

A Critical Examination of Forest Rights Legislation, Indigenous Access to Justice, and Land Expropriation

Researcher name and institution:	Indrani Sigamany Centre for Applied Human Rights, York Law School, University of York	
Funding mode/funder:	Self funded	
Start and End date:	October 2011 to August 2016	
1. Brief summary of what the research is about.	The purpose of my research is to examine the internal land displacement debate within a normative framework, and critically examine the effects of national legislation on the lives of mobile indigenous people. I explore the impact of the Forest Rights Act (2006) of India, on the lives of a specific pastoral community in northern India. Specifically, the change in the lives of indigenous forest dwellers since new legislation in India has granted them land rights is being explored. Situating this debate in a discourse of poverty of nomadic and tribal populations in India, I will analyse socio-legal indicators of positive change, and compare these to evidence of other stakeholders who might be	

	pushing communities into a more vulnerable position through the inappropriate manipulation of this legislation in order to promote incursive economic development.
2. What are the research questions?	• What is the historical interface between the law and land dispossession of indigenous peoples? • What has been the role of governance and administration in the enactment and execution of land rights laws in India such as the Forest Rights Act? • Has legislation respecting land rights affected women's rights within tribal communities? • How have extractive industries, and the movement on conservation of biodiversity affected the displacement of indigenous peoples from their ancestral lands?
3. What, if any, outputs so far?	1. Research chapter, peer reviewed, (see below) 2. Paper, peer reviewed and submitted (see below) PUBLICATIONS Sigamany I, "Destroying a way of life: the Forest Rights Act of India and land dispossession of indigenous peoples' in Satiroglu I and Choi n (eds.), Development-induced Displacement and Resettlement: New Perspectives on persisting problems (Routledge 2015) Peer Reviewed Sigamany I, 'Land Rights and Neoliberalism: an Irreconcilable Conflict for Indigenous Peoples in India?'

(forthcoming in IJLC)

ACADEMIC PRESENTATIONS

‘Land Rights and Neoliberalism: an Irreconcilable Conflict for Indigenous Peoples in India?’ Presentation at the **‘Law In Context’ Early Career Workshop**, hosted by University of Oxford, Cambridge Socio-Legal Studies, and International Journal of Law in Context. (June 2015)

‘Land Right Legislation and Legal Empowerment of Indigenous Peoples in India.’ Panellist presentation at **The Law, Social Justice and Global Development Colloquium**, *‘An Interdisciplinary Dialogue on Social Justice’*, University of Warwick, England. (June 2014)

‘Indigenous Rights and Minority Rights’. Paper presented at Socio-Legal Studies Association Conference, hosted by University of York Law School. (March 2013)

‘Destroying a Way of Life: Mobile Indigenous Peoples, The Forest Rights Act of India and Land Displacement’. Paper presented at International Conference on Development-Induced Displacement and Resettlement, Refugee Studies Centre (RSC), Oxford Department of International Development (ODID), University of Oxford. (March 2013)

	‘Homeless in the Desert: Negev Bedouins and Impoverishment’, paper presented at the Human Welfare Conference, Green Templeton College Human Welfare Conference V, Oxford University. (May 2012)
4. What outputs are planned?	• policy briefs for national and international organisations with key findings and policy implications. • publication of a book at the conclusion of the PhD
5. What is the anticipated impact?	That the publications will contribute to literature in India on: - access to justice for marginalized communities, - the impact of new legislation on marginalized communities - the role of civil society in social justice movements - how the systems of administrative justice operates
6. Comments / additional information / requests for data or input from the broader administrative justice community	I started this research looking for connections between the law, judiciary, factors influencing the enforcement of legislation, and its effects on the lives of forest peoples dispossessed of their lands. I slowly discovered that such a narrow perspective did not comprehend how deeply integrated these connections were to a much broader stage of economic policy, the power of elite vested interests, of inequalities between communities, of the discord caused by the incongruence between customary legal traditions and a ‘modern’ legal system and judiciary with foreign origins, conducted in a language alien to indigenous communities. These elements contribute to structural legal inequalities

impeding access to justice for land rights.

Land rights in themselves also go beyond mere ability to occupy lands used for habitation and livelihoods. It also encompasses traditional practices of conservation, and sustainable use of lands, which contrasts starkly with the potential for ecological destruction of the extractive policies of neoliberal governance.

Land rights are connected to access to justice, which is connected to economic policies and governance. Land rights are also connected to a healthy judicial and legal structure, but above all to equality and political power for marginalised peoples. In short, the dots seem to be connected more meticulously than is initially and superficially apparent. And they are connected in ways that are beyond the remit of my PhD research. In trying to join the dots and conflating legal rights and land rights, with power and access to justice, what can be concluded is that political, economic and social equality is a vital ingredient for access to justice within society.

I was unaware of the term 'administrative justice' and the UKAJI focus is interesting to me in that it consolidates my thinking and findings.