



DES Shri Navalmal Firodia Law College
in Collaboration with
Vanvasi Kalyan Ashram
LEGAL RESEARCH CELL

Presents

SEPTEMBER EDITION

दृष्टि वार्ता

THEME OF THE MONTH:

**TRIBAL SOCIETIES AND
THEIR CHALLENGES**

THE DILEMMA OF DEVELOPMENT

V.

SOCIAL JUSTICE

Monthly Digest

Vanvasi Kalyan Ashram

The Vanvasi Kalyan Ashram was founded in 1952 by Ramakant Keshav Deshpande (also known as Balasaheb Deshpande), an official of the Orissa State Department of Tribal Welfare, with the support of the State Government and the RSS. After Independence, Balasaheb was appointed by the then Ravi Shankar Shukla Government to work in tribal-dominated Jashpur area as 'Regional Officer' of the 'Tribal Development Scheme'. This particular area had gone into the iron grip of the Christian missionaries who had converted the simple tribal people to their religion by using all means fair and foul. Their conversion to Christianity had alienated them from the cultural and national moorings. Its aim was to counter the appeal of Christian missionary schools to the tribals. Based in Jashpur (214 km from Raigarh), it established schools in Raigarh and Surguja districts areas with large tribal populations. The Ashram grew rapidly and a permanent office was established in 1963, inaugurated by the RSS chief M. S. Golwalkar.



Guest Lecture:

Tribal Rights in India - Challenges and the Way Forward Speaker:

Shri Vaibhavji Surange

7th September 2026

The college hosted an enlightening guest lecture on “Tribal Rights in India - Challenges and the Way Forward” on 7th September 2026, delivered by Shri Vaibhav Surange, Yuva Pramukh (Youth Leader) of the Akhil Bharatiya Vanvasi Kalyan Ashram (Vanvasi Kalyan Parishad), a national organisation working towards the welfare and development of tribal (Vanvasi/Janjati) communities across India. Shri Surange is widely recognised for his engaging speeches and work on tribal rights, the contribution of tribal heroes to India’s freedom struggle, and initiatives such as Janjatiya Gaurav Divas.

Opening his address, Shri Surange emphasised that tribal communities must be regarded not as a liability but as assets and a source of strength for the nation, and that they must be recognised as integral stakeholders in India’s vision for 2047. He drew attention to the historical injustices faced by tribal communities, particularly recalling the Criminal Tribes Act of the British era, which unjustly branded entire communities as hereditary criminals. He observed that even today, public discourse often focuses disproportionately on the perceived weaknesses of tribal communities rather than acknowledging their resilience, strengths, contributions, and rich cultural heritage.

The lecture further highlighted significant legislative milestones concerning tribal welfare and rights, particularly the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act). Shri Surange explained how these legal frameworks sought to strengthen self-governance in Scheduled Areas and recognise the rights of forest-dwelling communities over land and forest resources.

His discussion underscored the importance of ensuring that these statutory protections translate into meaningful participation and empowerment at the grassroots level.

A significant part of the lecture focused on the preservation of tribal customs, traditions, and cultural identity. Shri Surange stressed that tribal heritage forms an important part of India’s civilisational fabric and deserves greater recognition and preservation. He also pointed to the need for more systematic research, documentation, and dissemination of tribal histories, particularly the stories of tribal leaders and heroes whose contributions to India’s freedom struggle remain insufficiently represented in mainstream historical narratives.

Describing tribal society as fundamentally rooted in community living, collective responsibility, and shared identity, Shri Surange called for a shift in the way development policies are conceived and implemented. He emphasised that tribal communities should not merely be treated as passive beneficiaries of welfare schemes but must be actively involved as participants, decision-makers, and stakeholders in matters concerning their development and future.

