/Property Rights of South Asian Indigenous People on Current Development Agendas of Countries

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ABSTRACT

Starting from the historical massacres of native tribes by the colonizers/settlers in different parts of the world, to the current appropriation of their land and the exploitation of their natural resources, indigenous people have suffered assault, discrimination and marginalization to a grievous extent. The Asian indigenous population that makes up seventy percent of a world community of approximately two hundred and fifty million of indigenous groups also intensely share in this suffering. The present study centred around the still unresolved grievances of the indigenous communities in South Asia, mainly with regard to land/property. In order to probe into this issue, the study employed the qualitative method of library research in synthesizing available secondary data pertaining to the social, anthropological and demographic indigenous information from South Asia. By employing this method, the study aimed to provide an overview of the situations in the countries examined, particularly in relation to the land issue. Although research is available on indigenous cultures and associated problems, indigenous information from Sri Lanka in comparison with the rest of South Asian indigenous contexts is an area that has not been adequately explored, which is the gap that this study attempted to address. The outcome of the study further ascertains that notwithstanding the previous and the latest conventions, treaties and constitutional reforms ratified by consecutive governments of the relevant countries, the land-related problems of indigenous groups keep aggravating almost on a daily basis. In the modern society where inclusivity and mutual respect are given importance, the present research can be deemed significant in recognizing the most recent indigenous information with a view to sensitizing the world to one of the continuing problems of a historically significant human enclave in a context of socio-economic development and sustainable investment.

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1. INTRODUCTION

An indigenous community is identified as a “distinct social and cultural group that

shares ancestral ties with the lands and natural resources where they live, occupy or from which they have been displaced” (World Bank Report, 2023). Their lives,

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cultural and religious practices are intertwined with their natural environment, while their social existence, which includes their culture and language, is distinct from that of the adjacent mainstream society. Both their identity and existence are dependent, and inseparably linked, with the land they live in and the natural resources provided by the land. Thus, land plays a key role in the survival of the indigenous people and their culture (Joshi et. al, 2016). Their traditional ancestral land has a historical, life-supporting value for the indigenous people. They are not only the true inheritors of their land, but also the bearers of an ancestral knowledge on how to live with their land in harmony. The United Nations Permanent Forum on Indigenous Issues has declared land as the 'foundation of the lives and cultures of indigenous peoples all over the world' (UNPFII, 2007, cited in Joshi et. al, 2016).

Seventy per cent of the two hundred and fifty million of the world's indigenous population live in the Asian continent (Cribb, 2022), with approximately ninety-five million living in South Asia (World Bank, 2011). [It should be noted, however, that these numbers may be contentious due to reasons of definition, identification, the period under scrutiny, etc.]. The regional sub-category of Indigenous people in South Asia comprises the ethnic groups living mainly in Bangladesh, India, Nepal, Pakistan and Sri Lanka. The objective of the present study concentrates on exploring the issues in connection with the land/property rights of indigenous communities in these five countries of South Asia, with its focus on comparing the indigenous land information from Sri Lanka with the other four South Asian indigenous contexts. Research is available on indigenous cultures and associated problems, but indigenous information from Sri Lanka in comparison with the rest of South Asian indigenous contexts is an area

that needs to be further explored. This is the gap that this study identified and attempted to address.

2. LITERATURE REVIEW

The United Nations has declared the indigenous communities as distinctive groups whose linguistic and territorial rights have to be imperatively recognized and protected by national and international legislation (Coats, 2004). Apparently, to have a claim to a 'definable territory' is one of the key defining attributes of an indigenous population (Kingsbury, 2008: p. 127).

Land, territories and related resource rights are of fundamental importance to indigenous peoples since they constitute the basis of their economic livelihood and are the sources of their spiritual, cultural and social identity. Land is the foundation for the lives and cultures of indigenous peoples all over the world. Without access to, and respect of their rights over, their lands, territories and natural resources, indigenous peoples' distinct cultures, and the possibility of determining their own development and future, become eroded (Corpuz, 2007).

According to the World Bank estimates, indigenous communities occupy 'approximately a quarter of the world's surface area, overlaying a significant portion of the world's biodiversity, almost half of the earth's protected areas and a significant proportion of the planet's most ecologically intact landscapes' (World Bank Report, 2023). The United Nations reports that approximately six percent of the world's population consists of indigenous communities spread throughout the globe. However, these communities are presently among the poorest of the people in the world due to reasons which are mainly related with their right to land and its resources.

