



**For tribes, for nature
for all humanity**

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**We are Survival International, the
global movement for tribal peoples.
We're fighting for their survival
around the world.**

Submission to the Special Rapporteur on Freedom of Religion or Belief on Indigenous Peoples: Mapping lived experiences of Indigenous Peoples

Introduction

[Survival International](#) is a human rights organization with ECOSOC Consultative Status, formed in 1969 that works in partnership with tribal peoples to campaign, lobby and protest for their land rights. Survival investigates, exposes and confronts atrocities against tribal and Indigenous peoples worldwide.

Part One: Laws and practices discriminating against Indigenous peoples in India

Are there laws, policies and practices that discriminate against Indigenous peoples in enjoying their spiritual and religious traditions, customs and ceremonies?

1.1 Adivasi people: indigeneity and religion

Adivasi peoples' indigeneity is not recognized by the Indian government, which considers them 'Scheduled Tribes' – listed in a separate Schedule of the Constitution. Although India voted in favor of UNDRIP, it maintains that *all* Indians are Indigenous, not just Adivasi people, and therefore UNDRIP does not apply to the nation. India has not ratified ILO Convention 169. This makes it harder for Adivasi peoples to get their internationally recognized Indigenous rights, including their religious freedoms, upheld within India.

Many Adivasi people are animists, many follow the Sarna religion which is based on reverence for a supreme spirit that manifests in nature and is the heart of the identity of many Adivasi people. Under the census, Adivasis have to state their religion as one of the following: Hinduism, Islam, Christianity, Sikhism, Buddhism or Jainism. There is no option for their own religion, for no religion or for "other". For decades, many Adivasi people have objected to this and wanted their belief system to be recognized as distinct and equally valid. In Jharkhand, the state government has been [campaigning for a change](#) to the religion options on the census as one part of a wider recognition of Adivasi religions and beliefs and their distinct Indigenous identities.

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We ask the Special Rapporteur to urge India to recognize the indigeneity of its Indigenous peoples, and to allow them to self-identify in the census and other official documentations as they wish.

1.2 Violent evictions from and desecrations of land in the name of “development”

India’s Indigenous peoples have borne the brunt of state-sanctioned violent evictions in the name of “development”. Adivasi people make up around 8% of the national population, but [50%](#) of the people who have been forcibly displaced for dams, mines and other “developments”. By 2011, an estimated 50 million people had been displaced in India, the current total will be much higher.

These “developments” rarely involve the government seeking the legally-mandated consent of the community, let alone respecting their right to refuse a project on their land. Compensation and rehabilitation are usually woefully absent or minimal. For the Adivasi communities, nothing can compensate them for their loss of their lands, which are intimately tied to their culture, beliefs and identity.

There are sound laws in India for righting the historical injustice faced by Adivasi peoples, protecting their access to, and control over, their lands and forests, and recognizing the right of Adivasi communities to give or withhold their consent for projects that will impact their lands and culture.¹ However, in practice, these rights are systematically violated by both central and state governments. In 2013, the Supreme Court issued an important [judgement](#) on the issue of mining in the Niyamgiri Hills, Odisha, on a site sacred to the Dongria Kondh people, who attested that mining would obliterate their ability to worship their gods and would, therefore, be a death knell for their culture. The Court instructed the government to ensure that the Dongria were freely able to give or withhold their consent for a project that would be so damaging to their belief system. The Dongria gave a resounding, unanimous no to the project and their sacred site was saved. This should have become the case law for all upcoming mining projects on Adivasi sacred sites, but that has not transpired.

In Hasdeo Forest, for example, in Chhattisgarh, Adivasi communities threatened by coal mining have been clearly asserting their objection to the destruction of the Forest on which their beliefs depend, and where their ancestors and gods reside. A leader there recently said: “The problem that we are facing is such that it will completely destroy our future generations and our identity. If the mine is opened here then our culture, our traditions, our way of life, all of these things will be completely destroyed.” On 5th July 2022, Adivasi leader, Lalsu Nogoti [informed international lawmakers](#): “Mining – so called “development” – is destroying the sacred spaces where our deities reside. This is not development, this is destruction.”²

We urge the Special Rapporteur to condemn the desecration of Adivasi peoples’ sacred places and demand that India upholds their rights to give or withhold their consent for projects that will

¹ Especially: the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA); the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA); and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR).