The lecture assumed particular significance in the context of this month’s edition of the Legal Research Cell’s monthly digest, *DrishtiVarta*, themed “Tribal Societies and Their Challenges.” The session thus served not merely as an academic engagement but as a meaningful extension of the conversations that *DrishtiVarta* seeks to foster, encouraging a deeper understanding of the legal, social, and cultural realities of tribal communities and their rightful place in India’s constitutional and developmental journey.



Pune, Maharashtra, India
K Dhodiba Gunaji Bane Path, Deccan Gymkhana, Pune,
Maharashtra 411004, India
Lat 18.525770, Long 73.839778
Monday, 07/09/2026 09:23 AM GMT+05:30
Note : Captured by GPS Map Camera

Vision of Drishtivarta

Drishtivarta, the newsletter of the Legal Research Cell of DES Shri Navalmal Firodia Law College, Pune, envisions itself as a vibrant intellectual platform dedicated to fostering a culture of rigorous legal research, critical thinking, and meaningful academic dialogue. True to its name, Drishtivarta seeks to offer a distinct perspective on law and contemporary legal developments by encouraging readers to look beyond established assumptions and engage with the evolving dimensions of justice, governance, rights, and society.

The newsletter aspires to bridge the gap between legal education and contemporary legal realities. It aims to create a space where students, academicians, researchers, legal practitioners, and emerging scholars can share ideas, analyse significant judicial pronouncements, examine legislative developments, and reflect upon pressing socio-legal issues. Through well-researched and thought-provoking contributions, Drishtivarta seeks to promote informed discourse that is both academically enriching and socially relevant. The vision of Drishtivarta is rooted in the belief that legal research is not confined to the interpretation of statutes and precedents, it is also a means of questioning, understanding, and contributing to the transformation of society. The newsletter therefore seeks to nurture curiosity, originality, and analytical excellence among young legal minds. As an initiative of the Legal Research Cell, Drishtivarta strives to inspire its readers to research deeply, think critically, express fearlessly, and view the law through a wider and more meaningful lens. Its ultimate vision is to cultivate a generation of legally aware, research oriented, and socially conscious individuals capable of contributing thoughtfully to the future of law and justice.

The Dilemma of Development v. Social Justice

August's Theme

Development is often described as a pathway towards progress of stronger infrastructure, greater economic opportunity, improved connectivity, and a better quality of life. Yet, behind every road constructed, forest cleared, or project taken, there may exist tribes/communities, livelihood, traditions, and rights that are being displaced in the process. The question, therefore, is not merely how much a society develops, but also who bears the cost of that development and who benefits from it. The relationship between development and social justice has consequently emerge as one of the most complex question confronting contemporary law and governance. Land is not nearly an economic resource. For many tribes/communities, it represent livelihood, identity, culture, and a connection to generation of collective existence. Similarly, Forest are not simply repositories of natural resources, but spaces intervene with the tribes customary practises, community rights, and ecological balance. When development prioritises intersect with such interest like this, law is called upon to negotiate between competing claims rather than simply choosing one over the other. This edition explores these tensions through the legal lens of land governance, environmental protection, rehabilitation and resettlement, land conflict due to resilient project, judicial approach towards development in tribal land. The discussions demonstrate that legal recognition alone is insufficient, unless accompanied by worthwhile participation, procedural faïress, adequate compensation, and effective protection of vulnerable communities. The judiciary has also played an important role in navigating this delicate balance. Courts have increasingly been required to examine whether development is being pursued within the boundaries of constitutional rights, environmental principles and statutory safeguards. These decisions revealed an evolving understanding that development and justice need not necessarily be opposing objective, rather, sustainable development demands. Through this edition, we invite our readers to engage critically with these competing dimensions and reconsider what meaningful progress should look like. The articles bring together diverse legal perspective while highlighting a common principle that development acquires its true legitimate when it advances society without compromising the rights, dignity, and the future of those who sustain it. We hope this addition encourages reflection, informed, debate, and a deeper appreciation of the role of the law and shaping amore equitable and sustainable vision of development.

