

Forest Conservation and Indigenous Rights: A Comparative Analysis of India, Brazil, and Canada

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Abstract: India, Brazil, and Canada offer different legal frameworks and judicial approaches in balancing these competing interests. In India the tribal population (Scheduled Tribes) constitutes 8.6% of total population (as per the 2011 Census). In absolute numbers, this is around 104 million people. The Indigenous population (First Nations, Métis, and Inuit) makes up 5% of Canada's total population (as per the 2021 Census). This accounts for about 1.8 million people. Indigenous people form approximately 1.1% of Brazil's total population (as per the 2022 Census). This equates to around 1.7 million people. This research critically examines how these three nations navigate the tension between environmental protection and indigenous autonomy within their legal systems.

The study addresses the following key research questions:

1. How do legal systems in India, Brazil, and Canada balance forest conservation and indigenous rights?
2. What are the key judicial precedents shaping indigenous land claims in each country?
3. How can policy reforms ensure both environmental protection and indigenous autonomy?

Using a doctrinal legal research methodology, this paper conducts a comparative analysis of constitutional provisions, statutory laws, and landmark judicial decisions in the three countries. It examines India's Forest Rights Act, 2006, Brazil's Article 231 & 232 of the Constitution (1988), and Canada's Section 35 of the Constitution Act (1982), alongside case law such as *Samatha v. State of Andhra Pradesh* (1997) (India), *Raposa Serra do Sol Case* (2009) (Brazil), and *Tsilhqot'in Nation v. British Columbia* (2014) (Canada). The findings suggest that Canada has the strongest legal protection for indigenous land rights, while Brazil struggles with deforestation-driven conflicts and India's legal framework remains inconsistent. The paper concludes by proposing policy recommendations that bridge the gap between forest conservation mandates and indigenous rights protections, ensuring a sustainable and legally equitable approach to environmental governance.

Keywords: Comparative legal analysis; indigenous rights; forest conservation; forest governance; environmental justice.

Introduction

In India, tribal communities are officially recognized as Scheduled Tribes (STs) under Article 342 of the Constitution. There is no single definition of "tribal" in India, but the government identifies STs based on factors like: distinct culture and language, geographical isolation, social and economic backwardness, traditional practices different from mainstream society. As of the 2011 Census, there are 705 officially recognized Scheduled Tribes. The Ministry of Tribal Affairs oversees their development. Prominent tribal groups include Gonds, Bhils, Santhals, Nagas, Mizos, and Todas. Canada recognizes three distinct Indigenous groups under Section 35 of the Constitution Act, 1982: First Nations – Descendants of the original inhabitants of Canada before European colonization, Métis – People of mixed Indigenous and European ancestry with a distinct culture, Inuit – Indigenous people living in Arctic regions. The term "Aboriginal Peoples" was historically used in Canada but has been replaced with "Indigenous Peoples" in official terminology. In Brazil, Indigenous Peoples (Povos Indígenas) are recognized under the 1988 Constitution. The Brazilian government defines Indigenous identity based on: self-identification (a person's declaration of being Indigenous), community acceptance, cultural

practices and language. The Fundação Nacional dos Povos Indígenas (FUNAI) protects Indigenous rights. There are 300+ Indigenous ethnic groups in Brazil, with over 270 languages spoken. Many Indigenous groups live in the Amazon rainforest, including the Yanomami, Guarani, and Kayapo. The forest cover of India is least among these three countries standing at 24.62% i.e 807,276 sq. km, followed by Canada whose forest cover is about 38.2% of total geographical area i.e about 362 million hectares and Brazil has the largest forest cover spanning about 497 million hectares which is about 59.47% of the total land area..

