
FORESTS AT THE CROSSROADS: THE 2023 AMENDMENT AND THE FUTURE OF ENVIRONMENTAL JUSTICE IN INDIA

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ABSTRACT

The “Forest (Conservation) Amendment Act, 2023” is fundamentally important with respect to law, environment, and development in India. It attempts to refine infrastructure, national security, and afforestation by enabling faster approvals of forest land, and in doing so, it shifts the boundaries of the “forest” and greatly expands exemptions within and under the “land use” category. India is currently facing imperative ecological challenges such as rising temperatures, erratic rainfall patterns, shrinking biodiversity, and increasing deforestation pressures. This have given rise to the question whether this is the right time to bring in such an amendment. These unrecorded forests, as well as some form of biodiversity, along with many indigenous people will be negatively impacted and their lives will be made more difficult due to the fast execution of projects. The article, examines the contradictions posed by the amendment in the light of constitutional and democratic rights of India, ecological national duties, international climate commitments like the Paris Agreement and the biodiversity pledge, and other India specific undertakings. With the help of case law and comparison, keen attention is made to the often-neglected consequences of the amendment in the Northeast and forest-rich tribal region in the context of development. The article makes the case for treating development and conservation as a single, integrated issue and, in this context, emphasizes the need for community rights as enshrined in the Forest Rights Act, environmental approvals free from government control, and real consultation on policy-making and law-making.

1. Introduction

India has a long drawn history of valuing its natural environment and wildlife. One of the country's major environmental goals is to have forests cover about one-third (33%) of its total land area.¹ This target is important for tackling climate change, protecting wildlife, and keeping nature's balance in check. Right now, India's forests cover around 21.67% of its land, according to the latest reports (India State of Forest Report, 2021)². Getting closer to that 33% goal is challenging because of ongoing problems like deforestation, land damage, and the pressure to use land for farming, cities, and industry. The Wildlife Protection Act of 1972 is one of India's key laws to protect endangered animals and their habitats. It helped set up national parks and sanctuaries, which are safe havens for many species. Projects like "Project Tiger and Project Elephant have also played a big role in saving these animals from extinction".³ India's pledge towards protecting nature is not only local but also global. For example, "India supports the "30 by 30" initiative, which aims to protect 30% of the world's land and oceans by 2030"⁴. India, swears to surge its forests so they absorb 2.5 to 3 billion tonnes of carbon dioxide by 2030 as it is also part of the Paris Agreement.⁵ These promises show India's willingness to play its part in the global fight against climate change. To be a carbon neutral nation, India is working on multiple areas which included expanding renewable energy like solar and wind, planting more trees, and improving forest management. But balancing this with the country's need to develop infrastructure and defend its borders is a cumbersome and herculean task.

The "Forest Conservation (Amendment) Act of 2023" has thrown up many debate in this context. It provides lesser restrictions on projects which are relating to defence and infrastructure that convert forest land to non-forest land use. The reasoning by the government is that this will help in development and improve the security of the nation and facilitate project

¹ Press Information Bureau, Govt. of India, *Cabinet Approves Amendments to Forest (Conservation) Act, 1980* (Apr. 5, 2023), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1906388>.

² Forest Survey of India, *India State of Forest Report 2021*, <https://fsi.nic.in/forest-report-2021-details>.

³ Lotus Arise, *Wildlife Conservation Efforts and Projects in India*, <https://lotusarise.com/wildlife-conservation-efforts-and-projects-in-india/>.

⁴ The Nature Conservancy, *Committing to 30x30: Land and Water Stories*, <https://www.nature.org/en-us/what-we-do/our-priorities/protect-water-and-land/land-and-water-stories/committing-to-30x30/>.