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When Forests Get a Voice: The Hasdeo Arand Rights of Nature Case

*Why India's coal-versus-conservation debate demands a fundamental shift
in legal reasoning*

-Uravashi Pal

IV B.A L.L.B



Hasdeo Arand, spanning over 650 square miles in Chhattisgarh, is among central India's densest forests; home to many Adivasi hamlets, rich biodiversity, and critical water resources. Despite government research agencies explicitly recommending against mining on ecological grounds, the region has been earmarked for coal extraction, with multiple coal blocks allocated to state and private operators. The resulting forest clearance and tree felling have displaced communities, endangered wildlife, and compromised water security, all just to satisfy the national energy demand.

The Rights of Nature Tribunal, though not a binding judicial forum, held that the State's actions violate the intrinsic rights of the Hasdeo forest ecosystem and the communities dependent on it. Crucially, the Tribunal found that procedural compliance, clearances, and impact assessments cannot cure a framework that treats nature as a disposable resource rather than a rights-bearing entity. It called for formal recognition of Hasdeo's legal standing, empowered local communities to enforce that protection, and urged the State to prioritise renewable alternatives over further coal expansion.

Even where scientific advice unambiguously opposes mining, energy and economic priorities are permitted to override ecological and social concerns. This is the deeper flaw: compensation schemes and statutory clearances cannot substitute for the loss of an entire ecosystem, nor repair the unravelling of Adivasi cultural and economic life that follows displacement.

The Tribunal's reasoning marks a meaningful step toward rights-of-nature jurisprudence, unsettling the anthropocentric assumptions embedded in conventional environmental law. Its central contribution is a reversal of burden: the State must justify why destruction is necessary and why no less damaging alternative exists, rather than the forest or its communities fighting for survival. The cancellation of several planned mines shows that sustained local resistance can shift policy outcomes. Yet the continued operation of existing mines reminds us that ad hoc victories are not the same as systemic protection, as can be understood by the latest notification issued by the Hon'ble Supreme Court on 24th of August, 2026, which surely obligates the authorities i.e., the Union Government, the Chhattisgarh State Government, Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL), and the Surguja District Level Forest Rights Committee, while also retaining the ongoing mining operations. A genuinely just energy transition demands more: recognition of Hasdeo's intrinsic worth, enforceable legal standing for affected communities, and a clear policy preference for renewables over coal.

Beyond the Classroom

When Schools Aren't Safe, Education Isn't Equal

-Vismaya Shivkumar

III B.A L.L.B



In Maharashtra, ashram schools and residential hostels play a vital role in making education accessible to children living in remote and economically backward areas. However, access to education loses much of its meaning when the institutions providing it fails to guarantee basic safety and dignity.

The recent tragedy in Gadchiroli, Maharashtra brings this issue into focus. In August 2026, six tribal girls were reportedly bitten by a venomous snake while sleeping on the floor of a residential school hostel. Three died and three others were undergoing treatment. The district administration ordered an inquiry into the incident. Reports indicated concerns regarding hostel conditions and institutional responsibility.

The constitutional framework provides a strong foundation for this. Article 21 guarantees the right to life. Article 46 of the Constitution, which directs the State to “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 to protect them from social injustice and all forms of exploitation.

The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) also provides statutory substance to the constitutional commitment to education. It recognises education as a right and ensures State support for tribal students, but weak implementation, monitoring, infrastructure and accountability limit its effectiveness.

The first reform should be the introduction of compulsory, periodic safety audits for every government and aided ashram school. Second, minimum residential standards must be treated as non-negotiable. Third, every residential tribal school should maintain a standardised emergency-response protocol.

The Gadchiroli deaths force us to reconsider what we mean by the right to education for tribal children. Education cannot be considered successfully delivered merely because a child has a classroom, a teacher and a textbook. For a child residing in a State-funded institution, education necessarily includes the right to safe accommodation, dignity, health and protection from foreseeable risks. The Gadchiroli tragedy should become a catalyst for that shift from welfare-based administration to a genuinely fundamental rights-based system of tribal education and child protection.



