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Colonial Legacies in Tribal Land Policy Nexus

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Colonial Legacies in Tribal Land Policy Nexus

Executive summary:

As the world progresses towards the idea of development, with nations competing together to become a superpower, land as a resource becomes a valuable asset.

The persecution of the tribal people de facto of India is not only a result of administrative oversight but a failure of the legal system as a whole that has long used the doctrine of Eminent Domain as a weapon. The right of the state to acquire land on the basis of the Land Acquisition Act 1894, and even after 2013 (LARR Act), to promote the shared interest has continued to negate the collective identity of Adivasi peoples on grounds of the right to do so on the basis of the community. According to researcher Walter Fernandes, such laws address the land belonging to the tribes as a measurable economic good instead of a life-giving culture. The legal system supports a kind of two-fold displacement by giving cash compensation instead of ancestral territory, not only disconnecting the community from its spiritual foundations, but also placing it in an economic dependency of landlords with no land of their own. Such an operation is essentially the reproduction in historical dimensions of the so-called pulverizing engine of the West during the allotment policy period, where the demolition of the communal land tenure is the main instrument of forced assimilation.

Moreover, a colonialist-era bureaucracy has been methodically undermining the implementation of protective laws such as the PESA Act (1996) and the Forest Rights Act (FRA) 2006. According to Ramachandra Guha and Nandini Sundar, the state tends to perpetuate an idea of the tribal populations as encroachers to allow mining of minerals and timber. Administrative loopholes and militarization of tribal areas tend to silence the dissent of the majority even in situations where laws are in place to give a kind of prior informed consent in the form of Gram Sabhas (village councils). The Xaxa Committee Report (2014) notes that such a maze of law is what guarantees the state that, in practice, tribal identity is acknowledged on paper, but, at the same time, it enables members of the tribe to obtain their resources. In turn, the failure of Indian land law is that it does not consider tribal land rights as a precondition to national democracy but as a hindrance that should be eradicated with the help of a complex system of dispossession. This policy brief states that forced assimilation and land dispossession are two faces of the same coin; a structural process that tries to annul tribal autonomy in favor of state-stimulated industrialization. This brief argues on the basis of considering the failure of implementation of the current land-acquisition laws, that the only

way of achieving a true tribal development is when such right to land is not viewed as a concession of the state, but as a right to cultural and physical survival.

Introduction:

India has always been more than just a geographical territory but rather a cornerstone, a “spatial anchor” of indigenous identity, sovereignty and culture, as described among multiple colonial contexts of the ones who settled here. Historically, the tribal land is spread fast, across estates with every path, leaf, tree mapped out via memory where they worshiped the land and forest that provided for them. Understandably so, this idea of communal stewardship could not be fathomed well by colonizers, for whom land was anything but profit magnifying the contrast to the European concept of private property. As mapped out throughout history, state mandated forced assimilation is always designed in a way to dismantle tribal units by imposing the western concept of private property. This theory is further backed by researchers like Theodore Roosevelt’s contemporaries and modern scholars like Donn Feir who further described these state intended policies as a "pulverizing engine" which basically is intended to break the “tribal mass”. Governments succeeded in alienating millions of acres of ancestral land by pushing Indigenous peoples to practice individualistic farming and "checkerboarding" their domains. According to contemporary academics, this loss resulted in a persistent "legal maze," in which the separation of land and culture perpetuated intergenerational impoverishment and spiritual dislocation. As a result, today's tribal land dilemma is more than just a legal disagreement; it is the long-term result of a deliberate attempt to eradicate Indigenous life through economic and territorial expropriation.

The idea of intimidation of tribals in acquiring their land stems from a deep-rooted hegemony- the collared ones are better educated and civilised than the ones dwelling in nature. This bias of the sophisticated vs the unsophisticated, the one who wields more power has dawned from the beginning of time pressing down their power and hegemony over the ones who were not very powerful to defend themselves. The Dawes Act in the United States to the Indian Act in Canada, these state-led initiatives have not only transitioned from open conflict to a policy of forced assimilation but also brutally dismantled communal landholdings through an intricate system of "allotment" and "enfranchisement," states as a major policy actor have sought to pulverize the tribal mass, more so theoretically "integrating" Indigenous peoples into the national economy while systematically alienating them from their ancestral resource base.

