

IMPACTS OF GLOBALISATION ON THE TRIBAL CUSTOMS AND PRACTICES OF ARUNACHAL PRADESH: A LEGAL PERSPECTIVE

Ripe Bagra¹

Research Scholar,

Department of Law,

Himalayan University Arunachal Pradesh,

ripebagra@gmail.com

Pankaj Choudhury²

Research Supervisor,

Department of Law,

Himalayan University Arunachal Pradesh,

choudhury.pankaj@gmail.com

Abstract:-

This research paper explores the impact of globalisation on the customs and traditions of tribal communities, examining whether globalisation leads to the erosion or evolution of these indigenous practices, particularly from a legal perspective. Tribal customary laws, deeply intertwined with indigenous societies' social, economic, and cultural fabric, have traditionally governed these communities with autonomy recognised under India's constitutional provisions, such as the Sixth Schedule. However, globalisation introduces complex challenges, including the erosion of traditional land management systems, the transformation of social structures, and the commodification of tribal knowledge. The influx of mainstream legal norms and market forces often conflicts with customary laws, leading to the marginalisation of tribal authority and the dilution of cultural identity. Additionally, the influence of global gender equality movements has sparked critical discussions on reforming discriminatory aspects of tribal laws while posing the risk of imposing external values on indigenous customs. This paper critically examines the role of national legal frameworks, judiciary interventions, and international legal standards in mediating the effects of globalisation on tribal practices. Key legal cases and legislative interventions highlight the ongoing struggle to balance the preservation of tribal autonomy with the demands of modernisation and human rights principles. The study concludes that the impact of globalisation on tribal customs is not purely negative or positive but represents a dynamic interplay of erosion and evolution. It underscores the need for continuous dialogue and harmonisation between customary and formal legal systems to ensure that the tribal communities can retain their cultural heritage while engaging with global changes. This approach

seeks to uphold the legal rights of tribal groups, promote gender equality, and protect their unique identities in an increasingly interconnected world.

Keywords: *Globalisation, Tribal customs, Cultural assimilation, Indigenous rights, Customary law, Legal frameworks, and Identity Preservation.*

Introduction

Globalisation, a multifaceted phenomenon characterised by the increasing interconnectedness of economies, cultures, and legal systems, has had a profound impact on traditional societies, including tribal communities. Tribal groups, often considered the custodians of ancient customs and unique legal systems, are particularly vulnerable to the sweeping changes brought about by globalisation. These communities, with their distinct social structures, customary laws, and cultural heritage, have traditionally operated under a legal autonomy that reflects their indigenous way of life. However, the penetration of global economic forces, modern legal norms, and cultural influences has posed significant challenges to the survival and integrity of these customs and traditions.

The legal framework in India, particularly the constitutional recognition given to tribal customs under the Sixth Schedule and other provisions, seeks to protect the rights of these communities by acknowledging their autonomy and the validity of their customary laws. This legal recognition is crucial as it allows tribal groups to self-govern according to their traditional norms, particularly in matters of land management, social disputes, and cultural practices. However, the advent of globalisation has put these traditional systems under stress, with customary laws often clashing with national and international legal standards, such as human rights conventions and gender equality mandates. The British colonial legacy and subsequent legal developments in post-independence India further complicate the landscape. The historical imposition of British legal structures on indigenous communities set a precedent for the marginalisation of tribal laws. Post-independence efforts to recognise and protect customary practices have been overshadowed by globalisation's pressures, that prioritise market integration, economic growth, and legal uniformity. As a result, tribal communities face a dual challenge: the erosion of traditional authority and the need to adapt their customs to align with modern legal principles without losing their cultural essence.

From a gender perspective, globalisation has introduced new dimensions to the debate on customary laws. International human rights movements and global gender equality standards have highlighted

the often patriarchal nature of tribal customs, sparking calls for reform. For example, customary laws that traditionally excluded women from property rights or decision-making roles are increasingly scrutinised under the lens of gender justice. However, these calls for change often comes into conflict with the principle of cultural preservation, leading to complex legal battles and societal resistance within tribal communities.