Tribal Displacement for Development

Emphasising the Tribal Rights with focus on the Ken Betwa River Link Project

-Avishi Srivastava

III B.A L.L.B



The Ken-Betwa River Link Project is one of India's first river-linking projects, which is a joint project by the Governments of India, along with the State Government of Madhya Pradesh and Uttar Pradesh. Its main aim was to divert surplus water from the Ken River to the Betwa basin to improve and stabilize irrigation and water supply. However, the project has raised serious issues regarding the displacement and rights of tribal communities (mainly the Kola and Gond Tribes) in Panna and Chhatarpur districts of Madhya Pradesh.

Displacement refers to the forced removal of people from their homelands for large-scale infrastructure and development projects. For tribal communities, such displacement affects not only their economic security but also their livelihood, habitation and cultural connection with their land. The Ken-Betwa project's Phase I, which centres around the construction of the Daudhan Dam, is expected to affect 1,913 project-affected families, including 648 Scheduled Tribe families.

The project offers significant benefits, including irrigation for approximately 10.62 lakh hectares, drinking water for around 62 lakh people, and generation of 103 MW of hydropower and 27 MW of solar power. However, concerns have been raised regarding relocation, demolitions, inadequate compensation and rehabilitation, and environmental consequences.

The Constitution recognizes Scheduled Tribes under Articles 366(24) and Article 342. Further their rights are protected under Forest Rights Act, 2006, PESA Act, 1996, SC/ST (Prevention of Atrocities) Act, 1989, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. These laws protect tribal livelihood, habitation, land rights, self-governance and rehabilitation.

Although the Government has released a notice regarding rehabilitation and resettlement plan, issues of regarding implementation remain as there have been no measures taken according to the tribal communities of this region. Development should not come at the cost of tribal livelihoods and fundamental rights. The Ken-Betwa issue highlights the need for fair compensation, effective rehabilitation and meaningful protection of tribal communities.

Land Acquisition Law in India

An Overview and Landmark Judgments

-Priya Kumari Singh

III L.L.B.



For nearly 120 years, India's land acquisition process was governed by a single colonial-era statute, the Land Acquisition Act of 1894, which let the government acquire private land for a "public purpose" while giving owners little say in valuation and almost no provision for their rehabilitation after displacement.

The 2013 Act replaced this framework with rules requiring social impact assessments before large acquisitions, consent from a majority of affected families, compensation of up to four times market value in rural areas and twice market value in urban areas, and an enforceable right to rehabilitation and resettlement rather than a discretionary favor.

The right to property itself has also changed character. Once a fundamental right under Articles 19(1)(f) and 31, it was downgraded by the Forty-Fourth Amendment of 1978 to an ordinary constitutional right under Article 300A,

meaning it could no longer be enforced directly through the Supreme Court.

Courts have shaped how these laws work in practice. In *Pune Municipal Corporation v. Harakchand Misirimal Solanki* (2014), the Supreme Court held that old acquisitions would lapse if the government failed to pay compensation or take possession within the required time, and that depositing money in the treasury did not count as payment.

In *Indore Development Authority v. Manoharlal* (2020), a larger bench narrowed this rule, holding that mere delay would not cause a lapse once compensation had been offered and possession taken.

Most recently, in *Kolkata Municipal Corporation v. Bimal Kumar Shah* (2024), the Court set out seven essential safeguards, including notice, a hearing, genuine public purpose, and fair compensation, that any acquisition law must contain to be constitutionally valid.

Together, these developments show Indian land acquisition law moving away from treating landowners as obstacles and toward treating them as stakeholders entitled to consultation and fair compensation.



Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests & Ors.

-Shreyanshi Srivastava

IV B.A L.L.B



The case of *Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests & Ors.* is an important judgment when discussing the rights of tribal communities over their traditional lands and forests.

