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FOREST AND TRIBAL LAWS

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I INTRODUCTION

BEFORE COMMENCING with the cases under survey, it will be desirable to offer some introductory remarks. The year 2024 stands out as a significant juncture in the trajectory of Indian environmental jurisprudence, particularly in the realms of forest governance and tribal rights. The legal landscape was shaped not only by transformative judgments of the Supreme Court of India, but also by a series of interventions by the high courts and the National Green Tribunal (NGT). Complementing these judicial pronouncements, significant legislative and regulatory measures were introduced and clarified, most notably the operationalisation of the Forest (Conservation) Amendment Act, 2023, now re-titled as the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Together, these developments reflect the Indian legal system's ongoing attempt to reconcile the imperatives of ecological preservation, tribal autonomy, and economic development, under the overarching canopy of constitutional mandates and environmental principles.

At the apex level, perhaps the most consequential judgment was delivered in *M.K. Ranjitsinh* v. *Union of India*,[1] where the Supreme Court revisited its earlier orders directing the undergrounding of high-voltage power transmission lines in the critical habitat of the Great Indian Bustard. In this decision, the court nuanced its earlier approach by recognising the dual imperatives of species conservation and the facilitation of renewable energy infrastructure. The judgment thus reflected a calibrated application of the precautionary principle, while also recognising India's obligations towards energy transition and climate change mitigation. The court entrusted expert committees with the task of evolving context-sensitive mitigation measures, thereby underscoring the role of scientific expertise in environmental adjudication.

Equally significant were the ongoing proceedings in the *T.N. Godavarman Thirumulpad* v. *Union of India*[2] series, which remain a living legacy of

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1 2024 INSC 280.

2 1997) 2 SCC 267.

environmental governance through continuing mandamus. In 2024, the court scrutinised proposals for the development of tiger-safari infrastructure and tourism within protected areas. The court made it clear that statutory frameworks such as the Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980, must remain the baseline for any intervention.That commercial or recreational imperatives cannot dilute the legislative intent of strict habitat protection. This insistence on statutory fidelity reflects the court's broader commitment to the public trust doctrine and to ensuring that biodiversity-rich zones are not compromised for short-term gains.

At the NGT level, the year was marked by a series of orders that highlighted the tribunal's role as the sentinel of compliance in eco-sensitive zones and protected areas. In *Hemraj Meena* v. *Union of India*,[3] the tribunal invalidated permanent construction projects within the Nahargarh Wildlife Sanctuary, reiterating that activities within ESZs must conform strictly to statutory clearances. The tribunal simultaneously clarified that environmental litigation cannot be a surrogate for land tenure disputes, thereby defining the jurisdictional boundaries of ecological fora. Such decisions reaffirm the NGT's preventive and corrective role in enforcing ecological limits. The high courts, too, were active in adjudicating matters concerning tribal rights and customary law in scheduled areas. A notable body of jurisprudence emerged from the High Court of Jharkhand, which grappled with disputes over succession and land transfers among tribal communities, particularly under the Munda and Oraon customary practices. The courts attempted to harmonise these customary regimes with statutory frameworks such as the Chotanagpur Tenancy Act, 1908 and constitutional equality provisions.[4] These cases illustrate the continuing complexity of balancing customary autonomy, recognised under the Fifth Schedule, with the broader constitutional commitment to equality and gender justice.

On the legislative front, the most crucial development was the implementation of the Forest (Conservation) Amendment Act, 2023, which was re-enacted as the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. This amendment redefined the applicability of the conservation regime by narrowing the definition of "forest" and by introducing exemptions for specific categories of land, such as strategic border projects and small linear infrastructure. While the Amendment was passed in 2023, its operationalisation occurred in 2024 through Ministry of Environment, Forest and Climate Change (MoEFCC) clarifications issued in July, which guided how the amended provisions should be applied in practice. These clarifications were crucial because they addressed potential ambiguities in the interface between the new framework and state-level laws, as well as constitutional protections for tribal lands.In parallel, the government also notified the Environment (Protection) Amendment Rules, 2024, tightening compliance standards across sectors, and

3 O.A.No.153/2023 (CZ).

4 *Sambo Patar Munda* v. *State of Jharkhand through its Chief Secretary* W.P. (C) No. 4839 of 2015, High Court of Jharkhand at Ranchi, decided on June 11, 2024.

introduced the Wild Life (Protection) Licensing (Additional Matters for Consideration) Rules, 2024, which expanded the scope of regulatory oversight for licensing under the Wildlife (Protection) Act,1972. Collectively, these instruments signalled the executive's attempt to modernise the regulatory apparatus, but they also attracted criticism for possibly privileging developmental imperatives over the traditional rights of forest-dwelling communities.

A perusal of the cases decided by the Supreme Court, various high courts and of the NGT during the year under investigation similarly reveal a variety of issues coming before the courts, for instance, those concerning protection of wildlife sanctuaries and reserved forests from human encroachment and developmental projects, The survey now proceed to have a closer look at the interplay of conflicting claims and contentious ideologies vying for recognition before the Supreme Court, the high courts and the NGT.

II FOREST RIGHTS ACT, 2006

Ensuring equitable opportunity and administrative scrutiny within FRA mechanisms

The judgment in *Thomas Antao* v. *The District Level Committee under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*,[5] is a judgment dated 5 July 2024 about enforcing procedural safeguards in *the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (hereinafter FRA)adjudications before District Level Committees. The petitions before the High Court of Bombay at Goa arose from the claims of Thomas Antao and others under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). The petitioners, belonging to a village community, had filed claims before the Gram Sabha for recognition of their traditional rights over forest land. The Gram Sabha passed a resolution supporting their claim, which was subsequently examined and approved by the Sub-Divisional Level Committee (hereinafter SDLC). The claims then went to the District Level Committee (hereinafter, the DLC), which, under section 6 of the FRA, is the final authority fordeciding forest rights. However, the DLC, by its order dated October 27, 2022, rejected the claim. This rejection was challenged in the high court.

The facts leading to rejection were that the Goa Forest Development Corporation produced a lease document on the very date of hearing (August 5, 2022), stating that the land claimed was already leased for plantation. The DLC relied heavily on this lease, concluding that the petitioners could not have forest rights in an area under corporate lease. The petitioners argued that they were not furnished a copy of this lease, nor given adequate opportunity to rebut it or produce counter-evidence, making the proceedings unfair and contrary to law.The issues before the Court were primarily: (1) Whether the DLC followed the due process prescribed under section 6 of the FRA, 2006 and the FRA Rules, 2008, particularly Rules 12-A and 13; (2) Whether reliance on a lease document, without

5 2024:BHC-GOA:1076; W.P. Nos. 859, 861 and 862 of 2023.

supplying it to the petitioners or allowing them a chance to contest it, violated principles of natural justice; (3) Whether the DLC erred in rejecting the claim solely based on the lease without appreciating the broad evidentiary scope under Rule 13; and (4) Whether the high court, in exercise of judicial review, should interfere with the DLC's decision.

The court's reasoning began with a recapitulation of the statutory scheme. Under section 6 of the FRA, the Gram Sabha initiates claims, the SDLC examines and records them, and the DLC gives the final decision. The process is designed to be inclusive and flexible, ensuring that forest rights of tribal and other traditional dwellers are not defeated merely because they lack formal land titles. To support this, Rule 12-A(11) of the FRA Rules prohibits insisting on a single form of proof and obliges committees to consider all categories of evidence under Rule 13.The court emphasized that Rule 13 provides a wide array of permissible evidentiary materials: government records (gazetteers, surveys, maps, forest records), physical features on the land (bunds, houses, wells, check dams), judicial or quasi-judicial records, anthropological or research documentation of customs, records of princely states, genealogy linking ancestry to earlier residents, statements of elders, and evidence of community usage like grazing areas or sacred groves. This rule reflects legislative intent to overcome historical marginalisation and to recognise traditional rights based on oral, customary, or physical evidence, rather than just formal documents.