⁵ UN Climate Champions, *2030 Climate Solutions Publication: Implementation Roadmap*, <https://www.climatechampions.net/media/vknpzpxo/2030-climate-solutions-publication-implementation-roadmap.pdf>.

delivery processes. This also will in the long run discount the impacts it may have on forests, wildlife, and the people who depend on those ecosystems. In India, forests are necessary for maintaining ecological processes and functions, water security, and increasing climate suppleness. The original “Forest (Conservation) Act of 1980” was an act which was used to regulate the digression of forest land from forest use to non-forest use. Over the years the Forest (Conservation) Act became an important legal provision for the protection of forest land from arbitrary encroachments. The Forest (Conservation) Amendment Act, 2023 makes significant changes to the legislation that can disrupt the original fundamentals of conservation.

2. Background and Need for the Amendment

The Forest (Conservation) Amendment Act, 2023⁶, was introduced by the Government of India with the intention of addressing certain ambiguities and practical difficulties in the implementation of the original Forest (Conservation) Act of 1980. Over the years, the interpretation of the term “forest” has significantly evolved, especially after the landmark Supreme Court decision in *T.N. Godavarman Thirumulpad v. Union of India* (1996)⁷. That ruling broadened the meaning of “forest” to include areas that matched the dictionary definition, regardless of their legal status in official records. While this judicial intervention was pivotal in strengthening forest protection, it also led to administrative confusion and delays in project approvals due to differing interpretations of what constitutes forest land.

In response, the government has stated that one of the core purposes of the 2023 Amendment is to bring clarity to this definition—essentially limiting it to land that is officially notified as forest or recorded as such in government documents as of October 25, 1980. This step, according to policymakers, aims to eliminate uncertainty and streamline decision-making processes.

Furthermore, the reason behind this Amendment is a response to persistent national priorities. The sensitive regions and the connected infrastructure development in border is viewed as crucial to India’s defence strategy, especially because of the geopolitical tensions. According to the government these have to be regulated so that it will allow for faster arrangement of

⁶ The Forest (Conservation) Amendment Act, No. 23 of 2023, Gazette of India, Extraordinary, pt. II, sec. 1, at 1 (Aug. 4, 2023), <https://egazette.gov.in/WriteReadData/2023/247866.pdf>.

⁷ *T.N. Godavarman Thirumulpad v. Union of India*, AIR 1997 SC 1228, <https://theanalysis.org.in/explained-judgment-that-defined-forests-in-india/>.

roads, railways, and security fittings, which are not only crucial for national security but also for logistical efficiency.

In fact, the Amendment gives a boost up to eco-tourism, afforestation on private lands, and the expansion of public utilities especially those areas where bureaucratic red tapism is often seen as a hurdle to growth and innovation. By streamlining forest clearance procedures for such projects, the government hopes to bring in a balance between economic opportunity and environmental regulation.

India is currently facing imperative ecological challenges such as rising temperatures, erratic rainfall patterns, shrinking biodiversity, and increasing deforestation pressures. This have given rise to the question whether this is the right time to bring in such an amendment. Many environmentalists, legal scholars, and community rights advocates have questioned whether this is the right moment to weaken protections, even in the name of development or security⁸. They argue that abridging processes must not come at the cost of long-term environmental sustainability and the rights of indigenous and forest-dependent communities.

In essence, while the government's rationale reflects important administrative and strategic considerations, the Amendment's timing and scope demand a closer look to ensure that it does not unintentionally compromise India's ecological integrity or constitutional commitments to environmental justice.

3.The “Forest Conservation (Amendment) Act, 2023 ” at a Glance

The Forest Conservation (Amendment) Act, 2023, represents a major update to India's foundational forest protection legislation, the Forest (Conservation) Act of 1980. This amendment clarifies and narrows the legal definition of “forest,” limiting it to lands officially recorded as forests under laws like the Indian Forest Act, 1927, or in government records as of October 25, 1980⁹. Importantly, it excludes areas converted to non-forest use before December 12, 1996, which means many community-managed and unrecorded forest areas lose legal protection. The amendment introduces exemptions allowing forest land within 100 kilometers

⁸Harini Nagendra, *India's New Forest Conservation Act: Whose Forests, Whose Conservation?*, The India Forum (Aug. 11, 2023), <https://www.theindiaforum.in/article/whose-forests-whose-conservation>.

