
DEVELOPMENT-INDUCED DISPLACEMENT OF TRIBAL COMMUNITIES IN INDIA: A LEGAL ANALYSIS OF LAND ACQUISITION AND REHABILITATION FRAMEWORK

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ABSTRACT

Development projects like the dams, mining operations, industrial corridors, and infrastructural expansion have importantly contributed to India's economic growth and development. However, these projects have in large scale affected tribal communities, leading to large-scale displacement, loss of livelihood, and cultural disintegration. Despite constitutional provisions and statutory protections, tribal populations continue to face inadequate rehabilitation and marginalisation. This paper examines about the legal framework governing development-induced displacement in India, with particular aim on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Forest Rights Act, 2006, and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA).

The study analyses whether the presented laws effectively protect tribal land rights and ensure meaningful participation through the consent of gram sabha. It further evaluates judicial interpretations in landmark decisions concerning mining and land acquisition in Scheduled Areas. The research identifies gaps between legislative intent and ground-level implementation, particularly in relation to informed consent, fair compensation, and long-term rehabilitation.

By adopting a doctrinal and analytical approach, the paper argues that while India possesses a progressive legal framework, structural challenges, administrative lapses, and corporate-state alliances often undermine tribal rights. The paper concludes by suggesting reforms aimed at strengthening community participation, ensuring stricter compliance with consent provisions, and enhancing accountability mechanisms to balance economic development with social justice. This paper will aim to speak about the facts and case laws which are necessary for the development of the country and marginalized communities.

Keywords: Development-induced displacement, Tribal rights, Land acquisition, Rehabilitation, Gram Sabha consent.

INTRODUCTION:

India is a developing country where infrastructural development is given high importance. Large scale projects like dams, mining projects, industrial corridors and highways are necessary for the national development. Though, these projects are good for the National Development but not for the tribal communities. Ironically, the tribes sacrificed their livelihood along with their cultural identities and ethos for the national progress, but, when it comes to the responsibility of the nation to look after their needs abandoned.³ Majority of the negative impacts are faced by Tribal Communities (Adivasis) because their land and cultural identity are directly connected to lands and forest.

When Britons ruled in India for over 150 years and left India with a political breakdown. When they left, there was an urgent requirement for Industrialization for moving the economy. For this purpose land, labour and raw materials was required with skilled persons. Tribal areas were targeted for land, labour and raw materials. Nowadays, Indian government is taking initiative to aid Tribal Communities in the best way

³ Mujaffar Hossain, *Industries and Tribal: Erosion of Their Ethos*, 6 THE CREATIVE LAUNCHER 9 (2021), [Click Here](#).

possible such as PESA Act. Though NGO’s and CSR companies are also playing crucial role in preserving Tribal rights, identity and culture.

CSR Companies	NGO’ s
Tata Steel Foundation	Kalinga Institute of Social Sciences
Hindustan Zinc Limited	Parivaar Education Society
Steel Authority of India Limited	Mahan Trust
National Mineral Development Corporation	Vanvasi Kalyan Ashram

In the name of Development, ancestral lands are taken from tribal communities which affects their livelihood and social structure. This process is called development-induced displacement.

Development-induced displacement refers to the forced relocation of communities to make way for large-scale infrastructure projects like dams, highways, industrial complexes, and mining operations. ⁴

In India, Tribal population is relatively low but the burden of displacement is more. India’ s tribal communities, who constitute about 8% of the population, account for nearly 40% ⁵ of all development-induced displacement. The main reason for development-induced placement is also that the majority tribal population lives in resource-rich areas such as forests, mineral belts and river valleys. These are the only possible places where mining, dams or industrial projects can be established.

Displaced tribal families often experience a dramatic decline in their economic status. While they may have been self-sufficient in their original locations, displacement typically pushes them into poverty and dependence on external assistance. Without

⁴ *The Impact of Development-Induced Displacement on Tribal Communities*, EXPLOREANTHRO.COM (Dec. 16, 2024), [Click Here](#).
⁵*What Do Development and Displacement Really Mean?*, CSR EDUCATION (July 7, 2024), [Click Here](#).

marketable skills for urban or industrial employment, many end up in low-paying, irregular work that barely provides subsistence.⁶ Due to this reason displacement is not only an economic issues but human rights and social justice issue. For addressing these problems some laws were introduced such as Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Forest Rights Act, 2006, and Panchayats (Extension to Scheduled Areas) Act, 1996.

This research paper will examine the issue of development-induced placement and analyse that how India's legal framework will protect India's tribal communities.

⁶ *The Impact of Development-Induced Displacement on Tribal Communities*, EXPLOREANTHRO.COM (Dec. 11, 2024), [Click Here](#).

