

THE 2021 AMENDMENTS ON TRIBAL RIGHTS AND LAND GOVERNANCE: LEGAL AND SOCIAL IMPLICATIONS

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Abstract:

In a historic move, the Indian government will reform tribal rights and land governance in 2021 in an attempt to better safeguard indigenous people, make ownership patterns more transparent, and guarantee sustainable land management. The historical issues of Scheduled Tribes, such as land alienation, displacement, and marginalization, are addressed by these changes, which lay an emphasis on the role of tribal councils and gram sabhas in governance. Formalizing land documentation, improving community-based dispute resolution systems, and codifying prohibitions on the sale of tribal lands to non-tribal corporations are all aspects of the legal changes. In terms of society, their goals include protecting traditional practices, ensuring people can continue to make a living, and encouraging all members of the community, regardless of gender or where they live, to take part. Uneven enforcement, disagreements between state development plans and tribe consent, and a lack of legal knowledge are some of the practical issues that persist despite these advancements. Cases at the state level involving tribal land rights and recent judicial developments like *Ram Charan v. Sukhram* (2025) show how constitutional and legislative frameworks are interpreting property, gender, and indigenous governance. This study analyzes the 2021 revisions from a legal and social perspective, looking at their pros and cons. It examines the relationship between law, culture, and sustainable development in India's tribal territories, and how these factors affect one another.

Keywords: Tribal Rights, Scheduled Tribes, Land Alienation, Indigenous Autonomy, Constitutional Protections.

I. INTRODUCTION

Land is the fundamental unit in India, a country where agriculture is the mainstay of livelihood. Everyone in the town depends on the land, whether it's for farming, livestock, or even just sitting in the woods. They rely heavily on the land they can cultivate for their survival. There is an inseparable relationship between the right to property and the right to life and livelihood. Economic reorganization to combat exploitation and inequality is one of the many social and economic changes foreseen by the Constitution as necessary for society's progress. The influence of land acquisition laws on tribal land rights in India is a contentious and intricately related issue that has attracted a lot of attention due to the substantial social, economic, and cultural implications on these rights. When the government or private companies tried to purchase their ancestral lands for development projects, indigenous groups, who have always been marginalized, fought back. As a result, members of these communities have frequently been displaced, their quality of life diminished, and their cultural legacy eroded. A number of issues, including corruption, a lack of openness, and insufficient engagement with impacted groups, have made it difficult to enforce the laws that were put in place to protect tribal territories¹.

Land rights have been central to the fight for autonomy and development by India's tribal tribes, who have long endured social, economic, and political marginalization. In order to address the specific challenges faced by indigenous communities, the Indian Constitution has included safeguards for their land and resources in sections like the Fifth and Sixth Schedules, which regulate the management of tribal regions. Inadequate legal

¹ Hays, J. (2019). Tribal People in India | Facts and Details.

awareness, forced displacement, and encroachment on tribal lands have continued despite these constitutional protections, demonstrating the necessity for more robust institutional and legal processes.

Important changes to land governance systems and tribal rights were made by the Indian government in 2021. These changes are an attempt to safeguard indigenous populations from exploitation while also improving land acquisition consent processes, making ownership patterns more transparent, and fostering sustainable development. Many see the new laws as a positive step toward granting more authority to historically oppressed people, but they also bring up difficult issues about how to strike a balance between development priorities, tribal rights (both individual and collective), and the proper role of government².

By looking at how the revisions could improve land governance, safeguard tribal autonomy, and encourage socio-economic development, this article analyses the social and legal ramifications of the 2021 changes. The study aims to comprehend the broader impact of the modifications on tribal groups, constitutional government, and the growing discourse on social justice in India by examining both the opportunities and problems they brought.

II. TRIBAL RIGHTS, CONSTITUTIONAL SAFEGUARDS AND WELFARE LEGISLATIONS

The rights and interests of STs in India have been safeguarded by several clauses added to the Constitution since its enactment. The Supreme Court noted in *Indra Sawhney v. Union of India*³ that our founding fathers understood the hardships faced by Scheduled Tribes (STs) and included safeguards to help them achieve equality, which was still a long way off. Justice, liberty, equality, and fraternity are among of the guiding democratic ideas laid out in the Preamble⁴. These are guaranteed to all citizens, irrespective of their backgrounds. Articles 14, 19, and 21⁵ of Part III of the Constitution deal with universally applicable fundamental rights, such as the right to equality, freedom, and life. Other Articles 15(4)⁶ address specific provisions for the advancement of STs, 16(4) and 16(4A) guarantee equal opportunity, Article 23 prohibits trafficking and bonded labor, Article 24 forbids the employment of children in factories, and Articles 25 and 26 address freedom of religion and the management of religious affairs, respectively. Concerning STs, the State is obligated to adhere to the directive principles laid out in Part IV of the Constitution. Articles 39 and 46 address the welfare policy of the State towards STs and the educational and economic interests of STs, respectively. Article 275 addresses the issue of grant-in-aid for scheduled tribal regions, while Article 244(1), when read with the Fifth and Sixth Schedules, details the procedures for the administration and control of such areas. For further information on political appointment reservations, see Articles 243D, 243T, 330, 332, and 334 of the Constitution⁷.