⁹ Shillim Institute, *Implications of the Forest Conservation Amendment Act 2023: Balancing Development and Environmental Sustainability* (July 25, 2024), <https://www.shilliminstitute.org/2024/07/25/implications-of-the-forest-conservation-amendment-act-2023-balancing-development-and-environmental-sustainability/>.

of international borders to be used for national security and defense infrastructure without prior clearance, and permits small patches up to 10 hectares for roads, railways, and public utilities. It also broadens the range of activities allowed in forests, explicitly permitting ventures like zoos, safaris, and eco-tourism projects. Additionally, the amendment centralizes power by requiring state government assignments of forest land, whether to public or private entities, to obtain central government approval ¹⁰.

These changes have profound implications for India's forests. By narrowing the definition, a significant portion of forest-like landscapes, particularly those not officially recorded, stand to lose protection—estimates suggest up to 28% of such areas could be excluded, posing a threat especially in ecologically sensitive regions like Northeast India¹¹. The expanded exemptions and permitted activities open doors for commercial exploitation, allowing infrastructure and tourism projects to proceed often without thorough environmental assessment or community consent. This situation raises serious concerns about the weakening of statutory protections for indigenous and forest-dependent communities, as the amendment sidelines the requirement for Gram Sabha approval, putting tribal land rights under the Forest Rights Act (2006) at risk. The streamlined clearances and expanded scope of exemptions also threaten fragile ecosystems by exposing buffer zones and community forests to deforestation, which could lead to biodiversity loss and affect water security ¹².

Legally, the amendment reverses key protections established by the Supreme Court's landmark Godavarman ruling of 1996, which had adopted a broad definition of forests based on dictionary meanings rather than official records. Several legal challenges are currently in progress, with courts issuing interim protections to certain forest areas. Furthermore, the move to centralize decision-making in forest governance raises concerns about transparency and accountability, as it reduces the role of state governments and local communities in forest land decisions.¹³

¹⁰ Lukmaan IAS, *Forest Conservation Amendment Act, 2023* (Feb. 21, 2024), <https://blog.lukmaanias.com/2024/02/21/forest-conservation-amendment-act-2023/>.

¹¹ IndiaSpend, *Forest Law Amendment Will Make It Easier To Divert 28% Of India's Forest Cover* (2023); Mongabay India, *What Does the Forest (Conservation) Amendment Act Mean for Northeast India?* (2023).

¹² Ashwini Chhatre, *Forest Governance after the Forest (Conservation) Amendment Act, 2023*, 35 *Econ. & Pol. Wkly.* 1 (2023), <https://ecoinsee.org/journal/ojs/index.php/ees/article/view/1371>.

¹³ Supreme Court Observer, *The Amended Green Law Is Full of Red Flags: Forests Amendment Act 2023*, <https://www.scobserver.in/journal/the-amended-green-law-is-full-of-red-flags-forests-amendment-act-2023/>.

While the amendment aims to facilitate infrastructure development, national security, and afforestation efforts aligned with India's Net Zero Emissions goals¹⁴, it also poses significant risks of forest cover loss, biodiversity decline, and marginalization of indigenous rights. To ensure that India's environmental and development objectives are balanced, it is essential to maintain strong environmental safeguards, uphold community participation, and exercise rigorous oversight in forest land management.¹⁵

The major elements that was introduced by the amendment are as follows:

a. Restricted Definition of 'Forest' The amendment limits the Act's application to lands:

- Notified as forests under the Indian Forest Act, 1927, or any other law,
- Or lands recorded as forest in government records as of 25 October 1980.