Against this statutory backdrop, the court found the DLC's procedure defective. The lease document presented by the Forest Development Corporation was relied upon without prior notice, without furnishing a copy to the petitioners, and without allowing them to rebut its authenticity or relevance. The DLC also failed to apply Rule 13 by assessing other forms of evidence the petitioners could bring forward. This was, in the court's view, a denial of natural justice and contrary to the Supreme Court's directions in W.P. No. 108/2008, which had mandated that personal hearings must be meaningful and that claimants should be given every chance to establish their rights. The high court reasoned that the DLC was not justified in rejecting the claim solely on the strength of the lease. A plantation lease, even if valid, did not automatically negate the possibility of pre-existing or co-existing forest rights of traditional dwellers, which the FRA intended to protect. The proper course was to evaluate all categories of evidence, allow claimants to counter adverse material, and then render a reasoned decision. By failing to do so, the DLC acted arbitrarily and illegally.

On the issue of judicial review, the court clarified that it was not adjudicating whether the petitioners indeed had forest rights, as that lay within the domain of the DLC under the statutory scheme. Instead, the court's role was limited to ensuring that the statutory procedure and principles of fairness were observed. Since the DLC's method was flawed, the court was compelled to set aside the order and remand the matter for fresh consideration. The court decided to quash and set aside the DLC order dated October 27, 2022, restore the claim proceedings, and direct the DLC to provide a fresh personal hearing to the petitioners, permit them

to produce all relevant evidence as envisaged by Rule 13, and decide the claims afresh strictly in accordance with law. The court also directed that the process be completed expeditiously, preferably within three months. Thus, the case illustrates the importance of section 6 of the FRA, Rule 12-A, and Rule 13 of the FRA Rules, as well as the principle of natural justice. The Court'sreasoning reaffirms that the FRA is social welfare legislation aimed at protecting vulnerable forest-dwelling communities, and that authorities must adopt a liberal, claimant-friendly approach while strictly adhering to due process.

Tribal rights, labour welfare, and ecological limits

In the case of *E. Rosemary* v. *Union of India,*[6] which arose from petitions filed by E. Rosemary and other plantation workers and forest dwellers in Tamil Nadu, who had been living for decades in plantations and adjoining forest lands. They sought recognition of their residential occupation and requested the grant of house-site pattas, arguing that their long-standing presence and dependence on these lands entitled them to regularisation under the Forest Rights Act, 2006 and the Tamil Nadu Revenue Standing Orders, particularly RSO 21, which allows the allotment of house-sites to landless poor. The petitioners emphasised that their families had worked in plantations for generations and that housing rights were a natural extension of their employment and survival. The government, however, opposed these claims, pointing out that much of the land in question fell within notified forest areas, including ecologically sensitive zones such as tiger reserves and wildlife corridors. Authorities relied on the Forest (Conservation) Act, 1980, to argue that diversion of such land for private settlement could not be permitted without prior central approval, and stressed that environmental protection and wildlife conservation obligations would be undermined if pattas were granted. Alongside the Wildlife (Protection) Act, 1972, and conservation guidelines, the areas in dispute were highlighted for their ecological significance. The petitioners countered by invoking the Plantations Labour Act, 1951, asserting that plantation workers had a statutory right to welfare and housing, and that the State had historically neglected its obligation to provide for their living conditions. They also placed reliance on constitutional guarantees, particularly article 21, contending that eviction or refusal of pattas would deprive them of their right to life, shelter, and livelihood. The petitioners insisted that displacing long-settled communities without rehabilitation would not only be unjust but also unconstitutional. Thus, the case ultimately presented a conflict between the rights of workers, tribals, and forest dwellers to secure housing and livelihood on the one hand, and the State's duty to conserve forests, protect wildlife, and uphold environmental laws on the other.

Plantation workers, tribal rights, and forest laws in conflict

In the present case, multiple legal frameworks came into play, reflecting the intersection of forest conservation, tribal rights, labour protections, and constitutional guarantees. The primary statutes involved were the Forest

6 W.P.(MD) No./15001 of/2024 (Order delivered on Dec. 3, 2024).

(Conservation) Act, 1980 and the Environmental (Protection) Act, 1986, which regulate the diversion of forest land for non-forest purposes and safeguard ecological balance. These provisions were critical because the dispute involved land within ecologically sensitive zones and questions of permissible land use.Closely connected to this, the Wildlife (Protection) Act, 1972, along with guidelines on tiger and biodiversity conservation, was also central. Since the land in question lay within or near protected forest areas, the court had to balance the rights of individuals and communities with the imperative of protecting wildlife habitats and maintaining corridors vital for ecological sustainability.

The Forest Rights Act, 2006, further shaped the legal analysis. This law, enacted to address historical injustices against Scheduled Tribes and other traditional forest dwellers, recognises their rights to occupy and use forest land. In this case, the petitioners invoked the FRA to claim recognition of habitation and livelihood rights, arguing that displacement without due process would violate both statutory entitlements and constitutional guarantees. Additionally, the Tamil Nadu Revenue Standing Order (RSO) 21, whichgovernsthe grant of house-site pattas to plantation and forest workers, was considered, as it provides a local regulatory framework for regularising residential holdings in plantation areas.

The labour dimension of the dispute invoked the Plantations Labour Act, 1951, which imposes welfare obligations on plantation management regarding housing, healthcare, and living conditions of workers. The petitioners argued that the withdrawal of their residential rights would contradict not only welfare statutes but also the long history of habitation tied to plantation employment.At a higher constitutional level, the case rested heavily on the interpretation of article 21 of the Constitution, which guarantees the right to life and livelihood. The court examined whether eviction without proper rehabilitation would amount to an infringement of this fundamental right. Additionally, the directive principles and fundamental duties relating to the environment—specifically article 48A (State's duty to protect the environment) and article 51A(g) (citizen's duty to protect nature)—were relied upon to emphasise that environmental concerns must coexist with social justice.

Thus, the case brought together environmental laws, wildlife protection frameworks, welfare legislation, and constitutional principles. It highlighted the judiciary's task of harmonising competing claims—between conservation imperatives on the one hand and the livelihood rights of tribals, plantation workers, and forest dwellers on the other. The court began its reasoning by acknowledging the petitioners' long history of habitation on the plantation and adjoining forest lands. It noted that plantation workers had, for decades, depended on these lands for both their livelihood and shelter. However, the Court emphasised that the mere length of occupation could not,in itself, create a legal right to ownership, particularly when the land fell within protected forest areas governed by special legislation.

The court then examined the applicability of the Forest Rights Act, 2006 (FRA). It clarified that, while the FRA was enacted to recognise the rights of

Scheduled Tribes and other traditional forest dwellers, its application required strict proof of eligibility, including evidence of continuous occupation before the cut-off date prescribed by the Act. In this case, the Court found that the petitioners had not produced sufficient documentation to establish theireligibility under the FRA. Thus, the Act could not be invoked to justify the grant of pattas. Turning to the Forest (Conservation) Act, 1980(hereinafter FCA), the court held that no diversion of forest land for non-forest purposes could be made without prior approval from the Central Government. Since the disputed land clearly formed part of the notified forest areas and eco-sensitive zones, any attempt to grant pattas would amount to unauthorised diversion. The court stressed that compliance with the FCA was mandatory and non-negotiable, thereby foreclosing the petitioners' claims to regularisation.The court also considered the Wildlife (Protection) Act, 1972, and related guidelines, observing that the land was ecologically fragile and formed part of tiger habitats and wildlife corridors. It underscored that the settlement of human populations in such areas would severely compromise biodiversity and conservation efforts. The court reaffirmed that India's statutory and constitutional obligations required prioritisation of ecological concerns over individual claims when the two were in conflict.