In response to the ongoing marginalization and mistreatment of indigenous communities, the Parliament and the Ministry of Tribal Affairs have enacted multiple laws and programs to defend indigenous peoples and their rights, even though there are numerous constitutional protections against this. The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989–19 (hereafter, the SC/ST Atrocities Act) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁸ (hereafter, the Forest Rights Act) are two significant pieces of legislation that will be examined in this essay.

A number of new provisions intended to strengthen tribal land security were included in the amendments of 2021. The sale or transfer of tribal lands to non-tribal persons or businesses is forbidden by one of the key articles unless the local tribal council or gram sabha gives its specific assent. Land alienation has a long and troubled history of displacing indigenous people and destroying their traditional ways of life; this clause is an effort to put a stop to that. On top of that, the changes make it easier to record land rights by mandating the

² Soren, Ram. (2022). Tribal people, land rights and governance. *Asian Journal of Research in Social Sciences and Humanities*. 12. 105-110. 10.5958/2249-7315.2022.00132.0.

³ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217.

⁴ INDIA CONST. Pream.

⁵ INDIA CONST. art. 21.

⁶ INDIA CONST. art. 15(4).

⁷ INDIA CONST. art. 334.

⁸ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 {hereafter, Forest Rights Act}.

systematic registration of tribal land holdings, which strengthens their official legal legitimacy and protection. Another important provision encourages community-based conflict resolution and decreases reliance on formal courts by giving local governing groups the authority to internally handle small land disputes.

III. THE 2021 AMENDMENTS: AN OVERVIEW

Beyond completing the necessary legal procedures, the goals of the 2021 revisions go beyond that. Their main goal is to empower the tribe by keeping land usage and management decisions within the community. An example of this would be a hybrid model of government that takes into account both traditional decision-making institutions and customary practices in order to maintain cultural norms and constitutional protections. The reforms also aim to make sustainable economic development easier by empowering tribes with more say over their forests and mineral-rich areas and by requiring their consultation and agreement for any development projects. This is an effort by the law to strike a balance between social fairness, environmental protection, and economic opportunity⁹.

Several real-world obstacles stand in the way of the changes' full implementation, notwithstanding their good intentions. There is still a lack of uniformity in the local enforcement procedures due to differences in administrative capacity and awareness among the various indigenous people. Issues can nevertheless emerge when plans for state development, like mining or infrastructure projects, run counter to what tribes need for approval, showing that there may be a disconnect between what the law says and what happens in practice. Moreover, local government institutions' legitimacy and strength can differ greatly among locations, and this can have a major impact on the efficacy of community-based dispute resolution. To overcome these obstacles and make sure the revisions have the social and legal effect they intended, we need clear laws, programs to strengthen tribal communities' capacity, constant monitoring, and active participation from tribal members.

IV. LEGAL AND SOCIAL IMPLICATIONS OF THE 2021 AMENDMENTS ON TRIBAL RIGHTS AND LAND GOVERNANCE

Legally and socially, the state, tribal groups, and commercial players will all be reshaped by the 2021 modifications to tribal rights and land governance. From a legal perspective, the changes mainly rethink rules regarding land ownership and transfers, with a stronger focus on preventing outside entities from acquiring tribal land. There was a period when administrative gaps or ambiguous paperwork made it easy for non-tribal individuals or corporations to purchase or transfer tribal properties. To reduce illegal alienation and strengthen community ownership, new legal requirements make it clear that such transfers cannot take place without the gram sabha's or appropriate tribal council's official consent. The revisions also fix an issue that has long caused disagreements: the method of land registration and documentation. Legal legitimacy and enforceability are provided by the law through the establishment of unambiguous titles and systematic records. This helps to reduce the possibility of protracted litigation and strengthens the legal standing of indigenous communities¹⁰. The effects on tribal independence and self-governance are among the most consequential changes from a legal standpoint. The law incorporates customary governance into formal legal frameworks by requiring tribal permission for decisions about land use, transfer, or resource extraction, thus strengthening the traditional authority of gram sabhas and local councils. An important step in empowering indigenous peoples and honoring the unique social and cultural contexts in which they live has been the official acknowledgement of indigenous decision-making processes. The revisions do, however, clarify the function of state authorities in development planning and administration of resources, thus autonomy is not absolute. The boundary of tribal power and the meaning of "consent" have been the subject of heated legal disputes as a result of this hybrid system of self-governance and state supervision, especially in cases when development projects involving federal or state funds affect tribal territories.