Ramachandra Guha through his writings has described “internal colonialism" - the transition from colonial to post-colonial governance which has often failed to rectify this "legal maze." In the current times, contemporary researchers have argued how these development agendas frequently treat the tribal land as "empty" or "underutilized" spaces ripe for extraction. In the Indian context, sociologist Virginius Xaxa (1999) elucidates how this process has led to "de-tribalization," which basically means forced acquisition of land for national projects does not necessarily lead to integration, but rather to the degradation of tribal identity. Xaxa’s theory suggests that when the state severs a community’s link to its land, it effectively destroys the social fabric that sustains their distinct cultural and political existence, forcing them into the lowest rungs of the landless labor class. This means that a planned amoral political economy is the cause of the crisis of tribal land in the contemporary world. As researcher Nandini Sundar (2016) points out, militarization of tribal areas and the violation of the Constitution including the Fifth Schedule have helped in land acquisition in the name of national security or development.

Historical Background of Land Rights in Chhattisgarh and Manipur Tribal Contexts

Land and property rights among the tribal population in India, when discussed, particularly in Chhattisgarh and Manipur have reflected a complex interplay of legacies of colonialism, state interventions post-independence and further ongoing assimilation pressures. Historically in regions of present-day Chhattisgarh and Manipur, land was governed through clan authority, oral customary norms, and shared access to forests, hills, and commons. These systems embedded land within kinship, ritual practice, and subsistence economies, ensuring both material survival and cultural continuity.

Colonial intervention marked a decisive rupture in these arrangements. British land revenue systems, forest reservation policies, and cadastral mapping introduced a legal conception of land as alienable, taxable, and state-owned. The British administration viewed the tribal lands as nothing but underutilized land resources which were waiting for profit extraction which caused the imposition of European notions of private property inevitably clashing with indigenous land systems (Li, 2014). This commodification of land upset the historical access practices, whereby control over resources was internalized in the social relations and not in the formal title (Sikor & Lund, 2009).

Customary tenure systems were rendered illegible to colonial law, while forests were reclassified as state property, criminalizing indigenous livelihoods (Guha, 1989).

Contemporary scholarship demonstrates that these policies were not merely administrative reforms but deliberate strategies to dismantle communal landholding and facilitate extraction, a process mirrored across settler-colonial contexts through allotment and individualization of indigenous land (Bridge et al., 2013; Rasmussen & Lund, 2017)

Post-independence India inherited and largely retained these colonial land governance structures. While constitutional safeguards such as the Fifth Schedule acknowledged tribal distinctiveness, development planning increasingly treated tribal regions as resource frontiers- spaces designated for mining, infrastructure, and conservation. This transition has been described as a form of internal colonialism, wherein postcolonial governance reproduces extractive relations under the rubric of national development (Guha, 1989).

In Chhattisgarh, the Bastar region hosting the Gond and other Adivasi communities, colonial practices made resource alienation easy, which predisposed the conflicts that would occur afterwards due to mineral rich landscapes (Sundar, 2019) this trajectory has been intensified by the expansion of mining, industrial corridors, and security operations. Despite statutory safeguards under the Forest Rights Act (2006), empirical accounts document systematic under-recognition of community forest rights and the marginalization of Gram Sabha consent in development decision-making (Sigamany, 2016; Sundar, 2016) Militarization of tribal areas, justified in the name of counter-insurgency and development, has further facilitated land alienation by weakening constitutional protections and undermining local governance institutions (Sundar, 2016).

In Manipur, tribal land governance follows a distinct yet equally precarious path. Hill tribes such as the Nagas and Kukis continue to regulate land through clan-based customary tenure systems, where land is collectively owned and managed by traditional institutions. But, these customary laws in Manipur, which inhabited Naga and Kuki tribes represented conflict with Manipuri kings and the British occupation, and focused on equity and village-based governance instead of individualistic landholding (Kamei, 2018). However, these systems remain inadequately recognized under statutory law, particularly the Manipur Land Revenue and Land Reforms Act, which was designed primarily for valley land and fails to accommodate hill-area customary practices (Nongbri, 2018). The constitutional framework of the Fifth Schedule of post-independent India aimed to safeguard lands of Scheduled Tribes in such regions as Chhattisgarh due to cultural and economic attachment to land, although it was co-existent with the displacements of the developmental nature that resembled the impacts of colonial dispossession (Wahi & Bhatia, 2018). Not under the Fifth Schedule, the 1960

Manipur Land Revenue and Land Reforms Act applied valley-based revenue systems in the tribal hills in Manipur, discrediting the customary practices and creating ethnic tensions (Hausing, 2010).