LITERATURE REVIEW:

Many International organisations and research scholars have researched about Development-Induced displacement. Literature generally says that due to expansion of infrastructure, dams and mining millions of people have to relocate themselves. Due to this process, major consequences are faced by the vulnerable communities, especially, indigenous and tribal populations. Development projects such as dams, roads, railways, pipelines, and urban infrastructure often require the acquisition of land, which can result in the displacement of people.⁷

Research study also highlights that displacement is not only an issue of land loss. It impacts livelihood, culture and social identity. Traditional livelihood of tribal communities depends upon forests and natural resources. This is why when they are forced to relocate themselves it hampers their economic stability and cultural practices.

Scholars and policy reports also argue that when people are displaced without adequate rehabilitation and compensation, they frequently face long-term poverty and social exclusion.

Amita Baviskar's research on environmental movements and tribal resistance discussed how the projects of development often ignore the cultural and ecological relationship between tribal communities and their land. Her work highlights the importance of community participation in decision-making processes concerning natural resources.

Legal Scholars have also examined the role of legislation such as Forest Rights Act, 2006 and the Panchayats (Extension to Scheduled Areas) Act, 1996 which empowers tribal communities. These study suggests that while the legal framework in India provides significant protections, the implementation of these laws remains weak due to the failure of administration.

⁷ WORLD BANK, INVOLUNTARY RESETTLEMENT SOURCEBOOK: PLANNING AND IMPLEMENTATION IN DEVELOPMENT PROJECTS (2004), [Click Here](#).

RESEARCH METHODOLOGY:

Doctrinal Legal Research Methodology is used in this research paper. The main objective of this methodology is to analyse the existing laws, statutes and judicial decisions so that we can understand the legal issue in depth. In context of Development-Induced displacement this research paper examines the land rights and rehabilitation framework of tribal communities. The main focus of this research is that it exaggerates on the point that the development projects like dams, mining and infrastructure expansion how they affect the rights of tribal communities.

Majority of the data is collected from the secondary sources- statutes, constitutional provisions, case laws, government reports, books, and academic journal articles. Special emphasis has been laid on those legislations which are directly related with tribal land right and displacement issue- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, Forest Rights Act, 2006, and Panchayats (Extension to Scheduled Areas) Act, 1996. After studying the provisions of these laws we will try to understand how these legal framework addresses the tribal communities consent, participation and rehabilitation.

Doctrinal Legal Research: Doctrinal Legal Research is a library-based research and is one of the most common methodology employed by those undertaking research in law. Doctrinal research asks the question, “What is the law” in a particular case. It is concerned with the analysis of the legal doctrine and how it was developed and

applied. It is purely theoretical research that consists of either simple research aimed at finding a specific statement of the law, or it is legal analysis with more complex logic and depth. In short, it is library-based research that seeks to find the “one right answer” to certain legal issues or questions. Thus, the aim of Doctrinal Legal Research is to make specific inquiries in order to identify specific pieces of information.⁸

In this research analytical or descriptive approach is also adopted. With the help of analytical approach the gap is identified between existing laws and implementation. Whereas, descriptive approach explains the impact of socio-economic displacement. Legal research is a process of identifying and retrieving information necessary to support legal decision-making.⁹

The final objective of this research is to evaluate that current legal framework effectively protects the rights of tribal communities. If gap exists in the implementation then we should identify and suggest reforms. Research methodology refers to the systematic process used to collect and analyse information in order to increase understanding of a particular issue.¹⁰

⁸ INDIAN INSTITUTE OF LEGAL STUDIES, GUIDELINES ON DOCTRINAL LEGAL RESEARCH (2023-24), [Click Here](#).

⁹ *Legal Research*, WEX, [Click Here](#) (last visited Mar. 15, 2026).

¹⁰ *SAGE Research Methods*, SAGE PUB., [Click Here](#) (last visited Mar. 15, 2026)

STATE-WISE DISTRIBUTION OF TRIBAL DISPLACEMENT IN INDIA:

In this research we will be describing of 3 States where majority of Tribal Displacement occurs:

STATES	MAJOR CAUSE OF DISPLACEMENT	POPULATION AFFECTED
Odisha	Mining project, dams	High Tribal Displacement due to bauxite and iron ore mining

Chhattisgarh	Mining and Industrial Expansion	Large Tribal Communities affected by mining projects
Jharkhand	Coal mining and Industrial Development	Significant displacement of tribal villages.