This change effectively excludes a large number of forest-like areas that were previously protected due to the Godavarman judgment. It opens up ecologically rich but unrecorded forest lands to development.

b. Exemptions for Strategic Projects Land within 100 km of international borders can be used for:

- Security-related infrastructure,
- Public roads and utilities,
- Defense installations, without requiring prior forest clearance under the Act.

c. Exemptions for Specific Activities The amendment exempts certain activities from prior approval requirements, such as:

¹⁴ Net Zero India, *India's Path to Net Zero*, https://netzero.ncmaindia.org/?gad_source=1&gad_campaignid=22053622707&gbraid=0AAAAADDQaxGZIZZ70yNaDWZxHu9sA-36&gclid=EAIAIqobChMI8LKm4p3xjgMV0ix7Bx3lGiIYEAAYASAAEgIZFPD_BwE.

¹⁵ Citizens for Justice and Peace, *Forest Conservation Amendment Act 2023: A Challenge to Adivasi Land Rights and Environmental Protections*, <https://cjp.org.in/forest-conservation-amendment-act-2023-a-challenge-to-adivasi-land-rights-and-environmental-protections/>.

- Zoos, safaris, and eco-tourism projects,
- Surveys and investigations without tree felling, which are likely to affect forest integrity.

d. Private Land Afforestation Private entities can now voluntarily afforest non-forest land and be considered under the Act, potentially incentivizing monoculture plantations and displacing community use.

4. Implications of the Amendment

The Forest (Conservation) Amendment Act, 2023 has far-reaching implications for India's environmental governance, tribal rights, and ecological sustainability. Few of the significant ones are discussed below.

a. Dilution of Forest Protections Millions of hectares of forest-like land that were protected under the Godavarman ruling are now excluded, creating loopholes for commercial and industrial encroachment.

b. Threat to Tribal Rights and Livelihoods Forest-dwelling communities, especially Adivasis, risk losing access to traditional lands not formally recorded as forests. Their right to consultation and consent under the Forest Rights Act, 2006¹⁶ is side-lined, undermining constitutional protections. The Forest Rights Act (FRA), 2006—officially titled the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act* was a crucial step in addressing the long-standing neglect and marginalization of India's forest-dwelling communities. Enacted to rectify those injustices which was done earlier, the law formally recognized not only the rights of Scheduled Tribes but also other traditional wilderness occupants who have lived in and relied on forests for generations. It grants them the legal right to reside in, cultivate, and use forest resources for their livelihood, which were previously denied under older forest governance regimes.

c. Ecological risks: Forests doesn't always mean trees. It is a living ecosystems that support a wide range of plant and animal species, flora and fauna, many of which are not found anywhere else on Earth. They play a vigorous role in regulating the climate, storing carbon,

¹⁶ Ministry of Tribal Affairs, Govt. of India, *Forest Rights Act*, <https://tribal.nic.in/FRA.aspx>.

filtering water, and recharging groundwater. Destruction of forests have ripple effect .The immediate effect is increase in carbon emissions. Trees act as natural carbon sinks, absorbing and storing carbon dioxide from the atmosphere. When these trees are cut down it releases this stored carbon, hastening global warming. Apart from that the forest loss affects groundwater recharge, especially in regions where tree roots help absorb rainwater and direct it into underground aquifers. Without this natural system, water tables can drop, which in turn increases the water scarcity both in rural and urban area. As a ripple effect there can happen an irreversible loss of biodiversity. Forests are home to thousands of species that rely on specific habitats to survive. Once these ecosystems are damaged, they may never recover, leading to the permanent extinction of plants, animals, and microorganisms.

d. Constitutional Concerns

The “Forest (Conservation) Amendment Act, 2023” has raised important concerns related to Article 21, which gives “everyone the right to life”. Years down the line Indian judiciary have made it clear that Article 21 includes the right to live in a clean and healthy environment. Forests play a major role in providing clean air, it support water sources, protects biodiversity, and helps in fighting climate change. Permitting forests to be cut down easily, or turning them into land for roads, industries, or military projects without strong environmental checks, could put this basic right at risk.