The debate over forest conservation and indigenous land rights is one of the most pressing legal and human rights issues globally. With deforestation contributing to climate change, biodiversity loss, and ecological degradation, governments worldwide have enacted strict environmental protection laws.¹ However, these measures frequently conflict with the rights of indigenous and forest-dwelling communities, who have historically depended on forests for their livelihood, culture, and survival. India, Brazil, and Canada offer compelling case studies for examining this issue, as they are home to significant indigenous populations and vast forested lands.² Their legal frameworks have evolved differently, yet they all grapple with the challenge of balancing conservation imperatives with indigenous sovereignty. The Indian legal framework includes the Forest Rights Act, 2006, which aims to recognize tribal land claims but faces implementation challenges. Brazil's 1988 Constitution provides explicit protections for indigenous land but struggles with deforestation pressures from agricultural expansion.³ Canada has some of the most progressive indigenous land rights protections under Section 35 of the 1982 Constitution Act, yet disputes over resource extraction projects continue.

While environmental protection is a legitimate and necessary policy goal, it often comes at the cost of indigenous autonomy. In many cases, conservation laws result in the forced displacement of tribal communities, disrupting their way of life, cultural practices, and economic stability. Governments and courts have taken inconsistent approaches—sometimes upholding tribal land rights, while at other times prioritizing state-led conservation efforts or commercial interests.⁴ This inconsistency creates a legal paradox, where indigenous people are expected to coexist with conservation laws that ultimately restrict their rights. For example, in India, the Supreme Court's ruling in *Godavarman Thirumulpad v. Union of India* (1996)⁵ led to large-scale evictions of forest dwellers in the name of afforestation programs⁶. Similarly, in Brazil, despite constitutional recognition of indigenous rights, deforestation and resource extraction continue to displace Amazonian tribes. In contrast, Canada's legal system has provided indigenous groups with stronger protections, particularly through cases like *Tsilhqot'in Nation v. British Columbia* (2014), which recognized indigenous title over large tracts of forested land⁷.

This paper attempts at asserting that India and Brazil prioritize environmental conservation over indigenous land rights, leading to legal contradictions that often result in forced displacement and loss of sovereignty while Canada, in contrast, offers stronger legal safeguards, recognizing indigenous autonomy and land claims more effectively through constitutional and judicial mechanisms. The lack of integrated legal frameworks across these jurisdictions highlights the need for policy reforms that ensure a balance between conservation goals and human rights obligations⁸. While the focus of this paper is on the Indian constitutional perspective, a comparative law approach is also adopted by examining developments in jurisdictions such as Brazil, Canada, and through the Human Rights System. This enables a broader understanding of how fundamental rights and environmental laws are balanced in different constitutional contexts.

Issues Identified

This paper seeks to examine the following issues through a comparative constitutional law lens:

Whether environmental protection is recognized as a fundamental right in India, and how this compares with Brazil's constitutional right to environment and the absence of such an explicit right in the United States.

How courts in India balance fundamental rights such as life, livelihood, and trade with environmental obligations, compared with judicial approaches in Canada and Brazil.

To what extent the rights of tribal and indigenous communities are protected under India's Forest Rights Act, 2006, in comparison with protections afforded under Latin American legal regimes and Inter-American Court jurisprudence.

Whether judicial precedents in India have moved towards an ecocentric approach, and how this trajectory compares with other jurisdictions where anthropocentric frameworks continue to dominate.

Methodology

This study employs a comparative legal methodology, drawing from:

1. Doctrinal Research – Analyzing constitutional provisions, statutes, and judicial interpretations in India, Brazil, and Canada.
2. Case Law Analysis – Examining key judgments that have shaped forest conservation and indigenous rights.
3. Policy Review – Evaluating government conservation policies and their impact on tribal communities.
4. Comparative Framework – Identifying patterns and differences in judicial reasoning across the three jurisdictions.

By integrating legal analysis with case law reviews, this research aims to provide a comprehensive understanding of how different legal systems balance environmental laws and indigenous sovereignty, offering recommendations for harmonizing conservation policies with human rights protections.

1. Legal Framework & Policy Analysis

The legal framework of rights of indigenous people in the three countries is studied comparatively in order to draw inferences.

