Ritha
VOLUME II
NOVEMBER 2025

e-ISSN: 3049-4060

Balancing Corporate Development with Indigenous Rights and Environmental Justice

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Abstract

In the contemporary scope of Indian development, infrastructure projects tend to overlap with the territories and rights of tribal communities, resulting in grave environmental and social impacts. Economic activities are necessary, but their relentless zeal brings along cultural damage, displacement, and environmental destruction in the tribal-dominated Scheduled Areas. The purpose of the current article is to explore the paradox of corporate development, indigenous rights, and environment within the context of Indian constitutional law and global human rights laws.

Through the Fifth Schedule, PESA Act, and Forest Rights Act, the Indian Constitution ensures substantial guarantees for tribal self-determination and ecological sustainability. Yet, such protections are consistently violated because of business expansion and tax laws. Communities are often excluded from meaningful participation in Environmental Impact Assessments, and many projects continue in direct defiance of Gram Sabha's decisions. As in the Niyamgiri case, judicial activism has been inconsistent in recognizing indigenous consent and environmental ethics, resulting in erratic protective Indigenous rights.

This article advocates for a developmental model based on constitutional morality, participatory governance, and sustainability by analyzing landmark case studies, doctrines such as Polluter Pays or Public Trust, and the global principle FPIC (Free, Prior, and Informed Consent). It also suggests reforms to the regulatory and judicial frameworks, as well as the "governance gap" in environmental policy lawmaking through the incorporation of indigenous knowledge systems.

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The paper illustrates how corporate development must refrain from silencing indigenous communities or destroying ecosystems. The approach requires incorporating all peoples and granting them equal standing which ensures justice but also enhances ethical relations needed to secure a stable ecological future.

Key words: Indigenous Rights, Corporate Development, Environmental Justice, Free, Prior and Informed Consent (FPIC), Sustainable Governance.

1. Introduction

Corporate development, in the form of infrastructure development, resource extraction, and industrialization, has reflexively turned into one of the principal instruments of state economic policy. However, this model of development continues to be skewed in favor of growth at any cost, which tends to neglect Adivasi communities living in India's resource abundantly rich, yet politically and socio economically marginalized areas. These communities are, in fact, displaced and harmed ecologically, while paradoxically being claimed to be the so called beneficiaries of development.

The conflict between corporate development and indigenous peoples' rights is predominantly a policy challenge, and at the same time, a constitutional issue, touching upon the fundamental rights, directive principles of the constitution, and social justice in relation to environment. In this paper, I aim to analyze the paradox of Indian legal and governance systems how it strikes a balance to satisfy business-centric model of economy with indigenous people's rights.

II. Indigenous Communities and Constitutional Protections in India

A. Scheduled Areas and Legal Autonomy

The Indian Constitution instituted the Fifth and Sixth Schedules to grant additional safeguards for indigenous people of India by giving them administrative autonomy and self-governance. While the Fifth Schedule is concerned with tribal areas within the mainland India, the Sixth Schedule pertains to the North-Eastern states.

These constitutional provisions under Article 244, which aim to promote tribal self-rule, are often violated under the pretext of "public welfare" or "development initiatives".

B. Forest Rights Act and PESA

With the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ("FRA"), tribal rights were recognized with landmark provisions granting individual and communal rights over forest resources.[1]

At the same time, the Panchayats (Extension to the Scheduled Areas) Act, 1996 ("PESA") requires the prior consent of the Gram Sabha for land-use change and development plans in tribal zones.[2]

Still, both the FRA and PESA are disregarded during EIAs and land acquisitions for corporate projects.

III. Environmental Justice: A Constitutional Imperative

A. Article 21 and an Individual's Right to a Pleasing Environment

The Indian judiciary has extended Article 21 right to life to embrace the right to a clean and healthy environment.[3] This doctrine supports the concept of environmental justice in India.

The Supreme Court has ruled in Subhash Kumar v. State of Bihar that the constituent elements of Article 21[4] include air and water free from pollution. Alongside this, indigenous populations who associate their identity and existence with nature are entitled to constitutional safeguards against its destruction.

[1] The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, INDIA CODE.
[2] Panchayats (Extension to the Scheduled Areas) Act, No. 40 of 1996, § 4(e), INDIA CODE.
[3] A.P. Pollution Control Bd. v. Prof. M.V. Nayudu, (1999) 2 S.C.C. 718 (India).
[4] Subhash Kumar v. State of Bihar, A.I.R. 1991 S.C. 420 (India).

