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Development Without Destruction: Laws And Accountability In Forest Conservation

Mrs Apoorva Shetty

Assistant Professor, Shri Dharmasthala Manjunatheshwara Law College, Centre for Post Graduate Studies and Research in Law, Mangaluru – 575 003, India

Abstract: The modern technological state intensifies the conflict between environmental values and developmental needs. Legal strategies are necessary to reconcile this conflict and to augment social development. Developmental activities even though necessary may cause several negative impacts on the environment. However, developmental projects cannot be stalled for environment as they are necessary for the survival of mankind. Thus, it is essential to strike a balance between environmental protection and developmental needs so that both can co-exist. The recent Kancha Gachibowli row has raised serious questions in the minds of citizens. Can trees be just cut like that in the guise of development? Can the government distort the habitation of animals? Are there no laws and regulations to protect the forests and animals? If there are laws, why did the incident happen? Who is to be held accountable in such situations? These are some of the common questions. The article aims to analyze the counterplay between developmental needs and conservation of forest. In India the protection of forest and wildlife is ensured through various judicial pronouncements and enactments. Over the years the Supreme Court through various judgments has played a vital role in the conservation of forests. Legislations like The Indian Forest Act, 1927, The Forest Conservation Act, 1980 and The Environment Protection Act, 1986 contains comprehensive provisions on the protection and preservation of environment. The Article aims to analyze the above laws.

Index Terms – Environment, Forest, Conservation, Supreme Court, Legislation.

I.INTRODUCTION

Forests are a boon to every country as they help in maintaining ecological balance. Besides this, forests provide a number of advantages ranging from enhancing the fertility of soil, preventing soil erosion, providing shelter to the wildlife, protecting tribal population etc¹. Apart from the benefits from environmental perspectives, the forests also provide raw materials like timber, fodder etc. while also helping in the revenue generation for the government. The management of forest is always tricky, for instance, destroying forests for the developmental projects can raise serious issues. Well structured legal standards must be set up in order to strike a balance between the developmental needs and forest conservation. While framing forest laws, three vital factors need to be considered, i.e., justice to the people, justice to nature and justice to future generations².

¹ Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh, (1988) AIR SC 2187 (India).

² P LEELA KRISHNAN, ENVIRONMENTAL LAW IN INDIA, p.40 (Lexis Nexis, 6th Ed 2021).

As per the India State of Forest Report, 2023, the total Forest and Tree cover is 8,27,357sq km, which is 25.17 percent of the geographical area of the country³. India is one of the most biodiverse countries in the world, even though it covers only 2.4% of the Earth's land. It is home to 7-8% of all known species, including over 45,000 types of plants and 91,000 types of animals⁴. Apart from this, natural resources are abundant in forest areas which can be utilized by human beings, however exploitation of these resources without proper monitoring will lead to disruption of the forests leaving nothing for the future generations. With the constant rise in population, more and more forests are being destroyed to accommodate the needs of rising population thereby causing serious dangers to the environment⁵.

II.NEGATIVE IMPACT OF DEFORESTATION

Deforestation can be defined as a process of converting a forest to a non-forest for various purposes ranging from developmental or agricultural needs⁶. There can be several dangers associated with deforestation. They are as follows.

a. Climate Change

Not only is carbon released on massive scale during the clearing of the forest, but the long- term ability of the forest to sequester greenhouse gases is also seriously compromised. Effectively, once forests are cut down, their carbon sink capacity is severely reduced ⁷.

b. Acidification of ocean

When the emissions of carbon from the burning of fossil fuels and deforestation increase, more carbon dioxide is taken in by oceans. This results in ocean acidification – a chemical interaction between sea water and CO² that decreases the pH of the ocean, which is now more acidic. This change lessens the concentration of carbonate, an important substance for shellfish skeleton development and coral reef sustenance⁸.

c. Soil Erosion

When the forests are destroyed the land's ability to retain its soil and soak up water is lost. Apart from triggering landslides and erosion, this can also contribute to make flooding worse. The earth is deprived of nutrients that bacteria, fungus and worms need in order to be able to support healthy new growth in the absence of nutritious topsoil⁹.

d. Decreased Rainfall

Deforestation leads to decreased rainfall and evidence of the same process happening elsewhere in forests all over the globe is available. Scientists have attributed reduced rainfall and forest cover to lost canopy evaporation, which reduces atmospheric moisture and cloud formation, both of which feed back into the rain cycle¹⁰.