1.1. India

India's legal framework concerning forest conservation and indigenous rights has been shaped by a combination of constitutional provisions, statutory laws, and judicial pronouncements. The Forest Conservation Act, 1980, was enacted to regulate deforestation and commercial exploitation of forest land. While it aims to protect biodiversity, its implementation has often led to the forced displacement of tribal communities, as seen in multiple eviction drives across the country.⁹ Recognizing the historical injustices faced by indigenous populations, the Forest Rights Act, 2006, was introduced to restore land rights to forest dwellers.¹⁰ However, its implementation remains inconsistent, with many state governments failing to recognize tribal land claims, leading to prolonged legal battles. One of the most significant cases concerning this issue is *Godavarman Thirumulpad v. Union of India* (1996), where the Supreme Court took an expansive view of forest conservation, directing that all non-forest activities within forest areas require central government approval.¹¹ While this judgment was pivotal in protecting India's forests, it also resulted in large-scale evictions of indigenous communities without due process. Conversely, in *Samatha v. State of Andhra Pradesh* (1997)¹², the Supreme Court ruled in favor of tribal rights, holding that private companies could not exploit land in scheduled tribal areas without state approval, thereby reinforcing the protection granted under the Fifth Schedule of the Constitution. The Panchayats Extension to Scheduled Areas Act of 1996 (PESA), extends the provisions of the 73rd constitutional amendment act to the scheduled areas as well which are tribal dominated areas.¹³ It allows for self-governance by giving greater autonomy to the Gram Sabhas, control and regulation of land use as well as resources. It also ensures that the tribal land cannot be transferred to non-tribals without the community consent, it allows for use of traditional mechanisms and systems for dispute resolution.¹⁴ It gives much strength and significance to the local self-governing bodies which goes a long way in the preservation of the culture, customs and identity of the tribal people. The

sixth schedule of the Indian Constitution provides for autonomy in administration in the form of the Autonomous district councils with legislative, administrative and judicial powers in certain specific states like Assam, Meghalaya, Tripura and Mizoram.¹⁵ These councils are allowed to levy and collect taxes and funds for local development. Autonomous District Councils (ADCs), established under the Sixth Schedule of the Indian Constitution, have played a significant role in protecting the rights and identity of indigenous communities in Northeast India. These councils were created to provide a degree of self-governance to tribal populations in states such as Assam, Meghalaya, Tripura, and Mizoram. Their primary objective has been to preserve indigenous customs, culture, land rights, and traditional governance systems while allowing these communities to participate within the broader constitutional framework of India. One of the most important contributions of ADCs has been the protection of tribal land and natural resources. The councils possess legislative authority over matters such as land use, forests, water resources, village administration, inheritance, and customary laws. This has helped prevent large-scale alienation of tribal land and has enabled indigenous communities to maintain control over their ancestral territories. ADCs have also strengthened cultural autonomy by recognising traditional institutions and customary practices. Through their law-making powers, these councils have preserved indigenous languages, social customs, and community dispute-resolution mechanisms that might otherwise have weakened under uniform state administration. In many areas, ADCs have become important instruments for maintaining ethnic identity and promoting indigenous political participation. Further, the councils have encouraged local participation in governance by allowing tribal representatives to make decisions concerning development, education, and resource management. This decentralised system has provided indigenous groups with a political voice and reduced the sense of exclusion historically experienced by many tribal communities. However, despite these achievements, ADCs continue to face challenges such as limited financial autonomy, political interference, and conflicts between state governments and tribal authorities. Nevertheless, they remain one of India's most significant constitutional mechanisms for safeguarding indigenous rights and promoting self-governance. It also provides for approval of the council before transferring the land to a non-tribal entity, therefore strengthening the conservation efforts, but some ADC's lack funds and infrastructure for the effective implementation of the same.¹⁶