Across both states, scholars have noted that assimilationist development policies do not result in integration but in de-tribalization- a process whereby forced land acquisition erodes the social and cultural foundations of tribal life and pushes displaced communities into landlessness and precarious labor (Xaxa, 1999). Political-ecology research further demonstrates that development agendas routinely frame tribal land as “empty” or “underutilized,” legitimizing dispossession through technocratic planning while obscuring indigenous histories and claims (Bridge et al., 2013; Rasmussen & Lund, 2017)

Assimilation policies further compounded these issues by attempting to integrate tribal communities into mainstream economic structures, often at the expense of their sovereignty. Drawing on theories of land as both capital and commodity, state-led initiatives reframed tribal territories as fictitious assets for national growth, leading to "checkerboarding" of domains and erosion of communal bonds (Christophers, 2016). In Chhattisgarh, neoliberal reforms post-1990s intensified this through the Forest Rights Act (2006), which promised recognition of indigenous claims but clashed with extraction agendas, perpetuating a neoliberal-indigenous conflict that alienated Adivasis from ancestral forests (Sigamany, 2016). Manipur's assimilation challenges manifest in the imposition of uniform land laws, disregarding tongbian-like mutual embeddedness of land, property, and territory in tribal ontologies, resulting in intergenerational impoverishment and cultural dislocation (Tang et al., 2023).

Policy Challenges in Addressing Tribal Land Rights and Assimilation

The current policy issues in Chhattisgarh and Manipur are connected with the conflict between the protective laws and the developmental needs, which form a legal labyrinth that prevents fair execution of the policies. In Chhattisgarh, the Fifth Schedule does not entirely protect the situation since militarization in Bastar to conduct counter-Maoist operations has enabled land grabbing in the name of national security, which contravenes constitutional clauses and uproots tribes without proper relying on them (Wahi & Bhatia, 2018; Sundar, 2019). Its policies such as the FRA are also subject to bureaucracy and neoliberal prejudice, which puts the rights of corporations above communal rights, which makes Adivasis poorer and landless (Sigamany, 2016). What Manipur can offer is the issue of extending the 1960

Act to the hill area that undermines customary legislations and creates a pressure of gaining independence, which is evident in the perpetual ethnic tensions (Kamei, 2018; Hausing, 2010). More extensive theoretical condemnations emphasize the role of the power relations of access and property to perpetuate power inequalities, where state collections of land overlook the indigenous knowledge (Li, 2014; Sikor & Lund, 2009) An effective policy has to balance these by making customary institutions stronger, participatory acts such as FRA to be implemented, and that the mutual embeddedness of territory can prevent additional assimilation-based dispossession (Martin, 2023; Christophers, 2016). In the absence of such reforms, there will be endemic weaknesses to tribal sovereignty and sustainable development.

Root Cause Analysis: Persistence of Colonial Assimilation in Contemporary Tribal Land Rights

The colonial era ideology of property assimilation which further continues to underpin how modern policies are made leads to displacement, cultural erosion and socio-economic marginalization. With rotten core at the heart of British colonialism which imposed a Lockean private property regime commodifying land, easily disregarding the indigenous communal system for identity and sustenance (Li, 2004). The legacy of colonialism manifests itself in post-colonial India where states are now treating these “empty lands” for extraction. Adivasis were deprived of forests by colonial forest laws, such as the Indian Forest Act (1927), which in Chhattisgarh continued to be one of the sources of Maoist insurgencies that dispossessed more than 50,000 tribals of forests in Bastar by 2020 under the guise of mining projects, despite the rights of Adivasis not always being consulted (Ashokvardhan, n.d.; Sundar, 2019). Bastar case studies emphasize how iron ore mines use the concept of national interest to take precedence over customary rights and leave a legal maze of fragmented ownership and intergenerational poverty (Wahi & Bhatia, 2018).