Although the International Labour

Organization (ILO) Convention No. 169 has endorsed the indigenous people's right to make decisions pertaining to the natural resources in the land which they inhabit, the reality seems to be quite different from, or contrary to, these official ratifications. The modern property rights laws have either not formally recognized, or inadequately addressed, or even neglected, the rights of the indigenous populations to their land and its resources, rendering them vulnerable to eviction, exploitation, intimidation and marginalization. The forcible intrusion of settlers into their land in the name of development has currently displaced many of the indigenous people from the land which they initially occupied, the land where they were born and bred. The infrastructure development and transport expansion projects have had drastically negative influences on the land and the resources of the indigenous communities.

Asia Indigenous Peoples Pact (AIPP, 2014), a regional organization representing issues related to indigenous communities in fourteen (14) countries in Asia, discloses that such communities, self-identified as indigenous groups, undergo acute violation of rights almost on a daily basis. The International Labour Organization reports that the mineral wealth of some of the countries in Asia 'was obtained by violating the rights of the tribals' (ILO, 2011, cited in AIPP, 2014).

All too often, their territories are sacrificed and expropriated for state-sponsored development and corporate projects that lead to gross and wide-scale violations of their collective rights, especially regarding their lands, territories and resources (AIPP, 2014: p.1).

Ironically, this grave infringement on the indigenous peoples' rights has occurred in spite of the collective acceptance by a majority of the Asian states of the United Nations Declaration on the Rights of the

Indigenous Peoples (UNDRIP, 2007). Although they have been defined as the people with 'historical continuity with pre-invasion and pre-colonial societies' by the United Nations Working Group on Indigenous Populations (WGIP), the tribal people have now been made subordinate to the communities that settled in the land as a consequence of colonization and migration (Brahma, 2019).

The International Fund for Agricultural Development (IFAD) explains the collective rights of indigenous communities in the following manner:

The collective rights of indigenous peoples include recognition of their distinctive histories, languages, identities and cultures and the collective right to lands, territories and natural resources they have traditionally occupied and used, as well as the right to their collectively held traditional knowledge. In establishing and fulfilling collective rights for indigenous peoples, the international community has affirmed that such rights should not conflict with existing international human rights norms but complement them.

However, these human rights instruments are openly disregarded by the state and the mainstream societies of almost all the countries with indigenous minorities, and thus, quite paradoxically, the existing local policies have proven to be inadequate in a context where marginalization of those languages takes place with state patronage.

The World Research Institute (WRI) define land rights as follows:

Land rights are the rights of individuals or groups of peoples, including local communities and indigenous peoples, over land. The bundle of rights can include the rights of access, withdrawal, management, exclusion and alienation. The bundle can also include rights to various natural resources on and below the surface of the

land (e.g., trees, wildlife, water, minerals). The source of these rights can be statutory law or customary law (WRI, 2016).

The indigenous populations in South Asia, as in other such groups throughout the world, have been facing the grave issue of losing their ancestral socio-cultural localities. In the name of development, they are being forcefully evacuated from their traditionally-owned territories. Land-grabbing and deforestation have been taking place to launch developmental ventures and to set up industries, while the mining of natural resources, too, has added to the issue of displacement of indigenous people.

In addition to the destitution caused by ecological devastation, the development projects—industry, hydraulics (dams and irrigation), infrastructure (roads, railways), mining, and plantations—led to massive, enforced displacement and migration in South Asia (Thresia, et. al. 2020).

Since this study is an overview of secondary data on the relevant topic, in addition to the work discussed in this review of literature, other important sources will be alluded to in detail in the section on Results and Discussion.

The significance of the present study lies in the fact that it raises awareness on areas such as responsible land and resource management, sensible development projects which benefit all stakeholders which includes the indigenous people, and prioritizing indigenous rights in investment practices. Researchers and other interested parties have identified these areas as crucial in sustainable socio-economic development (Bansal, et. al, 2023).