ODISHA:

Table 1: Human displacement from multipurpose, major and medium projects in Orissa

Name of the Project		Number of Displaced Families			
Multipurpose		General	SC	ST	Total
(i)	Hirakud	Na	Na	1,636	22,144
(ii)	Balimela	Na	Na	Na	1,200
(iii)	Salandi	32	5	352	569
(iv)	Rengali	8,015	1,710	1,172	10,897
(v)	Upper Indravati	1,557	338	1,630	3,725
(vi)	Upper Kolab	1,308	442	1,421	3,171
TOTAL		10,912	2,495	6,211	41,706
Major Irrigation Projects		General	SC	ST	Total
(i)	Subarnarekha	2,246	416	6,382	9,044
(ii)	Rengali Irrigation @	918	81	10	1,009
TOTAL		3,164	497	6,392	10,053
Medium Irrigation Projects		General	SC	ST	Total
(i)	Dadraghati	228	66	133	427
(ii)	Derjang	327	29	-	356
(iii)	Baghua	406	8	96	510
(iv)	Ghodahad	3	-	65	68
(v)	Baghlati	17	15	91	123
(vi)	Dumerbahal	74	23	156	253
(vii)	Pilasalki	57	24	104	185
(viii)	Kuanria	49	54	48	151
(ix)	Daha	3	10	7	20
(x)	Remal	1	2	1	3
(xi)	Sarafgarh	26	3	0	29
(xii)	Jharbandh	120	2	4	126
(xiii)	Talsara	1	3	19	23
(xiv)	Gohira	51	18	74	143
(xv)	Ramiala	166	159	89	414
(xvi)	Sunet	84	2	267	353
(xvii)	Kanjhari	113	4	80	197
(xviii)	Bankbahal	98	35	149	282
(xix)	Kansbahal	10	29	172	211
(xx)	Hariharjore	140	41	213	394
(xxi)	Harbhangi	17	8	128	153
(xxii)	Badnala	4	2	163	169
(xxiii)	Upper Jonk	46	30	225	301
TOTAL		2,041	567	2,284	4,892
Grand Total		16,117	3,829	14,887	57,386

Source- Dalua, A.K. (1993), *Environmental Impact of Large Reservoir Projects on Human Settlements*, Ashish Publishing House, New Delhi; Department of Water Resources, Government of Odisha.¹¹

This table highlights human displacement from multipurpose, major and medium projects in Odisha. It shows that a total of **57,386 families** were displaced due to such projects, of which **14,887 families belonged to Scheduled Tribes**, indicating that tribal communities were majorly affected by development projects.

¹¹ Source of table

CONSTITUTIONAL FRAMEWORK:

1 Article 14: Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 14¹² is sub divided into parts (i) equality before law and (ii) equal protection of laws. The former means that there are no special privileges for any individual within the territory. It does not, however, “mean that the same law should apply to everyone, but that the same law should apply to those who are similarly situated.” The law can further classify a class that is already created by law for a limited purpose (in this case the Scheduled Caste group) if it is heterogeneous for another purpose (varying levels of backwardness within this group). If the State acquires tribal land without proper procedure or compensation, affected communities can argue that such action is arbitrary and violates Article 14.

2 ARTICLE 15 (4): Prohibition of discrimination on grounds of religion, race, sex or place of birth.-

Nothing in this article or in clause (2) of the article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Schedule Castes and the Schedule Tribes.

Article 15(4)¹³ provides the constitutional justification for 'special provisions' such as non-negotiable land-for-land restitution and community-based rehabilitation. Failure to provide these safeguards is not merely a policy lapse but a failure to uphold the constitutional promise of protective discrimination intended to prevent the further backwardness of India's indigenous populations.

3 Article 19 (5):¹⁴Protection of certain rights regarding freedom of speech, etc.

¹² INDIA CONST. art. 14

¹³ INDIA CONST. art. 15, cl. (4)

¹⁴ INDIA CONST. art. 19, cl. (5)

Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

a constitutional mandate for "special provisions" to prevent the socio-educational backwardness that follows displacement. It serves as a legal foundation to argue that the State must proactively secure the future of tribal youth through institutional access to offset the destruction of their traditional, land-based livelihoods.

4 Article 46- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. Article 46 of the Constitution imposes a positive obligation on the State to shield Scheduled Tribes from 'all forms of exploitation'; therefore, any land acquisition process that results in the forced reduction of tribal families constitutes a fundamental breach of this constitutional directive.

5 Article 244: Administration of Scheduled Areas

Article 244 of the Indian Constitution ¹⁵ provides special framework for the administration of scheduled areas and tribal areas. This provision ensures that tribal dominated regions should have special governance structure so that their social and economic conditions can be protected. Generally, development projects like mining, dams, and infrastructure expansion implements in tribal areas and due to this they have to displace themselves from those areas. The objective of Article 244 ensures

¹⁵ INDIACONST. art. 244

that interest of tribal communities should be safeguarded through governance structure.