e. Loss of Biodiversity

A lot of species depends on the complicated network of relationships that comprises a forest ecosystem, including plants, animals, fungus and bacteria, to survive. Industrial logging shatters large areas of forest and fragments them, leaving an enormous footprint. In such cases, when the natural habitat of these animals is

³ Press Information Bureau, *Union Minister Bhupender Yadav Releases India State of Forest Report 2023*, Govt of India, (May 13 2025, 7.33PM) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2086742>

⁴ Press Information Bureau, *India's Wildlife Conservation Milestones Policies, Achievements and Global Commitments*, Govt of India, (May 13 2025, 7.35PM) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2107821>

⁵ Prajnee Samedhini Sahoo, Sanjay Bang, Gurudev Sahil, *Forest Conservation and Development in India: An Analysis of the Forest Rights Act, 2006 and its Impact on the Forest System*, 12, JCH Indonesian Law Journal 261, 262 (2024).

⁶ Tombaro Bodo, Batombari Gbidum Gimah, Kemetonye Joy Seomoni, *Deforestation: Human Causes, Consequences and Possible Solutions*, 4, Journal of Geographical Research 22, 23 (2021).

⁷ Jillian Mackenzie et.al, *Deforestation and Forest Degradation: The Causes, Effects and Solutions*, NATURAL RESOURCES DEFENCE COUNCIL (JUL 5 2025, 10.22AM) <https://www.nrdc.org/stories/deforestation-forest-degradation-causes-effects-solutions#what-is>

⁸ Id

⁹ Id

¹⁰ Supra Note 7

lost, they are left nowhere to go. The incidents of humans coming in conflict with elephants, leopards, sloth bears, tigers and peacocks are high¹¹. Humans distort the habitation of animals and then complain that animals are clashing with the human beings.

III.LEGISLATIVE TOOLS FOR THE PROTECTION OF FORESTS

The Indian Forest Act, 1927

The Indian Forest Act, 1927 was one of the earliest laws made for the conservation of forests in India. However, the law developed during the British regime has been criticized by various thinkers as the purpose of the law was to generate revenue in the name of forest conservation. The law was enacted to consolidate the laws relating to forests, transit of forest produces and duty that can be levied on forest produce¹². The law gave wide powers to the state government to exercise regulatory powers over the forest lands. Any forest land or waste land could be declared as reserve forest by the state government through a notification in the official gazette¹³ and as soon as it has been declared as the reserve forest, the government could exercise wide regulatory powers over such area. The Act also provides for village forests¹⁴ and protected forests¹⁵. A thorough reading of the legislation shows that the Act was made not to preserve the forests but was a mere tool for accumulation of revenue for the government in the name of forest conservation.

The Forest Conservation Act, 1980

The ecological imbalance and environmental degradation as a result of deforestation led to the enactment of The Forest Conservation Act, 1980¹⁶. The Act was specifically made for the purpose of conservation of forests and to deal with all other connected matters¹⁷. The Act aims to curtail the powers of the state government with respect to certain aspects. Under the Act, if the state government wants to dereserve a forest or if it wants to use any forest land for non-forest purpose, then the prior approval of the central government is mandatory, thereby the Act curtailed the powers of the state government. The expression 'non-forest purpose' means the clearing of forests for any purpose other than reafforestation¹⁸. The Act also provides for the constitution of Advisory Committee by the central government to give advises to the central government on any matters relating to forest conservation¹⁹.

The Environment Protection Act, 1986

The above Act was enacted as a result of India's participation in the United Nations Conference on Human Environment held at Stockholm in the year 1972. The Act covers all the matters related to the safety and protection of the environment²⁰. The Act gives wide discretionary powers to the central government for the purposes of preventing and abating environmental pollution²¹. The central government is also empowered to constitute authorities²² and appoint officers²³ in order to deal with matters relating to environmental pollution.

¹¹ Id

¹² The Indian Forest Act, 1927, No. 16, Acts of Parliament, 1927 (India)

¹³ Sections 3-4, The Indian Forest Act, 1927.

¹⁴ Section 28, The Indian Forest Act, 1927.

¹⁵ Section 29, The Indian Forest Act, 1927.