The case concerned the proposed mining of bauxite in the Niyamgiri Hills of Odisha, an area closely connected to the lives and traditions of the Dongria Kondh and other tribal communities.

For these communities, the Niyamgiri Hills were not simply a source of land or livelihood.

The hills had deep religious and cultural significance. The proposed mining project therefore raised concerns about whether economic development should be allowed to affect the community's way of life and their relationship with their ancestral land.

The Supreme Court recognised the importance of these cultural and religious rights. It gave the Gram Sabha an important role in deciding whether the proposed project would affect the community's rights, particularly those protected under the Forest Rights Act, 2006.

This made the participation of the tribal community an essential part of the decision-making process.

The judgment is significant because it shows that tribal land rights cannot be looked at only in terms of ownership or compensation. Land can also carry a community's history, culture, religion and identity. By recognising the role of the Gram Sabha, the Court strengthened the idea that tribal communities should have a meaningful say in decisions concerning their traditional lands and resources.

The case therefore reflects a broader principle: development should not come at the cost of a community's dignity, cultural identity and connection with its ancestral land.

Uniform Civil Code In Northeast Indian States

Reconciling uniformity with customary autonomy

-Siya Nimkar

IV B.A L.L.B



The Uniform Civil Code (UCC) is complex in the Northeast, where marriage, divorce, inheritance, succession, adoption and maintenance are governed by personal laws, tribal customs and customary law. The issue: whether uniformity can disregard tribal protections or legitimate institutions, while balancing autonomy with equality, dignity, choice and justice.

Article 44 makes a UCC a Directive Principle, not an enforceable right. Article 342 provides Scheduled Tribe identification; ST status does not create uniform customary law. Articles 244 and the Fifth and Sixth Schedules provide arrangements. The Sixth Schedule establishes Autonomous District Councils in tribal areas of Assam, Meghalaya, Tripura and Mizoram, with powers over social customs, inheritance, marriage and divorce. Articles 371A and 371G protect Naga and Mizo social practices and customary law; Parliamentary legislation applies in Nagaland only if its Assembly decides. Marriage, divorce, adoption, wills, intestacy, succession, joint family

and partition fall under Concurrent List Entry 5, giving Parliament and States competence subject to special arrangements.

Section 2(2) of the Hindu Marriage Act, 1955 excludes Scheduled Tribes unless otherwise directed; similar exclusions occur elsewhere. ST status and religious identity must be considered separately. The Special Marriage Act, 1954 provides secular marriage. Article 13(3)(a) treats customs having force of law as “law,” subjecting them to Fundamental Rights scrutiny.

Tribal family and dispute-resolution structures vary; customary institutions do not guarantee access. A UCC may provide certainty, remedies and protection against discrimination, but excessive uniformity may undermine autonomy. ST proportions (Census 2011): Mizoram 94.4%, Nagaland 86.5%, Meghalaya 86.1%, Arunachal Pradesh 68.8%, Manipur 35.1%, Sikkim 33.8%, Tripura 31.8%, Assam 12.4%.

The Northeast neither categorically needs nor rejects one. Reform should identify minimum guarantees- equality in marriage, fair succession, child protection, maintenance and effective remedies—through consultation, mapping customary laws, statutory exclusions, Council powers and protections. Legitimacy depends on reconciling uniformity with legal and cultural diversity



Forest Rights Act in Crisis

Why Tribal Forest Rights Remain Unrecognised Despite the Law

-Khushi Gupta

III B.A L.L.B



The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) was enacted to address the historical injustice faced by forest-dwelling Scheduled Tribes and other traditional forest dwellers. The Act recognises individual and community rights over forest resources and places the Gram Sabha at the centre of the recognition process.

Despite this progressive legal framework, a significant gap exists between the law and its implementation. As of 28 February 2026, 54,00,519 claims had been submitted, of which 25,38,320 were approved, and 18,12,539 were rejected. These figures demonstrate the continuing difficulties faced by forest communities in securing their legally recognised rights.