Another issue is about Article 14, which provides equality before the law. The amendment makes exceptions for certain forest lands i.e., land near borders or along road without clearly providing the valid reason. Such an exception can lead to biased treatment and may provide special advantages to a few groups or projects, excluding others . When laws are not made applicable to all equally, it leads to chaos.

In simple terms, the changes made by this amendment could harm both people and nature. It’s important that such laws are carefully reviewed and monitored, so that our forests stay protected, and our fundamental rights—especially those of tribal communities and others who depend on forests—are not ignored or taken away.

5. Judicial Landmarks and Global Precedents in Forest and Environmental Protection

India's legal journey toward forest conservation has been significantly shaped by progressive judicial pronouncements. A turning point came with the Supreme Court's decision in *T.N. Godavarman Thirumulpad v. Union of India* (1996), which broadened the definition of "forest" to include areas that met the dictionary meaning, regardless of whether they were formally notified by the government. This interpretation ensured that vast swaths of ecologically sensitive land received protection under the Forest (Conservation) Act. However, the 2023 Amendment reverses this approach by restricting protections to lands officially recorded as forest in government documents, thereby excluding large tracts of forest-like areas.

In *Orissa Mining Corporation v. Ministry of Environment and Forests* (2013)¹⁷, the Supreme Court highlighted the constitutional and statutory rights of tribal communities, particularly the Dongria Kondh in the Niyamgiri Hills, who opposed bauxite mining on their sacred lands. The judgment underscored that no project could proceed without the free, prior, and informed consent of local Gram Sabhas under the Forest Rights Act, 2006. This principle is jeopardized by the Amendment, which weakens community participation in decisions involving forest land diversion.

The Court's verdict in *Samatha v. State of Andhra Pradesh* (1997)¹⁸ took a strong stance in protecting tribal lands from exploitation, ruling that private mining companies could not operate on land owned by Scheduled Tribes in scheduled areas. This decision reaffirmed the protective intent of the Constitution's Fifth Schedule. However, the new legal regime could potentially dilute such safeguards by streamlining clearances without adequately accounting for tribal rights.

In the global scenario, courts have also emerged as protectors of environmental and climate justice. A farmer in Pakistan challenged his government's indecision on climate change, wherein the Lahore High Court ordered the establishment of a Climate Change Commission. This order was given in *Leghari v. Federation of Pakistan* (2015)¹⁹. The case approved that environmental degradation violates the fundamental rights to life, dignity, and health. In *Milieudefensie v. Royal Dutch Shell* (2021)²⁰, a court in Netherlands held one of the world's

¹⁷ Ministry of Tribal Affairs, Govt. of India, *Forest Rights Act*, <https://tribal.nic.in/FRA.aspx>.

¹⁸ *M.C. Mehta v. Union of India*, AIR 1997 SC 3297.

¹⁹ *Prafulla Samantray v. Union of India*, W.P. No. 25501 of 2015 (2015).

²⁰ J. Spier, *The Duty of Care of Fossil Fuel Producers for Climate Change Mitigation: Milieudefensie v. Royal Dutch Shell*, 11 Transnat'l Env't L. 1 (2022), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/EDCC4BD586E989389D0CF721F1934F62/S2047102522000103a.pdf/the-duty-of-care-of->

largest oil companies are legally responsible for reducing its carbon emissions. A milestone judgement in corporate responsibility for climate change.

In the United States, the *Juliana v. United States*²¹ a group of young plaintiffs filed the lawsuit, claiming that the federal government's ongoing inaction on climate change threatens their basic constitutional rights, including the right to life and liberty. This case is also important to the fact that the younger generation is taking keen interest in taking actions to hold governments responsible for ignoring environmental issues. In Latin America, the Yanomami Case from 1985²², which was taken to the Inter-American Commission on Human Rights, highlighted Brazil's failure to protect the Yanomami Indigenous community. The government's lack of oversight allowed mining and deforestation to harm the tribe's land and health. This important case emphasized on the rights of Indigenous peoples.