¹⁶ Dr. Yumnam Premandanda Singh, *Wildlife Conservation and Protection by Instrumentality of Law: India Chapter*, 9 Pramana Research Journal, 409, 414 (2019)

¹⁷ The Forest Conservation Act, 1980, No. 69, Acts of Parliament, 1980 (India)

¹⁸ Section 2, The Forest Conservation Act, 1980

¹⁹ Section 3, The Forest Conservation Act, 1980

²⁰ The Environment Protection Act, 1986, No. 29, Acts of Parliament, 1986 (India)

²¹ Section 3(1) & (2), The Environment Protection Act, 1986

²² Section 3(3), The Environment Protection Act, 1986

²³ Section 4, The Environment Protection Act, 1986

National Forest Policy, 1988

The Policy was adopted in view of increasing cases of forest depletion due to demand for fuel wood, timber and fodder, use of forest land for non-forest purposes, lack of measures for the protection of forests, viewing of forest as source of earning revenue etc. The primary goal of the Policy is to ensure environmental stability and to maintain ecological balance²⁴. The National Forest Policy (NFP) was a significant departure from previous forest policies that benefited government and industry interests at the expense of local subsistence needs. The NFP, on the other hand, focuses on maintaining ecological balance encouraging biodiversity conservation, soil and water management, increasing tree cover, proper use of forest products and the substitution of wood with products made from other materials. One of the main areas of concern of the policy is active community involvement in the attainment of these objectives. It also highlights the need for satisfying the natural resource requirements of the rural poor as a core mandate. Through the confirmation of traditional rights and concessions of forest communities, the NFP maintains that the country's needs of the rural poor must be prioritized over industrial and commercial extraction of forest products²⁵.

Apart from these enactments, there are several other legislations, plans and strategies in order to tackle the problems relating to environment and forest protection.

IV. JUDICIAL RESPONSE TOWARDS THE PROTECTION OF FORESTS

Along with the legislature, the judiciary has also played a vital role in protection of the forests and forest habitat over the years by passing various important guidelines and by coming up with various strategies. Some of the important judgments concerning the forest protection have been discussed below.

TN Godavarman Thirumulpad v. UOI

Supreme Court has strictly interpreted the provisions of the Forest Conservation Act in this case by laying down various important guidelines. Mining operations conducted in all the forest areas without obtaining prior approval was held to be violative of FCA. Several instructions were given to the state governments with respect to running of saw mills, felling of trees, constitution of expert committees to identify forest areas, denuded forests etc. The Court imposed restrictions on expansion of plantations by clearing up of forest areas²⁶. The judgment is of great value as it was reviewed after a period of four months. The Court also identified expansion of wood-based industries as one of the primary causes of forest depletion and thus, before starting an industry, the negative impact on the environment must be looked into. In number of other Godavarman's case, the Court has made various important observations²⁷.

Central Empowered Committee²⁸ (CEC) has been constituted by the Apex Court. This committee was established to implement the directives of the Court, examine issues related to the diversion of forest land for non-forest purposes, and ensure the protection and conservation of forest resources²⁹. Over the years CEC has gained lot of importance so much so that the central government's prior approval is subject to nod by CEC³⁰.

MC Mehta v. Kamal Nath

In the above case, the bank of a river, which was within the area of protected forest, had been leased out for commercial purpose. The lessees artificially deviated the flow of the river in the forest land for the purpose of extending the facilities of a motel. When the matter went before the Supreme Court, the lease was

²⁴ National Forest Policy, 1988, No. 3-1/86-FP, Ministry of Environment and Forests, 1988 (India)

²⁵ Supra Note 16 at pp. 415,416.

²⁶ TN Godavarman Thirumulpad v. UOI, (1997) AIR SC 1228 (India).

²⁷ Supra Note 2 at p. 54

²⁸ The Central Empowered Committee (CEC) has been formed by Order dated 9th May, 2002 passed by the Hon'ble Supreme Court of India in IA No. 292 in Writ Petition No. 202/1995 titled T.N. Godavarman Thirumulpad Vs Union of India and Ors

²⁹ Central Empowered Committee, (Jul 7 2025, 5:13PM) <https://cecindia.in/>

³⁰ Supra Note 2 at p. 55

terminated and the Court held that the state government being the trustee of the environment and natural resources, it was the responsibility of the state to protect the environment on behalf of the public. It was held by the Court that by leasing out the protected forest area for such commercial purposes, the state had committed the breach of public trust doctrine. The lessees were also ordered to restore the damages done to the environment³¹.