B. Directive Principles and Fundamental Duties

The State is assigned the duty under Article 48A to take care of the environment, while Article 51A(g) imposes on every citizen the duty to take care of natural resources. These provisions highlight that caring for the environment is not a voluntary act; it is a constitutional obligation.

Infringement by corporations on sensitive ecological zones populated by tribal communities does not only contravene legal boundaries; it also attacks these wider constitutional principles.

IV. Case Studies: Conflict, Resistance, and Judicial Responses

A. Vedanta Mining Project and Niyamgiri Hills

In Orissa Mining Corporation Ltd. v. Ministry of Environment & Forest,[5] the Supreme Court upheld the right of Dongria Kondh tribal communities to reject bauxite mining in the ecologically and spiritually vital Niyamgiri Hills.

The Court ruled that the Gram Sabha must decide whether the mining project would affect their religious and cultural rights a rare affirmation of tribal consent and environmental justice.

B. Polavaram Dam Project

The Polavaram Dam, while promising irrigation and hydroelectric benefits, displaced more than 300,000 people, most of whom were Scheduled Tribes.[6] Despite massive opposition, the project was pushed through via expedited clearances and weak rehabilitation frameworks.

The episode highlights how "eminent domain" and "development" are used to silence indigenous voices.

C. Hasdeo Aranya Forests and Coal Mining

In Chhattisgarh's Hasdeo Aranya region, home to rich biodiversity and tribal settlements, the government approved coal mining projects despite protests and unanimous Gram Sabha opposition.[7]

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[5] Orissa Mining Corp. Ltd. v. Ministry of Env't & Forest, (2013) 6 S.C.C. 476 (India).
[6] Government of India, Ministry of Tribal Affairs, **Polavaram Rehabilitation Status Report** (2020).
[7] Chhattisgarh Bachao Andolan, *Hasdeo Forest Reports and Updates* (2022), available at https://hasdeo.org.

V. Corporate Accountability and Environmental Ethics

A. Principles of Precautionary and Pay Principles of Polluter

The Indian legislation on environment considers important principles such as The Polluter Pays Principle and The Precautionary Principle. In the case of Vellore Citizens Welfare Forum v. Union of India, the Supreme Court upheld these principles as part of international customary law and thus apply in Indian jurisdiction.[8]

Firms that indiscriminately inflict environmental harm at the landscape level, as well as forcibly relocate people, must be punished for these violations at both civil and criminal levels.

B. Public Trust Doctrine

This doctrine was defined in the case of M.C. Mehta v. Kamal Nath. It states that the state retains certain natural resources, such as forests, rivers, and hills in trust for the people, thus making them public goods. Any corporate activity that undermines such public goods is a violation of the Constitution.

This implies that tribal lands and forests cannot be sold for commercial purposes without thorough justification.[9]

VI. Free, Prior, and Informed Consent (FPIC): The Global Standard

Principle of Free, Prior, and Informed Consent (FPIC) has become crucial to indigenous peoples' rights within international human rights law. FPIC goes further to guarantee that indigenous peoples are not only notified of the development projects on their lands and resources, but have the right to accept or reject such projects through proper and independent decision-making processes.

[8] Vellore Citizens Welfare Forum v. Union of India, A.I.R. 1996 S.C. 2715 (India).
[9] M.C. Mehta v. Kamal Nath, (1997) 1 S.C.C. 388 (India).

The principle guarantees four essential components; no outside coercion, consultation prior to project implementation, provision of all pertinent information, and the right to accept or reject consent.

India accepted United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007, which recognizes FPIC as a foundational entitlement of indigenous peoples.[10] Article 32(2) of UNDRIP specifically states:

"States shall consult and cooperate in good faith with the indigenous peoples... in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources."

Even though UNDRIP does not hold any legal weight, it does constitute an expression of international law and ethical obligations of states, including India. India is also a party to the UN Convention on Biological Diversity (CBD) of 1992 especially Article 8(j) which mandates respecting indigenous communities' and local communities' traditional knowledge and their active involvement in governance frameworks.[11]

India has also chosen not to ratify ILO Convention No 169 (1989) on Indigenous and Tribal Peoples which happens to be the only binding treaty with a sole focus on indigenous rights. It imposes strict FPIC requirements. Moreover, recognized indigenous people's rights to land, culture, identity, and advancement. India has provided justifications for non-ratification citing constitutional and statutory protections like the Fifth Schedule, PESA, and the Forest Rights Act as sufficient.