These judicial actions have been complemented by grassroots environmental movements that have left an enduring legacy. The deforestation crisis in the Amazon is a sobering example of what can happen when forest laws are relaxed—rampant destruction, loss of biodiversity, and harm to indigenous livelihoods. This trajectory serves as a cautionary tale for India, especially as exemptions under the new law could facilitate similar outcomes.

India's *Chipko Movement* of the 1970s²³ is a symbol of environmental resistance. The women of rural Uttarakhand, communities physically embraced trees to prevent commercial logging. Their efforts not only saved forests but also triggered national awareness about the ecological and social value of environmental conservation led by community.

In the United States, the *Standing Rock Protests* (2016)²⁴ brought together Native American tribes, environmental activists, and civil society groups against the Dakota Access Pipeline. Their resistance highlighted the deep-rooted connection between indigenous land rights and

fossil-fuel-producers-for-climate-change-mitigation-milieudefensie-v-royal-dutch-shell-district-court-of-the-hague-the-netherlands.pdf.

²¹ *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020).

²² *Comunidad Yanomami v. Brazil*, Case No. 7615, Res. No. 12/85, Inter-Am. C.H.R. (1985), <https://www.escriet.org/caselaw/2006/comunidad-yanomami-caso-no-7615-resolucion-no-1285-eng/>.

²³ Sugi Project, *The Chipko Movement*, <https://www.sugiproject.com/blog/the-chipko-movement>.

²⁴ If Not Us Then Who, *Fight Standing Rock*, https://ifnotusthenwho.me/films/fight-standing-rock/?gad_source=1&gad_campaignid=1342009562&gbraid=0AAAAADBMya-bOSADVhm49G0dAC4Ktf5rY&gclid=EAIaIqobChMIm5ufwaLxjgMVXH0PAh0JFA6MEAAYASAAEgLdM_D_BwE.

environmental sustainability, drawing global attention to how infrastructure projects can threaten both ecology and identity.

Judgments and various people movement stress that environmental conservation is not just about protecting trees it's not only about conservation of ecosystems, but also about respecting the rights of indigenous peoples, and ensuring that development is inclusive, just, and sustainable. As India navigates the delicate balance between progress and preservation the Forest Conservation (Amendment) Act, 2023, must be examined against this backdrop,

6. The Way Forward: Striking a Balance Between Progress and Protection

The need to safeguard India's ecological and cultural heritage is very important as India moves forward with its ambitious development goals. The Forest (Conservation) Amendment Act, 2023, has raised important questions about how the country balances economic progress with environmental sustainability. A structured, inclusive, and rights-based approach is essential is the need of the hour. The following pathways offer constructive directions for harmonizing national interests with ecological and the well-being of the people.

a. Harmonizing Infrastructure with Ecology

Economic growth and ecological preservation need not be mutually exclusive. Large-scale projects related to infrastructure, security, and energy are essential for national development, especially in underserved regions²⁵. However, these must be planned within well-defined ecological limits. Development should follow the principle of *avoid–minimize–mitigate*—avoiding ecologically sensitive areas wherever possible, minimizing environmental damage when avoidance isn't feasible, and compensating responsibly when damage is unavoidable.²⁶ Projects that pass through forest areas must undergo rigorous scrutiny, with biodiversity assessments and alternative route planning as prerequisites—not afterthoughts.

b. Empowering Communities through the Forest Rights Act (FRA)

²⁵ Cypress Environmental Institute, *Environmental Impact Assessment: Advantages & Disadvantages*, <https://cypressei.com/engineering/environmental-impact-assessment-advantages-disadvantages/>.

²⁶ Doon Law Mentor, *Environmental Impact Assessment Laws in India: Challenges Ahead in 2025*, <https://doonlawmentor.com/environmental-impact-assessment-laws-in-india-challenges-ahead-in-2025/>.