1.2. Brazil

Brazil's approach to indigenous land rights is enshrined in Articles 231 and 232 of the Brazilian Constitution (1988), which explicitly recognize indigenous communities' rights to their traditional lands. Despite this legal recognition, indigenous groups in the Amazon continue to face displacement due to large-scale deforestation projects and illegal land grabs. A landmark case in this regard is the Raposa Serra do Sol Case (2009)¹⁷, where the Brazilian Supreme Court upheld indigenous land rights, ruling that indigenous territories must remain intact and free from non-indigenous occupation.¹⁸ This decision set an important precedent for indigenous land protection in Brazil. However, the ruling has been undermined in recent years by governmental policies favoring agribusiness expansion, leading to conflicts between environmental protection laws and indigenous claims over forested land.¹⁹ Additionally, the Amazon Rainforest Deforestation Cases highlight the ongoing legal battles where conservation policies, intended to protect forests, have instead been used as a tool for forced evictions.²⁰

1.3. Canada

Canada has one of the strongest legal frameworks for protecting indigenous land rights, primarily through Section 35 of the Constitution Act, 1982, which recognizes and affirms existing aboriginal and treaty rights. It provides security to the indigenous people by preventing the government from usurping the rights of the aboriginal people without any justification.²¹ This act also enables the aboriginal people to determine their indigenous status which allows them to conserve their unique cultural, social and political identities. It also makes the indigenous treaties and agreements legally binding which gives these communities control over their lands and resources.²² The modern treaty process gives the indigenous people ownership over their lands, rights over their resources and

financial compensation too which gives them some economic independence. It also enables them to create laws and governance systems based on their traditions. There are also provisions which provide for reparations for the past injustices caused to these communities which helps them in getting financial compensation for unfair treaties and agreements. Moreover the 'First land management act of 1999' allows for greater control of the indigenous communities in protection of environment along with resource management.²³ It also enables them to enter into business partnerships and develop land-based industries which strengthens their economic position. Canadian courts have repeatedly reinforced these rights, balancing them against environmental protection laws. In *Delgamuukw v. British Columbia* (1997), the Supreme Court of Canada significantly expanded the legal definition of Aboriginal title, ruling that indigenous groups have exclusive rights to their traditional lands unless ceded to the Crown.²⁴ This case was instrumental in strengthening indigenous land claims, providing a legal foundation for future cases. Similarly, in *Tsilhqot'in Nation v. British Columbia* (2014),²⁵ the Court granted full land ownership to the Tsilhqot'in people, marking the first time a Canadian court formally recognized an indigenous group's exclusive land title, reinforcing their right to self-governance and resource management.²⁶ The 'Truth and Reconciliation commission (TRC)' acknowledges the historical injustices, promotes measures to preserve the indigenous culture and identity and fosters relations between indigenous and non-indigenous Canadians to promote inclusivity. Then there are initiatives like Jordan's principle, Indigenous skills and employment training program (ISET), infrastructure and housing program which provide for educational, healthcare, financial as well as cultural benefits to the indigenous people.²⁷ Canada's legal framework demonstrates a stronger commitment to reconciling indigenous rights with conservation policies, setting a potential model for other nations grappling with similar conflicts.

Comparative Analysis of Forest Conservation and Indigenous Rights in India, Brazil, and Canada.