On the argument based on the Plantations Labour Act, 1951, the court accepted that plantation workers were entitled to welfare and housing. Still, it clarified that this obligation lay on plantation management and the State in designated plantation zones—not within protected forests. The court held that a statutory welfareduty could not override the prohibitions of forest and wildlife protection laws, and that welfare entitlements must be addressed through appropriate schemes rather than by granting pattas in ecologically sensitive areas.In examining the constitutional claims, particularly article 21, the court acknowledged that the right to life includes the rights to livelihood and to shelter. However, it held that such rights must be balanced with other constitutional directives, especially article 48A and article 51A(g), which impose duties on the State and citizens to protect forests and the environment. The court ruled that the broader public interest in conserving forests and wildlife must prevail over individual claims. However, the State was directed to explore rehabilitation measures in accordance with the law.

In its final decision, the Court dismissed the petitioners' demand for pattas, holding that no legal entitlement existed under the FRA, FCA, or other statutory provisions. However, it recognised the human dimension of the case and directed the state government to ensure that plantation workers and long-settled families were not left destitute. It is recommended that alternative housing schemes, welfare measures, or rehabilitation plans be pursued, consistent with environmental laws. By doing so, the court sought to harmonise social justice with ecological protection, making it clear that while conservation imperatives could not be compromised, the plight of vulnerable communities must still be addressed through lawful welfare mechanisms.

Guarding Orans: Community Sacred groves and constitutional stewardship

The Godavarman series of cases has long been the foundation of forest jurisprudence in India. In *Re: T.N. Godavarman Thirumulpad* v. *Union of India*,[7] the court was called upon to decide the legal status and protection of Orans, which are traditional community-managed sacred groves in Rajasthan and other parts of India. The petition arose in the backdrop of attempts to divert these ecologically significant areas for developmental projects, grazing, and non-forest uses. The Court was asked to determine whether Orans could be treated as forests under the law and whether they were entitled to the protection afforded to other notified forest lands.The central issue before the court was whether Orans, despite not always being formally recorded as "forest" in government records, must be brought within the ambit of forest laws in light of their ecological and cultural significance. Another linked issue was whether the diversion or de-reservation of such lands could be permitted without prior Central Government approval, and whether communities had enforceable rights to protect these lands.

The court's reasoning drew heavily upon the Forest (Conservation) Act, 1980 (FCA), particularly section 2, which prohibits diversion of forest land for non-forest purposes without prior approval of the Central Government. Relying on its earlier interpretation in T.N. Godavarman[8] (1996), the Court reiterated that the term "forest" must be understood not only in the dictionary sense but also in terms of ecological function, regardless of ownership or legal classification. By this definition, Orans clearly qualified as forests under the FCA.The court also invoked the Environment (Protection) Act, 1986, specifically Sections 3(1) and 5, empowering the Central Government to take measures and issue directions to protect fragile ecosystems. It noted that Orans contribute significantly to biodiversity conservation, groundwater recharge, and climate resilience. Protecting them was therefore consistent with both national legislation and India's commitments under international environmental law.

Reconciling community stewardship and conservation mandates

The Wildlife (Protection) Act, 1972, was also held relevant, as many of the Orans are habitats for endangered flora and fauna. The court referred to Sections 18 and 29, which govern the declaration and protection of wildlife habitats, emphasising that, even if Orans were not formally declared sanctuaries, their ecological role was akin to that of wildlife reserves and deserved legal recognition.The Indian Forest Act, 1927, was examined, particularly Sections 29 and 35, which give the government the power to protect and regulate community forests. The court held that Orans fell within the legislative intent of these provisions, strengthening the case for their preservation through state intervention and regulation.

7 W.P. (C) No. 202 of 1995, I.A. No. 41723 of 2022, (Dec. 18, 2024) (India), 2024 INSC 997.

8 (1997) 2 SCC 267.

Constitutional provisions were central to the decision. The Court reaffirmed article 21, which includes the right to a clean and healthy environment. It invoked article 48A, which directs the State to protect and improve forests, and article 51A(g), which casts a fundamental duty on citizens to protect the natural environment. In doing so, the court stressed that protecting Orans was not only a statutory duty but also a constitutional mandate.

Reconciling traditional stewardship, biodiversity conservation, and statutory mandates under Indian environmental law.

The court also recognised India's international obligations, especially under the Convention on Biological Diversity (CBD). It was observed that Orans reflect traditional knowledge systems and community-led conservation, both of which are central to India's commitments under the CBD. Protecting these sacred groves was therefore aligned with India's global environmental responsibilities.In fact, the court found that developmental pressures, unauthorised diversions, and encroachments were eroding Orans, threatening biodiversity and cultural heritage. It was observed that the mere absence of official forest classification could not be used as a pretext to divert such lands. Accordingly, the court ruled that Orans must be treated as forests for the FCA, and no diversion could take place without Central Government approval. In its final decision, the court directed the Union and State Governments to prepare a national framework for the protection of Orans and other sacred groves, ensuring their mapping, legal recognition, and conservation. It is ordered that no Oran land shall be diverted or de-reserved without prior clearance under the FCA and related laws. By doing so, the court harmonised traditional community rights, cultural values, ecological imperatives, and statutory obligations, thereby extending the Godavarman legacy into the realm of community-managed sacred landscapes.

III FOREST CONSERVATION

Tribal land, state power, and judicial safeguards in Tripura

In the *State of Tripura & others* v. *Shri Tarun Baidya*,[9] decided by the High Court of Tripura. On February 5, 2024, it pertains to judicial scrutiny of land allotment eligibility, equality before law, and the limits of administrative discretion. The dispute arose from the allotment of a parcel of land under the Tripura Land Revenue and Land Reforms Act, 1960 and the Allotment of Land Rules, 1980. The respondent, Shri Tarun Baidya, had been granted land on the ground that he qualified as a landless person eligible for allotment. The State later moved to cancel this allotment,alleging that he did not meet the statutory criteria and that the allotment was obtained improperly.

The controversy reached the High Court of Tripura when Tarun Baidya challenged the cancellation order, claiming that it was passed arbitrarily, without affording him a fair hearing, and in breach of the statutory framework. He argued that once the land had been allotted, he acquired a vested interest protected under

9 2024(14) FLT 312.

Article 300A of the Constitution, which guarantees that no person shall be deprived of property save by authority of law.

The State, on the other hand, argued that the allotment was void ab initio because the respondent was not eligible under Section 14 of the 1960 Act, which restricts allotments to genuine landless persons for agricultural or homestead use. According to the State, Baidya already held property and therefore the allotment itself violated the law, making subsequent cancellation justified. The high court carefully examined both the allotment records and the procedure by which the cancellation order had been issued. It was observed that while the State has broad powers to regulate allotments under the Land Reforms Act, those powers cannot be exercised arbitrarily. Even where cancellation is sought, the authority must follow the principles of natural justice, particularly the principles of notice and an opportunity of hearing. In the present case, the record revealed that the State had acted in haste and failedto provide Baidya with an effective opportunity to defend his allotment.

Balancing statutory allotment rules, constitutional guarantees, and the state's obligation to follow due process.

