

NAVIGATING THE COMPLEX SYNTHESIS OF ENVIRONMENTAL LAWS IN INDIA IN THE CONTEXT OF DETERIORATING FOREST COVER IN INDIA

Dr. Kawaljit Kaur^{1*}, Divjyot Sandhu², Mankirat Kaur Sra³

^{1*}Assistant Professor, University School of Law, Sri Guru Granth Sahib World University, Fatehgarh Sahib, Punjab, India

²Assistant Professor, University School of Law, Sri Guru Granth Sahib World University, Fatehgarh Sahib, Punjab, India

³Assistant Professor, University School of Law, Sri Guru Granth Sahib World University, Fatehgarh Sahib, Punjab, India

kawaljitkaurlaw2025@sggswu.edu.in¹

divjyotkaurlaw2025@sggswu.edu.in²

mankiratkaurlaw2025@sggswu.edu.in³

Abstract

The article is a route on the labyrinth Indian attempting to integrate its environmental laws in the ambiguous environment the diminishing forest cover. India is a country of severe paradox that has one of the most sophisticated systems of environmental regulations yet has severe issues as far as its implementation is concerned, as revealed by the steadily declining deforestation, land degradation, and massive disparities in statistics. The main conflict that is going to be examined in the paper is the developmental goals of India and its conservationist requirements (Kandpal, 2024). It questions even the notion of a forest, a statistical and legal loophole that allows the sources of authority to report an increase in the forest cover (DD News, 2024) when the losses are so shocking that they attract the attention of critical commentators and the courts of law (Live Law, 2024; Kohli, 2025). The paper takes the chronology of the maturation of the main forest law in India the Forest (Conservation) Act, 1980, and the radical, protective judicial action in 1996 in the case Godavarman. Thereafter, it critically dissects the new Forest (Conservation) Amendment Act, 2023, stating that this is an axe-swung law upon its forests (The India Forum, 2024). The conclusion of the analysis is that the interface between science and policy is not harmonized because it is organized around conflicting knowledge systems (Bisht, 2022) that mislead on the reality of ecological degradation. Lastly, the paper recommends that the paradigm shift in the environmental governance paradigm should be founded on abandonment of a maladapted synthesis of statutes and laws environmentally in favor of an environmentally just, equitable (Tanwar and Poply, 2024), and sustainable community livelihoods management (Das and Mallick, 2024; Singh and Kaunert, 2025).

INTRODUCTION

The environmental governance situation in India is a case of opposites. On the one hand, the country is praised with a strong and progressive legal system that is aimed at the conservation of the environment. This framework is also based on the Constitution, the only document that contains the provisions on the environmental protection (Article 48A) and the primary responsibility of citizens to preserve the environment (Article 51A(g)). The latter constitutional requirement is implemented as a complex of laws, such as the Wildlife (Protection) Act, 1972, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and most importantly the Forest (Conservation) Act, 1980 (FCA) (Ganesh Ji, 2024). The same legal synthesis is also supported by a strong and independent judicial system and other specialized tribunals such as the National Green Tribunal (NGT), who have a long-held active role in environmental protection.

This legal scaffolding of monuments, on the other hand, is sharply contrasted with the unnatural condition in which the natural resources of India were constantly falling gradually, especially forests. Although the official state-sponsored documents including the India State of Forest Report (ISFR) 2023 report indicate a nominal growth in the forest cover (DD News, 2024), these data are hotly discussed. According to the critics and independent scholars, these numbers are a paper illusion (Kohli, 2025). The formal definition of forest adopted by the Forest Survey

of India (FSI) is merely technical in nature; a piece of land exceeding 10% tree canopy cover, with an area of a hectare or more. Commercial plantations, tea estates, urban parks are controversially included in this definition, thus concealing the concurrent destruction of natural and biodiverse forests (old-growth forests) (Kohli, 2025).

This statistical fog covers a dark truth. In 2024, the NGT assumed suo moto cognizance of the reports that show that the tree cover has been losing 2.33 million hectares annually since 2000, which is quite concerning given that environmental norms are not being met (Live Law, 2024). The Tribunal has also tried to get answers to the questions raised by the central government over the deteriorating forest cover in certain ecologically sensitive areas such as Assam (Law Trend, 2025). This gap is not just an academic one, but it is the main fault line in the environmental management in India. It demonstrates a core disconnection at the science-policy interface, in which two divergent systems of knowledge, one founded on satellite-based measurements of the canopy density and another on ecological stability and community-grounded knowledge are at play (Bisht, 2022).