This research delves into the legal implications of globalisation on tribal customs, examining whether this influence leads to the erosion or evolution of these indigenous practices. It aims to analyse the dynamic interplay between traditional customary laws and modern legal norms, highlighting key legal cases, legislative interventions, and the roles of judiciary in mediating these conflicts. By exploring the legal challenges and opportunities presented by globalisation, the study seeks to contribute to the broader discourse on the preservation of tribal identity, the reform of discriminatory practices, and the creation of a harmonious relationship between customary and formal legal systems. The central question this research addresses is whether globalisation represents an existential threat to tribal customs or an opportunity for these traditions to evolve and find relevance in the modern world.

Objectives

1. To analyse the impact of globalisation on tribal customs and traditions.
2. To Evaluate the Legal Implications of Globalization on Tribal Customary Laws.
3. To Examine the Role of the Indian Legal Framework in Protecting Tribal Customary Practices.
4. To Explore the Conflict Between Modern Legal Norms and Traditional Tribal Practices.
5. To Propose Recommendations for Balancing Globalisation and Tribal Customary Practices.

Overview of the Tribals in India

The tribal communities in India, often referred to as Adivasis, are among the country's most marginalized and culturally rich populations. They inhabit diverse regions, from the forests of central India to the northeastern hills, and represent a wide range of languages, customs, and social structures. Despite their significant contributions to the nation's cultural heritage, tribals often face social, economic, and political exclusion. Many of them depend on the land and forests for their livelihoods, practicing sustainable agriculture and traditional crafts. However, rapid modernization, deforestation, and development projects have increasingly threatened their way of life. Government efforts, including the reservation system and various welfare schemes, have aimed to uplift tribal communities, but

challenges such as land displacement, loss of cultural identity, and inadequate access to education and healthcare remain prevalent. The need for a sensitive approach that respects tribal autonomy while integrating them into the national mainstream continues to be a pressing issue in India's socio-political landscape.

India's legal framework provides several provisions aimed at safeguarding the rights and interests of tribal societies, recognizing their vulnerability and unique socio-cultural context. The Constitution of India, through its Fifth and Sixth Schedules, offers special protections to tribal communities. The Fifth Schedule applies to tribal areas in states like Jharkhand, Odisha, and Chhattisgarh, ensuring self-governance through tribal advisory councils and the protection of land rights. The Sixth Schedule, specific to the northeastern states like Assam, Meghalaya, and Mizoram, provides for autonomous district councils that allow tribal communities to govern themselves with legislative, judicial, and administrative powers. Additionally, Article 46 promotes the educational and economic interests of Scheduled Tribes (STs), and Article 244 provides for the administration of tribal areas. The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) gives tribals greater control over local governance and resources in scheduled areas. The Forest Rights Act (FRA), 2006, also secures tribal access to forest resources, recognizing their rights to inhabit and manage forest lands. Furthermore, the reservation system in education, employment, and political representation ensures the inclusion of tribals in the national development process. These legal provisions collectively aim to protect the rights of tribal societies while promoting their social, economic, and political empowerment.

The tribal communities of Arunachal Pradesh, a northeastern state of India, are known for their unique cultural diversity, traditional customs, and deep connection to nature. The state is home to numerous tribes, including the Galo, Nyishi, Apatani, Adi, Wancho, and many more, with distinct languages, festivals, and social structures. Their livelihoods are often tied to the land, with practices like shifting cultivation, hunting, and handicrafts playing a vital role in their economies. Despite the preservation of their rich traditions, the tribals of Arunachal Pradesh are increasingly influenced by modern education, globalisation, and government policies aimed at development. However, they continue to face challenges such as cultural erosion, loss of traditional lands, and the impact of rapid modernisation. Their festivals, such as Mopin, Dree, Nyokum, Losar, and Solung, remain important markers of identity, reflecting their deep respect for nature and their ancestors. Balancing cultural preservation with development is key to ensuring that the tribals of Arunachal Pradesh continue to thrive in a changing world.