The relationship between forest conservation and indigenous rights varies significantly across India, Brazil, and Canada, shaped by each country's legal framework, judicial approach, and policy conflicts.²⁸ While Canada has the strongest legal protection for indigenous land rights, Brazil faces severe challenges due to state-backed deforestation policies, and India's legal stance remains uncertain, shifting between environmental conservation and tribal autonomy. This analysis examines the legal status, judicial decisions, and policy implications affecting indigenous rights in these three nations. In terms of legal protection, Canada provides the strongest constitutional recognition for indigenous land rights under Section 35 of the Constitution Act, 1982.²⁹ This provision acknowledges Aboriginal title, allowing indigenous communities to claim and manage their traditional lands without government interference. Judicial precedents, such as *Tsilhqot'in Nation v. British Columbia* (2014), have further reinforced these protections by recognizing indigenous self-governance over forests. In contrast, Brazil offers moderate legal protection, primarily under Articles 231 and 232 of the Brazilian Constitution, which grant indigenous communities permanent possession of their traditional lands.³⁰ However, despite these guarantees, loopholes in enforcement and government policies prioritizing economic development over indigenous rights have led to continuous land conflicts and forced evictions. Meanwhile, India provides the weakest legal safeguards among the three countries. The Forest Rights Act, 2006, was introduced to recognize the rights of tribal forest dwellers, but implementation remains inconsistent.³¹ The Forest (Conservation) Act, 1980, and various Supreme Court rulings, such as *Godavarman Thirumulpad v. Union of India* (1996), have often prioritized state control over forests, leading to the displacement of indigenous communities in favor of conservation projects.

The judicial approach to balancing forest conservation and indigenous rights differs considerably. In Canada, courts have consistently ruled in favor of indigenous land claims, ensuring that conservation efforts do not infringe upon their rights. Landmark cases such as *Delgamuukw v. British Columbia* (1997)³² and *Tsilhqot'in Nation v. British Columbia* (2014) have upheld aboriginal title, granting indigenous communities legal ownership and management rights over forest lands. In contrast, Brazilian courts have taken a more mixed approach, with some decisions supporting

indigenous land rights while others have permitted deforestation and state intervention. The Raposa Serra do Sol Case (2009) was a significant victory for indigenous groups, as the Supreme Court ruled in favor of maintaining their territorial integrity. However, subsequent rulings have favored agricultural expansion and corporate land use, undermining indigenous claims.³³ In India, judicial decisions have been inconsistent, with some rulings supporting tribal rights, such as *Samatha v. State of Andhra Pradesh* (1997), which restricted land transfers in tribal areas, while others have prioritized environmental protection over human rights. The Supreme Court's decision in the *Narmada Bachao Andolan Case* (2000) is an example of how development and conservation efforts have been prioritized over indigenous displacement concerns.³⁴

Policy conflicts further illustrate the varying approaches of these nations. India faces a constant struggle between environmental conservation and tribal land rights. Conservation laws, such as the Wildlife Protection Act, 1972, and Forest (Conservation) Act, 1980, have led to the displacement of forest-dwelling communities in the name of wildlife and biodiversity protection.³⁵ Legal recognition of tribal land rights exists but is often undermined by bureaucratic hurdles and government-backed conservation programs.³⁶ Brazil's greatest challenge lies in large-scale deforestation, as powerful agribusiness and mining lobbies exert political pressure to open up protected lands for commercial use.³⁷ Despite constitutional safeguards, government-backed deforestation projects often override indigenous claims, leading to violent land disputes. The situation has worsened in recent years due to policy rollbacks that favor corporate interests over environmental and human rights protections. In contrast, Canada has made efforts to reconcile environmental conservation with indigenous rights, implementing policies such as the Indigenous Forestry Initiative (IFI), which allows indigenous communities to engage in sustainable forest management while ensuring environmental protection.³⁸ Unlike India and Brazil, Canada has taken active steps to include indigenous voices in policy decisions, reducing the extent of forced displacement. The key findings from this comparative analysis indicate that Canada has the most robust legal framework for protecting indigenous land rights, ensuring that conservation efforts do not infringe upon traditional land claims.³⁹ Brazil faces the most severe policy conflicts, where government-backed deforestation and corporate interests consistently override constitutional protections for indigenous people.⁴⁰ India, while having legal provisions such as the Forest Rights Act, 2006, struggles with inconsistent judicial enforcement and a policy framework that often favors conservation over tribal autonomy.⁴¹ The lack of uniform legal interpretation and state-controlled conservation efforts continue to place India's indigenous forest dwellers at risk of displacement. The comparative structure of legal protection of indigenous rights of tribal people is compared across all the three countries for a better understanding (see Table 1 below).