A major challenge is evidentiary difficulty. Many forest-dwelling communities do not possess formal title deeds or land records because their customary relationship with forests existed long before such records were created.

Other Traditional Forest Dwellers must additionally establish dependence on forests for three generations, making the process particularly difficult.

Although Rule 13 permits different forms of evidence, claimants often struggle to establish their rights.

Bureaucratic delays are another serious concern. In Maharashtra, 14,726 Individual Forest Rights cases were pending as of January 2026, including 6,158 claims and 8,568 appeals. Such delays directly affect people's land, livelihood and security.

The Act also recognises Community Forest Rights under Section 3(1)(i), allowing communities to protect, conserve and manage forests. However, implementation often prioritises individual titles over collective rights.

The Gram Sabha under Section 6 is therefore crucial. However, many Gram Sabhas lack legal knowledge, maps, technical assistance and administrative support. In *Orissa Mining Corporation Ltd. v. Ministry of Environment & Forests* (2013), the Supreme Court highlighted the importance of the Gram Sabha in determining the religious and cultural rights of tribal communities affected by mining.

The way forward requires flexible consideration of evidence, stronger Gram Sabhas, reasoned rejection orders, effective appeals and greater recognition of Community Forest Rights. Ultimately, the crisis lies not in the absence of legislation but in its implementation. The FRA can succeed only when tribal communities are able to secure their traditional lands, manage forest resources and meaningfully participate in decisions concerning their forests.

When Consent Stopped Being Mandatory

Why Tribal Forest Rights Remain Unrecognised Despite the Law

-Shrushti Vishal Dumbre

IV B.A L.L.B



India's tribal land framework rests on a combination of constitutional safeguards, statutory protection and judicial intervention. Article 244 read with the Fifth Schedule provides a special governance framework for Scheduled Areas, while Article 46 directs the State to protect the educational and economic interests of Scheduled Tribes and prevent their exploitation.

A significant judicial development came in *Samatha v. State of Andhra Pradesh*, where the Supreme Court recognised tribal land as essential to livelihood, social status and economic security and restricted its transfer to non-tribals under applicable protective laws.

The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) strengthened tribal self-governance by giving the Gram Sabha a central role in protecting community resources and tribal interests.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) further recognised individual and community forest rights, with Gram Sabhas playing a key role in their determination.

In *Orissa Mining Corporation v. Ministry of Environment & Forests*, the Supreme Court emphasised tribal cultural and religious rights and recognised the Gram Sabha's role in the Niyamgiri mining dispute.

Despite these safeguards, development-induced displacement remains a major concern. Compensation alone cannot substitute livelihood, community ties or ancestral connections.

Effective rehabilitation therefore requires legal protection, participation and long-term livelihood restoration.





From Allocation to Empowerment: Is DAPST Meeting the Needs of Tribal Communities?

Shubhra Tripathi

4th B.A L.L.B



For Scheduled Tribes (ST), Development Action Plan for Scheduled Tribes (DAPST) is the main intervention by the government to reduce socio-economic disparities. As part of DAPST, 41 ministries and departments have the obligation to allocate a certain percentage of budget for tribal specific interventions in education, health, livelihoods and infrastructure. In the Union Budget for 2026-27, the allocation for DAPST is ₹1,39,189.53 crore, an increase of almost six times as compared to the allocation for 2016-17.

Whereas the DAPST spending for 2024-25 has increased by almost double from ₹48,084 crore in the previous year, actual fund utilization under DAPST has been less than 92% of budgeted amount for the past five years. A 2026 report by Parliamentary Standing Committee pointed out that by February, around ₹8,757 crore out of the budget of ₹10,824 crore of the Ministry of Tribal Affairs had been spent towards the financial year 2025-26, indicating that allocations continue to be made for spending but in reality, budgeted funds

are not being used.