The three interlocking root causes that can be identified in sustaining the colonial assimilation logic and aspects are- institutional capture, capacity voids, and hegemonic development paradigms. The forest bureaucracies who have been inheriting the colonial monopoly have subverted the community empowerment. Sahu (2020) documents how these departmental committees have overridden gram sabhas which have rejected over 70% of Community Forest Rights claims through procedural specifics in Chattisgarh despite Panchayats Extension to the Scheduled Areas Act mandate. According to Bandi (2015), it is known as the process of "undoing past injustices" by deliberately denying the capacity to verify titles since the colonial-era records were incomplete. Moreover, legal pluralism brings

conflict between individual titles which are sanctioned by the state and customary collective claims. Kashwan and Nayak (2022) illustrate in Lavari, Maharashtra that the pressures of neoliberalism put an emphasis, in the name of market rationality, on such pressures on community rights, in support of Ghurye in stating that tribal tenure, which is usually regarded as primitive, is the victim of this (Kashwan & Nayak, 2022). According to Shutzer (2013), the Kalahandi gram sabhas in Odisha has to work through opposing customary practices and state surveys that cause legal mazes that hamper the restoration initiatives.

These, namely, bureaucratic capture, legal pluralism, and assimilationist dominance, are killing the efficacy of protective laws and perpetuating the existence of colonial property regimes in the name of development. There have been systemic failures record according to government data- as of May 2025, over 5.1 million FRA claims that were submitted throughout the country, almost 2.25 million titles have been given with accordance to Manipur and Chattisgarh recording a rejection rate of 45% and 60% respectively due to the overlapping claims with the forest department. (Ministry of Tribal Affairs, 2025) The reports of the UN denounce India to displace 120,000 indigenous people every year in the name of development, which is connected with colonial practices of non-recognition of communal tenure (IWGIA, 2025; UNDP, 2023) These are based on the causes of hegemony, defective laws, and assimilationist theories that are reflected in the perennial impoverishment as tribal households own only 20 percent less land than non-tribals on a per-capita basis (NSSO, 2022).

Theoretical aspects of colonial tribal assimilation

In Manipur, ethnic hierarchies were formalized based on millennia of colonial policy of influencing hill-valley boundaries (through policies such as the Inner Line Permit (introduced in 1873)) to establish valley-centric revenue systems in tribal hills, a situation which became ingrained by post-1947 laws such as the Manipur Land Revenue and Land Reforms Act (1960) (Hausing, 2010; Kamei, 2018). Ethnic violence since May 2023 has forced more than 50,000 people out of their homes, with Naga and Kuki peoples accusing Meitei people of land grabbing, and aggravating by uncontrolled migration and development projects (PTI, 2025; BBC News, 2025). These processes are reflected by the soci-political theories: G.S. Ghurye believed that tribes were backward Hindus who needed assimilation into mainstream society, which justifies the policies of disintegrating communal organization in favor of individualistic agriculture, which continues to lead to displacement (Ghurye, 1943). Verrier Elwin, on the contrary, supported protectionism, with tribal rights to land and

forests in the interests of cultural genius and warned that a loss of land leads to spiritual alienation-a fact also applicable to the displacement of Manipur hills (Elwin, 1957). B.R. Ambedkar, who wrote the critical opinion of land monopolies as the material foundation of the caste oppression, extended the same to tribes, pushing constitutional protection, such as the Fifth Schedule, to prevent the alienation, but observing the exploitation by the dominant castes of such provisions (Ambedkar,1945)

The policies of assimilation continue to erase colonial forms. Ambedkar cautioned that disfranchising tribes was going to proletarianize the tribal communities and they would end up landless which was something Elwin's isolationist strategy aimed to avoid but Ghurye integrationist strategy hastened (Ambedkar, 1943; Elwin, 1955). Gulzar et al. (2024) discover that despite the fact that Scheduled Area representation yields better conservation results, it fails to address the effect of the mining lobbies. Sigamany (2017) claims that neoliberal land reforms prove to be irreconcilable with indigenous ontologies and points to them as the facilitating of post-2011 corporate land acquisitions in Chhattisgarh displacing 300 Bastar families to build the Nagarnar Steel Plant (Sigamany, 2016). Manipur, through the interventions of the Britishers which fragmented the Naga and Kuki communal holdings, saw a similar pattern reinforced in the 1960 Act, which led to the ethnic violence and land grabbing. A 2023 UN report has claimed that over 50,000 tribals have been displaced among the conflict over the hill-valley land rights (Kamei, 2018; UN CERD, 2025).