MC Mehta v. UOI³²

In this case, the Supreme Court prohibited all kinds of mining activities in the Aravalli hill region of Haryana. The Court observed that in case the mining activities continued to an extent of extreme degradation, then it would impose complete ban on all mining activities. There were several enactments, however there was very little compliance which resulted in unregulated and extensive mining activities without any remedial measures. The Court opined that if mining was conducted sustainably, then there would be balancing, however if mining was conducted beyond the limits of sustainability, then there would be banning. Balancing mining activities with the environment protection and banning the mining activities when they are dangerous to the environment are the two sides of the principle of sustainable development.

Hospitality Association of Mudumalai v. In Defence of Environment and Animals³³

In the above case, the Apex Court has highlighted the need for protecting elephant migration corridors and declared elephants as keystone species. It also pointed out their ecological function of sustaining biodiversity-through the consumption of multiple plants and fruits, elephants disperse seeds as they travel through forests, thus contributing to the regeneration of the ecosystem. The Court held that elephant corridors are essential for their survival and raised concerns regarding private resorts using electric fences in forest areas that disturb and destroy their natural habitats. Adhering to the precautionary principle, the Court ruled that it is the role of state government to anticipate, prevent and mitigate the environmental degradation.

HP Bus-stand Management & Development Authority v. Central Empowered Committee³⁴

In the above case, the appellants were given permission to use specific areas in a forest land for constructing a bus stand and providing a parking place. However, the appellants built a multilevel commercial complex with a dormitory and food plaza, thus going against the order of Town and Country Planning Committee and Ministry of Environment, Forest and Climate Change(MoEF) which had turned down their previous request to do the same. When the matter went before the National Green Tribunal, the Tribunal held that the act was unauthorized and was violative of prior permission granted under Section 2 of the FCA. The Supreme Court on appeal stated “construction of this sort cannot receive our endorsement, no matter what its economic benefits may be. A lack of scientific certainty is no ground to imperil the environment”.

Re:- Kancha Gachibowli Forest, State of Telangana³⁵

This is a Suo Moto writ petition before the Supreme Court after there was huge uproar all over the media about felling of trees and destruction of forest in Telangana for certain developmental activities. The Court immediately directed the Registrar (Judicial) of High Court of Telangana to visit the said area and submit a report to the Supreme Court. On the basis of the report submitted by the Registrar, the Supreme Court opined that huge number of trees were already felled and around 100 acres of forest area was destroyed. Various birds and animals were also seen in the area clearly indicating the presence of forest inhabited by animals. The

³¹ MC Mehta v. Kamal Nath (1997) 1 SCC 388 (India).

³² MC Mehta v. Union of India, (2009) AIR 353 (India).

³³ Hospitality Association of Mudumalai v. In Defence of Environment and Animals, (2020) 10 SCC 589 (India)

³⁴ HP Bus-stand Management & Development Authority v. Central Empowered Committee, (2021) 4 SCC 309 (India).

³⁵ Re:- Kancha Gachibowli Forest, State of Telangana, (2025) Suo Moto Writ Petition (Civil) No. 3/2025, https://api.sci.gov.in/supremecourt/2025/17597/17597_2025_2_13_60673_Order_03-Apr-2025.pdf

Court has raised certain important questions regarding various aspects like EIA report (Environment Impact Assessment) etc., to the Chief Secretary of the State of Telangana. The Court has also directed the CEC to visit the premises and submit a detailed report regarding the same. Until further orders by the Court, the Court has halted all kinds of activities and has also ordered the state to protect the trees in the said area.

V.CONCLUSION

No doubt, developmental activities are sine qua non for survival of the mankind, however, man is not the only living being on the earth and being one of the smartest species, it is the responsibility of each and every human being to protect the environment and also to protect those vulnerable beings who cannot protect themselves. Over the years, it has been seen through various instances as to how in the name of the development, forests have been destroyed in various regions of India. Even with various legislations, policies, principles, strategies and tools like EIA, the environmental degradation has not come to a halt, the recent Kancha Gachibowli forest controversy is the live example for the same. In many of the situations, judiciary especially the Supreme Court has acted as the guardian of the environment but the efforts of the judiciary alone are not enough, there is an immediate and urgent need on the part of the state governments to come up with action plans to monitor and strictly regulate the activities effecting the environment. If every state government takes up this responsibility honestly, there would be better control over activities that result in environmental degradation. The government, judiciary and the general public can fight together for the betterment of the environment.