This is the case where outcomes of spending have not been measured, but expenditure have been. In this regard, a sub-system for ST component monitoring integrated in PFMS is operational, though it also lacks outcome indicators. Because of the absence of outcome indicators, financial expenditures reported under DAPST remain unclear and may indicate general spending on schemes meant for Tribal areas instead of targeted, need based, outcome focused spending on Tribal development.

The priority has to be on focusing on outcome-centric monitoring and real time spending tracking systems in order to increase transparency and accountability for both the Central and the State governments. APST's success should ultimately be measured by measurable improvements in tribal lives education, health, livelihoods not merely the amount allocated





When Development Displaces Justice

Transfer of 20k acres tribal land in Telangana

-Samridhi Singh

IV BALLB



Development is often presented as a destination which is more infrastructure, digitised governance, higher land values, expanding cities and new opportunities. But development becomes a more difficult question when we ask: development for whom, and at whose cost?

The recent land controversies in Telangana compel us to confront this question. From nearly 20,000 acres in tribal agency areas reportedly passing into non-tribal hands, to thousands of acres appearing on prohibited lists, and alleged manipulation of digital land records involving nearly 10,000 acres, these stories reveal that land is not merely an economic asset.

Telangana's experience presents a striking paradox. Laws such as the Land Transfer Regulation, popularly known as the 1/70 Act, were created precisely to prevent tribal land alienation. Yet, despite these safeguards, official records indicate hundreds of cases involving thousands of acres remain pending.

This raises an uncomfortable question: *Can a system designed to eliminate human error become a new avenue for human exploitation?*

The answer is not a rejection of technology or development. Rather, it is a reminder that technology cannot substitute for accountability. A digital record is only as reliable as the institution that creates, verifies and protects it.

For tribal communities, the stakes are even higher. The loss of ancestral land cannot always be measured through market value, they represent cultural continuity, community belonging and a way of life. Economic distress, medical emergencies and unequal bargaining power can push vulnerable families towards transactions that the law itself seeks to prevent.

The Constitution's promise of social and economic justice demands that development remain people-centric. Protective land laws, therefore, should not be viewed as obstacles to progress. Perhaps the question before us is not whether India should choose development or social justice. The real challenge is to build a model of development in which justice is not the price of progress.

As we examine the stories in this edition from tribal land alienation to regulatory exclusions and the vulnerabilities of digital land governance we invite our readers to look beyond the statistics.

60 Seconds of Law

EMINENT DOMAIN & TRIBAL LAND

Can the State acquire tribal land for a “public purpose”? The doctrine of Eminent Domain allows the State to compulsorily acquire private property for a legally recognised public purpose, subject to statutory safeguards and compensation. But tribal land is not simply another piece of private property. For tribal communities, land is often closely connected to livelihood, community identity, culture and customary rights. Therefore, acquisition in tribal areas involves additional constitutional and statutory protections.

The Fifth Schedule of the Constitution provides a special framework for the administration and control of Scheduled Areas and Scheduled Tribes.

The PESA Act, 1996 further strengthens the role of the Gram Sabha in Scheduled Areas.

The LARR Act, 2013 also contains special safeguards for acquisition affecting Scheduled Tribes, including additional consent and rehabilitation requirements in specified circumstances. Thus, while the State may exercise eminent domain, public purpose does not automatically override tribal protections.

FPIC FOR TRIBAL COMMUNITIES

What if a project affects tribal land but the community says no?

FPIC stands for Free, Prior and Informed Consent. For tribal and Indigenous communities, FPIC is about ensuring that decisions affecting their land, forests, natural resources, culture and livelihoods are not made without their meaningful participation. Free - Consent must be given without force, pressure or manipulation. Prior - The community must be involved before the project or decision is approved. Informed - the community must receive complete and understandable information about the project and its consequences.

The principle is particularly significant in India's Scheduled Areas, where the Gram Sabha has a constitutionally and statutorily recognised role in protecting community interests.

Under PESA, 1996, Gram Sabhas have important powers concerning community resources and are required to be consulted in specified land acquisition and development matters.