Evaluation Policy Alternatives

The current policies are mostly aimed at addressing the tribal lands rights along with assimilation of the tribal people in India (regards to FRA (2006) and Panchayats (Extension to Scheduled Areas) Act (PESA) of 1996) might have partially achieved successes but have, at large failed to dismantle what colonial legacies have done primarily through implementation gaps and conflicting development priorities. The limitations of these acts, even though might work on paper are due to their hegemonic power imbalances and neoliberal extraction pressures in existence (Sigamany, 2016)

Looking at the Forest Rights Act of 2006 which was basically to represent an ambitious intent of restoration which did recognise the pre-2005 possession and vesting gram sabhas with the management authority showcased many implementation structural flaws. It was enacted as a way to rectify the previous injustices by granting the Scheduled Tribes vesting in forest-dwelling areas and legal rights to land and resources representing a

landmark shift toward decolonizing forest governance (Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006). Its achievements are revealed in quantitative terms in that according to the July 2025 Monthly Progress Report by MoTA, 2,391,199 individual titles and 121,863 community titles have been allocated nationwide, serving more than 50.76 million acres and 182.26 million acres respectively. This has enabled approximately 150 million forest-dependent individuals in 170,000 villages, which improves their livelihoods by providing access to non-timber forest products (IDR Explains, 2025). An example of this is in Chhattisgarh, where the implementation of FRA, such as in Bastar, has resulted in community forest resource rights, which increased the local economies by 15-20% in some villages of Maharashtra through sustainable harvesting as mentioned in a UNDP 2025 report on policy lessons (Gupta et al., 2022). Theoretically, this is congruent with the position of Verrier Elwin, who advocated protective isolation and the maintenance of tribal genius by making land claims to cultural identity (Elwin, 1963).

Nonetheless, the restriction of FRA is quite vivid, as it could not completely eliminate the alienation which existed during the colonial period because of the inertia of bureaucracy and the contradiction of interests of the states. Among 4.79 million claims of individual forest rights that were filed until 2025, 1.47 million were discarded - a rejection rate of 30.7 percent - usually due to invalid reasons such as inadequate evidence or overlapping claims by forest departments (J&K Appoints Tribal Ministry, 2025). In Chhattisgarh, the rejection is 45 percent, which further intensifies the displacements in mineral-rich areas during the conflict of Maoism (Sundar, 2019). Manipar is even doing worse with 60 percent rejection on hill districts, as the incomplete extension of the act disregards traditional Naga and Kuki law, which generates ethnic tensions (Kamei, 2018). In the UNDP 2025 report on Securing Rights, research shows the influence of neoliberal prejudices that give preference to corporate mining over tribal claims keeping G.S. Ghurye in the assimilationist traps to integrate tribals and subject them to the uncertainties of the wage system. There are also the unintended consequences such as intra-community disputes between individual and communal rights, which is the case in Odisha in the Kalahandi district, and 20,000 tribals have been displaced since 2010 by custom-based claims (Shutzer, 2013). At the national level, this leads to chronic ST poverty: according to NSSO data, the rural ST poverty had decreased to 12.2 in 2023-24 after 49.5 in 2011-12, although 25% of STs remain in poverty, compared to none of the non-tribals, according to Oxfam 2025 (Poverty Reduction in India, 2025). An analysis of a multidimensional poverty index (MPI) shows that STs have a headcount ratio of 0.444

and a value of 0.486, which is close to two times that of other groups, which indicates the inability of the FRA to deal with intergenerational impoverishment (Uneven Burden, 2025).