There is no denying, however, that India's gaps between policy and implementation are enormous. Countless infrastructure, mining, and energy projects receive approval in the absence of authentic consultations with Gram Sabhas, breaching not only domestic but international benchmarks. Where consultations do take place, they are often overtly expedited, manipulated, or drowned by corporate or state agendas.

[10] United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007).
[11] Convention on Biological Diversity art. 8(j), June 5, 1992, 1760 U.N.T.S. 79.

B. Comparative Jurisdictions: Lessons from Global Practice

International jurisprudence provides compelling precedents where courts have upheld FPIC and tribal sovereignty as preconditions to lawful development. These cases offer instructive lessons for India as it navigates the challenges of inclusive and rights-respecting growth.

1. Canada: Tsilhqot'in Nation v. British Columbia

In the landmark case of Tsilhqot'in Nation v. British Columbia, the Supreme Court of Canada recognized for the first time that an indigenous group holds title over a large tract of traditional land.[12] The Court ruled that the provincial government could not authorize logging on these lands without the consent of the Tsilhqot'in Nation, thereby reinforcing a consent-based, not consultation-only framework for indigenous land use.

Chief Justice McLachlin stated:

"Governments and others seeking to use the land must obtain the consent of the Aboriginal title holders."

The ruling placed indigenous peoples in a position of legal equals, mandating state actors to negotiate, not dictate. This judicial affirmation of FPIC has redefined indigenous-state relations in Canada and is now a global reference point for indigenous rights.

2. New Zealand: Treaty of Waitangi and Māori Customary Rights

In New Zealand, the Treaty of Waitangi (1840), while originally problematic in its translation and application, has been judicially and legislatively interpreted as foundational to the recognition of Māori customary land rights. New Zealand courts have increasingly incorporated Māori customary law and environmental ethics into governance, requiring partnership and co-management in resource use decisions, especially under the Resource Management Act, 1991.

[12] Tsilhqot'in Nation v. British Columbia, [2014] 2 S.C.R. 257 (Can.).

This model demonstrates a transformative approach to shared sovereignty, where indigenous worldviews and participatory structures are legally embedded in state environmental governance.

3. Latin America: Inter-American Court on Indigenous Land Rights

In cases like Saramaka People v. Suriname, the Inter-American Court of Human Rights held that the government must obtain FPIC before allowing any large-scale development that could affect indigenous land or resources. The Court emphasized that merely being informed or consulted was inadequate consent was mandatory for activities with significant impact.

Such cases reinforce the emerging consensus that indigenous consent is a juridical requirement, not a discretionary privilege.

C. The Indian Context: From Tokenism to Transformation

Indian jurisprudence has, at times, recognized community rights, such as in the Vedanta-Niyamgiri case where Gram Sabhas were permitted to block mining in their consecrated hills. The legal and administrative systems as a whole continue to lack appreciation FPIC principles. Consent is more often treated as an administrative triviality instead of being regarded as a substantive right.

In order to truly realize the constitutional vision of justice, equality, and environmental safeguarding, deepening democracy in India requires a departure from overly legalistic approaches toward a development-oriented approach based on rights. Incorporating global FPIC standards into Indian legislation, along with establishing strong enforcement provisions, like requiring Gram Sabha approval for all development exercises in Scheduled Areas, would significantly advance the cause of environmental democracy.

VII. Environmental Impact Assessment (EIA): Process or Rubber Stamp?

The EIA framework is meant to function as a critical governance mechanism for anticipating the social and environmental consequences of developmental projects. In an ideal scenario, EIA processes provide risk assessment over environmental issues, consultations with stakeholders, including vulnerable and affected populations, and refrain from making statutory

clearances until all consultations and evaluations have been made. Unfortunately, in the Indian context, the EIA system has turned out to be more of a procedural formality and little more than a rubber stamp bypassing all safeguards.[13]

In India, the legal basis for EIA rests on the Environment (Protection) Act, 1986 along with the various EIA Notifications from the Ministry of Environment, Forest and Climate Change (MoEFCC) with the most notable being the EIA Notification of 2006. After her two-step process of screening and scoping, and public consultation followed by an appraisal by the Expert Appraisal Committee (EAC) in 2006, it has been integrated into the EIA.[14] In theory, public hearings are critical to transparency and participatory governance especially for tribal and ecologically sensitive areas.[15]

There are numerous legal theories and studies that suggest the EIA process has been increasingly undermined over the years, especially in the case of Draft EIA Notification, 2020, which sought to change the following in a progressive manner:

"Post-facto" environmental clearance ("legalizing" breaches by allowing projects to seek approval after operations have commenced).