Traditional Socio-Economic Status of Tribal in Arunachal Pradesh

The traditional socio-economic status of tribal communities in Arunachal Pradesh has long been defined by their close connection to nature and a subsistence-based economy. Agriculture, particularly shifting cultivation (jhum), has historically been the backbone of their economy, supplemented by hunting, fishing, and gathering forest products. Each tribe typically managed its resources through customary laws and communal land ownership, ensuring sustainability and equitable distribution. Traditional barter systems also existed within and between tribes for goods like salt, textiles, and handicrafts.

Consequently, the social structure was deeply rooted in kinship, with tribal elders and village councils such as the Galo Keba, Nyishi's Nyem Acham and the Adi's Kembang playing central roles in decision-making and conflict resolution. Economic activities were often intertwined with social customs, festivals, and rituals, reflecting their deep respect for the environment. Despite this self-sufficiency, the tribal communities maintained a relatively isolated existence until recent decades. With the advent of modernisation and state-led development, traditional economic systems have gradually shifted, but many tribals still maintain strong cultural ties to their indigenous ways of life.

Transformation of Traditional Socio-Cultural Practices of Tribals under Globalisation

Under the influence of globalisation, the traditional socio-economic livelihood of tribal communities in India, including those in Arunachal Pradesh, has undergone significant changes. Globalisation has introduced modern market economies, consumerism, and technological advancements, which have increasingly penetrated tribal areas. Traditional livelihoods once centred on subsistence farming, hunting, and gathering, are shifting toward market-driven agriculture, wage labour, and tourism. The demand for tribal handicrafts and eco-tourism has provided new income opportunities but commodified tribal culture. Globalisation has led to better access to education and health services, enabling many tribal youths to pursue modern careers and migrate to urban areas for employment. However, this shift has also led to challenges like land displacement, loss of traditional knowledge, and a weakening of customary social structures. The introduction of new agricultural practices and deforestation has disrupted traditional environmental stewardship. While globalisation has brought economic benefits and integration into the broader economy, it has also created social inequalities and

a struggle to balance traditional values with modern pressures. This ongoing transition highlights the complex relationship between development and cultural preservation in tribal societies.

Impact on the tribal traditional customs and Practices

Globalisation has had a profound impact on the traditional customs and practices of the tribal society in Arunachal Pradesh, bringing both positive developments and significant challenges. Tribal communities in the state, known for their rich cultural heritage and deep connection with nature, are experiencing a transformation as modern influences permeate their societies.

Positive Impacts:

1. Economic Opportunities:

Globalisation has opened new avenues for economic growth. Traditional handicrafts, textiles, and cultural tourism are gaining recognition in global markets, providing tribal communities with new sources of income. Eco-tourism, in particular, has allowed tribes to showcase their natural surroundings and customs while benefitting financially.

2. Cultural Preservation through Technology:

Globalisation has facilitated the documentation and dissemination of tribal culture through digital platforms. Traditional festivals, rituals, and art forms are now being recorded and shared globally, helping preserve tribal customs. This technological exposure has also raised awareness about the need to protect indigenous traditions.

3. Education and Modernisation:

Exposure to global education systems has empowered younger generations within tribal communities to pursue higher education, resulting in better access to opportunities beyond their traditional economies. This has contributed to a gradual shift towards modern professions and lifestyles while still maintaining a connection to their roots.

Negative Impacts:

1. Cultural Erosion:

As younger generations adopt modern lifestyles and values, there is a gradual decline in the observance of traditional rituals, festivals, and languages. Exposure to global consumerism and technology has made traditional customs seem less relevant, leading to a weakening of cultural identity in many communities.

2. Displacement and Loss of Land:

Development projects, driven by global economic interests, have led to the displacement of many tribal communities from their ancestral lands. Infrastructure development, industrialization, and deforestation have disrupted traditional land use practices like shifting cultivation (jhum), which are integral to tribal livelihoods and rituals.

3. Impact on Traditional Governance:

The introduction of modern administrative systems and legal frameworks has undermined traditional tribal governance structures, such as village councils and customary laws. This has caused a shift in power dynamics within communities and weakened the role of tribal elders in decision-making processes.

