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Q5(b)

Describe ILO's Convention No. 169 (1989) on Indigenous and Tribal people. Is India a signatory to it?

UPSC Civil Services Mains 2024 · Anthropology GS 2 · 10 marks · Emergence, growth and development of Anthropology in India

4. Emergence, growth and development of Anthropology in India-Contributions of the 18th, 19th and early 20th Century scholar-administrators. Contributions of Indian anthropologists to tribal and caste studies.

Core demand of the question

- **Describe ILO Convention 169 (1989):** who it covers and its main principles
- State clearly that India is not a signatory
- Contrast with **ILO 107**, which India did ratify
- Keep the note accurate and exam-usable

Revision summary

ILO Convention 169 (1989) covers indigenous and tribal peoples and stresses self-identification, consultation, land and custom.

It replaced the integrationist Convention 107 (1957).

India ratified 107 and has not ratified 169.

Indian hesitation cites the ST list, sovereignty and land law; PESA and FRA already resemble 169 in parts.

Never state that India is a signatory to 169.

Introduction

ILO Convention No. 169 (1989) is the Indigenous and Tribal Peoples Convention. It replaced the older integrationist **Convention No. 107** (1957). **India is not a signatory to Convention 169.** India **has** ratified Convention 107. That contrast is the heart of the note.

Body

What Convention 169 says

Convention 169 covers **tribal peoples** in independent countries whose social and cultural conditions distinguish them, and **peoples regarded as indigenous** because they descend from populations present at conquest or colonisation and who retain some of their own institutions. It is a **peoples** convention: land, self-identification, custom, and participation are collective.

- **Main principles include: self-identification** as a fundamental criterion; **consultation** in good faith through representative institutions before legislative or administrative measures that affect them; rights to **land and natural resources** they traditionally occupy; respect for **customary law** where compatible with human rights; control over development priorities; cross-border contacts; and vocational and health programmes that are culturally appropriate.

The consultation standard is often read toward **free, prior and informed consent** in later UN practice (**UNDRIP 2007**), though 169's own wording is consultation aimed at agreement.

India and the two conventions

India ratified **ILO 107** in 1958. Convention 107 spoke of **protection and integration** of tribal and semi-tribal populations. That language matches an older welfare state, **Nehruvian Panchsheel**, and parts of the **Fifth Schedule**, but it is paternal. **Convention 169** dropped integration as the goal and recognised peoples' rights to remain distinct.

- **India has** not ratified 169. **Official hesitation has cited:** the Constitution already lists Scheduled Tribes rather than a single "indigenous people"; fear of secessionist readings of "peoples"; land and subsoil vested in the state; and federal complexity. Anthropology and tribal movements (and **Xaxa**) argue that PESA, FRA and Samata already move toward 169's land and consultation logic, so ratification would be a consistent next step. Until then, India is bound by **107**, not 169.

Do not write that India signed 169. That is a common examination error.

Flow diagram

ILO 107 1957 -> India ratified
ILO 169 1989 -> India not a party
ILO 169 1989 -> Consultation land peoples

Conclusion

ILO 169 is the global rights charter for indigenous and tribal peoples, built on consultation, land and self-identification. India is not a signatory. It remains a party to the older **ILO 107**.

Facts & figures

ILO 169

Indigenous and Tribal Peoples Convention, 1989; consultation and land rights; India not a party.

ILO 107

Indigenous and Tribal Populations Convention, 1957; protection and integration; ratified by India.

UNDRIP 2007

UN Declaration on the Rights of Indigenous Peoples; India voted in favour but it is not a binding ILO convention.