Table 1: Comparison of legal protection of the rights of indigenous people across India, Brazil and Canada.

Aspect	India	Brazil	Canada
Legal protection	Weak	Moderate	Strong
Judicial approach	Mixed	Favourable to tribes	Strong pro indigenous rights
Policy conflicts	Environment v. Tribal rights	Deforestation v. Indigenous rights	Reconciliation of both

In conclusion, while Canada provides a model of reconciliation between conservation and indigenous rights, India and Brazil must address judicial inconsistencies and policy loopholes to ensure that conservation efforts do not come at the cost of tribal displacement and human rights violations. Strengthening legal enforcement, providing clear judicial interpretations, and promoting participatory

decision-making are crucial steps toward balancing forest conservation with indigenous sovereignty.⁴²

Policy recommendations

Policy recommendations for balancing forest conservation and indigenous rights require a multidimensional approach that ensures both environmental sustainability and the protection of tribal autonomy. Different countries have adopted varied legal frameworks, but the lack of uniformity in judicial interpretations and policy implementations has created conflicts. Strengthening legal safeguards, aligning national laws with international standards, and ensuring judicial clarity can help mitigate these challenges while fostering a more equitable system for indigenous communities. One of the most critical measures in protecting indigenous rights is reinforcing legal frameworks that safeguard their traditional lands.⁴³ In India, the Forest Rights Act of 2006 recognizes the rights of forest-dwelling communities, but its implementation has faced significant hurdles. Bureaucratic delays, inconsistent enforcement, and judicial interpretations that often prioritize environmental conservation over tribal claims have weakened its impact. There is a need for clearer statutory guidelines to ensure that environmental policies do not lead to forced evictions. Strengthening this legal framework can provide indigenous communities with more secure land tenure while balancing conservation goals. Similarly, in Brazil, constitutional provisions under Articles 231 and 232 acknowledge indigenous land rights, but large-scale deforestation projects and government policies often undermine these protections.⁴⁴ Constitutional enforcement must be reinforced to prevent unlawful land acquisitions and deforestation, ensuring that indigenous groups maintain control over their ancestral territories.⁴⁵ Canada offers the strongest legal protection under Section 35 of the Constitution Act, 1982, which recognizes Aboriginal and treaty rights.⁴⁶ However, there remain conflicts between indigenous landowners and resource extraction projects. The integration of indigenous governance structures into environmental policymaking can help bridge the gap between conservation and land rights.

Harmonizing forest conservation policies with tribal autonomy requires the integration of global frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁴⁷. This declaration emphasizes the right of indigenous communities to self-determination, including participation in decisions affecting their lands and resources. While Canada has made strides toward incorporating UNDRIP principles into its legal system, India and Brazil have yet to fully align their domestic policies with these international standards. India must ensure that its conservation policies incorporate the principle of free, prior, and informed consent for any development project affecting indigenous lands. This would prevent arbitrary land acquisitions and forced displacements. Brazil faces similar challenges, where agribusiness and industrial interests have contributed to land conflicts and deforestation. Adopting a UNDRIP-aligned policy framework can ensure that conservation does not come at the cost of indigenous rights.⁴⁸ By integrating indigenous knowledge into conservation strategies, governments can promote sustainable forest management while respecting tribal autonomy. The inconsistency in judicial rulings on forest conservation and indigenous rights highlights the need for greater legal clarity and uniform principles. Courts in different jurisdictions have delivered conflicting judgments, often swaying between environmental protection and tribal land rights without a clear legal standard. India's Supreme Court has taken varied approaches, sometimes upholding indigenous claims, as in *Samatha v. State of Andhra Pradesh* (1997), and at other times prioritizing environmental conservation, as seen in *Godavarman Thirumulpad v. Union of India* (1996).⁴⁹ A landmark ruling that integrates environmental protection with indigenous rights would help establish a more balanced approach. Brazil's judiciary has generally ruled in favor of indigenous land claims, as seen in the *Raposa Serra do Sol* case (2009), but enforcement remains weak due to political and economic pressures. Strengthening legal mechanisms to challenge unlawful deforestation and ensure indigenous participation in governance is essential. Canada has set important legal precedents, such as the *Tsilhqot'in Nation v. British Columbia* (2014) ruling, which granted full land ownership to indigenous groups.⁵⁰ However, continued disputes over resource extraction projects highlight the need for clearer regulations defining the extent of indigenous authority in environmental governance. Establishing uniform judicial guidelines would help resolve conflicts between indigenous communities, environmental agencies, and corporate interests while ensuring that conservation goals do not override fundamental human rights.