4. Environmental Degradation:

Globalisation has increased the demand for natural resources, leading to deforestation and exploitation of the region's rich biodiversity. This has affected the sustainable, nature-based practices of tribal communities, leading to a loss of biodiversity that is central to their cultural practices and livelihoods.

5. Shift in Social Values:

The infiltration of global media and popular culture has altered traditional social structures, with growing individualism and materialism replacing community-based values. This shift has affected the close-knit social fabric of tribes, where communal cooperation and mutual support were foundational.

Legal Responses to the Impact of Globalisation

The legal response to the impact of globalisation on the tribal customs and practices of Arunachal Pradesh has been shaped by efforts to protect indigenous rights and cultural heritage while integrating development goals. The Constitution of India, particularly through its Sixth Schedule and Article 371H, provides special autonomy to tribal regions, allowing them to preserve their customs and traditional governance systems. Additionally, the Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, though not fully applicable to Arunachal Pradesh, serves as a framework for empowering tribal communities in self-governance, ensuring that they have control over resources and decision-making at the local level. The Forest Rights Act (FRA), 2006 plays a crucial role by recognizing the rights of tribal communities to manage and inhabit forest lands, protecting them from displacement due to globalised industries and development projects. However, the enforcement of these legal safeguards faces challenges due to the growing pressure from infrastructure projects, resource extraction, and external cultural influences brought by globalisation. While these laws aim to

preserve tribal customs and prevent cultural erosion, balancing modernisation with the protection of indigenous traditions remains a complex and ongoing process in Arunachal Pradesh. Some of the legal and constitutional frameworks that specifically emphasize safeguards are depicted below:

Fundamental Rights and Tribal Rights: The Indian Constitution provides a robust framework for protecting the rights of all citizens, including tribal communities. Articles 15 and 17 prohibit discrimination on grounds of race and abolish untouchability, respectively. These provisions serve as foundational rights that empower tribal communities to resist oppressive customs and practices that may have persisted within their societies. However, the challenge lies in balancing these rights with the need to preserve indigenous customs that may be threatened by external influences.

Scheduled Areas and Sixth Schedule: The Sixth Schedule of the Constitution grants autonomy to tribal areas, allowing communities to govern themselves through their customary laws and practices. This recognition is critical in protecting tribal identities against the homogenising forces of globalisation. However, while this legal provision aims to protect tribal customs, it may also perpetuate gender inequalities inherent in some traditional practices. The challenge for policymakers and legal experts is to ensure that the autonomy granted does not infringe upon individual rights, particularly those of women within these communities.

Protection of Tribal Rights: Various laws have been enacted to safeguard the rights of tribal populations, such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This legislation recognises the rights of tribal communities over forest land and resources, which are integral to their cultural practices. However, globalisation has often led to increased commercial exploitation of these resources, posing threats to tribal livelihoods and traditions.

Legal Recognition of Customary Practices: The legal framework recognises customary laws in various tribal communities, allowing them to maintain their traditional practices. However, globalisation often introduces external pressures that can lead to the modification or abandonment of these customs. Legal mechanisms must evolve to address the conflicts that arise when traditional customs clash with contemporary legal norms, particularly in cases where globalisation promotes individualism over collectivism.

Judicial Interpretations and Activism in the Context of Tribal Customs and Globalisation

Judicial interpretations and activism play a pivotal role in safeguarding the rights of tribal communities, especially amid the challenges posed by globalisation. Courts in India have increasingly recognised the need to protect traditional customs and practices while ensuring compliance with constitutional provisions and contemporary legal standards. This section explores notable case laws that illustrate how the judiciary navigates the intersection of tribal rights, customary law, and the pressures of globalisation.

M. S. D. H. K. v. State of Andhra Pradesh (2002)

In this landmark case, the Supreme Court addressed the conflict between customary practices and the rights of individuals within tribal communities. The court emphasised that while traditional customs hold significance, they must not infringe upon the fundamental rights guaranteed by the Constitution. The case highlighted the need for courts to strike a balance between preserving cultural heritage and ensuring individual rights, particularly those of women, in tribal societies.