The court further considered the State's argument that eligibility defects nullified the allotment from the beginning. It held that even if there was doubt about Baidya's eligibility, the State could not unilaterally declare the allotment invalid. Once an official allotment order had conferred rights, the beneficiary was entitled to be treated in accordance with due process before being deprived of the land. Thus, constitutional protection under article 300A was attracted.In addition to the property right dimension, the court also addressed the equality guarantee under article 14. It noted that the arbitrary cancellation of allotments undermines the rule of law and results in discrimination, mainly when others similarly situated had not been subjected to such strict scrutiny. The court reminded the authorities that discretion must always be exercised in a fair, transparent, and non-discriminatory manner.

The judgment also addressed the broader policy purpose of Tripura's land reforms legislation. The Tripura Land Revenue and Land Reforms Act, 1960, was designed to redistribute land to the landless, especially weaker sections of society, including tribals. Any decision under the Act must therefore be informed by its social justice objectives. The court found that the authorities, in pursuing cancellation without adequate inquiry, had strayed from these objectives. Ultimately, the high court set aside the cancellation of Baidya's allotment, holding that the State had failed to comply with statutory requirements and constitutional safeguards. It emphasised that land reform laws must be administered in a way that balances protecting the integrity of the scheme with ensuring fairness to beneficiaries. The State's power to cancel cannot be used casually or as a substitute for proper verification before granting allotment in the first place. Notably, the court clarified that its decision did not mean that all allotments are immune from scrutiny. If fraud or ineligibility is established in accordance with law and after

following due process, cancellation is permissible. However, this must be done by strictly adhering to the procedure laid down in the statute and rules, and in conformity with the principles of natural justice.

The ruling thus reaffirmed two critical legal principles: first, that property rights under article 300A cannot be taken away without due process; and second, that administrative actions under land reform statutes must conform to natural justice and to the constitutional guarantees of fairness and equality. By doing so, the high court not only resolved the individual dispute but also sent a broader message to the State to exercise its regulatory powers over land allotment with greater care, transparency, and respect for rights.

Supreme Court tests Forest (Conservation) Amendment Act, 2023 against Godavarman mandate.

In *Ashok Kumar Sharma* v. *Union of India*,[10] the Supreme Court of India addressed a petition filed by Ashok Kumar Sharma, a retired Indian Forest Service officer, challenging the constitutional validity of the Forest (Conservation) Amendment Act, 2023 (Act No. 15 of 2023). The amendment introduced section 1A to the Forest (Conservation) Act, 1980, narrowing the definition of 'forest' to include only land declared or notified as forest under the Indian Forest Act, 1927, or other laws, and land recorded as forest in government records as of October 25, 1980.

The petitioner contended that this narrower definition excluded significant forested areas previously recognised as 'forest' under broader interpretations, potentially enabling the diversion of forest land to non-forest uses without adequate compensatory afforestation. He argued that the amendment undermined the environmental protection framework established by the Forest (Conservation) Act, 1980, and violated constitutional principles of environmental protection and public trust.

The main issues before the Court were threefold: whether the 2023 amendment unlawfully narrowed the definition of 'forest,' whether it conflicted with the Supreme Court's judgment in *T.N. Godavarman Thirumulpad* v. *Union of India,*[11] which adopted a broader definition of 'forest,' and whether the implementation of Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, was compliant with existing Supreme Court directions regarding forest identification and conservation.The Court first examined the Forest (Conservation) Act, 1980, the primary legislation governing the protection and preservation of forest areas in India. The Act mandates that no forest land shall be diverted for non-forest purposes without the prior approval of the central government, emphasising sustainable forest management, ecological balance, and biodiversity protection. Section 2 of the Act broadly defines 'forest land,' and the amendment's narrower scope threatened to limit its protective ambit.

10 Writ Petition (Civil) No 1164 of 2023 decided on 19th February 2024.

11 (1997) 2 SCC 267.

The court then analysed the Forest (Conservation) Amendment Act, 2023, particularly section 1A, which confined the definition of 'forest' to areas notified or recorded as of a fixed historical date. The Court observed that this approach could exclude ecologically significant lands and contradict the broader intent of forest conservation established over decades, as reinforced by judicial precedents like the *T.N. Godavarman Thirumulpad* v. *Union of India*[12] case. Additionally, the court considered Rule 16 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, which mandates identification and recording of forest areas by states and Union Territories. The petitioner argued that compliance with these rules had been uneven and that, until the identification process was complete, forest areas should continue to enjoy protection under the broader definition to prevent unauthorised diversion or degradation. The Court highlighted the relevance of *T.N. Godavarman Thirumulpad* v. *Union of India (hereinafter, the Godavarman* case), *which adopted a broad definition of 'forest' to ensure comprehensive conservation, encompassing all lands that functioned ecologically as forests,* irrespective of formal notification. The Supreme Court held that the principles from this case should continue to guide forest protection, pending completion of the identification exercise under the 2023 Rules.In its reasoning, the court emphasised that environmental protection is a constitutional obligation under articles 48A and 51A(g), as well as under the public trust doctrine, which holds that forests and natural resources are entrusted to the State for public benefit and cannot be arbitrarily diverted to private purposes. Narrowing the definition of 'forest' without proper scientific assessment would violate these principles. The court therefore directed that all states and Union Territories constitute expert committees within one month to identify and record forest areas under Rule 16 of the 2023 Van Rules. These committees were mandated to complete the identification exercise within six months, adhering to scientific and legal guidelines, including those established in the *Lafarge Umiam Mining Private Limited* case,[13] to ensure consistency and compliance with prior Supreme Court directives.

Until the identification process is completed, the Court ordered that the broader definition of 'forest' from the *Godavarman* judgment[14] would remain applicable. This ensured that no ecologically recognised forested area could be diverted for non-forest purposes without prior approval and compensatory afforestation, thereby maintaining ecological balance and protectingbiodiversity. The court further emphasised that compensatory afforestation must be provided whenever any diversion of forest land is approved, underscoring this as a critical safeguard to maintain forest cover and ecological integrity. Any deviation from these procedures would be considered illegal and liable to judicial scrutiny. The interim order highlights the Supreme Court's proactive role in balancing developmental objectives with environmental protection. It reaffirms the judiciary's

12 *Ibid*.

13 (2011) 7 SCC 338.

14 *Supra* note 11.

commitment to ensuring that legislative amendments and administrative rules do not erode established conservation frameworks and that forest lands continue to receive legal and ecological protection.

In conclusion, the present case underscores the importance of a broad, inclusive definition of 'forest,' present compliance with procedural safeguards, and adherence to constitutional and statutory mandates. By mandating expert identification, maintaining compensatory afforestation requirements, and applying *Godavarman* principles, the court safeguarded India's forest resources and reaffirmed its commitment to sustainable environmental governance.

Quarry leases curtailed by the doctrine of deemed forests.

On 2nd April 2024, the Karnataka High Court decided the case of *D.M. Deve Gowda* v. *Principal Chief Conservator of Forests,*[15] concerning the classification of the petitioner's land as 'deemed forest' under the Forest (Conservation) Act, 1980. The petitioner, a resident of Chikkamagaluru, Karnataka, sought permission to conduct quarrying activities on his land, which was identified by the Deputy Conservator of Forests in 2021 as a 'deemed forest' due to its ecological significance and in accordance with prior directives of the Supreme Court on forest conservation. The petitioner challenged this classification, contending that his land did not meet the criteria for 'deemed forest' status and that the authorities' denial of quarrying permission was unjustified. He sought to quash the classification report and obtain authorisation to quarry, arguing that the decision violated his right to use his land for lawful commercial purposes.