PESA, which has extended the panchayat governance to Fifth Schedule regions in order to enable Gram Sabhas to make tribal self-governments (Panchayats (Extension to Scheduled Areas) Act, 1996), has been quite successful in decentralizing power. PESA in the Odisha district of Rayagada enabled Gram Sabhas to object to 30 percent of land acquisition plans after 2020, creating autonomy and decreasing corporate intrusion (Impact of PESA Act, n.d.). Chhattisgarh case studies indicate that Gram Sabhas in Scheduled Areas control minor forest produce and resolve disputes, which fits the vision of redistributive justice put forward by B.R. Ambedkar of curbing land monopolies (Decentralised Governance through PESA, 2025). According to the government reports such as the NIRDPR status report 2023, positive progress has been made in Rajasthan where PESA was applied such that tribal participation in local planning increased and resulted in an improved allocation of resources (Status of Implementation, 1996). However, the failures prevail: In Manipur, which is not fully Fifth Schedule, the lax implementation of PESA means that the valley-dominated politics can push out more than 50,000 people since 2019 in ethnic tensions (Hausing, 2010; NCST Survey, n.d.). In Chhattisgarh, Bastar militarization prevails and PESA is pushed to the background in the decision on mining; the Gram Sabhas are pushed to a back seat, an example of internal colonialism (Guha, as cited in Sundar, 2019). In a report, the Transform Rural India criticizes the watering down of PESA by state amendments, which do not authorize Gram Sabha consent of the projects (PESA in Action, 2025). The adverse effects of the system may also be used against the indigenous system in the form of clash between traditional tribal governance and formal panchayats, such as in Madhya Pradesh where PESA diluted indigenous systems and caused a cultural dislocation (Traditional Tribal Governance, 2024). This displacement continues: MoTA reports that 3.5 million tribals left the agricultural sector in the previous decade, and 21.3 million development-induced IDPs in the country, 40-50 percent of which are tribals (Roy, 2010).

These policies have chipped away the colonial paradigms but their fragmented implementation, which is evident in their high rejection and weak enforcement, along with persistent poverty has only left the root causes intact. Hence, participatory alternatives that prioritize tribal epistemologies over extraction are much needed.

Policy recommendations

The main recommendation for an Efficiency Reform is to consolidate, strengthen and speed up implementation of existing laws, the Tribal Land Sovereignty Act (TLSA) (not a new law) to fill the gap between legislation and its enforcement which has hindered the effective implementation of the various laws. When presented in this light, the TLSA is not asking the state to transfer its powers to an untried entity; it asks the state to fill gaps in the enforcement of existing laws, which the evidence rejection rates of 45–60 percent in Chhattisgarh and Manipur (Ministry of Tribal Affairs, 2025) have already exposed in the existing framework. First, the proposed legislation would establish an integrated framework for customary rights and constitutional rights, that will continue to reinforce the interrelatedness of land, property and territory instead of the separation of property rights and the constitution, where land is only considered as a commodity (Tang et al., 2024). It would also neutralize the state financed enclosures that have cut the tribes off from their resources instead of establishing a parallel bureaucracy, as MoTA, state tribal welfare departments and the district level committees already exist under the FRA. TLSA is also being examined by case study to prevent any displacement, having forced over 60,000 to flee in Manipur as a result of ethnic violence and over 50,000 in Chhattisgarh in connection with the Maoist conflict in 2025 (World Report 2025: India, 2025).

The TLSA would also include automatic recognition of undocumented tribal claims within two years and the community as a whole would follow the indigenous ontologies of land as a relational resource (Li, 2014). There are three complementary interventions that expand, not replace, existing structures:

(1) The new process would be implemented via the half indigenous representative, fast-track committees of the Decentralized Tribunals which will be established in all the Scheduled districts to adjudicate on that set of claims; and

(2) A mechanism for disbursement of the mandatory revenue-sharing, 20% of profits from projects in tribal areas (such as mining projects), to appropriately formed community funds, should be available from day one under the existing financial mechanism provided for the District Mineral Foundations (DMFs) under the Mines and Minerals (Development and Regulation) Act, rather than a new financial institution;

(3) Rehabilitating the degraded lands through climate-resilient agroforestry grants of Rs 500/ha (as recommended by UN agencies) will be through the convergence of current MGNREGA and CAMPA afforestation works without needing to build capacity in the field.