An additional crucial aspect is the way these modifications interact with constitutional safeguards and human rights. The bill strengthens existing constitutional provisions, such as those for Scheduled Tribes in Articles 244 and 275, and it is in line with human rights frameworks that place an emphasis on indigenous peoples' rights to land, culture, and involvement in decision-making. Rights to equality, non-discrimination, and

⁹ <https://www.drishtiiias.com/daily-news-analysis/constitution-scheduled-tribes-order-amendment-bill-2021>

¹⁰ Understanding the Land Rights of Tribal Populations in Scheduled Areas | Centre for Policy Research. (2019).

protection against forced displacement are strengthened by the changes, which formalize consent mechanisms and dispute resolution processes. Simultaneously, they bring up intricate concerns regarding the equilibrium of private property rights and communal land ownership, particularly in contexts where tribal administrative systems value community agreement above personal choices. According to legal experts, the codification of statutes is essential, but the willingness of the judiciary to interpret vague language in a way that respects tribal sovereignty and larger constitutional principles is as crucial to the success of these revisions.

The practical applicability of the modifications is still being shaped by judicial interpretations and ongoing legal arguments. Definitions of "tribal land," "consent," and the extent of jurisdiction provided to local councils are being sought for by the courts more and more. When private firms or state authorities question the validity of tribal council approvals, claiming that there were procedural flaws or that they conflicted with national policies, disagreements might emerge. Also, development rights, rehabilitation, and compensation issues frequently end up in court, where decisions made there will shape how these issues are enforced in the future. Although the changes have laid a solid legal groundwork, the success of these reforms will rely on the unwavering backing of the judiciary and the careful oversight of compliance by municipalities and state agencies.

In addition to changes in the law, the adjustments will have far-reaching social consequences for indigenous people, especially for their means of subsistence and future economic prospects. Native communities can better safeguard their wealth from outside exploitation when they have secure land rights, which allow them to practice sustainable resource management, engage in small-scale agriculture, forestry, or business. By removing the threat of losing ancestral lands from long-term development plans, these safeguards can encourage economic resilience. The establishment of formal legal frameworks can at times conflict with traditional norms, making it difficult to strike a balance between modernization and traditional behaviors. For example, communities used to more informal methods of sharing resources may struggle to understand and follow codified regulations, necessitating substantial education and capacity-building efforts to assure effective participation.

The preservation of cultural identity and social cohesiveness is another important function of the amendments. For indigenous groups, land represents more than just a financial resource; it also has profound cultural, historical, and spiritual meaning. The Act protects land-related practices, rituals, and social institutions by formally establishing collective ownership and requiring community consent for important decisions. In areas where traditional ways of life are threatened by displacement due to mining, infrastructure development, or urban expansion, this protection is of utmost importance. The reforms seek to integrate customary governance inside the formal legal framework in an effort to mediate between the competing goals of encouraging economic development and maintaining cultural integrity.

There is also the important social factor of displacement, resettlement, and community reactions. Despite the amendments' best efforts, forced isolation is nonetheless occasionally a result of development-related relocation, which can cause emotional and social distress. Reducing conflict and ensuring that relocation is voluntary, egalitarian, and culturally sensitive are goals of the legislation's consultation and consent systems, which, if properly executed, can be a reality. In order to reduce conflict and protect marginalized tribe members, there is an emphasis on community-led negotiating processes and grievance redressal methods. The significance of grassroots governance ability is underscored by the fact that these procedures can only be effective with the active participation of both tribe representatives and municipal authorities.

A further layer of complexity is added to the social ramifications of the modifications by considering intra-community opinions and gender. The legislation acknowledges community consent and common ownership, but it may be difficult for women and other oppressed subgroups within tribes to express their rights in decision-making venues where traditional hierarchies predominate. In order to empower every member of the community to fully engage in land governance, it is necessary to implement targeted interventions such as gender-sensitive policies, awareness programs, and legal literacy projects. In order for the amendments to

accomplish their larger social objectives of empowerment, equity, and sustainable development, it is crucial to tackle these disparities.