3. RESEARCH METHODS

The study in connection with the present article intended to provide an overview of some of the major land predicaments of the

indigenous groups in South Asia, with its focus on Bangladesh, India, Pakistan, Nepal and Sri Lanka. Issues pertaining to were discussed using the qualitative method of library research from available secondary data in connection with the many indigenous communities scattered in different areas in the region of South Asia. Social, anthropological and demographic data from books, journal articles, research reports and project reports issued by international governmental and non-governmental organizations were some of the key sources from which the necessary data were gathered. The data that was necessary for the study was collected through a mixture of systematic and purposive (non-systematic) review methods. The two review methods were used in complementary capacities in synthesizing the information extracted from existing literature on the area under study, particularly because, other than the reports published by different branch organizations of the United Nations, a considerably small amount of scientific research on the indigenous rights were found to be available for the review of the literature. The systematic review method was employed to extract focused and in-depth information, while purposive review was deemed important in locating more insightful details (Cook, 2019). Some of the important work published in the past four decades, i.e. from 1984 to 2024, as well as non-seminal yet potentially insightful work published within the same time period were used. Information that can be considered as common and general to all five countries has been laid out in the section on Literature Review while approximately the same weightage has been given to each of the five countries in applying the extracted information in the section Results and Discussion. (A brief description of some of the main sources referred and the key information extracted are displayed in Table 1 below):

Table 1: Main sources for key information

Country	Description	Source
All Five Countries	Enforced displacement	Thresia et. al. (2023)
Bangladesh	Land-grabbing by the state	Nilsson & Stidsen (2014)
	land-grabbing	Murmi, K. (n.d.)
	Non-awareness of rights	Roy, L. (2015)
	Indigenous land area	Sharmin, S. (2012)
	Dispossession of land	Barkat et. al (2009)
India	Indigenous population in India	Acharya, S. (2023)
	Denial of indigenous rights	Brahma, A. (2019)
	Denial of indigenous existence	Karlsson, B.G. (2008)
	Violation of indigenous rights	Bijoy, et. al. (2010)
	Colonial policies violating indigenous land rights	Iyer et. al (2004)
Nepal	Indigenous land loss	Joshi et. al. (2017)

4. RESULTS AND DISCUSSION

One of the main problems the indigenous communities have to grapple with is the lack of availability of accurate information about their groups at an official level. These data have either not been adequately recorded and documented or have been completely overlooked. In all South Asian countries with different histories but similar problems pertaining to the indigenous communities, only some of such groups have been officially recognized. In a backdrop where some other tribes are yet to

	Right to natural resources	Bhattarai (2017)
	Non-consultation of indigenous people	Nilsson & Stidsen (2014)
	Conflict over land	Upreti (2010)
	Inadequate land laws	Acharya et. al (2023)
Pakistan	Non-recognition of indigenous people	UNHR Council Report (2017)
	Law towards the indigenous	Zadi (2021)
	Law towards land tenure	Islam et. al. (2022)
	Indigenous and ethnic minorities	Ali, S. S. & Rehman, J. (2001).
Sri Lanka	Definition of Vedda community	Dart, J. (1990)
	Origin of Vedda community	Kennedy, (1984); Kennedy and Deraniyagala, (1989)
	Vedda land	Obeyesekera (2002)
	Vedda land	Blundell (2012)
	Caste issues	Ross and Savada (1988)

be recognized, those communities find it hard to voice their grievances because of the difficulty in fighting for the rights when their communities are not recognized (Gaunt, 2021). The present article will be based on the hitherto available information with regard to the indigenous communities of the South Asian countries under scrutiny in the study.

Country-wise Overview of Indigenous Land/Property Rights

India

India has the second largest community of indigenous peoples in the world (Africa being the first), scattered in different parts of the country. As observed by the International Work Group for Indigenous Affairs (IWGIA), the indigenous communities in India, identified as constituting seven hundred and five (705) ethnic groups, have been estimated to make up 8.6 per cent of the total population of the country (2011 Census). The most numbers of indigenous groups of India inhabit the areas in north-eastern, central and southern parts of the sub-continent, thus testifying to their diversity in ethnic orientation and culture. Acharya (2023) stipulates that the officially recognized number of these communities comprise approximately eighty-four million people, covering a quarter of the indigenous populations of the world.