6 Fifth Schedule:

Fifth Schedule of the Indian Constitution ^{1 6} provides special provisions for the protection and governance of scheduled areas. Under this, governor has granted with power to make regulations for peace and good governance. This regulation is important especially for protecting tribal land and resources.

7 Article 275 (1): Grants for Tribal Welfare

Article 275(1) of the Indian Constitution ^{1 7} provides for grants-in-aid of the revenues of States from the Central Government for the purpose of **“promoting the welfare of the Scheduled Tribes and raising the level of administration of the Scheduled Areas.”** This provision plays significant role to ensure financial support for the development of tribal people and the improvement of infrastructure in regions where tribal people are living. In the context of development-induced displacement, such financial assistance can be used for the welfare programmes, rehabilitation measures, and socio-economic development of displaced tribal populations. Therefore, Article 275(1) serves as a significant constitutional mechanism to address the developmental needs of Scheduled Tribes.

8 Article 338 (A): National Commission for Schedule Tribes

Article 338A of the Indian Constitution ¹⁸ establishes the **“National Commission for Scheduled Tribes (NCST)”**, which is responsible to safeguard the rights and interests of tribal communities. The Commission is empowered to **“investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the**

^{1 6} INDIA CONST. sched. V

^{1 7} INDIA CONST. art. 275, cl. (1)

^{1 8} INDIA CONST. art. 338A

Constitution.” It also has the duty to evaluate working of safeguards and advise the government on measures required for the protection and development of tribal communities. In cases of displacement caused by development projects, the Commission can examine grievances and recommend steps to ensure that the rights of tribal populations are properly protected.

STATUTORY FRAMEWORKS:

A- Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013:

This act was enacted on 26th September, 2013. After assent of the President of India this act was published in the Gazette of India on 26th September, 2013 and came into force from 1st January, 2014. This act was to regulate land acquisition and ensure that affected communities are receiving fair compensation or not. The Act seeks to make the acquisition process transparent and socially responsible by introducing safeguards for vulnerable communities, including Scheduled Tribes.¹⁹

Provisions from this Act which are useful for the discussion of this research are as follows:

¹⁹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30 of 2013, [Click Here](#).

Section-4	Preparation of Social Impact Assessment
Section-5	Public hearing for Social Impact Assessment
Section-6	Publication of Social Impact Assessment Study
Section-7	Appraisal of Social Impact Assessment report by an Expert Group
Section-8	Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government
Section-9	Exemption from Social Impact Assessment

Under Section-4, the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study²⁰. The main objective to do Social Impact Assessment is to analyse that how the projects will impact local communities, their livelihood, environment and social structure. In the context of Tribal areas, this section is important; tribal people are directly linked to land and forest resources. If proper Social Impact Assessment will be done prior to the commencement projects then it will be easy to identify tribal displacement and livelihood loss. So that, possible arrangements can be made for them to live a normal life.

Under Section-5, Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and

²⁰ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 4, No. 30, Acts of Parliament, 2013 (India), [Click Here](#).

included in the Social Impact Assessment Report ²¹. This section is significant for tribal communities because here Gram Sabha plays strong role. Through this process tribal communities can raise their voices and speak about their concerns of land loss, cultural impact and displacement. It is also a negative thing because sometimes in ground level these discussions stick to the formality only. No concerns are shown.

Under Section-6, The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government. ²² This section mandates publishing. This is crucial for the tribal communities because from the published reports they will get to know about the actual impact. This gives them a fair opportunity to cease and challenge the unfair acquisition.

Section-7 says that appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group. ²³ For tribal communities this section will act as a safeguard which will ensure that their interests will never be ignored.

Section-8 conveys that the government should consider Social Impact Assessment report and recommendations from expert group before taking the final decision. This act ensures that Land acquisitions are done blindly and social impacts must be taken into consideration.

²¹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 5, No. 30, Acts of Parliament, 2013 (India), [Click Here](#).

²² The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 6, No. 30, Acts of Parliament, 2013 (India), [Click Here](#).

²³ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, § 7, No. 30, Acts of Parliament, 2013 (India), [Click Here](#).

Section-9 grants power to the government that Social Impact Assessment can be **exempted**. This provision is problematic for tribal's. Due to this forced displacement will occur.