It is now at a critical crossroad with this development-environmental policy discourse (Kandpal, 2024). The demand by the central government to develop the economy quickly has already resulted in major changes to the legislation, with the Forest (Conservation) Amendment Act, 2023, being the most prominent. Critics claim that this amendment, which many believe is a drastic dilution of the existing 1980 Act, has been labeled as the swinging of an axe at the forests in India (The India Forum, 2024) and a betrayal of the climate commitment of the country under SDG13 (Hussain et al., 2024; IDR Online, 2023).

This is the convoluted and conflicted ground that this paper will sail through. It will focus on how the environmental laws in India have been synthesized with the help of a scrutiny of the inherent tension between the conservationist nature of the initial intent of the laws and the modern demands of development. It will break down the illusion on paper forest and critically examine the loopholes in governance that have been generated by poor data. Moreover, it will offer an in-depth review of the 2023 Amendment Act along with the evaluation of how it is likely to undermine decades of environmental protection. Lastly, it will discuss the way forward, emphasizing the key functions of the judiciary and community-based solutions in the quest to achieve environmental justice (Tanwar & Poply, 2024) and sustainable forest management (Das and Mallick, 2024).

1. The Bedrock and the Breach: The Forest (Conservation) Act, 1980, and Judicial Activism

The modern system of forest protection in India is largely developed based on the Forest (Conservation) Act, 1980 (FCA). The establishment of forests was a state issue even prior to the adoption of this law and the quantity of forest land that was redirected towards other non-forest purposes (agriculture, industry, dams) was real. It was a centralization of power intervention, the FCA, 1980, and made as mandatory as the states wish to utilize forest land but not in a forest way, they need to seek the approval of the Central Government (iPleaders, 2020). The primary objective of the Act was obvious: to provide the protection of forests and to the issues connected with the same. it was a direct rule act that was to stem out the abhorrent rate of deforestation and was to serve as a stern check against the conversion of land-use which was inconsiderate.

It is the crucible of judicial activism that made the successful synthesis of law, however. In the case of the *Thirumulpad vs. Union of India*, T.N.Godavarman, 1996, a Supreme court decision, the Indian environmental law was changed most dramatically. The court interpreted the word forest radically in response to the massive logging processes. It believed that the term forest in

the FCA, 1980 would apply not only to the lands that had been notified and registered on the government register as a forest but also all those lands that were synonymous to the meaning forest in the dictionary. This was a historic ruling. It put under the protective wing of the FCA the vast areas of so-called forests, millions of hectares of real forests, which were not forests, into factual forests that were not forests (Singh, 2018).

Nonetheless, the central aspect of the conflict in environmental governance in India was also disclosed by this judicial intervention that is, the so-called conflicting knowledge systems (Bisht, 2022). Goda Varman judgment was technically speaking a legal application of a scientific or ecological body of knowledge on an all-bureaucratic-legal one. It was conceded that the administrative writings were incomplete and the ecological reality of a forest surpassed its legal reality. This gave rise to another governance quandary, which was to define and mark these so-called deemed forests, which was never completely and scandalous achieved until decades afterward.

The whole paradigm is currently put under pressure by the prevailing discourse of the policy of development-environmentalism (Kandpal, 2024). The effectiveness of environmental law in India (Singh, 2018) is under the constant challenge of a strong development lobby that sees environmental regulations as obstacles of procedure. The Godavarman judgment, FCA, 1980 has been continually described by supporters of industry and infrastructure as barriers to economic development. This story preconditions the following legislative backlashes as the discourse of development became politically dominant than the discourse of environment. As a matter of law, it is ever an unstable synthesis, a truce between conservation and development which was never the rule of law, but rather a truce, and standing on judicial volition, rather than political agreement.

2. The Statistical Illusion: Contested Data and the "Disappearance" of Forests

The worst thing about the dwindling forest cover in India is that the state machinery cannot perceive it, it is statistically non-existent. This incongruence is the direct effect of the fact that the science-policy interface is not unpacked (as raised by Bisht, 2022), it is merely shattered. The government even took pleasure in the official report of the governmental ISFR 2023 report, which showed that there was an increase in the forest and tree cover (DD News, 2024). This is the primary fact that is given by the policymakers and is quoted on the international level to show the fulfillment of its climate action targets by India (Hussain et al., 2024).