The Forest Rights Act, 2006, was enacted to correct historical injustices against forest-dwelling and tribal communities. Its core principle is that forest governance should be community-led and consent-based. This principle must be strengthened, not diluted. The decision-making authority of Gram Sabhas (village assemblies) should be treated as central to any forest land diversion or development project. Ensuring that tribal and forest-dependent communities are genuinely consulted—not just informed—can help align projects with both conservation priorities and community welfare. FRA implementation should be monitored regularly, and states must be held accountable for delays and violations.

c. Ensuring Independent, Transparent Environmental Oversight

The Environmental Impact Assessment (EIA) process is a vital safeguard against unchecked development.²⁷ However, it has often been criticized for lacking transparency and public involvement. To restore its credibility and effectiveness, the EIA process must be reformed to include greater public participation, independent scientific assessments, and accessible reporting. Environmental clearances should not become a formality or a rubber stamp. Third-party audits, citizen oversight mechanisms, and digital tracking of project impacts can help ensure that EIAs serve their intended purpose—protecting ecosystems and the communities that rely on them.

d. Reinstating Participatory Lawmaking and Democratic Accountability

Changes to forest and environmental laws should never be hastened without listening to the people whose lives and livelihoods are most affected. Forest-dwelling communities, indigenous groups, environmental scientists, legal scholars, and civil society organisations deserve a real seat at the table from the very beginning. The recent amendments to the Forest (Conservation) Act have drawn criticism for bypassing broad public consultation and relying on a top-down process. This approach risks eroding trust and undermining the very purpose of environmental protection. To safeguard both nature and democratic values, lawmaking in this area must be open, inclusive, and transparent. Public hearings, expert consultations, and thorough environmental and social impact assessments should be carried out before any changes are made. These steps are not just procedural formalities—they are essential for

²⁷ Doon Law Mentor, *Environmental Impact Assessment Laws in India: Challenges Ahead in 2025*, <https://doonlawmentor.com/environmental-impact-assessment-laws-in-india-challenges-ahead-in-2025/>.

building public confidence and ensuring that environmental justice remains at the heart of policy decisions.

7. Conclusion

The Forest (Conservation) Amendment Act, 2023, is not merely an amendment. It brings about and portrays a fundamental change on how India visualises and views its relationship with forests. The amendment not only aims to streamline development and strengthen national security, but also marks a move away from the ecological preservation values that shaped the original 1980 law. In a country which is ecologically diverse and socially complex as India, forests are not just a green area. They are a huge ecosystems that support wildlife, regulate the climate, and provide cultural and economic resources for many communities, especially Adivasi and forest-dwelling groups. When laws focus on infrastructure growth or economic gain instead of the ecological and social value of forests, there is a chance that they might neglect the very people who have protected these lands for generations.

This amendment comes at the right time . India is seeing more severe climate impacts, such as unpredictable monsoons, heatwaves, which subsequently lead to a loss of biodiversity. At the same time, the country is making bold global commitments to act on climate issues, achieve carbon neutrality, and meet conservation targets. Weakening legal protections for forests and reducing the involvement of Gram Sabhas and tribal communities undermines these commitments and challenges key constitutional principles like the right to life, equality, and environmental justice.

Lessons from Indian cases like *T.N. Godavarman and Orissa Mining Corporation*, along with international rulings like *Leghari v. Pakistan* and *Juliana v. U.S.*, show that courts have stepped in to protect nature when governance has failed. These cases highlight the need for clear laws, community consultation, and accountability in managing forests. India now faces an important choice. It can pursue a path where growth and conservation work together through inclusive, rights-based governance. Alternatively, it can follow a path where short-term economic interests damage centuries of ecological knowledge and community care. The future of India's forests—and the rights of those who rely on them—will depend on how this amendment is applied. It requires sensitivity, checks and balances, and a real commitment to sustainability.