Reduction in the number and scope of public hearings with exemptions for strategic, linear and industrial projects.

Curtailment of information dissemination that places lower limits on notice periods as well as reduces consultation transparency.[16]

These communities already face multiple socioeconomic challenges, and they are the most adversely affected by changes made to policies in relation to EIA. They were already marginalized as their lands and resources were targeted for destructive development projects like industrial corridors, dams, and extensive mining. Although FRA and PESA mandates the Gram Sabha's consent, EIA regulation approaches such statutory rights with utter disregard,

[13] Usha Ramanathan, *Environmental Assessment and Public Participation in India*, 39 Econ. & Pol. Wkly. 498 (2004).
[14] Ministry of Env't & Forests, Notification No. S.O. 1533(E), Sept. 14, 2006 (India).
[15] Shibani Ghosh, *Public Participation in Environmental Decision-Making in India: A Tale of Two Notifications*, 12 Indian J. L. & Pol'y 98 (2019).
[16] Draft EIA Notification, Ministry of Env't, Forest and Climate Change (2020), available at https://moef.gov.in.

often canceling prior tribal area designations as non-scheduled, invoking state of emergency clauses, or holding hearings without adequate prior notice.[17]

Exclusion of Tribal Communities from Consultation

Although the purpose of environmental governance is inclusivity, the design and implementation of public hearings remain structurally exclusionary. The following barriers systematically erode tribal participation in public forums:

Lack of Linguistic Accessibility: EIAs are drafted in English or Hindi, while tribal populations converse in local dialects. The failure to provide translations means that important documents cannot be understood.[18]

Poor Dissemination of Notices: Public hearings are announced through print media or websites which do not cater to remote villages with low levels of literacy and no access to the internet.

Tokenistic Consultation: Oftentimes, Gram Sabha meetings are either circumvented or altered. Hearings are pre-determined and conducted in the company of officials or local government representatives, creating a psychologically oppressive environment. [19]

No Legal Consequences for Violations: Exposing procedural deficits like forged documentation of Gram Sabha Meeting Minutes does not lead to punitive measures for the concerned parties. Projects continue unimpeded, eroding trust in administrative and judicial mechanisms.[20]

Indigenous communities and the State have less and less trust because of these combined issues. For example, the Hasdeo Aranya protests and many more like it.

Judicial and Expert Critique of EIA Dilutions

There have been occasional actions taken by Indian courts with regard to violations of EIA policies. In the case of Sterlite Industries (India) Ltd. v. Union of India, the Supreme Court observed that the lack of proper EIA processes constituted infringement of environmental

[17] PESA Act, No. 40 of 1996, § 4(e); Forest Rights Act, No. 2 of 2007, § 3(1)(i).
[18] Kanchi Kohli & Manju Menon, *In Search of Evidence: How EIA Fails India's Environment*, Centre for Policy Research (2016).
[19] Himanshu Upadhyaya, *Manipulated Public Hearings: The EIA Charade in Tribal Areas*, 50 Econ. & Pol. Wkly. 52 (2015).
[20] Kalpavriksh & Amnesty Int'l, *Speaking Out: How Gram Sabhas Are Silenced*, (2018), https://kalpavriksh.org.

rights. [21]Likewise, the NGT has persistently quashed clearances issued without due consultations in the requisite processes.

Many experts have noted that the Draft EIA 2020 has been termed as a "rollback of environmental jurisprudence", which weakens India's commitment under Principle 10 of the Rio Declaration, which calls for people's involvement in environmental governance.[22] The apparent disregard of MoEFCC's policies has prompted environmentalists, tribal leaders, and academics to frame the policies as "pro-industry bias" and demand a rights-based, legally enforceable EIA framework.