Iyer et. al (2004) discloses that the policies implemented during the British colonial rule in India significantly violated the traditional land rights of the tribal communities. The Indian Forest Act of 1927 as well as the land revenue system known as Permanent Settlement, introduced by the British East India Company and implemented in 1793, completely deprived these tribal groups of their rights and claim to their land. In post-independence India, too, although legal frameworks have been established to protect the rights of the indigenous people, the infringement of their rights has been reported at a large scale. The Fifth and the Sixth Schedules of the Indian Constitution (1950) have recognized the rights of their indigenous communities (commonly known as *Adivasis* and legally called Scheduled Tribes) pertaining to land and other matters crucial to their lives. Their right to occupy and manage their land and its resources has further been consolidated by the Panchayats Extension to Scheduled Areas (PESA) Act of 1996 and the Forest Rights Act (FRA) of 2006. However, the legitimacy

of this recognition is in question in actual practice because still the territories owned by the indigenous people and their natural resources are subject to boundless exploitation.

The situation with regard to the indigenous communities in India has actually been contrary to the constitutional endorsements, in that consecutive governments in the country has denied the existence of a separate group of people as indigenous communities (Karlsson, 2008). Brahma (2019) contends that although India is one of the Asian countries that voted for the United Nations Declaration for the Rights of the Indigenous Peoples (UNDRIP, 2007), the state mechanism of the country itself has denied the indigenous groups the rights or protection provided by these conventions. This claim is further supported by other research which refer to the refusal of Indian governments to accept and respect the rights of the indigenous communities, thus leaving ample room for the violation of these rights (Bijoy, et. al. 2010). According to the Report on the Survey on Alienation of Tribal Land in Assam (1999), the transfer of tribal land to non-tribal people or organizations, which happens at a large scale, has given rise to widespread breach of international laws on indigenous rights.

The tribal people who have been occupying their ancestral land from the ancient time, suffer challenges and extreme difficulties on claiming or re-claiming legal ownership to their land, due to lack of documentary evidence. This deficiency has enabled the state to overpower the fundamental rights of the indigenous people and acquire their land through developmental projects carried out under the patronage of consecutive governments or private sector organizations. For example, in 2019, the Supreme Court of India ordered the eviction of eight million people that included the indigenous people of the country, to enable conservation and

industry projects launched by the government.

Nepal

The indigenous peoples of Nepal, officially known as *Adivasi janajati* (or, *Adibasi janajati*) constitute 31.85 per cent, that is a significant number of 8.5 million, out of a total population of approximately 27 million in the country (Indigenous Voice, 2025). These indigenous communities, belonging to various different ethnic groups (126 ethnic groups, according to the census of 2011), are dispersed all over Nepal, its south, east, west, the mountains and the plains, even in the capital valley of Kathmandu. Like in the case of indigenous peoples found in other countries, these communities, too, live in the remotest of the rural areas of Nepal, with subsistence farming as their main livelihood.

The indigenous groups in Nepal also face the issue of eviction from their traditional land and territories in spite of legal recognition of their existence. Although Nepal has also accepted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and currently has an Act for the recognition and development of the indigenous communities in Nepal (National Foundation for Development of Indigenous Nationalities, [NFDIN] Act of 2002), its indigenous people continue to face discrimination and marginalization with regard to their rights to land and other property entwined with land. They are not only denied equal opportunities both economically and politically, but also, according to recorded information, are economically exploited and politically oppressed (Indigenous Voice, 2025). It is ironic that the NFDIN Act of 2002 officially identifies the *Adivasi janajathi* as distinct communities with their own traditional homelands, languages, cultural and social structures, but the indigenous peoples in Nepal are deprived of their right to live as an independent group.

The construction of dams under various hydro-power projects is being done in much of the territory owned by indigenous communities, thus dispossessing these groups of their traditionally owned territories and resources. These projects implemented by the state as a result of the modern state-building mechanisms as well as the ignorance of the indigenous communities of their land rights have become serious impediments for them to voice and secure their land rights. Furthermore, as Joshi et. al. (2017) point out, many indigenous groups in Nepal have gradually lost control over their land 'because their land tenure systems were not recognized, registered and protected by the state'. The indigenous people have never been consulted in the planning and launching of massive infrastructure development projects which run over major portions of their ancestral land (Nilsson & Stidsen, 2014, p. 9).