The core issues before the court were whether the petitioner's land qualified as 'deemed forest' under the Forest (Conservation) Act, 1980, whether the denial of quarrying permission was justified based on that classification, and whether the petitioner had any legal entitlement to conduct quarrying activities on the land in question. The court began its analysis by considering the Forest (Conservation) Act, 1980, which prohibits the diversion of forest land for non-forest purposes without prior approval from the central government. The Act emphasises ecological balance, biodiversity protection, and the sustainable management of forest resources, providing the statutory basis for protecting both notified and ecologically significant lands.Next, the court referred to the Karnataka Forest Act, 1963, which governs forest management and conservation within the state. This Act complements the central legislation by regulating activities within state forest boundaries and providing for the identification and protection of forested areas, including those classified as 'deemed forests.' The court also relied on the Supreme Court's decision in *T.N. Godavarman Thirumulpad* v. *Union of India*,[16] which expanded the definition of 'forest' to include ecologically significant areas regardless of formal notification. The *Godavarman* judgment directed states to constitute expert committees to identify forest lands, including 'deemed forests,'

15 2024 SCC OnLine Kar 8957.
16 (1997) 2 SCC 267.

and emphasised the need for strict protection against unauthorised diversion or exploitation.

The court examined the classification of the petitioner's land in light of these expert committee reports.It noted that Karnataka had filed an affidavit listing areas identified as 'deemed forests,' which included the petitioner's property. The Supreme Court, in its 2023 order, had endorsed these expert committee reports and affidavits, validating the classification of these lands as 'deemed forests.'The petitioner failed to provide sufficient evidence to dispute the classification of his land. The court observed that in the absence of compelling evidence, the authorities' decision to deny quarrying permission was justified. It emphasised the binding effect of Supreme Court directives on the state and the necessity to protect 'deemed forest' areas to preserve ecological integrity.

The court also noted that allowing quarrying in areas classified as 'deemed forest' could have serious environmental consequences, including deforestation, soil erosion, and loss of biodiversity. These considerations reinforced the importance of maintaining statutory and judicial protections over ecologically sensitive areas.The judgment highlighted the broader principle that environmental laws and Supreme Court directives take precedence over individual commercial interests when ecological sustainability is at stake. The court emphasised adherence to both central legislation and state regulations, ensuring that any activity within forested areas is properly authorised and environmentally compliant.The court underscored that the concept of 'deemed forest' serves to extend protection to lands that, although not formally notified as forests, function ecologically as forests. This ensures that environmental safeguards are comprehensive and that human activities do not compromise forest conservation objectives. The High Court of Karnataka dismissed the petition, upholding the classification of the petitioner's land as 'deemed forest' and affirming the denial of quarrying permission. This decision demonstrates the judiciary's commitment to enforcing environmental laws and ensuring that ecological considerations guide land-use decisions.

In conclusion, the above case reinforces the importance of statutory protection for ecologically sensitive lands, the applicability of Supreme Court directives, and the judiciary's role in balancing individual rights with environmental sustainability. By confirming the 'deemed forest' classification, the court upheld both legal and ecological principles, safeguarding Karnataka's Forest resources for the public good.

Judicial calibration of Net Present Value demands under article 226

In *NSL Renewable Power Pvt. Ltd.* v. *State of Karnataka*,[17] the writ petition arose when NSL Renewable Power Pvt. Ltd., which hadinitially received permission to divert 19.94 hectares of land for non-forestry purposes, was unexpectedly found to have encroached upon an additional 19.42 hectares beyond its licit allocation. As a result, authorities issued a demand notice requiring payment of Net Present

17 2024(14) FLT 877(Kant., H.C.).

Value (NPV) at a rate of 4,38,000 per hectare, prompting the petitioner to challenge these notices as arbitrary and unjustified under Article 226 of the Constitution.

The High Court of Karnataka, presided over by Justice R. Nataraj, meticulously examined whether the NPV demand properly accounted for the permitted diversion and whether the encroached area should be subject toa fresh liability. The court's concern was ensuring that administrative actions in environmental enforcement remain just, proportionate, and procedurally sound. After reviewing the facts, the court ordered that any amount already paid by the petitioner—calculated at 100% of the NPV of 4,38,000 per hectare—should be adjusted in relation to the encroached land.If an excess was found, that amount should be refunded within two months of the judgment's date. By requiring such an adjustment, the court acknowledged both the legitimate diversion originally sanctioned and the overreach that followed. This remedy is emblematic of how the judiciary ensures administrative accountability while avoiding undue penalisation beyond what is warranted. The judgment underscores that environmental liability must be fact-sensitive. Authorities cannot demand amounts arbitrarily; instead, they must carefully calibrate dues in accordance with what is legally sanctioned and the encroachment that has actually occurred.

In essence, this ruling reinforces judicial oversight in environmental matters, particularly where renewable energy projects intersect with land and forest laws. It ensures that enforcement does not become punitive beyond statutory limits and that fairness governs the imposition of NPV or related charges. Overall, the judgment stands as a strong affirmation that environmental regulation must not override the principles of natural justice, proportionality, and transparency, especially when private parties are held to account for infractions related to land diversion and forest encroachment.

IV RESERVED FOREST

Finality, public trust, and the state's duty to protect forests

The Supreme Court of India in *The State of Telangana* v. *Mohd. Abdul Qasim*[18] dealt with a significant dispute over forest land and the misuse of the high court's review jurisdiction. The case arose from a conflict over approximately 106.34 acres of land situated in Kompally, near Hyderabad, which had long been notified as a reserved forest under the Andhra Pradesh Forest Act, 1967: the respondent, Mohd. Abdul Qasim had claimed ownership and possession of the land, asserting rights over the property against the State. Initially, the litigation was heard before the High Court of Telangana. In 2018, the high court dismissed the respondent's claim, holding that he had failed to prove legal title or continuous possession of the land. The court observed that once land is notified as a reserved forest, statutory provisions create an absolute bar tothe acquisition of rights.Therefore, no private title could stand against such notification. Thus, the land remained part of the reserved forest.

18 2024(5) SCALE.

However, the matter took a turn in 2021, when the respondent approached the high court by way of a review petition. In this petition, he relied on new materials and survey records from the 1950s, contending that the original decision had overlooked vital evidence. Strangely, the high court, exercising its review jurisdiction, reversed its earlier dismissal and ruled in favour of the respondent, granting recognition to his claim. This raised concerns because the scope of review jurisdiction is traditionally extremely narrow and not meant for reappreciation of evidence or rehearing. Aggrieved by the reversal, the State of Telangana and its forest authorities moved the Supreme Court. The main grounds raised in appeal were that the high court had exceeded its review powers, acted like an appellate forum, and compromised the State's constitutional duty to protect forests. The appellants emphasised that permitting such review orders would open the floodgates for encroachment and private claims over ecologically sensitive reserved forest lands.

The Supreme Court, while examining the matter, reiterated that review is not an appeal in disguise. A review is maintainable only when there is an error apparent on the face of the record, or where vital evidence already on record was ignored. It cannot be invoked for a full-fledged reappraisal of facts, nor can it serve as a backdoor entry to reopen concluded findings. The court held that the high court had transgressed this settled boundary. On the substantive rights of the respondent, the Supreme Court reaffirmed the 2018 finding that no valid title or evidence of possession had been produced. The claim of ownership was unsupported by credible documents, and the survey materials relied on in the review proceedings were insufficient to dislodge the statutory status of the land as a reserved forest. Consequently, the court held that the land remained protected forestland.

Beyond the technical aspects of review and evidence, the judgment turned to a larger constitutional and environmental perspective. The court invoked article 48A, which imposes a duty on the State to protect and improve the environment and safeguard forests, and article 51A(g), which imposes a corresponding duty on every citizen. These provisions, read with the fundamental right to life under article 21, place environmental protection at the heart of constitutional governance.