Finally, the land governance and tribal rights changes of 2021 are a watershed moment in the movement to bring indigenous legal frameworks into harmony with indigenous peoples' everyday lives. They incorporate constitutional safeguards while strengthening self-governance, codifying consent procedures, and reinforcing tribal ownership. While tackling displacement and encouraging inclusive participation, they socially protect livelihoods, cultural customs, and community cohesiveness. To successfully traverse the complicated interplay of law, culture, and development, it is essential that these changes be implemented effectively, that the judiciary be clear, and that tribal groups be engaged on an ongoing basis. Together, these parts of the changes have the ability to promote social justice and sustainable development in areas where indigenous people live, in addition to protecting indigenous peoples' rights.

V. RECENT CASE LAWS & JUDICIAL DEVELOPMENTS (INDIA)

1. *Ram Charan v. Sukhram* (Supreme Court, 17 July 2025)¹¹

Excluding daughters from inheritance violates the constitutional right to equality under Article 14, according to the Supreme Court of India's historic ruling, which asserts that tribal women are entitled to an equal share in ancestral property. In an effort to end discriminatory customs that prevented women from inheriting equally, the Court reversed a High Court ruling and upheld the property rights of women from Scheduled Tribe communities. When it comes to bringing customary land rules into line with protections for basic rights and expanding property rights within tribal communities, this case is huge.

2. High Court of Chhattisgarh Upholds Tribal Land Rights (2025)

Property in Ramanujanj, District Sarguja, was returned to its original tribal owners after a 1982 judgment by the High Court resolved a dispute over agricultural use of the property. Judgment highlights significance of upholding prior administrative orders that safeguard tribal land against unwarranted challenges by non-tribal claimants and acknowledges historical tribal ownership. This case further proves that even after decades of incursions, tribal land rights must be preserved.

3. Rajasthan High Court — Tribal Woman's Right to Ancestral Land (2025)

A previous denial by a tax official was overturned by the Rajasthan High Court, which reinstated the right of a tribal lady from the Meena Scheduled Tribe to her ancestral land. The rejection had been based on an exclusion under the Hindu Succession Act, 1956. The Court ordered the authorities to decide on the property claim's grounds and stressed that the Scheduled Tribes' exclusion from the inheritance system was discriminatory. The judiciary's involvement in ending discrimination based on gender and tribe in land rights is demonstrated by this case.

4. Hasdeo Arand Forest Rights Cancellation (Chhattisgarh High Court, Oct 2025)¹²

The Ghatbarra villagers' claims under the Forest Rights Act (FRA), 2006 were affected by the Chhattisgarh High Court's contentious decision, which supported the termination of community forest rights in the Hasdeo Arand region. The court's decision, according to critics, undermines the fundamental statutory rights that the FRA aims to guarantee by giving corporate and mining interests more weight than tribal and ecological protections. This ruling shows the continuing legal conflict between commercial initiatives and indigenous land rights, even though it has nothing to do with the 2021 changes.

5. Nagaland Village Recognition Dispute (Supreme Court, 2025)

The Supreme Court has ordered a further examination of the circumstances behind the recognition of villages in cases where customary land holdings intersect with ancestral land claims, as part of a protracted land dispute involving the acknowledgement of Kakiho Village in Nagaland. This case exemplifies the difficulty of legally

¹¹ https://api.sci.gov.in/supremecourt/2023/3486/3486_2023_13_1501_62514_Judgement_17-Jul-2025.pdf

¹² <https://www.thehindu.com/sci-tech/energy-and-environment/chhattisgarh-hc-upholds-cancellation-of-forest-rights-of-ghatbarra-villagers-in-hasdeo/article70171979.ece>

acknowledging indigenous land governance practices by demonstrating how courts are trying to combine official administrative standards with tribal customary rights.

Judicial Debates & Policy-Related Litigation

6. *Wildlife First vs. Union of India (Ongoing Supreme Court Matter)*

Forest rights and tribal territory are at stake in this high-profile case that questions the validity of the Forest Rights Act (FRA), 2006. Despite the fact that the case was decided before the 2021 changes, it continues to hold relevance since it has the potential to reshape the constitutional protections afforded to tribal groups residing in forests and the breadth of their land rights. It is clear that indigenous peoples' rights are still a contentious legal issue, since tribal organizations have asked governments to defend the FRA's provisions in court.

Recent Data & Implementation Challenges

7. *FRA Implementation — Conflicts & Evictions (2024–25)*

Reports on the implementation of the FRA and data from Land Conflict Watch reveal that there are ongoing battles around the enforcement of land rights:

- An estimated 611,557 persons are impacted by the more than 117 documented conflicts in India that pertain to FRA rights.
- Forcible eviction or dispossession is involved in 40.68 percent of instances, whereas 60.22 percent seek official acknowledgment of land rights.
- These numbers put the socio-legal framework of the 2021 revisions into perspective and show that statutory land protection regimes still have a ways to go in terms of implementation.