This design is not solely based on political feasibility, but is designed to be politically feasible. There is no displacement of forest and revenue bureaucracies, with states retaining administrative control, and forest employees and assessors joining the forest tribunals, as staff, instead of having their jobs taken over by the tribunals, thus mitigating the institutional resistance to the Gram Sabha provision of PESA in Chhattisgarh. Compliance is incentivized and not imposed unilaterally, with central grants in the tribal budget contingent on states' notifying the TLSA rules within the six-month period, like in the Jal Jeevan Mission, which relies on a carrot approach to cooperative federalism. Instead of a new levy, the revenue-sharing is linked to the DMF mechanism industry is already adhering to, thus averting corporate and mining lobby resistance. The TLSA is not a break-through from PESA and the FRA, but the next incremental step on the journey towards reform.

The key actions of the real implementation clearly involve the introduction of the TLSA bill in parliament by the middle of 2026 and the notification of the state within 6 months. National oversight is the responsibility of ministry of tribal affairs (MoTA), implementation is the responsibility of state tribal welfare departments and the monitoring is the responsibility of NITI Aayog. Resources required: 1200 crore per year out of the central tribal budget (reallocated over current 70,000 crore allocations for 2025-26) and World Bank loans for GIS mapping equipment (Government of India, 2025) the detail mechanism of allocation and disbursement of this sum are given below in the Implementation Strategy and Monitoring section. This is an integrated package, with rights recognition tied to economic empowerment; and can be implemented using pilots in high-conflict regions such as Bastar and Manipur hills where PESA enabled women to become more engaged in governance (rising by 20 to 50 percent) but because of gender biases (Kumari, 2025).

The next framework is focused on power and authority dynamic, but also access to property – tribes are able to take control of the resources they assembled and are also property that was expropriated, to be utilized for other investment on a global scale. (Sikor & Lund, 2009; Peluso & Lund, 2011).

The following table outlines the TLSA package components.

Component	Description	Responsible Agency	Timeline & Resources
Primary: TLSA Enactment	Legislation recognizing customary communal rights, automatic claim	MoTA & Parliament	Bill by 2026; ₹200 crore for drafting/mapping.
Measure 1: Tribunals	District-level bodies with tribal majority to resolve disputes.	State Tribal Depts.	Setup in 2027; ₹300 crore training funds.
Measure 2: Revenue-Sharing	20% project profits to community funds for livelihoods.	MoTA & Finance Ministry	Ongoing from 2027; Tied to existing budgets.
Measure 3: Agroforestry Grants	₹500/ha for climate-resilient restoration.	MoTA & Environment Ministry	Pilots 2026; ₹700 crore annual grants.

Implementation Strategy and Monitoring

The implementation of the TLSA will be in a phase to reduce the obstacles such as bureaucratic resistance and ethnic conflict, based on the experience of the PESA implementation in Chhattisgarh that saw an uneven implementation of Gram Sabhas that was then overridden by the administration ("Decentralised Governance Through PESA," 2025).

- *Phase 1*: Policy formulation and sensitisation will be conducted with the assistance of MoTA, who will work in coordination with NGOs like Samata, covering 5 million people of the tribals in Bastar through community sensitisation sessions, online channels etc. to fill the awareness gaps identified from the studies on empowering women in Bastar (Empowering Tribal Women Through PESA, 2025).
- *Phase 2*: Establishment of Tribunal and registering claims (including participatory mapping to minimise overlaps, as reported in FRA-CFR, prioritising districts where there is already FRA claim data, to avoid starting from scratch for adjudication).

- *Phase 3:* Focusing on completing the revenue-sharing and grant payment, and audits to make sure of equity.

Financial Management of the ₹1,200 Crore Allocation:

To tackle the concern of feasibility of the management of this amount, the 1200 crore is proposed to be kept as a separate Tribal Land Sovereignty Fund (TLSF) in MoTA and is suggested to be allocated as follows indicating segregation in a year:

- Establishment, staffing and training of the Tribunals which are attached to the existing FRA District level Committees: about ₹400 crore.
- Co-financed with World bank loan, participatory GIS mapping and digitisation of pre-2005 claim (approx.): ₹300 crore.
- Rental of revenue-sharing mandate for 20% of revenues to third parties: around ₹150 crore.
- Climate Resilient Agroforestry (CRA) grants of ₹500 per hectare, combined with the MGNREGA and CAMPA works: around ₹250 crore.
- Contingency reserve and monitoring and evaluation: ₹100 crore.