The Forest Rights Act, 2006 also places the Gram Sabha at the centre of recognising and protecting forest rights.

Guess The Case!

CASE 1- Mining v. Tribal Land Rights

Topic: Tribal land, Scheduled Areas, Mining and Fifth Schedule **Facts:** A government proposed to grant mining leases in Scheduled Areas of Andhra Pradesh to private mining companies. The dispute raised a crucial question: could land in a Scheduled Area be leased to non-tribals and private companies, despite the constitutional protection afforded to tribal communities?

The Supreme Court examined the Fifth Schedule and the Andhra Pradesh Scheduled Areas Land Transfer Regulation.

CASE 2 - Big Dams v. Displacement

Topic: Development, Displacement, Tribal communities, and Rehabilitation **Facts:** A massive multipurpose dam project promised significant benefits in terms of irrigation, electricity and development. However, its construction would also result in the submergence of villages and displacement of thousands of people, including tribal communities. The Supreme Court was asked whether the project could continue despite concerns regarding rehabilitation, environmental impact and displacement.

CASE 3- Mining vs. Culture, Religion & Community Rights

Topic: Tribal rights, Forest rights, Religious freedom, and Gram Sabha **Facts:** A mining project was proposed in the Niyamgiri Hills of Odisha, an area regarded as sacred by the Dongria Kondh tribal community. The Supreme Court had to consider whether the project could proceed without addressing the community's religious and cultural rights. The Court placed an important question before the Gram Sabhas: whether mining would affect the community's religious and cultural rights.



Answers
1. Samathia vs. State of A.P. and Ors.
2. Narmada Bachao Andolan and Others v. Union of India and Others
3. Orissa Mining Corporation v. Ministry of Environment and Forest and Others

Upcoming Events

CERTIFICATE COURSE:

ADVANCED CERTIFICATE COURSE IN CORPORATE LAW

Organised by DES Shri Navalmal Firodia Law College, Pune, the Advanced Certificate Course in Corporate Law, offers Regulatory frameworks, Practical drafting, dispute resolution, and applied corporate legal trends in 32 comprehensive sessions. Course Fee for, DES SNFLC's student-

Rs.1000/-, Outsiders- Rs. 2000/-

REGISTRATION LINK:

[HTTPS://FORM.SVHRT.COM/6A8BD9D977F2B4F47369D403](https://form.svhrt.com/6A8BD9D977F2B4F47369D403)

CERTIFICATE COURSE:

INDIAN KNOWLEDGE SYSTEM: DHARAMASHASTRA AND CONSTITUTION

Organised by DES Shri Navalmal Firodia Law College, Pune, in association with Bhandarkar Oriental Research Institute, Pune, this course offers, foundational concepts to critically Indian Jurisprudence (Dharmashastra) and modern Constitutional law, Explore comparative text analysis and judicial philosophies, and Evaluate how ancient principles can address contemporary legal, ethical and governance challenges in 32 comprehensive session. Course Fee for, DES SNFLC'S

Student- Rs. 1000/-, Outsiders- Rs. 2000/-.

REGISTRATION LINK: [HTTPS://FORMS.GLE/RT8VC1VFAP1KBA3S9](https://forms.gle/RT8VC1VFAP1KBA3S9)

PAYMENT LINK: [HTTPS://FORM.QFIXONLINE.COM/DESPNFORM](https://form.qfixonline.com/DESPNFORM)

CERTIFICATE COURSE :

CERTIFICATE COURSE ON CRIME SCENE INVESTIGATION

Organised by DES Shri Navalmal Firodia Law College, Pune, in association with Centre for Police Research, Pune and JSPM University, Pune. This is a 30 hour duration course starting from 21st September, 2026, in hybrid mode, from 3:30 PM to 4:30 PM. Course Fee is Rs. 1000, Last day to

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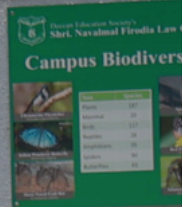
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