However, the non-governmental researchers and, more importantly, the courts harshly question such official version. In this respect, as seen, the present action by NGT 2024 on a documented loss of 2.33 million hectares of tree cover since 2000 (Live Law, 2024), and its special investigation of dwindling cover in Assam (Law Trend, 2025) demonstrates a counterintuitive fact. This primary contradiction is in the FSI approach to things. Even the lowest possible density thresholds of the FSI, which is 10 percent, is not sufficient to distinguish a natural forest of 100 years of age and a commercial plantation of 10 years of age (Kanchi Kohli 2025). It means that even the old-growth forest with a certain level of carbon and biodiversity can be clearcut, and in the event it is replaced with the palm oil or the eucalyptus monoculture plantation, the FSI data will show that there is no net loss, or even more canopy density.

The source of such a serious gap in governance is this physical forest (Kohli, 2025). This theory that the forest cover in India is either sustaining or increasing makes the policy decisions such as the diversion of forest land. The statistical illusion is a good green light to the destruction of genuine ecologically useful forests because the system does not know the quality of the forest being destroyed, its biodiversity as well as ecological usefulness. It is a paradigmatic exemplification of the existence of conflicting knowledge systems (which only perceives the

canopy) like remote-sensing knowledge of the state is in direct opposition to that of ecologists and local populations who see the loss of biodiversity, drying streams, and soil erosion.

The consequences are extremely dire. Data issue directly affects the process of the Sustainable Development Goals (SDGs) achievement (Singh and Kaunert, 2025). Although the paper may appear that India is doing well on its SDG 15 (Life on Land) goals, on the ground, it is the extreme land degradation (Huber-Sannwald et al., 2012) and failure to achieve its goal of sustainable land forest management to reclaim degraded lands (Mishra and Agarwal, 2024). In addition, it has disastrous impacts on the societies. Such natural forests provide their services in the shape of the so-called provisioning ecosystem services such as clean water, non-timber forest products, and livelihood support, which is unavailable in the case of commercial plantations (Das and Mallick, 2024). The statistical illusion also hides, in addition to an ecological crisis, a social crisis waiting to happen and damages the very concept of interdisciplinary visions of justice, equity, and fairness (Tanwar and Poply, 2024) which the environmental law is supposed to propagate.

3. The 2023 Amendment: Legislating the Dilution of Forest Protection

The centuries-old tussle between the discourse of development-first in India (Kandpal, 2024) and its conservation law led to the Forest (Conservation) Amendment Act, 2023. It is a comparatively undemocratic law that fundamentally alters the manner in which environmental law is synthesized to much an extent of codifying the Gaia of watered down protections that development advocates have often sought to have enshrined in legislation. What critics have described as swinging an axe at the forests in India (The India forum, 2024) and one move that compromises the climate ambitions of India (IDR Online, 2023).

The Amendment of 2023 is the direct assault on the judgment of Godavarman. This, which supposedly codifies liberal construction of forest by the Supreme Court, carries with it a serious fatality: it provides that FCA, 1980, shall never apply to any land recorded as Forest in any government record as on or after October 25, 1980. The reasoning of this single clause is that millions of hectares of so-called deemed forests the type of forests which are under the protection of the 1996 decision, but which were never formally demarcated by state governments might be left without any legal protection. They are the same forests that despite their non-papered condition are ecologically vital.

Moreover, the Amendment is equally accompanied with sweeping new exemptions which in essence grant vast territories to the sight of the FCA. The worst part of the latter is exemption of the strategic linear projects that are within 100 kilometers of the international borders of India. The swathe covers the whole Himalayans and the biodiversity hotspots of the Northeast that are most ecologically sensitive and vulnerable to climate and of utmost importance to climate resilience (Hussain et al., 2024). The Act provided exemption to land in eco-tourism facilities and small-scale roadside facilities also which are notoriously liable to abuse.

This amendment is essentially a re-engineering of the science-policy interface (Bisht, 2022). Instead of rectifying the erroneous information, the law is brought to fit it. With this kind of government definition of a forest being reduced to the one that is recorded, the government has ensured that the diversion of the high volumes of ecological forests in future will no longer be considered legally as deforestation. It is a legislative conjugation, which causes the problem in paper to fade. This is a telling reorientation of the development-environmental policy rhetoric (Kandpal, 2024) with the infrastructure and strategic interests being given the priority, as compared to the biodiversity, climate action (SDG 13) and livelihoods of forest-dependent communities (Das and Mallick, 2024). The new synthesis of the law is a form, where conservation is no longer an absolute need but rather a concession.