² Fringe event at the UK Foreign and Commonwealth Office’s Ministerial Conference on Freedom of Religion and Belief, attended by parliamentarians from the UK, US, Australia and the EU and UN SR Mary Lawlor, with a virtual audience of around 1,500 people.

impact on their religious sites and freedoms and commits to stopping all mining on Adivasi sacred sites without their free, prior and informed consent.

1.3 Impact of Hindutva policies and extremism

Hindutva extremism endangers Adivasi lives across India, aiming to control what they eat, how they live, who they love and what they believe. This extremism aims to destroy their Indigenous cultures and identities, “bringing them back” to Hinduism whether they are animists or of any other faith or none. It is based on the misguided notion that Hinduism is the original or default religion for everyone in India. Denying the Indigeneity and autonomy of Adivasi peoples is an integral part of that notion.

Hindutva vigilantes regularly lynch Adivasis on the pretext that they are ‘cow killers’. In May 2022, for example, two Adivasi men in Madhya Pradesh [died after being lynched](#) by members a militant Hindutva youth organization. Their families and community live in fear, whilst the perpetrators have the support of the police. In 2019 and 2017 Christian Adivasis were killed after lynchings associated with suspected cow killing. John Dayal, a civil rights activist [said](#): “The lynching of at least two Christians in Jharkhand in less than two years is the culmination of first a state sponsored targeting of Christian tribals, and the now nationwide carte blanche is being given to self-appointed cow vigilantes. In these two instances, the Christian tribals became victims of the marauding gangs who enjoy immunity and even patronage of the political ideologues who now rule India.” Adivasi man, Kodarbai Gamar, was [killed after being beaten by police](#) because of a killed bull, leading his widow to conclude: “Our life is worth less than a cow”.

Beef consumption is an extremely contentious topic in India today, as Hindutva leaders whip up mobs in defense of the sacred cow and States are passing [ever more draconian laws](#) on the matter. In Gujarat, the punishment for cow killing is life imprisonment and there is no assumption of innocence until proved guilty.

In 2019, an Adivasi professor, Jeetrai Hansda, was [arrested](#) for a Facebook post from 2017 in which he had defended his community’s right to eat beef. In a letter complaining about the dismissal of the professor from his college, Dasmath Hansdah, the head of Adivasi organization Majhi Pargana Mahal, [wrote](#): “Adivasis are citizens of India as well. We have a democratic right to follow our cultural and religious traditions like everybody else... If the Central government brings in a law banning cow slaughter, it will end our traditions and religious beliefs.”

We urge the Special Rapporteur to condemn the lynching and pressurized religious conversion of Adivasi people by Hindutva organizations and their supporters, and to demand that the State commits to halting these violations.

1.4 Conservation policy and Adivasi religious freedoms

India’s conservation policies are based on the brutal and colonial fortress model of conservation – predicated on the false idea that nature can only be saved if it’s emptied of its human inhabitants. This notion persists, despite [strong evidence](#) showing that Indigenous people are the best conservationists, with many tribes worshipping the tiger. As JK Thimma, a shaman and

leader of the [Jenu Kuruba tribe](#) in Nagarhole National Park and Tiger Reserve explains: “We worship many things in nature, especially animals. It is because of our tradition of respecting and worshipping nature that the forest has grown and survived.”

Despite this, India’s national tiger protection strategy is to “voluntarily relocate” Adivasis from their homes in India’s tiger reserves. In reality, these are [illegal and forced evictions](#), using violence, coercion, false promises and threats to force people out.

Well over 100,000 Adivasis have already been evicted from their homes in the name of conservation, with [approximately 300,000 people](#) still earmarked for “relocation.” Restricting access to sacred sites in the forest is one of the methods used to force people out.

Adivasis who live in [India’s Tiger Reserves](#) routinely face harassment from forest guards if they go deep into their forests to gather food or perform rituals. For example, Chenchu people, who are threatened with eviction from Amrabad Tiger Reserve, are harassed when they worship at their sacred sites in the forest. [This short video](#) shows young men being stopped from worshipping by Forest guards who told them that they can’t worship in their forest without permission from the forest department.

Those who have already been evicted from their forest homes face even greater difficulties accessing their sacred sites. In May this year, ten Jenu Kuruba families, who had been evicted from Nagarhole, tried to enter the forest to worship their sacred deities. The community, having suffered multiple deaths and great hardship in the relocation camps, had been advised by their elders to offer prayers to their ancestors and deities to heal the trauma and overcome their difficulties.