B- Forest Rights Act, 2006:

The Forest Rights Act (FRA), 2006 recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The forest management policies, including the Acts, Rules and Forest Policies of Participatory Forest Management policies in both colonial and post-colonial India, did not, till the enactment of this Act, recognize the symbiotic relationship of the STs with the forests, reflected in their dependence on the forest as well as in their traditional wisdom regarding conservation of the forests.²⁴

Thus, the Act empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed, to protect, conserve and manage forests, protect forest dwellers from unlawful evictions and also provides for basic development facilities for the community of forest dwellers to access facilities of education, health, nutrition, infrastructure etc.²⁵

Objective:

- To undo the historical injustice occurred to the forest dwelling communities²⁶

²⁴ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India), **Click Here**.

²⁵ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India), **Click Here**.

²⁶ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India), **Click Here**.

- To ensure land tenure, livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers²⁷
- To strengthen the conservation regime of the forests by including the responsibilities and authority on Forest Rights holders for sustainable use, conservation of biodiversity and maintenance of ecological balance.²⁸

Provisions under this act which plays significant role in this research:

Section-3	Forest rights of Forest dwelling Scheduled Tribes and other tradional forest dwellers
Section-4(5)	Protection from eviction

Section 3 ²⁹ of the Act recognizes **individual and community forest rights**, including the right to occupy forest land for habitation or cultivation, the right to collect minor forest produce, and the right to manage community forest resources. These rights are essential for protecting the livelihood and cultural practices of tribal communities.

Another important safeguard is provided under **Section 4(5)** ³⁰of the Act, which states that **no member of a forest-dwelling Scheduled Tribe shall be evicted or removed from forest land until the recognition and verification process of their rights is complete.**¹³ This provision protects tribal communities from arbitrary eviction and ensures that their legal rights are formally recognized before any relocation occurs.

²⁷ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India), **Click Here**.

²⁸ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India), **Click Here**.

²⁹ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, § 3, No. 2, Acts of Parliament, 2007 (India).

³⁰ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, § 4(5), No. 2, Acts of Parliament, 2007 (India).

CASE LAWS:

1 - Samatha v. State Of Andhra Pradesh And Ors:³¹

Facts of the case:

Borra reserved forest consisting of 14 villages is a tribal area of Vishakhapatnam in Andhra Pradesh. The state government gave that land on lease to non-tribal peoples for mining.

Appellant filed a case against the power of the government of transferring tribal land to non-tribal peoples for mining. High Court dismissed the writ petition and states that statutes do not prohibit the government to lease land for mining purposes to non-tribal peoples, Hence judgement comes in the favour of the state. Appellants filed a special leave petition in the Supreme Court.

³¹ Samatha v. State of Andhra Pradesh, AIR 1997 SC (3297)

Legal Issues:

- 1) Whether the Regulation applies to the transfer of government land to non-tribals and can they grant mining leases of lands situated in scheduled areas to non-tribals?
- 2) Whether the leases are in violation of certain acts, such as Section 2 of the Forest Conservation Act, 1980, and the Environment Protection Act, 1986?

Judgment:

The Supreme Court in this case overturned the decision of the High Court of Andhra Pradesh. The Court held that all mining areas transferred to non-tribal persons for mining leases by the State Government of Andhra Pradesh were void and invalid. The Court also held that the State was liable for granting mining leases on tribal scheduled lands.

The Court concluded that the term 'person' in Section 3(1) of the Regulation does not include the 'State'. The Court also ruled that the mining leases granted to non-tribal persons by the State do not contravene the Regulation and such leases must be used to uplift tribal people and maintain ecological balance in scheduled areas.

The Court directed the forest department to inspect the areas where private respondents were conducting mining activities to analyse if the land falls under the category of 'forest land.' The argument of the Appellant was rejected by the Supreme Court that Section 11(5) of the Mines and Minerals (Development and Regulation) Act, 1957 prohibits granting leases to non-tribal respondents and asserting that the leases are not invalid due to any violation of this section.

Thus, the Supreme Court in this case upheld the interests and rights of the tribal people living in scheduled tribal areas. The Court highlighted the importance of tribal

land rights in accordance with the provisions of the Fifth Schedule of the Constitution of India.

Relevance:

The Samata judgment is at the core of this research because it offers the final legal "shield" against the corporate-state alliances you've studied. By stating that the State is also a "person" and thus cannot transfer tribal lands in Scheduled Areas to private individuals, the judgment directly opposes the concept of "Eminent Domain" in a Fifth Schedule scenario. This judgment supports your argument for Community Partnership over Forced Displacement because it requires tribal communities to be treated as stakeholders via the 20% profit-sharing mandate instead of mere outsees. It also acts as a legal precedent to challenge the "manufactured consent" and "administrative lapses" you've documented because it reinforces the notion that the State's role is to act as a "fiduciary trustee" of tribal lands rather than an enabler of industrial acquisition.