4. Navigating the Future: Environmental Justice, Community Rights, and Judicial Re-engagement

The environment conservation in India does not have a smooth future considering the ongoing confusion of the forest statistics after the 2023 Amendment. The new synthesis of laws has sabotaged the key legislative tool of conservation of Forest. However, the struggle to save the Indian forests is acquiring new grounds, and the primary focus is on the problems of the environmental justice, the right of the community and the possible re-entrance of the judicial branch of government.

The greatest opposition to development-first by the state discourse is the idea of justice, equity and fairness in environmental law (Tanwar and Poply, 2024). Deforestation is not an abstract nature ecological problem but is a radical human right and social justice problem. Millions of Adivasi (indigenous) and other forest-dwelling individuals are in the dozens of forests which are being statistically erased and legislatively opened to diversification. The main feature of these settlements is a high reliance on provisioning ecosystems (Das & Mallick, 2024). It is not just a resource of them, it is the roots of their culture, economy and even their lives.

It brings another significant legislation to the synthesis; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). The FRA is a rights based law that is meant to recognize the historical injustice against the forest communities by granting an avenue to the forest communities to control and conserve their traditional forest lands as well as the right to control their forest lands. The amendment of 2023 which sought to rush into diversion is competing with the FRA that now wants to have consensus within the community before a forest land can be diverted. The future of the protection of forests is probably determined by the legal and political struggle of the implementation and primacy of the FRA. These communities as the primary custodians of the forest cannot be empowered to attain such purposes as the community resilience (Singh and Kaunert, 2025), or sustainable forest land management (Mishra and Agarwal, 2024).

Finally the whole scene will be reverted to the judiciary. In the past the Supreme Court and the NGT were regarded as the so-called environmental protectors (Ganesh Ji, 2024). It is a sign that the NGT is prepared to question the government data and hold them responsible because the suomoto activities of the NGT (Live Law, 2024) are currently in effect. The 2023 Amendment is even being questioned in the Supreme Court. The courts are being asked to rule whether a legislative initiative can strike a judgment that was decided over two decades ago (Godavarman) and be the pillar of the environmental law. How the court maneuvers around this rocky road, between the separation of powers and the natural role it occupies in acting as a guaranteeer of Article 21 (the Right to Life) which also happens to be the Right to a healthy environment, will mark the turning point of environmental future of India.

CONCLUSION

The negotiating of the elaborate formulation of the environmental laws in India presents a system which reveals a dangerous crossroad. The legal system of the country that was once viewed as a role model in the world is being internally attacked. It revolves around one phenomenon dissonance: the dissonance between official statistics and the ecological reality, between a discourse of development-at-all-costs (Kandpal, 2024) and a discourse of sustainability, between the centralized and exclusionary logic of the 2023 Amendment and the rights of the community that the Forest Rights Act is premised upon.

It is not only not sufficient to introduce more laws to make the environmental law in India effective (Singh, 2018), but also to protect the ones that already exist. The current trend that is being reinforced by the misleading information (Kohli, 2025) and broken science-policy

channel (Bisht, 2022) is not sustainable. By seeking to create some kind of clarity, the Forest (Conservation) Amendment Act, 2023, has, in actuality, institutionalised an ecocide model to wield an axe (The India Forum, 2024) at the heart of the Indian biodiversity and climate-resilience.

The depletion of forest cover of India is no longer an environmental tragedy; an administrative failure, climate vows betrayal (Hussain et al., 2024), and a tragedy in itself to the communities that have grown to depend on the forest (Tanwar and Poply, 2024). Further statistical delusions have no constructive way out. It must have a new synthesis: a synthesis excluding the false dichotomy of development and environment, a synthesis that takes into account transparent and ecologically-healthy science, and an inter-generational goal of sustainable development (Singh and Kaunert, 2025) is at the heart of it. The onus has now devolved upon the judiciary, the civil society and the community based movements to keep the line, in order that India forests may not be disappearing with a stroke of the pen of the legislator which is so easy and lethal in its operations.

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