The indigenous peoples have nowadays perceived that their whole life and livelihood security have been threatened because of restrictions on the use of their traditional resources, evictions from their ancestral lands, and due to lack of proper policies and legislations to ensure their traditional and alternative livelihood opportunities (Bhattarai, 2017).

Upreti (2010) supports the argument that inefficiency in legal and policy frameworks have resulted in long-drawn disputes over land, which assertion is further endorsed by Acharya et. al (2023) who emphasize the injustice of the system in making the indigenous communities susceptible to the repercussions of this unresolved problem pertaining to land.

The indigenous people of Bangladesh make up an approximate percentage of 1.8 of the total population of the country, which consists of more than fifty-four (54) different indigenous communities (Census, 2011). They are officially documented as

indigenous peoples or aborigines.

Bangladesh

The State of Bangladesh has consented to the United Nations human rights treaties and also documented the rights of its indigenous communities through several official moves which include the Chittagong Hill Tracts (CHT) Regulation of 1990 and the CHT Land Disputes Resolution Commission Act of 2001. However, like in the case of other Asian indigenous groups, the indigenous communities of Bangladesh, too, encounter major issues with regard to their socio-economic and land rights. For example, Murmi (n.d.), in a study of the sixteen (16) districts of Rangpur division, situated in the northern side of Bangladesh, and the Rajshahi division which lies towards the west of Dhaka, the capital of Bangladesh, reports the problem of land-grabbing from indigenous people by those with power and influence from the mainstream society.

Roy (2015), too, endorses the fact that '[i]ndigenous people and communities face discrimination and are subject to extortion by land grabbers. The level of awareness among indigenous people is very low'. Roy also observes the lack of adequate laws and policies in Bangladesh, which directly address the (grievances of) the indigenous people. Sharmin (2012) observes the lack of legal awareness and knowledge on the part of indigenous groups pertaining to their rights, along with political influence and negligence as well as inaccurate land demarcation as some of the key factors that can be attributed to the main land-related problems of these indigenous communities. Hossain (n. d.) postulates that the land grabbers evade punishment since they have the support of leading politicians.

The *Adibhashis* (indigenous peoples) in the plain land of Bangladesh are some of the most politically marginalized and socio-economically disadvantaged people in Bangladesh. One of the key aspects of this

marginalization is gradual dispossession of their lands, which impacted negatively not only on their livelihood concerns, but also heavily accentuated their identity crisis, including the process of acculturation (Hossain, n.d. pp. 16-17).

An estimated area of 202,164 acres of plain lands in the north-western districts of Bangladesh, according to Barkat et. al (cited in Hossain, n.d. p. 17), have been grabbed from the indigenous groups who inhabited those plain lands, both by government-led projects and by the civil society. Consecutive governments of Bangladesh are under severe attack by world organizations for not taking measures to resolve the land issues and uplift the indigenous groups of Bangladesh.

Pakistan

Pakistan, too, has voted for the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP), and has endorsed several treaties on human rights. However, where the indigenous communities of Pakistan are concerned, it has been reported that consecutive governments of Pakistan have refused to acknowledge the indigenous groups of the country, calling them instead as ethnic minorities or 'others', despite the existence of many such communities on the borders of different parts of the country (UNHR Council Report, 2017). The Constitution of the country refers to all such groups under one umbrella term, as ethnic minorities, not as indigenous populations, and other documents refer to them as 'others'. As Zadi (2021, p. 379) mentions, the indigenous people are referred to as tribal communities, ethnic or religious minorities in the Pakistani law, once again indicating that these groups are clearly left out from being recognized as indigenous people.

Despite the two Parliamentary bills issued in 2017 by the then Pakistani government

with a view to mainstreaming the Federally Administered Tribal Areas (FATA), the proposed reforms which could be viewed as bringing some solace to a major part of the indigenous populations in Pakistan have been long delayed from being implemented. In a world context where indigenous rights are being accepted and affirmed, Islam et. al. (2022) posit the need for legal measures that safeguard the indigenous rights, with particular reference to land tenure and the utilization of natural resources. This contention is further validated by Ali and Rehman (2001) when they state that the identity of Pakistan should be strengthened with the inclusion of its minorities, which definitely includes its indigenous minorities.