2- Narmada Bachao Andolan v. Union of India.³²**Facts of the Case:**

The Narmada Bachao Andolan case revolved around the construction of the Sardar Sarovar Dam on the Narmada River, impacting the states of Rajasthan, Madhya Pradesh and Gujarat. To resolve the ensuing disputes over control, usage and distribution of river water, the Indian government established a tribunal under the Interstate Water Disputes Act of 1956. This tribunal not only decided on the dam's height but also tasked Gujarat with its construction. Subsequently, the Narmada Control Authority (NCA) and a review committee were formed as per the tribunal's decision to oversee the project's execution.

³² Narmada Bachao Andolan vs. Union of India AIR 2000 SC (3751)

Issues:

The issues raised in Narmada Bachao Andolan vs Union of India and Ors were:

- Whether the environmental clearance granted by the Union of India lacked proper study and consideration of environmental impact.
- Whether the conditions set by the Ministry of Environment were not adhered to.
- Whether the Narmada Control Authority displayed bias in awarding despite its status as an independent body.

Judgment:

In the landmark case of Narmada Bachao Andolan vs Union of India, the Supreme Court faced the challenging task of balancing development needs against environmental and human rights concerns. The judgement underscored the urgency of completing the Sardar Sarovar Project while adhering strictly to the environmental clearances and directives already issued.

The Court in Narmada Bachao Andolan vs Union of India and Ors authorised construction of the dam up to a height of 90 meters, conditional on the clearance previously granted by the designated Environmental Subgroup. Any further increase in height would require additional approval from the Environmental Group to ensure ongoing compliance with environmental standards.

The Narmada Control Authority (NCA) was tasked with overseeing these permissions, placing significant reliance on the assessments and reports from the Grievance Redressal Authorities. These authorities were also empowered to seek further orders from the Review Authority as necessary.

A critical aspect of the Court's decision was its acknowledgement of the severe water scarcity affecting many parts of India. Despite over seven decades of independence, the lack of adequate water supply remains a pressing issue, implicating the fundamental human rights outlined in Article 21 of the Indian Constitution and corresponding international human rights provisions. The Court recognised that Indian rivers, including the Narmada, have the potential to significantly alleviate these hardships, particularly in arid regions lacking sufficient rainfall.

The judgement also addressed the broader scope of Public Interest Litigation (PIL), cautioning against its misuse while reaffirming its value in safeguarding public interests. The Court stipulated that policy decisions should generally be left to the discretion of the government unless they contravene established laws. This principle reinforces the separation of powers, acknowledging the judiciary's role in upholding the law without encroaching on executive prerogatives.

Furthermore, the Court in *Narmada Bachao Andolan vs Union of India and Ors* emphasised the importance of integrating marginalised communities into the mainstream, ensuring that they benefit from development projects through improved access to essential services such as drinking water, electricity and adequate rehabilitation facilities. This approach reflects a commitment to social inclusivity and the equitable distribution of resources, underscoring the imperative to balance development with environmental and social justice.

Relevance:

The *Narmada Bachao Andolan (NBA) vs. Union of India* (2000) case is highly relevant and critical for the purposes of research as this case reflects the conflict between "National Development" and "Tribal Rights." The *Samata* case provided the shield for the tribal lands, while the NBA case reflects the reality of the Doctrine of Eminent Domain as the SC prioritized the completion of the dam over the suspension of the

same and ruled that "developmental" projects of national importance could go ahead as long as Rehabilitation and Resettlement (R&R) was ensured. This reflects the "implementation gap" that you have focused upon in paper, as this reflects the "Better Standard of Living" that was legally established in the judgment, while the "administrative lapses" in the implementation of the same can be highlighted through the failure in providing fertile lands for lands that were lost in the resettlement process. This can be utilized as a reflection of the failure of the "fair compensation" that the government had promised the tribes and the subsequent pauperization and disintegration that has resulted and that you have sought to rectify in the paper.

CHALLENGES:

Post Independent, the government of India focus on development of project like irrigation of dam and mining activities lead to complex crisis to displaced populations. People living in forest and hills often lack legal rights to their land. As a result, when they are displaced, they won't get any compensation. Tribes are emotionally attached to their ancestors and to their land. For them it is not only inhabitation area but also source of livelihood and responsibility inheritance through years of tradition. This is the main problem in tribal communities. The result of forceful displacement, people get marginalisation and daily wage labourers at new resettled areas. The act provides land for land compensation, but the government does not give rights on the land. It is also leading to marginalization.