A comprehensive approach to balancing forest conservation with indigenous rights requires stronger legal protections, alignment with international frameworks like UNDRIP, and consistent judicial principles across India, Brazil, and Canada. While Canada has made significant progress in securing indigenous land rights, India and Brazil must implement substantial legal and policy reforms to prevent conservation laws from disproportionately affecting indigenous populations.⁵¹ Legislative consistency, judicial clarity, and participatory governance models will be essential in ensuring that forest conservation efforts support both environmental sustainability and indigenous sovereignty.

Conclusion

The comparative analysis of forest conservation laws and indigenous rights in India, Brazil, and Canada reveals distinct legal approaches and challenges in balancing environmental policies with tribal autonomy.⁵² Canada offers the strongest judicial and constitutional safeguards, ensuring indigenous communities have legal recognition, land ownership, and participatory governance in forest conservation. While conflicts persist over resource extraction, Canada has established legal mechanisms that prioritize reconciliation between conservation efforts and indigenous self-determination. In contrast, Brazil faces severe challenges due to state-backed deforestation policies, where government and corporate interests often override indigenous land claims. Despite constitutional provisions protecting indigenous communities, enforcement remains weak, leading to continued displacement and environmental degradation. The Brazilian legal framework needs urgent reforms to strengthen protections against illegal land seizures and deforestation, ensuring indigenous communities play a central role in conservation efforts.

India's legal stance remains ambiguous, oscillating between environmental protection mandates and tribal land rights. While the Forest Rights Act of 2006 provides a legal foundation for indigenous claims, inconsistent judicial interpretations and weak enforcement mechanisms have limited its effectiveness. Supreme Court rulings have at times upheld tribal land rights but have also reinforced conservation policies that lead to mass evictions. India's policy framework requires significant reforms to integrate indigenous governance models, ensuring that conservation initiatives do not come at the expense of tribal displacement. Strengthening legal safeguards, expediting land claim recognition, and aligning policies with international human rights frameworks can help address these challenges. The findings highlight that achieving a balance between forest conservation and indigenous rights requires a multifaceted approach. The implementation of the United Nations Declaration on the Rights of Indigenous Peoples can serve as a guiding framework for policy reforms in all three countries⁵³. Integrating indigenous knowledge systems into environmental governance can enhance conservation outcomes while safeguarding tribal autonomy. Legal clarity and uniform judicial standards are necessary to prevent arbitrary rulings that favor environmental protection at the cost of human rights. Additionally, strengthening participatory governance mechanisms will ensure that indigenous voices are not marginalized in policy decisions affecting their lands.

Corrective justice measures must be adopted to address past injustices related to forced displacement and land alienation. Establishing comprehensive compensation frameworks, rehabilitation policies, and legal mechanisms to challenge unlawful land acquisitions can contribute to a more equitable legal system. Ensuring that conservation policies do not disproportionately impact indigenous communities is crucial in maintaining both ecological sustainability and social justice. India, Brazil, and Canada can develop more inclusive forest conservation strategies by prioritizing legal recognition, participatory governance, and equitable judicial principles. Achieving this balance will require collaborative efforts between governments, legal institutions, and indigenous communities to create a framework where environmental protection and tribal autonomy coexist harmoniously..

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