VIII. Role of Judiciary and Civil Society

A. Judicial Activism: Guardians of Constitutional and Environmental Justice

The Indian judiciary, in relation to environmental issues and tribal rights, has always intervened in enforcement and interpretation whenever there was an administrative or legislative lapse. Courts have gradually embraced the use of Public Interest Litigation (PIL) to safeguard marginalized groups and ecological commons as the custodians of constitutional values.

The Narmada Bachao Andolan (NBA) litigation illustrates both sides of the judiciary's balancing act between developmental goals and human rights. In Narmada Bachao Andolan v. Union of India, the Supreme Court validated the construction of Sardar Sarovar Dam for national development and energy security purposes.[23] Nevertheless, the Court also imposed stipulations regarding rehabilitation and compensation as well as environmental considerations, recognizing the constitutional duty to safeguard displaced tribal communities under Article 21.Although controversial; the judgment galvanized debate on the constitutional limits of development and highlighted the imperative for state accountability.

Another illustrative case is T.N. Godavarman Thirumulpad v. Union of India which led to the creation of the Forest Bench of the Supreme Court and transformed the governance of forests in India.[24] The court applied the public trust doctrine and ordered the state to assume the role

[21] Sterlite Indus. (India) Ltd. v. Union of India, (2013) 4 S.C.C. 575 (India).
[22] Rio Declaration on Environment and Development, June 13, 1992, U.N. Doc. A/CONF.151/26 (vol. I), princ. 10.
[23] Narmada Bachao Andolan v. Union of India, (2000) 10 S.C.C. 664 (India)
[24] T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 S.C.C. 267 (India).

of a natural resource trustee, barring forest land exploitation without judicial scrutiny and commercial exploitation of forest land without some form of oversight.

In the Lafarge Umiam Mining case, the court looked at limestone mining in the tribal regions of Meghalaya. It insisted that the customs and cultural rights of tribal peoples are to be honored within the framework of constitutional provisions under the Fifth and Sixth Schedule.[25] The court made it clear that environmental clearances cannot be granted without evaluating the impact on residents' culture and society.

In contrast to this, there has been a lack of consistency concerning judicial activism around environmental and tribal rights issues. Especially the Supreme Court's balancing acts of increasing "national interest" or "public purpose" arguments have drawn critique as a form of judicial surrender. The court granted powers to Gram Sabhas to prohibit mining in sacred grove areas in the Vedanta-Niyamgiri case.[26] But in other instances courts have ignored demands to cease socially and environmentally disruptive practices and the granting of clearances irrespective of rule-breach.

Moreover, critics argue that judicial mechanisms often lack follow-up enforcement, and judgments protecting environmental or tribal rights are not always translated into action by the executive. This implementation gap has weakened the transformative potential of environmental jurisprudence.

Nonetheless, the judiciary remains a crucial arena of resistance and remedy, especially when legislative and executive organs are co-opted by corporate interests.

B. Civil Society and Grassroots Movements: The Moral and Democratic Conscience

Despite the fact that judicial action enables the use of formal legal channels, the thrust for indigenous rights and environmental justice in India has primarily come from civil society and grassroots initiatives. These efforts have influenced public opinion, mobilized people, and advocated for social change, holding both businesses and governance structures accountable through their policies, scholarly work, and legal battles.

Kalpavriksh, Samata, Environmental Support Group, and Centre for Science and Environment (CSE) are some of the pioneer organizations which have actively participated in investigating

[25] Lafarge Umiam Mining (P) Ltd. v. Union of India, (2011) 7 S.C.C. 338 (India).
[26] Orissa Mining Corp. Ltd. v. Ministry of Env't & Forest, (2013) 6 S.C.C. 476 (India)

and litigating environmental offenses through public interest litigations (PILs) and raising legal awareness among tribal communities. Their work has contributed greatly towards the settling of public debates on issues of illegal mining, EIA manipulation, forest land acquisition, and the inadequacy of post-relocation provisions.

The Samata Judgment (Samata v. State of Andhra Pradesh) is a testament to the influence of civil society.[27] Filed by the NGO Samata, the case led to a landmark ruling by the Supreme Court which prohibited the transfer of tribal land in Scheduled Areas to private companies, not even with state endorsement. It reaffirmed constitutional principles of tribal self-determination within the Fifth Schedule and provided safeguards against unrestricted corporate exploitation.