8. *Odisha CAG Report — Violations of Tribal Land Laws (2025)*

There were 136 cases of procedural safeguard violations in the acquisition of tribal land in Odisha between 2017 and 2022, according to an assessment by India's Comptroller and Auditor General. There is a clear gap between administrative practice and legal standards in tribal areas, as these infractions happened despite constitutional and statutory protections that require the permission of gram sabhas and respect to land acquisition rules.

VI. CONCLUSION

An important step towards bringing India's legal system into harmony with the cultural and social reality of its indigenous populations will be the 2021 revisions to tribal rights and land governance. The reforms recognize customary governance institutions, provide legal safeguards against past patterns of land alienation, and increase tribal autonomy by codifying constraints on land transactions and bolstering consent mechanisms through gram sabhas. They provide clarity and enforcement to land regimes that were previously unclear by improving the official recording of property rights and introducing procedures for community-based dispute resolution.

From a social perspective, the changes may help save cultural artifacts, livelihoods, and promote long-term economic growth. They address problems of social cohesiveness, gender equity, and intracommunity representation by combining traditional customs with statutory law to foster inclusive governance. But these changes won't work unless you put them into action. Issues including unequal administrative capability, disagreements with state development plans, lack of knowledge about the law, and continuing battles over compensation and rehabilitation show how legislative intentions differ from the reality on the ground. Recent judicial interventions, such as the High Court decisions in Chhattisgarh and Rajasthan, as well as landmark cases like *Ram Charan v. Sukhram* (2025), highlight the changing understanding of tribal land rights and the vital role of the judiciary in balancing constitutional safeguards with development objectives.

The 2021 revisions are a progressive effort to bring economic development, cultural preservation, and legal frameworks together in India's tribal territories. To achieve their goal of ensuring that the law safeguards property rights while also bolstering social justice, autonomy, and sustainable development for India's most

disadvantaged groups, they will need to maintain contact with tribal tribes, achieve judicial clarity, and effectively monitor the situation.

REFERENCES:

1. Mitra, K. S. (2006). *The Puzzle of India's Governance: Culture, Context and Comparative Theory*. New York: Routledge.
2. Prakash, A. (1999): *Contested Discourses: Politics of Ethnic Identity and Autonomy in the Jharkhand Region of India*. *Alternatives: Global, Local, Political*, 24, (4), pp. 461-496, retrieved from <https://www.jstor.org/stable/40644975>.
3. Ramdas, R. (2009). *Tribal Land Alienation and Political Movements: Socio-Economic Patterns from South India*. Tyne: Cambridge Scholars Publishing.
4. Reddy M. G. and Anil K. (2010). *Political Economy of Tribal Development: A Case Study of Andhra Pradesh*, working paper No. 85, Hyderabad: Centre for Economic and Social Studies.
5. Rudolph, H. S. (2006). "Preface", in Subrata K. Mitra. *The Puzzle of India's Governance: Culture, Context and Comparative Theory*, New York: Routledge.
6. Rudolph, L.I. and Rudolph, H. S. (1987). *In Pursuit of Lakshmi: The Political Economy of the Indian State*. Hyderabad: Orient Longman.
7. Singh, K S. (1982). *Transformation of Tribal Society*. *Economic and Political Weekly*, 17(33), 1318-1325.
8. Sinha, D. and Kaberi C. (Eds.) (2007). *Democratic Governance in India: Reflection and Refraction*, (Delhi: Kalpaz Publication).
9. Suri K.C. (2011). *The State of Democratic Governance in India*, in *An Asian Barometer Conference on 'The State of Democratic Governance in Asia'*. Retrieved from <http://www.asianbarometer.org/publications//051d9b8a1710e7a2398bd795f2fdcf45.pdf>.
10. Taylor, Charles (1994). *The politics of Recognition*, in Amy Gutmann (Eds.): *Multiculturalism: Examining the politics of recognition*, (Princeton: Princeton University Press).
11. Tribal Welfare Department (2018-19). *Empowering Tribals: Annual Report 2018-19*. Hyderabad: Government of Telangana. Retrieved from <https://bit.ly/2RkYptw>
12. Xaxa, V. and Roluah, P. (2021). *Indigenous Peoples and Nation Interface in India*. In G. N. Devy and Geoffrey V. Davis (Eds.), *Indigeneity and Nation*. London: Routledge.85-100.