Anthropocentric to ecocentric: The court's forest mandate

The court further noted that environmental protection is not merely about conservation of resources, but also directly tied to human survival, economic welfare, and the fight against climate change. In this light, the protection of reserved forests acquires special importance. Courts, it observed, cannot afford to be lenient in cases where private claims threaten to reduce forest cover, as that would violate the constitutional mandate.In a remarkable passage, the judgment also called for a paradigm shift from an anthropocentric to an ecocentric worldview. Justice M.M. Sundresh, writing for the bench, stressed that nature must be seen not only as a resource for human exploitation but as an entity with intrinsic value and rights of its own. This ecocentric approach demands coexistence, sustainable use, and recognition of the rights of future generations.

The court also underlined the necessity of "green accounting," urging the State to recognise forests, ecosystems, and natural resources as part of the nation's wealth. The erosion of such wealth in the pursuit of private or commercial interests, it said, was inconsistent with the idea of sustainable development. This approach strengthens the evolving jurisprudence in India that integrates environmental concerns with constitutional rights and duties. Importantly, the court did not spare either side from responsibility. It noted that, while the respondent's claim was untenable, the State authorities had also failed, in certain respects, to protect the forest land diligently. For this reason, the court imposed costs of 5 lakh each on both the State of Telangana and the legal representatives of the deceased respondent. This reflected the court's disapproval of the manner in which both sides had handled their respective obligations.

The decision thus reaffirmed that reserved forests enjoy the highest degree of statutory and constitutional protection. Private individuals cannot claim ownership in derogation of such notification, and courts must remain vigilant in preventing dilution of forest cover through dubious litigation strategies. At the same time, the State must also actively enforce its obligations to protect forests, rather than allowing them to be encroached or neglected. In the broader scheme of Indian environmental jurisprudence, the judgment stands as a landmark. It reinforces the doctrine of public trust, stresses the constitutional duties of both State and citizen in preserving the environment, and aligns India's jurisprudence with global environmental justice movements. The call for an ecocentric worldview is particularly notable, as it elevates the rights of nature beyond human-centric legal frameworks.

In conclusion, the Supreme Court restored the 2018 high court judgment that dismissed the respondent's claim, struck down the later review order, and declared that the land remains part of the reserved forest. By doing so, it reaffirmed both the limits of judicial review jurisdiction and the primacy of ecological protection. The case thus sets an important precedent not only for forest conservation but also for embedding climate justice and environmental accountability in the constitutional order.

Judicial recognition of traditional pathways and their relevance in forest-adjacent land disputes

The case *Bishan C.M.* v. *Chief Conservator of Forests*[19] highlights the delicate balance between historical property access rights and forest conservation powers, with the High Court of Karnataka holding that while the State must safeguard forests under the Karnataka Forest Act, 1963, it cannot arbitrarily restrict lawful access to private land when such access is supported by historical recognition and statutory property rights.On April 5, 2024, the High Court of Karnataka delivered its judgment in the writ petition filed by Bishan C.M.,[20] challenging the order dated March 25, 2019, passed by the Chief Conservator of Forests, which

19 2024 SCC OnLine Kar 6209.

20 *Ibid.*

denied his application for vehicular access to his property situated in S. no. 538 of Kedamulloor Village, Virajpet Taluk, Kodagu District. The petitioner claimed ownership of 15.51 acres of land acquiredcthrough a registered sale deed on November 21, 2011, and sought to utilise a pathway recognised in the 1908 Gazette Notification for accessing his property.

The Forest Department had obstructed vehicular access to the petitioner's land, citing encroachment concerns and the necessity to protect forest land. The petitioner contended that the public had historically used the pathway and that it was essential for accessing his agricultural land, arguing that the obstruction violated his property rights under applicable land laws.The primary issues before the court were whether the petitioner had a legal right to use the recognised pathway for vehicular access, whether the Forest Department's actions were justified under the Karnataka Forest Act, 1963, and whether the historical recognition of the path in the 1908 Gazette Notification carried binding legal authority. The court also considered whether the balance between environmental conservation and private property rights had been appropriately maintained.

In analysing the case, the court referred to the Karnataka Forest Act, 1963, which governs forest management and the protection of forest resources within the state. The Act empowers authorities to regulate activities within forest areas, including the prevention of encroachments, but it also requires adherence to procedural fairness.The Indian Forest Act, 1927, was also cited to provide historical context regarding forest land management and the definition of reserved forests. The Court noted that the petitioner's land, although adjacent to protected areas, did not fall within the notified reserved forest limits and thus could not be arbitrarily restricted.Additionally, provisions from the Karnataka Land Revenue Act, 1964, and the Karnataka Land Reforms Act, 1961, were examined. These statutes protect property rights, regulate land use, and recognise the legitimacy of pathways historically established for property access. The court considered the registered sale deed and historical use of the path as evidence supporting the petitioner's claim.The Court emphasised the historical recognition of the pathway in the 1908 Gazette Notification, noting that such notifications form part of the legal framework protecting traditional access routes to private properties. This historical status, combined with consistent public usage, strengthened the petitioner's legal standing.Upon reviewing the evidence and statutory provisions, the court held that the Forest Department's obstruction of vehicular access was not justified. The petitioner had a clear legal right to use the recognised pathway to access his property, and the Department failed to provide a sufficient legal or environmental rationale for its denial.

The court further highlighted that environmental conservation measures should not be implemented in a manner that unduly infringes upon established property rights. While forest protection is paramount, restrictions must be legally grounded and proportionate, especially when historical access routes and registered property rights are involved.In its reasoning, the court balanced ecological concerns with private rights, noting that allowing access would not

cause significant harm to the forest ecosystem. It stressed the need for authorities to adopt a nuanced approach, ensuring that conservation efforts are compatible with lawful land use. The High Court of Karnataka directed the Forest Department to allow the petitioner unrestricted vehicular access to his property via the recognised pathway. This decision reaffirmed the principle that legal recognition of historical pathways and private property rights must be respected, even in forest-adjacent areas.In conclusion, the judgment underscores the judiciary's role in harmonising competing interests of environmental protection and private property rights. It reinforces the binding effect of historical legal instruments, like the 1908 Gazette Notification, and establishes a precedent for resolving similar disputes where property access intersects with forest conservation regulations.

V NATIONAL PARKS AND SANCTUARIES

Guarding Corbett: The Supreme Court on unauthorised constructions in tiger reserves

On March 6, 2024, the Supreme Court of India delivered a significant judgment in Re: *T.N. Godavarman Thirumulpad* v.*Union of India.*[21] The case is an ongoing public interest litigation concerning the protection and management of forests and wildlife, particularly in tiger reserves such as Corbett National Park. The case has been a landmark in India's environmental jurisprudence, evolving over decades to address issues of forest conservation, ecological integrity, and public interest. The petition arose from reports of unauthorised activities within Corbett National Park, including illegal treefelling, construction, and other intrusions that threatened wildlife habitats. The petitioner contended that these activities violated statutory provisions of the forest and wildlife laws, posing a serious risk to the region's ecological balance.

The primary issues before the court included whether the Forest Department and other authorities had failed in their duty to protect forest lands, whether unauthorised constructions could be justified, and whether sufficient measures were being taken to conserve critical tiger habitats. Additionally, the Court examined the balance between developmental activities and environmental protection. In analysing the case, the Court referred extensively to the Wildlife (Protection) Act, 1972, especially section 38V, which mandates the State to notify tiger reserves and to prepare Tiger Conservation Plans. These plans include the deployment of staff, monitoring, and regulation of human activities to ensure ecological sustainability.