The practice of land acquisition endangers the livelihood and fundamental rights of the tribal community in India, which often occurs due to lack of proper consultation and inadequate compensation, which results in erosion of cultural identity and migration. The prevailing legal system fails to adequately protect these tribal communities despite the judicial interventions, thereby necessitating reforms to

ensure inadequate compensation for the preservation and effective management of the tribal community.

LARR act, 2013 provides land for land compensation, but this clause is not implemented properly. Mallavarapu (2008), explains displaced people have to spend 4-5 years of their life and give bribes to the government officers to get compensation. Before LARR act 2013, while giving compensation depends on the project authorities' attitude and their negligence, it leads to people marginalization. There is also gender bias in the form of compensation. It is provided to the head of the family (male). It is leading to male domination in the family³³

The Forest Rights Act, 2006 also known as the Schedule Tribes and Other Traditional Forest Dwellers Act, 2006, is a landmark piece of legislation in India, which seeks to address the historical injustice faced by forest-dwelling communities by recognising their rights over the land and resources they have been dependent on for generations.

Issues coming from this act is:

lack of awareness and education. The tribals have been subject to exploitation in the hands of forest officials, other minor Government agents, and landlords due to their lack of awareness and education. Many times they themselves are not aware of their entitlements

Conflict with Other Legislations: The act comes in conflict with other laws which creates ambiguity and thus creates loopholes on the ground level. For example, conflict with the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and also with the Joint Forest Management practices.

³³ G. Srihari, Land Acquisition and Tribal Displacement in India, 5 Shikshan Sanshodhan: J. Arts, Human.&Soc. Sci. 53 (2022).

The Panchayat Extension to Scheduled Areas (PESA) Act, 1996, is a landmark legislation that extends the 73rd Constitutional Amendment to Scheduled Areas across India. While the 73rd Amendment revolutionized rural governance through Panchayati Raj Institutions, it initially excluded Scheduled Areas due to their unique tribal character and traditional governance systems.

PESA act faces significant challenges due to the lack of harmony with the other central and state legislations.

SUGGESTIONS:

LARR 2013, land acquisition in India was marked by low compensation, forced displacement, and lack of rehabilitation. Recognising these concerns, Parliament enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (commonly known as the LARR Act, 2013). This law transformed land acquisition from a purely administrative process into a rights-based legal framework.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013 made Gram Sabha consent mandatory for certain categories of land acquisition. This was significant shift from earlier laws, where government authorities could acquire land with minimal consultation

FRA 2006, The Forest Rights Act, 2006 (FRA, 2006), or the Schedule Tribes and Other Traditional Forest Dwellers Act, 2006, is one of India's most significant legislation. Along with transforming the lives of millions of forest-dwelling communities, it has helped to ensure environmental conservation and sustainable development in India. This article aims to study in detail the Forest Rights Act, 2006 (FRA, 2006), or the Schedule Tribes and Other Traditional Forest Dwellers Act, 2006, including its key provisions, achievements, and other related aspects.

PESA ACT 1996, panchayat extension to schedule area 1996 was enacted to provide for extension of provision of Part IX of the constitution relating to the panchayat to the schedule areas. The act aimed to enable tribal rule in 5th schedule areas by extending the provisions of panchayats to these regions.

In Schedule Areas, the consent of Gram Sabha is critical. Laws such as PESA Act, 1996 make gram sabha approval mandatory before acquiring land. Tribal communities have

deep cultural and economic connection to land, the law recognizes this unique relationship.

Reform of the Social Impact Assessment (SIA) Framework

Institutional Independence and the Removal of Conflict of Interest The current procedural framework for Social Impact Assessments (SIA) is fundamentally compromised by a structural conflict of interest, as project developers are frequently permitted to select and fund the very agencies responsible for evaluating the social viability of their projects. This "client-contractor" relationship often results in biased, pro-acquisition reports that systematically understate the social costs and overstate the potential benefits to the community. To restore the integrity of the LARR Act's transparency mandate, the law must be amended to strictly prohibit developer-funded SIAs. In their place, the state should establish a permanent, independent SIA Authority. This body must operate at arm's length from both the executive branch and private corporations, ensuring that the evaluation process remains an objective scientific exercise rather than a bureaucratic formality designed to facilitate land clearance.

“Legal Recognition of Non-Titled Occupancy”

One big problem with how land gets taken for projects is that tribal people have to show all these official papers to prove the land is theirs. Like a Patta, which is some kind of title. But a lot of them don't have that because their ways are more about stories passed down and no one really bothered with records in those areas. It feels unfair, you know, to make them jump through hoops when they been there forever.