Sri Lanka

The indigenous community of Sri Lanka, the *Adivasis*, or the Vedda community, which consists of an approximate number of five hundred thousand (500,000), has been estimated to make up nearly one per cent (1%) of the current population of the country. Dart's (1990, cited in Blundell, 2013) definition of the Vedda community of Sri Lanka is very much in-keeping with the United Nations definition of an indigenous community.

The Veddhas have a long history of existence as a distinct group, and have maintained cultural traditions which are distinct from those of present-day Tamils and Sinhalese (Dart, 1990, p. 80, cited in Blundell, 2013, p. 25). That included

Although there is not much of evidence to suggest the true origins of these Sri Lanakan *Adivasis*, they are presumed to be descending from the Mesolithic humans who had lived nearly fifty thousand years ago, in the present Sabaragamuwa area in Sri Lanka (Kennedy, 1984; Kennedy and Deraniyagala, 1989). The small percentage of this indigenous community can be found spread across six provinces of the country, mainly in the heavy forests of Dambana,

Sorabora Village, Nilgala, Dimbulagala, Rathugala, Henanigala, Laggala, Dalukana and Kukulagala of central Sri Lanka and in the coastal area of Vakara of the eastern part of the island (Punchihewa, 2011).

The Gal Oya irrigation project launched between 1951 and 1955, the Deduru Oya project, the Mahaweli development project, as well as the other irrigation and agricultural expansion projects have compelled the Vedda community of both the central and eastern regions of the country, to either withdraw further into the forests (Dharmadasa & Samarasinghe, 1990) or to relocate themselves in areas alien to them. With the introduction of the new forest and wildlife laws and regulations such as the Forest Ordinance, the land once they owned, became forbidden territory for the Vedda people, and as Obeyesekera (2002, p.26) points out, they began to be viewed as 'trespassers' in their own land! According to Blundell (2012), with the accelerated Mahaweli irrigation project (between 1977 and 1983) offering land to the mainstream Sinhala people for cultivation, the Vedda community began to gradually lose their ancestral land and thus their 'life support regions' (Blundell, 2012, p. 26).

Sri Lanka lacks specific laws to recognize and protect the indigenous communities. The capturing of inherited indigenous property has been continuing in many of their areas including Ampara and Moneragala, In the year 2023 the Vedda chieftain, Wanniyaleththo, voiced the need for a legitimate Act to ensure legal strength for the rights of the Vedda community.

This Act should comprise of a correct definition to their community in order to confirm their right to live, and their culture, language, and beliefs. They requested to formulate laws to safeguard their right to access Courts and to obtain legal aid in Courts (Sri Lanka Brief, 2023, quoting HRCSL Commissioner Dr. Nimal

Karunasiri).

Even though a policy document has been drafted by the Center for Policy Alternatives with the involvement of several ministries, government departments, and the civil society, until it is converted into a parliamentary Act, the much-needed legal strength will not be ensured for the rights of the indigenous community of Sri Lanka.

In attempting to resolve the issues pertaining to their land, language poses a grave problem for the indigenous groups. Since they do not comprehend the mainstream languages, and their languages are not recognized by the state mechanisms, these groups are at a complete disadvantage when it comes to almost all forms of rights including land titles/property deeds, access to legal and public information, etc. leading to further exploitation and marginalization of indigenous groups. According to the International Land and Forest Tenure Facility, a community-service based non-profit organization (based in Stockholm, Sweden) which focuses on 'securing land and forest rights for indigenous peoples and local communities', the high caste ruling elite of Nepal refuses to accept the existence of indigenous languages.

Implications of the caste system also implicitly manifests in the exploitation of indigenous people and their land rights. The caste system appears to have become a contributing factor to many of the problems faced by indigenous people, with the exploitation and unlawful seizure of their land. In many South Asian societies where the stratified system of caste operates to a large extent, either overtly or in a transmuted way, the indigenous groups of those societies are generally treated as belonging to the low castes. The stigma associated with their castes makes them extremely vulnerable to different forms of persecution, which includes the grabbing of

their ancestral land by those who belong to the higher castes, who, owing to the supremacy of their caste in the society, engage in these practices with complete impunity. Their habitations being located in the remotest areas of jungle, as well as their lack of literacy and awareness on the matters of mainstream society add to their problem of falling prey to those from the higher castes. For example, the indigenous communities of Nepal have been historically harassed and oppressed on the basis of caste, leaving no room for them to articulate their grievances on being ousted from their traditional land and territories.