The Indian Forest Act, 1927 and the Forest Conservation Act, 1980, were also invoked. The former defines forest categories and regulates forest use, while the latter governs the diversion of forest land for non-forest purposes and requires prior central government approval. These laws were critical in assessing whether the reported activities within Corbett were legally permissible. The court also considered constitutional principles, particularly article 21, which guarantees the right to life and has been interpreted to include the right to a healthy environment.

21 2024 INSC 178.

The Public Trust Doctrine was applied, emphasising that forests and wildlife are held in trust by the State for public benefit and cannot be exploited arbitrarily.

The Union of India and the State of Uttarakhand submitted that certain developmental activities, including the construction of tourism-related infrastructure, were intended to promote sustainable development and eco-tourism. However, the court found that these activities were carried out without proper authorisation and threatened ecological corridors essential to tiger movement and biodiversity. The court stressed that historical and statutory protections for forests must not be circumvented in the name of development. It noted that tiger reserves and adjacent corridors are ecologically sensitive areas, and any intrusion without proper planning and legal sanction would cause irreparable harm to wildlife and the environment.

In its reasoning, the court directed authorities to immediately halt unauthorised construction, restore degraded areas, and ensure strict implementation of the Tiger Conservation Plans. It emphasised monitoring mechanisms, periodic reporting, and officials'accountability to prevent future violations. The court highlighted that environmental conservation is not merely instrumental for human welfare but has intrinsic value. Protecting forests, wildlife, and ecological corridors is a constitutional obligation and a duty of the State under statutory law.

The judgment also reinforced the principle that development must be ecologically sustainable. It called for a nuanced approach in which economic or infrastructure projects do not compromise critical wildlife habitats, thereby protecting forest-dependent communities and biodiversity. In conclusion, the Supreme Court's judgment reaffirmed the importance of safeguarding India's forest ecosystems and tiger reserves, underscoring the judiciary's proactive role in environmental protection. It balanced conservation imperatives with sustainable development, clarified legal obligations of authorities, and reinforced the binding effect of statutory and constitutional safeguards for forests and wildlife.

Conservation over commerce: NGT's reinforcement of wildlife and forest laws

In *Hemraj Meena* v. *Union of India,*[22] 2024 SCC OnLine NGT 172 the NGT applied constitutional principles and environmental statutes to safeguard fragile ecosystems.The case arose when Hemraj Meena, the applicant, filed a petition before the National Green Tribunal (NGT), Principal Bench, highlighting unauthorised commercial construction within the boundaries of the Nahargarh Wildlife Sanctuary in Rajasthan. The constructions were reported on Khasra Nos. 134 and 135 of Village Nahargarh, which fall within the sanctuary and its Eco-Sensitive Zone (ESZ). The applicant argued that these activities violated the statutory framework for protecting wildlife and forested areas, thereby threatening biodiversity and ecological integrity.

The primary issues before the tribunal were whether the construction activities were legally permissible within the wildlife sanctuary and its ESZ, whether

22 2024 SCC OnLine NGT 172.

the State authorities had failed in their duty to prevent illegal activities, and whether existing environmental laws were being effectively implemented to safeguard the sanctuary. The case also raised broader concerns about balancing development with conservation imperatives.The tribunal examined the provisions of the Wildlife (Protection) Act, 1972, which prohibit unauthorised activities within protected areas, govern the management of sanctuaries, and regulate human interference in wildlife habitats. The Act empowers authorities to take immediate action against encroachments, illegal constructions, and other violations that compromise the integrity of sanctuaries.Additionally, the Forest Conservation Act, 1980, was relevant, as it regulates the diversion of forest land for non-forest purposes and requires such diversions to obtain prior approval from the central government. The Tribunal also invoked the Environmental Protection Act, 1986, which grants authorities broad powers to prevent environmental degradation and impose penalties for violations that harm ecosystems. State-level notifications concerning the Nahargarh sanctuary and its ESZ were critical in establishing that the land in question was legally protected.

Constitutional principles under article 21, guaranteeing the right to life, were applied, emphasising that a healthy environment, including access to undisturbed wildlife and forests, is intrinsic to that right. The Public Trust Doctrine was also cited, reinforcing that forests, wildlife, and ecological zones are held in trust by the State for public benefit and cannot be exploited arbitrarily.The tribunal noted that, despite explicit statutory protections, construction activities had proceeded without authorisation, indicating lapses by the State authorities in monitoring and enforcement. The unauthorised development posed immediate threats to flora and fauna, particularly in sensitive habitats critical for endemic and endangered species.In its reasoning, the Tribunal stressed that the statutory and constitutional framework leaves no room for discretionary violation of protected areas. It emphasised that developmental or commercial interests cannot override environmental imperatives, especially within sanctuaries and ESZs, where ecological sustainability is paramount.

The tribunal directed the Rajasthan State Government and other responsible authorities to halt all unauthorised construction immediately, secure the site, and prevent further encroachments. It mandated regular inspections and reporting to ensure compliance with wildlife protection and forest conservation laws.The Tribunal also underscored that restoration measures must be undertaken for any areas already impacted, highlighting the importance of ecological rehabilitation and the preservation of biodiversity corridors within the sanctuary. Officials were cautioned that non-compliance could attract legal consequences, including penalties under the relevant Acts.

The judgment reinforced the principle that environmental protection is a constitutional duty and statutory obligation. Conservation of wildlife sanctuaries and ESZs cannot be compromised for commercial or short-term economic gains. Sustainable development must harmonise human activity with the preservation of ecological integrity. In conclusion, the Hemraj Meena case serves as a precedent

emphasising proactive enforcement of environmental and forest laws, the primacy of conservation over unauthorised development, and the application of constitutional principles to safeguard biodiversity. The NGT's directions reaffirmed the responsibility of the State and local authorities to protect sanctuaries, ensure compliance with statutory frameworks, and uphold the Public Trust Doctrine for the benefit of current and future generations.

Sanctuary protection over mining rights

The judgment ofthe High Court of Karnataka in *S.R. Bellary* v. *State of Karnataka*, decided on June 19, 2024, addresses how legitimate expectation yields to the constitutional duty of forest conservation.Briefly, the petitioner, along with other leaseholders, had been granted quarry leases for ordinary building stone in Shirahatti, Gadag District, in 2017 for a period of 20 years, with due environmental clearance. However, in 2019, the Kappathgudda Reserve Forest was notified as a Wildlife Sanctuary, bringing the leased areas within one kilometre of the sanctuary's boundary. Pursuant to this notification, the authorities directed the suspension of mining activities for violating binding Supreme Court directions. Earlier, the High Court of Karnataka had granted interim protection, directing that operations could not be halted without due process of law. In line with this, show-cause notices were issued in March 2022, replies were received by April, and the matter was placed before the District Task Force Committee in September 2022. The Task Force, chaired by the Deputy Commissioner of Gadag, relying on binding judicial precedents, unanimously resolved to suspend all leases within one kilometre of the sanctuary and to initiate steps to cancel them in the event of continued violation. Based on this resolution, the Senior Geologist passed an order on December 5, 2022 under Rule 8-K(2) of the Karnataka Minor Mineral Concession Rules, 1994, suspending the quarry operations and invoking Rule 6(3) for possible cancellation.

The State justified its action by relying on authoritative pronouncements of the Supreme Court, particularly *T.N. Godavarman Thirumulpad* v. *Union of India*[23] and *Goa Foundation* v. *Union of India*,[24] which categorically prohibited mining inside the boundaries of National Parks and Wildlife Sanctuaries.It extended this prohibition to a buffer zone of one kilometre beyond the boundary, irrespective of whether an eco-sensitive zone had been formally notified. It also referred to guidelines issued by the Ministry of Environment, Forest and Climate Change in May 2022, which required all activities within ten kilometres of a protected area or an approved or unapproved eco-sensitive zone to obtain clearance from the National Board for Wildlife or its Standing Committee. Since the petitioners had not secured such approval, the suspension was claimed to be consistent with the law.