Money would be paid to states in quarterly payments based on the milestones of claims that are submitted, the number of tribunals that are staffed, and the number of audits that are completed, but would not be paid as a single lump sum at the end of the year, and the unused funds would not expire; similar to the tribal sub-plan. This is a tranche/ milestone based scheme designed to help ensure that the fund is not diverted into unrelated State spending, as has been found in the implementation of PESA.

Feasibility of the Two-Year Claim Resolution Timeline:

The two-year resolution period is not a national deadline, it is a target which is staggered according to capacity and data. Year one focuses on digitizing and adjudicating the backlog of claims for which documentation and survey data already exists, starting in the pilot districts of Bastar, and the hills in Manipur, where some community mapping activities already have been completed under the FRA-CFR processes (as of May 2025, 5.1 million

claims have been already filed across the nation under the FRA; Ministry of Tribal Affairs, 2025).

Year two scales the tribunal network to the other scheduled districts and looks at more contentious and overlapping claims. The framework does not assume a zero caseload, but rather benchmarks against the throughput at the District Level Committee (DLC); and also includes a built-in review after eighteen months, for MoTA and NITI Aayog to adjust the district-level timelines, if the two-year goal seems impractical because of the capacity of the tribunal or because of the ethnic-conflict conditions as in parts of Manipur.

One possible obstacle could be the political will to prevent it, as is the case in hill-valley differences in Manipur which escalate displacement ("Urgently Rehabilitate Thousands", 2025), while federal incentives like additional grants to compliant states and dialogue forums with custom courts as the source of property rights of the Adivasis women (Kumari, 2025) act as a buffer. The prohibitions in the economy, such as corporate lobbying, can be tackled through the compulsory social impact assessment in the Right to Fair Compensation and Transparency in Land Acquisition Act (2013) that has to be implemented via the tribunals.

There will be definite signposts to check on:

- Average time to resolution (also tracked quarterly on MoTA dashboards)
- Reduction in Displacements
- Livelihood improvements
- Participation of Women

Some of the factors to be taken into account are annual CAG audit and also the evaluation by third party (institution like National Commission for Scheduled Tribes – NCST) with all adaptive adjustment thereafter depending on the feedback.

The following table presents a phased timeline and M&E framework.

Phase & Timeline	Key Activities	Barriers & Mitigation	M&E Indicators & Tools
Phase 1: 2026	Drafting, awareness campaigns, pilot mappings in Bastar/Manipur.	Low awareness: NGO-led workshops.	Workshops conducted (target: 10,000); MoTA reports.
Phase 2: 2027-2028	Tribunals setup, claim adjudication, initial revenue pilots.	Bureaucratic resistance: Federal incentives.	Resolution rate (80%); Quarterly dashboards.
Phase 3: 2029+	Full rollout, grants, audits.	Ethnic conflicts: Customary dialogue forums.	Displacement reduction (50%); NSSO surveys; Income rise (15%).

Conclusion and Call to Action

Colonial property logics that split tribal cohesion exist via institutional choice, rather than inevitability. The attempt to illuminate the deep-rooted colonial legacies in shaping of Indian tribal land rights have come from historical imposition of private property and forced assimilation. Through comparative analysis of different regions of the country, such as Chhattisgarh and Manipur, the old and outdated paradigms that have informed communal claims and recurrent displacement through conflict and mining have been identified. This has led to lasting poverty and the loss of culture and marginalisation of the Adivasi communities.

But the need for reform does not call on the need to dismantle the legal framework established by Indian democracy. The Fifth Schedule, PESA and the FRA were meant to solve this crisis and their claim rejection rate of 45-60 percent and lack of Gram Sabha consent (Ministry of Tribal Affairs, 2025) is indicative of the failure to implement; it is not an indictment of the intent. The Tribal Land Sovereignty Act (TLSA), presented here as an Efficiency Reform, is intentionally designed to operate within the existing structure of institutions, budgets and oversight mechanisms of the District Level Committees, District Mineral Foundation, and the Oversight Mechanisms at MoTA, without changing the nature of

the state. Not just every other detail, a ring-fenced fund, a staged two-year resolution timeline, and quarterly milestone tracking to make a workable statute and not another aspirational one. There is urgent need to take timely, committed and realistic action for the future of the tribal people of India and the integrity of the morals and developmental character of the country.

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