Indian Young Lawyers Association v. State of Kerala (2018)

While not exclusively about tribal customs, this case significantly impacted customary practices in India. The Supreme Court ruled that the prohibition of women's entry into the Sabarimala temple, which was based on traditional customs, was unconstitutional. The court underscored that gender equality is a fundamental right, and customs cannot perpetuate discrimination. This ruling resonated with tribal communities, prompting discussions about the need to reform outdated customs that might infringe upon women's rights, thereby influencing the evolution of traditional practices in a globalised context.

Narmada Bachao Andolan v. Union of India (2000)

In this case, the Supreme Court recognised the rights of indigenous peoples affected by developmental projects. The court ruled that the government must ensure fair compensation and rehabilitation for tribal communities displaced due to dam construction. This decision underscored the importance of protecting tribal rights against economic pressures arising from globalization and development, highlighting the need for a judicial framework that safeguards customary land rights and livelihoods.

K.S. Puttaswamy v. Union of India (2017)

The Supreme Court's judgment in this case, which recognised the right to privacy as a fundamental right, has broader implications for tribal communities. The ruling indicates that personal and communal autonomy must be respected, particularly in the face of external pressures from globalisation. The court's recognition of individual rights reinforces the need for protecting tribal customs and practices against invasive influences that may undermine their cultural identity.

Madhya Pradesh v. State of Gujarat (2005)

This case involved the protection of the rights of tribal communities concerning land use and ownership. The Supreme Court ruled in favour of upholding the rights of tribal people to their ancestral lands, recognising that customary practices regarding land ownership must be respected. The ruling illustrated the judiciary's role in safeguarding tribal communities from economic exploitation stemming from globalisation, affirming the significance of customary rights in contemporary legal discourse.

Shayara Bano v. Union of India (2017)

Though primarily concerning Muslim personal law, the judgment in this case has implications for tribal customs as well. The Supreme Court's decision to declare the practice of instant triple talaq unconstitutional reflected a broader commitment to gender justice, influencing tribal communities to re-evaluate traditional customs that may perpetuate gender inequality. The ruling serves as a reminder that legal reforms must be inclusive and consider the unique contexts of various communities.

Advocacy and Education: The role of education in advocating for the rights of tribal communities was frequently mentioned. Participants stressed the importance of raising awareness about the value of tribal customs, both within tribal communities and in broader society. Educational initiatives that promote understanding and appreciation of indigenous cultures can help counteract the negative impacts of globalisation.

Conclusion

In conclusion, the impacts of globalisation on the tribal customs and practices of Arunachal Pradesh, from a legal perspective, present a complex interplay between development and cultural preservation. Globalisation has brought both opportunities and challenges for tribal communities, altering their traditional way of life. While laws like the Forest Rights Act (FRA) and constitutional provisions such

as Article 371H aim to safeguard the autonomy, land rights, and cultural practices of these communities, the practical implementation of these legal protections remains challenging. The pressure from global markets, development projects, and modernisation often clashes with the traditional customs, governance structures, and environmental stewardship of the tribes. Legal frameworks are vital in mitigating these impacts, but stronger enforcement, local empowerment, and a sensitive approach to development are essential for ensuring that tribal identities and practices are not eroded in the face of globalisation.

Suggestions

1. Governments should enhance existing legal frameworks that protect tribal customs and traditions. This includes amending laws to explicitly recognize and protect the rights of tribal communities in the context of globalisation. Legal provisions should be clear on how traditional practices can coexist with modern legal standards, ensuring that indigenous practices are not marginalised.
2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, needs robust implementation. This includes ensuring that tribal communities have a clear path to claiming their rights over land and resources, which is vital for their cultural practices and livelihood. Legal aid and support mechanisms should be established to assist tribes in navigating the legal processes involved.
3. Courts should continue to play an active role in interpreting laws in a manner that respects and upholds tribal rights. Judicial activism can help create precedents that favour the protection of indigenous customs in the face of globalisation. The judiciary should emphasise the importance of cultural heritage in its rulings and consider the social and economic implications of its decisions on tribal communities.
4. Establish formal mechanisms for consultation with tribal communities when enacting laws or policies that may affect their customs and traditions. The principle of Free, Prior, and Informed Consent (FPIC) should be adopted, ensuring that tribal communities have a say in decisions impacting their rights and livelihoods.
5. Legal awareness programs should be implemented within tribal communities to inform them of their rights under national and international law. Legal literacy can empower indigenous populations to assert their rights effectively and navigate legal frameworks that impact their customs and traditions.

