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14EH - EQUITY, HUMAN RIGHTS AND SOCIAL JUSTICE
14EH - 2. CITIZENSHIP, LAW, AND HUMAN RIGHTS

SYMPOSIUMS: PROMOTION OF HUMAN RIGHTS VALUES, PEACE, AND HARMONY AMONG INDIGENOUS PEOPLES: ROLE OF CUSTOMARY LAW VIS-À-VIS STATUTORY LAW

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ABSTRACT

Human rights and their protection have been a burning social issue since time immemorial. Human rights continue to be violated in one form or the other by members of the family, community, state authorities, antisocial elements etc., etc., Violation of human rights is the primary cause of disruption of peace and harmony in the globe, leading to serious conflicts and wars. The Universal Declaration of Human Rights (UDHR), 1948 by the UN was intended to ensure social justice and fundamental human rights, that were recognised as the basic constituent of the stable international order and lasting peace. The first words of the preamble of UDHR proclaim that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

All nations have tried to fulfil the aspirations of their citizens adopting different provisions in their constitutions and formulating and implementing different plans and programs. Though the statutory law is uniformly applicable to all citizens of a country, still, there are different indigenous communities that follow their customary law and that forms an intrinsic part of their social and economic systems and the way of life. As customary law is the set of customs, practices and beliefs that are accepted as obligatory rules of conduct by a society and being handed over from one generation to the next in totality, the community insists on its strict adherence. At times, conflicts and contradictions arise between the statutory law and customary law resulting in breakdown of peace and harmony in the community and leading to litigations. It is because customary laws are central to the very identity of the indigenous peoples and related to important aspects of their lives, and cultures. However, often people are found to be the victims of customary laws.

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Tribals are generally characterised by their simplicity, openheartedness, cooperative living, empathetic, close to nature and faith in peaceful coexistence. However, due to the rapid changing socio-political scenario, there has been marked changes in their belief system, attitude, and practices. Article-10f UDHR states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

This basic concept needs to be understood, appreciated, and practiced by all people of the world irrespective of any kind of diversity- age, sex, race, religion, nationality, language, for harmony and peaceful existence in the society. This spirit develops with the members through informal and formal education. Informal education is more important as it not only develops awareness, but also changes attitude through societal practices. Neither the customary laws nor the statutory laws are uniform across societies and nations respectively. Hence, it is essential to explore, analyse, and compare the laws, traditions and practices in different societies and cultures that promote and hinder human rights values, peace, and harmony among the indigenous peoples. Further, it is equally important to identify the statutory laws that come in conflict with customary laws, judge the same rationally, and take measures for peaceful resolutions. Sir John Salmond has rightly said custom is not law by itself but an important source of law. In the above context, Scholars, Researchers, Academicians, and Public are invited to submit their articles, preferably research articles, for this symposium.

Keywords: Human rights, Peace, Harmony, Customary law, Statutory law

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