They travelled 100 km, but were [stopped by forest guards at the gate](#), who refused to let them enter. Choudamma, a Jenu Kuruba woman, told the guards: “You all promised us you would not deny our entry into the forests to worship our deities. Today our ancestors, Gods, our trees and animals have been left alone. You have forcefully separated them from us. We can’t live without them. You – the forest department – have forcefully separated our families. We are struggling to get back and offer our prayers and meet our kin. You are killing us slowly.”

We urge the Special Rapporteur to condemn the refusal to allow Chenchu, Jenu Kuruba and other Adivasi peoples to worship and practice their rituals in the forest in the name of conservation, and to call on the Indian government to recognize their rights, enshrined in India’s constitution, to freely practice their religion, including inside Protected Areas.

Part two: Intersectional issues

Where such experiences are complex and intersectional, how do factors such as gender, sexual orientation, age, or disability or other status shape them?

2.1 Adivasi women land defenders

The rights that Adivasi communities have to their lands, their ways of life, their sacred spaces and to give or withhold their consent to mining on their lands are being violated in the rush for mineral riches and profits. Ignored and abused by the state and national governments, Adivasi

communities have no option but to resist through direct action. These brave and determined resistance movements demand two things above all else: an end to the violation of their rights, and the protection of their lands from extractive industries.

Rather than stand with their citizens, government agencies are acting in the interests of the mining corporations, attempting to crush the resistance movements, often violently. At the heart of these movements are Adivasi women, sitting in front of bulldozers, organizing marches and protests, protecting their trees, standing firm against the assault on their lands and rights. They are paying a terrible price: [Adivasi women are being abused at an appalling rate](#) – physically and sexually – and are losing their liberty and even their lives. This is a triple punishment: for being Indigenous, for being women and for standing up for their rights against powerful interests.

Hidme Markam, for example, is an Adivasi woman who has been incarcerated for over a year for her staunch defense of her people's sacred places. Despite statements from [UN Special Rapporteurs](#) and the [US Commission on International Freedom of Religion](#), she remains jailed, along with thousands of other Adivasi women across central India. Kuni Sikaka, is a [Dongria Kondh](#) woman, who was central to her community's resistance of bauxite mining on the seat of their god, *Niyam Raja*, and was [branded a "Maoist" and incarcerated](#).

We urge the Special Rapporteur to condemn the use of incarceration and state-sanctioned violence to attempt to silence Adivasi people, especially women, who exercise their rights to defend their sacred places and protect their freedom of religion.

2.2 Hindutva schooling of Adivasi children

One Hindutva method of cultural annihilation is residential schooling. As Santoshi Markam said in a recent [Congressional Briefing](#) on Adivasi rights, Adivasi children are being forced to take Hindu names in residential schools that aim to assimilate them into the Hindu "mainstream" and which teach them that their culture is "demonic". As prominent Adivasi leader Soni Sori has said: "They give their kind of education to our children because they want our children to hate their own culture."

Several organizations under the umbrella of the Sangh Parivar [group of Hindutva organizations under the Rashtriya Swayamsevak Sangh, RSS] are involved in schooling of Adivasi children, including "Friends of Tribals", which in 2021 was running [over 100,000 schools](#). According to [Snigdhendu Bhattacharya](#): "The schools are merely the starting point of the Sangh's aim of influencing every other major aspect of the entire village's life—education, health, economy, environment, self-empowerment, culture, sense of morality and the religion they follow."

The profound damage that assimilative and missionizing schooling does to children, families and the future of Adivasi peoples as distinct peoples cannot be overstated. As a survivor of such schooling, Ghasiram Hembrom, [explained](#): "From dawn to night, they made us recite mantras to make us forget our own culture. So that they could pull us into the Hindu fold, and deny we have our own distinct culture. It took me years to see I had so much to love and cherish of my own."

International funding for such schooling should be exposed, such as the recent '[Unmasking Fidelity](#)' report, which revealed Fidelity's US\$1.9 million investments into schools associated with

the RSS. For more information on assimilative schooling, please see Survival International's [report](#) *Factory Schools: Destroying Indigenous People in the Name of Education*.

We ask the Special Rapporteur to strongly condemn the use of assimilative schooling to undermine the religious freedoms and cultural integrity of India's Indigenous peoples.