In the same manner, community- driven Advocacy and Research Center Kalpavriksha has participated in the discussions on community bounded conservation, Gram Sabha self-governance, and the integrative policy of traditional ecological wisdom in environmental politics. [28]

These coalitions sponsor community-based documentation initiatives such as the People's Biodiversity Registers and the alternative Environmental Impact Assessments, thus giving voice to tribal stories and allowing them to contest Developmentalism.

Moreover, there are initiatives such as Niyamgiri Suraksha Samiti, Hasdeo Aranya Bachao Andolan, or Save Aarey Movement, which, together with tribals, urban youth, and eco-activists, form a new resisting ecology to state- corporate tyranny. They utilize social media, human chains, and public tribunals, reshaping both environmental activism and scholarship.

The growth of engagement through the old media and new forms of digital narrative has brought attention to and amplified the reach of grassroots voices. Platforms such as Scroll, The Wire, and Gaon Connection have been covering the stories of tribes' forced evictions, conflicts over land, and ecological decline, impacting judicial and parliamentary discourse.

However, civil society also faces growing challenges. Shrinking civic space, FCRA restrictions, and state surveillance have hindered the functioning of environmental and tribal

[27] Samata v. State of Andhra Pradesh, A.I.R. 1997 S.C. 3297 (India).
[28] Kalpavriksh, *Community Forest Rights Learning and Advocacy Process Reports* (2019), https://kalpavriksh.org.

rights organizations. Several NGOs face delegitimization as “anti-national,” especially when opposing large infrastructure or energy projects with foreign investment.

Despite these pressures, civil society remains a democratic conscience bridging legal mechanisms and people’s movements, ensuring that constitutional promises of justice, equality, and environmental integrity do not remain dead letters.

IX. Policy Recommendations

To create a just, inclusive, and ecologically sustainable model of development, it is essential that India's legal and administrative frameworks prioritize indigenous rights, participatory governance, and environmental integrity. The following policy reforms are proposed to balance corporate development with tribal justice and ecological stewardship:

1. Enforce Mandatory Free, Prior, and Informed Consent (FPIC) in Tribal Areas before Project Clearance

India should include FPIC as a mandatory legal requirement for any development, mining, or infrastructure activities in Scheduled Areas or regions with indigenous peoples. FPIC should include more than just procedural consultation; it should encompass the authentic and documented consent of the Gram Sabhas obtained through full disclosure of impacts, including environmental, cultural, and economic consequences.

Implementation of a mandatory FPIC policy would:

Integrate Indian legislation with international standards of human rights and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD).

Respect and uphold the spirit of Articles 244 and 338A of the Constitution.

Enable active participation of tribal communities as equal consociates in development.

To achieve this, enforceable FPIC stipulations need to be incorporated into the Forest Rights Act, PESA, and EIA (Environmental Impact Assessment) regulations.

2. Strengthen Enforcement of PESA and FRA through Independent Grievance Redressal Mechanisms

The Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA) are examples new legislations that have progressive provisions aimed addressing socio-economic injustices faced by indigenous peoples. However, these reforms tend to remain outdated as a result of bureaucratic indifference and ineffective enforcement. Forest rights disputes are either sidestepped or not resolved in a timely manner.

To filled these gaps, the state could:

Set up, on a regional or state level, special bodies tasked with settling grievances—called Tribes and Forest Rights Commissions— which will function independently and have the authority to settle disagreements in matters of land acquisition and community rights grants through a semi-legal process.

Impose fines in case of breaches of PESA and FRA provisions pertaining to falsification or suppression of Gram Sabha resolutions.

Grant tribal claimants of the forest and contesting of corporate projects Legal and Paralegal aid in pursuing their cases.

Restoring statutory protections would be possible by creating institutional accountability and trust by implementing these proposed measures.

3. Reform Environmental Impact Assessment (EIA) to Include Cultural, Ecological, and Human Rights Impact Assessments

The existing EIA process puts disproportionate focus on the technical and economic aspects, while sociocultural and human rights considerations remain neglected. For tribal communities, the displacement impacts transcend geography, extending to the domains of their spirituality, traditional ecological practices, and collective wisdom systems.

A reformed EIA regime should:

Implement integrated multi-disciplinary impact assessments that include the environmental, socio-cultural, anthropological, and human rights dimensions.

Make sure that the EIA reports are published in the relevant local languages and disseminated through other accessible formats, such as audio or video recordings and village meetings.

Establish independent EIA review bodies that would carry out environmental audits to verify the claims made in EIA reports.