Out of the five countries under study, Sri Lanka has a different situation with regard to the implications of caste on the land issue of its indigenous societies. Where the Sri Lankan indigenous community is concerned, the Veddas of the Sinhala-speaking areas are not considered as originating from a low caste. Ross and Savada (1988) claim that this Vedda group is 'generally accepted as equal in rank to the dominant Goyigama caste of the Sinhalese'. Though the caste demarcations of the Veddas of the eastern coast are not precisely clear, the land issues faced by the indigenous populations of Sri Lanka could be deemed as not mainly originating from matters pertaining to caste.

Comparison of the Five Countries

Five main countries in South Asia were studied in this research for the situation of their indigenous communities with regard to the land problem. A thematic analysis was administered to compare the findings from the other four countries with the Sri Lankan indigenous land situation. The outcomes of the study show that the indigenous communities of all five countries, including Sri Lanka, have historically faced the common issue of being unjustly treated by the mainstream societies. They have been gravely discriminated against and marginalized,

with equity and social justice being far away from them. Lack of opportunity is a similar problem in all such communities from these five countries. The indigenous land/property rights of all these countries are openly violated by the influential factions of mainstream society. Although there are laws in these countries to ensure their fundamental rights, the legal systems and the law enforcement mechanisms are inadequate to address the grave injustices faced by the indigenous people where land and other rights are concerned.

As stated in the discussion, Bangladesh, India, Nepal, Pakistan and Sri Lanka have lost many of their indigenous populations due to the unlawful acquisition of their land by predators in their territories. In comparison with the other four South Asian countries, it could be said that in Sri Lanka, too, there have been recurring talks and discussions between the current Vedda chieftain and the topmost officials of consecutive governments, about the progress of the Parliamentary bill that is under way concerning the rights of indigenous people in Sri Lanka. However, solid legal measures have hitherto not been taken to address and resolve the daily issues faced by the indigenous people, land issue being a prominent one in this regard, in Sri Lanka.

The land problems that indigenous people face due to their caste are not prevalent among the indigenous people in Sri Lanka, when compared with the other four countries. The Vedda groups, too, undergo land usurping by powerful factions, but this is not because of the caste issue. As mentioned in the discussion, the Veddas living around the Sinhala-speaking areas are considered as belonging to the highest caste of agricultural people, according to societal practices. As such, the land issues of the Vedda people are connected with (as discussed earlier) reasons outside of the caste system.

The comparison further indicated that unlike countries such as Bangladesh and Pakistan which deny the existence of indigenous communities, Sri Lanka has recognized the presence of the Vedda people as an indigenous group which originates from some of the ancient inhabitants of the island. However, indigenous land rights issues still strongly persist in the country, forcing those communities into dislocation and resettlement. In this regard, there seems no difference between Sri Lanka and the other four South Asian countries with which it was compared. All five countries under study do not have legislation for the protection of the land rights of their indigenous communities. The reality is that the existing laws are quite hostile to those communities, preventing them from entering their once-owned territory for purposes of livelihood. However, in a backdrop where other South Asian countries appear to be totally antagonistic towards their indigenous populations, Sri Lanka has made an attempt to at least maintain a positive outlook on the rights - including those pertaining to land - of its indigenous Vedda groups.

5. CONCLUSION

The land rights of indigenous groups have been very well-recognized at an international level, and to a considerable extent, at the regional level, too. However, acknowledging and safeguarding those rights has not been considered as a pertinent issue by many of the countries where indigenous communities live, including the context of South Asia. Their land and territorial rights are being brutally violated almost on a regular basis, forcing them out of their traditional homelands. The instability and uncertainty caused by such a situation can have strong negative repercussions on investment and economic growth. Proper legal and social policy and practices are necessary to secure

the land rights of all including the indigenous populations, but the reality so far has proven hostile to the indigenous communities, with all forms of repression, which may ultimately hinder healthy and sustainable development. Sri Lanka, unlike some other South Asian countries reviewed in this article, recognizes and respects the existence of its indigenous community, but needs considerable progress with regard to the legal recognition and protection of the indigenous rights which certainly include their right to land.

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