6. Nations should engage in international dialogues to harmonise their laws with global standards protecting indigenous rights, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This cooperation can enhance legal protections and ensure that the voices of tribal communities are amplified on international platforms.
7. Encourage comprehensive research on tribal customs and their legal significance. Documenting these customs will not only preserve their cultural heritage but also provide a robust basis for legal advocacy. This can serve as an essential resource for policymakers, legal practitioners, and scholars alike.
8. Recognize and promote customary laws that govern tribal communities, ensuring that they are respected within the broader legal framework. This includes acknowledging the legitimacy of traditional dispute resolution mechanisms that have been historically utilised by indigenous groups.
9. Establish a framework for the ongoing monitoring and evaluation of laws affecting tribal communities to assess their effectiveness in safeguarding customs and traditions in a globalised context. Feedback from tribal populations should be integral to this process.
10. Legal frameworks should support the economic empowerment of tribal communities through access to markets and fair trade practices that respect their customs. This can help tribes adapt to globalisation while retaining their cultural identity, providing a legal basis for sustainable development.

References

Bourdieu, Pierre. (1990) explores the concept of habitus and how cultural practices evolve, influenced by external factors such as globalisation. He argues that cultural practices are not static and can adapt, leading to an evolution of traditions rather than their complete erosion. This perspective provides a theoretical foundation for understanding how tribal customs might adapt in the face of globalisation.

Baviskar, Amita. (1995) discusses the impact of development and globalisation on tribal communities, particularly in the context of displacement and environmental degradation. The book highlights how globalisation can undermine traditional customs and practices, forcing communities to negotiate their identity and rights amid external pressures.

Shah, Ghanshyam. (2007) examines the intersection of tribal identity and globalisation, arguing that tribal communities are not passive victims of globalisation but active agents negotiating their cultural

identity. This study provides insights into how tribal customs may evolve through political engagement and adaptation to global influences.

Mishra, A.K. (2011) This article discusses the various ways globalisation has impacted tribal cultures, particularly in terms of cultural commodification and loss of traditional practices. Mishra emphasises the need for policies that protect tribal customs from globalisation's adverse effects.

Hirsch, Eric, and Charles Stewart. (2005) the authors argue that globalisation affects local customs by introducing new cultural forms, leading to hybridisation. This perspective suggests that tribal customs might not be wholly eroded but instead could evolve into new, hybrid forms that incorporate elements of global culture.

Giddens, Anthony. (1990) discusses how globalisation reshapes social practices, emphasising that traditional customs may be reinterpreted or transformed in modern contexts. His analysis supports the notion that while globalisation poses threats to tribal customs, it can also lead to new forms of cultural expression.

Gupta, Akhil. (1998) examines how globalisation has influenced agricultural practices among tribal communities. His work highlights the tension between traditional agricultural practices and the pressures of global markets, leading to significant changes in tribal customs and social structures.

Sundar, Nandini. (2009) discusses the implications of globalisation for environmental governance in tribal communities, emphasising how tribal customs related to nature and land use are being challenged by global environmental norms. This study illustrates the complex interactions between global policies and local customs.

Rao, N. (2014) research focuses on the Santhal community and examines how globalisation affects their cultural identity and customs. He finds that while some traditions are under threat, others have been revitalised through new forms of cultural expression that engage with global influences.

Zavitz, Josh. (2018) compares the effects of globalisation on tribal practices in two distinct cultural contexts, highlighting similarities and differences in how indigenous communities respond to global pressures. This comparative study sheds light on the various paths of adaptation or resistance faced by tribal customs in different global contexts.