As a result of these reforms, not only would EIAs be more useful as participatory tools of democracy, but the process would also contribute to achieving environmental justice.

4. Improve Tribal Participation in Regulatory Frameworks and Environmental Courts

The existing institutions responsible for decision-making State Pollution Control Boards, Expert Appraisal Committees and National/ State Green Tribunals do not have adequate tribal representation. This failure to represent tribal members and leaders reinforces colonial approaches to governance and ignores indigenous knowledge systems.

To resolve this situation,

Tribal leaders, ecologists, and social scientists should be given reserved seats in all statutory bodies dealing with forests, mining, and infrastructure development in Scheduled Areas.

Tribal elders, members of forest rights committees, and other community leaders should be appointed to district and state level advisory councils.

This would lead to balanced decision-making and ensure the assimilation of local knowledge systems and cultural contexts into policy frameworks.

5. Mandate Transparent Reporting of CSR Activities and Community-Led Development Evaluation

Corporate social responsibility (CSR) in the Companies Act of 2013 imposes community relations activities which are often poorly managed and monitored. In tribal regions, CSR

has often been employed to appease resistance rather than promote inclusive long-term constructive change.

Hence, CSR policies must be:

Subjected to legal verification by independent bodies and bound by disclosure requirements under the Right to Information Act or a new Corporate Accountability Law.

Planned, executed, and evaluated by Gram Sabhas, ensuring local priorities like health services, education, forestry, and women's economic participation.

Aligned with the sustainable development goals (SDGs) and national priorities for biodiversity conservation.

This move from corporate paternalism to community-driven development would strengthen governance and empower tribal self-determination.

6. Create mechanisms for judicial oversight for displacement, rehabilitation, and consent

The absence of a cohesive legal mechanism to appraise the lawfulness and equity of displacement and rehabilitation with particular consideration to tribal areas is a gap in India's spatial and ecological governance system. Developmental projects often continue without proper judicial oversight on the consent, environmental clearances, or resettlement compliance.

In order to resolve this:

Establish specialized Environment and Indigenous Rights Courts at the High Court and National Green Tribunal levels for adjudication on tribal displacement, forester rights litigations, and related ecological crimes.

Require judicial examination before the implementation of actions involving consent documents, Gram Sabha decisions, and rehabilitation proposals for scheduled areas.

Grant courts and tribunals the right to pursue cases without formal complaints (suo motu) regarding breaches of consent, delay in compensation, or breaches of procedural formalities.

Such mechanisms would support the shift from post-facto judicial review, which is responsive in nature and focused on damage control, to offering proactive protection in defense of constitutional and legislative rights.

X. Conclusion

While pursuing economic development, which is crucial for national advancement, it is equally important not to marginalize indigenous communities or deteriorate the environment they have safeguarded for centuries. The contemporary growth model based on extractive capitalism, technocratic rule, and hierarchical governance continues to overlook the interdependence of ecological well-being, cultural heritage, and community self-determination. Such an approach results in widespread displacement, environmental destruction, and a profound breakdown of trust between the State and indigenous populations. The Indian Constitution does not consider development as an end goal. It integrates social justice, ecological balance, and participatory governance within its body—right from the Preamble and Fundamental Rights to Directive Principles as well as Schedules V and VI. These constitutional principles call for transformation from development dominated by corporations and executed through state machinery, to a rights-based, community-led structure. Here, indigenous communities do not remain as passive recipients or impediments to development; rather, they actively participate as knowledgeable partners whose consent and wisdom inform every stage of the developmental process.

It is the duty of corporate stakeholders and state bodies to ensure that business ventures consider FPIC, sustainability, and legal responsibility. Judicial and civil society bodies must remain alert and act as governance watchdogs, ensuring the respect for transparency, fairness, and justice.

Moreover, integrating indigenous views into development frameworks goes far beyond ethical altruism; it is critical for long-term national cohesion, ecological health, and credibility on the global stage. In the age of ecological collapse and resource depletion, indigenous wisdom provides priceless models of conservation, sustainable use, and climate adaptation.

If India is to truly champion justice, inclusion, and ecological security, it needs to integrate tribal voices into its development narrative, safeguard their constitutional and customary rights, and reconstruct growth in a dignified, democratic, and eco-friendly manner. Only then can the country still honor its constitutional commitment not just to its tribal citizens, but to the unborn generations.