So, maybe the law should just assume they own it if they are living on it or using it in Scheduled Areas. That way, the government has to prove they don't have rights instead of the other way around. I think this reverse thing would help, since the Forest Rights Act kind of pushes for that already. Without papers from way back, people

could lose everything now, and that doesn't sit right. Then there's the part about compensation. The law talks fair pay, but it's mostly for people who own land on paper. What about those who make their living from the forest or common areas, without titles. They collect stuff like minor forest produce, do crafts, graze animals seasonally. It's their main way to get by.

To fix this, the Act needs changing so losing access to those places counts like losing actual property. They should figure out the value over a whole life, the economic side of gathering and all that. So gatherers and workers get enough to go back to how things were. Recognizing access as a right that might stop tribals from ending up poor in cities. Some might argue it's hard to value, but it seems necessary. This part gets a tricky, how to measure intangible stuff exactly.

The whole consent thing in these land deals feels like a big problem, especially how it's often just faked or pushed through by officials to keep projects on track. Gram Sabha are supposed to be the real voice of the community, but right now they get manipulated a lot. By adding some kind of judicial watch would help fix that. Like, making sure every meeting about acquiring land gets video recorded, and having a district judge or magistrate there to oversee it. That way, it's harder for companies or the government to twist things with bribes or pressure. This setup could create a better balance, you know, checking against those corporate influences. The community's input would actually be checked to make sure it's genuine, without coercion or wrong info. It turns the Gram Sabha into something stronger, more like what the PESA Act was meant to be for self-governance at the local level. One issue that stands out is the rush they put on tribal groups to agree after getting all these technical details dumped on them. They barely have time to think it over. Maybe a cooling off period could change that, say 60 days after the Social Impact Assessment is presented, before any vote happens. That gives people space to talk to lawyers, experts on the environment, or even family networks about what it all means long

term. Without that time, consent does not feel informed at all. By building in this pause, the process becomes something ongoing, not just a single moment. Communities could really understand the socio-economic impacts, and whatever they decide, acceptance or no, it would carry more weight. This part gets a bit messy to explain, but it seems like it would make the whole system fairer.

ANALYSIS:

This research paper provides to examine that development-induced displacement of tribal communities in India, due to project such as irrigation of dam and mining activities with focus on legal framework. The arguments of this paper is that tribal' s still face marginalization even though there are laws and regulations but implementation failure. Points out this weird situation were pushing for economic growth clashes with trying to keep social justice intact, and tribes seem to take the hit more than anyone else.

The key strength of this paper is that it covers all the constitutional laws and statutory framework such as LARR Act 2013, which protect from transparency land Acquisition, Resettlement and Rehabilitation, FRA 2006 Forest Right Act, which seeks to address the historical injustice faced by forest-dwelling communities by recognising their rights over the land and resources they have been dependent on for generations. PESA Act 1996. The act aimed to enable tribal rule in 5th schedule areas by extending the provisions of panchayats to these regions. In Schedule Areas, the consent of Gram Sabha is critical. Laws such as PESA Act, 1996 make Gram Sabha approval mandatory before acquiring land. Tribal communities have deep cultural and economic connection to land, the law recognizes this unique relationship. These acts supposed to protect tribal communities. Additionally, to support this argument there are landmark case law such as Samatha v. State of Andhra Pradesh and Narmada Bachao Andolan v. Union of India, helps explain how judges try to weigh development against those rights.

There are few strong provisions from RECTLARR Act which is discussed in the paper such as Section 4- Preparation for Social Impact Assessment, Section 5- Public hearing of Social Impact Assessment, Section 6- Publication of Social Impact Assessment Study, Section 7- Appraisal of Social Impact Assessment report by an Expert Group, Section 8- Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government and lastly Section 9-Exemption from Social Impact Assessment. This all the Provision shows that why Social Impact Assessment is important for the tribal community. The suggestion section says that offering practical reforms such as Independent Social Impact Assessment and making a Gram Sabha Consent stronger mechanism, Overall this paper analysis the gap between law and its implementation on the grounds with displacement and marginalization.

CONCLUSION:

In conclusion, development-induced displacement of tribal communities in India shows the critical conflict from economic growth and social justice. While development project contribute to national development but it affects the tribal population, livelihood, leading to loss of land and cultural identity who live in forest areas because of mining activity and irrigation of dam. Even though there are legal framework such as LARR 2013, FRA 2006, PESA 1996 to protect them but it become ineffective due to inefficient implementation. To safeguard such as fair compensation, rehabilitation and Gram Sabha consent exist in law but it become ineffective because of lack of awareness, administrative failure and political pressure. As a result tribal population face the issue of marginalization and dispute legal protection.