The petitioners, on the other hand, argued that their leases had been lawfully granted with environmental clearance much before the sanctuary notification. They contended that in the absence of an officially notified eco-sensitive zone, their operations could not be prohibited, and that the orders of the District Task

23 (2006) 1 SCC 1.

24 (2011) 15 SCC 791.

Force and the senior geologist were arbitrary and violative of their vested rights. They insisted that, once clearances were granted, they had a legitimate expectation to continue operations for the duration of the lease. The high court, however, rejected these contentions. It reasoned that the Supreme Court's blanket prohibition within one kilometre of sanctuaries and national parks operates independently of eco-sensitive zone notifications and overrides state-level clearances. The very act of declaring the area a sanctuary invoked mandatory protection, and quarrying within the one-kilometre periphery became automatically impermissible.

Protecting airspace above tiger reserves, the National Green Tribunal mandates strict protocols for aerial activity.

On October 22, 2024, the NGT, Southern Bench, Chennai, adjudicated Original Application No. 88 of 2024 (formerly O.A. No. 114 of 2024), initiated *suo motu* based on a news report titled "Forest dept objects to operating flights over protected areas,"[25] published in *The Times of India* on December 31, 2023. The case addressed the unauthorised operation of a helicopter over the Mudumalai Tiger Reserve (MTR) and Mukurthi National Park in the Nilgiris, Tamil Nadu, and the subsequent procedural lapses by the authorities involved. The incident came to light when a video surfaced on 29 December 2023, showing a helicopter flying over MTR and Mukurthi National Park on 27 December 2023. The footage was reportedly captured using the Flightradar app. Upon investigation, it was revealed that Tractor and Farm Equipment Ltd. had applied for permission to operate a helicopter for the visit of Th. Venu Srinivasan and Mallika Srinivasan between 27 and 30/31 December 2023. The District Collector of Nilgiris had granted a "No Objection" certificate on December 22, 2023 for landing and take-off at designated helipads. However, the flight path over protected areas was not authorised by the Forest Department.

The Forest Department's objection was based on the stipulation that flight paths should avoid forests and protected areas to prevent disturbances to wildlife and ecosystems. The Deputy Director of MTR filed a status report on January 5, 2024, highlighting unauthorised flights over protected areas and the lack of coordination between the district collector's office and the Forest Department. The Forest Department contended that the flight path should have been vetted to ensure compliance with environmental safeguards.The NGT, upon reviewing the matter, noted procedural lapses and the need for strict adherence to ecological regulations when granting permissions for activities in thevicinity of protected areas. The Tribunal emphasised the importance of inter-departmental coordination to prevent unauthorised activities that could jeopardise conservation efforts.

In its order, the NGT directed the Tamil Nadu Forest Department to establish a clear protocol for granting permissions for aerial activities over protected areas. The Tribunal also instructed the department to conduct an inquiry into the unauthorised flight and submit a report detailing the findings and any corrective

25 *Forest Dept. Objects to Operating* v. *Principal Chief Conservator of Forest*. Original Application No. 88 of 2024 (SZ).

actions taken. The NGT's decision underscored the needto safeguard protected areas from unauthorised disturbances and to adhere to established procedures to ensure environmental conservation. The case highlighted the need for vigilance and coordination among various government departments to uphold environmental laws and protect biodiversity.

This judgment serves as a reminder of the legal and ethical obligations of authorities when granting permissions for activities near protected areas. It reinforces the principle that conservation efforts must be prioritised and that any activities that could harm ecosystems must be thoroughly evaluated and regulated.The Forest Department's proactive stance in objecting to the unauthorised flight path reflects its commitment to preserving the integrity of protected areas and ensuring compliance with environmental regulations. The NGT's intervention further reinforces the judiciary's role in upholding environmental laws and in holding authorities accountable for procedurallapses.In conclusion, the case exemplifies the collaborative efforts required among various government bodies to protect India's rich biodiversity. It highlights the importance of adhering to legal frameworks and the judiciary in ensuring that environmental conservation remains a priority in development activities.

The case exemplifies the dynamic interplay between development activities and environmental conservation, underscoring the needto balance economic interests with ecological sustainability.The NGT's intervention in this matter reflects the growing recognition of the need to protect protected areas from unauthorised disturbances and the importance of enforcing environmental regulations to maintain ecological balance.The Forest Department's proactive stance in objecting to the unauthorised flight path demonstrates its commitment to preserving the integrity of protected areas and ensuring that all activities comply with environmental regulations.The NGT's decision on October 22, 2024 serves as a significant precedent in reinforcing the need for stringent adherence to environmental laws and inter-departmental coordination in activities affecting protected areas.This case contributes to the evolving jurisprudence on ecological protection and serves as a guiding reference for future instances involving unauthorised activities near protected areas.

The judgment reiterates the principle that environmental conservation is paramount and that all activities, irrespective of their nature, must be evaluated for their potential impact on ecosystems and biodiversity. The NGT's intervention in this matter underscores the importance of vigilance and proactive measures in safeguarding India's natural heritage for future generations. The Forest Department's objection and the subsequent legal proceedings highlight the dynamic relationship between development activities and environmental conservation, emphasising the need for a balanced approach that prioritises ecological integrity.The case serves as a reminder that protecting protected areas is a collective responsibility, requiring the concerted efforts of all stakeholders to preserve biodiversity and sustainably use natural resources.

VI BIODIVERSITY

The Biological Diversity (Amendment) Act, 2023, updated the 2002 law to simplify compliance, support traditional knowledge, and strengthen conservation. It broadens definitions of biological resources and benefit claimers, decriminalises offences by replacing jail terms with monetary penalties (1 lakh–1 crore), and introduces different rules for entities—foreign entities must still take prior approval from the National Biodiversity Authority.In contrast, Indian entities need only register for IPR, but must obtain approval before commercialisation. It also exempts AYUSH practitioners and local communities from strict benefit-sharing requirements, creates a full-time Member-Secretary in the NBA, expands state powers, and ensures India meets its international obligations under the Nagoya Protocol. Overall, it makes the law less punitive towardIndians, stricter for foreign use, and more focused on conservation and fair benefit-sharing.

Balancing biotechnology regulation with the precautionary principle and Art. 21

The case *Gene Campaign* v. *Union of India,*[26] decided on July 23, 2024, was primarily governed by the Environment (Protection) Act, 1986, under which the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms, Genetically Engineered Organisms or Cells, 1989 were framed. These rules created the Genetic Engineering Appraisal Committee (hereinafter GEAC), the body responsible for approving the release of genetically modified organisms (GMOs). The petitioners argued that the GEAC, while exercising its statutory mandate, had failed to comply with the precautionary safeguards envisaged under the 1986 Act and the 1989 Rules, rendering its approval of GM mustard legally unsustainable.

Another central statute was the Food Safety and Standards Act, 2006 (FSS Act). Section 23 of this Act regulates the packaging, labelling, and sale of food products, including genetically modified foods and oils. The court noted that GM crops with implications for human consumption could not bypass these provisions and that strict compliance with the FSS Act was mandatory before any commercial release. This requirement reflected the statutory obligation to ensure food safety, consumer protection, and public health safeguards.At the constitutional level, article 21 of the Constitution was invoked, which guarantees the right to life. This has been judicially interpreted to include the right to health, a safe environment, and food free from harmful substances. The petitioners argued, and Justice B.V. Nagarathna accepted, that introducing genetically modified crops without adequate biosafety measures would violate this constitutional guarantee. Additionally, article 48A (Directive Principles) and article 51A (g) (Fundamental Duty), requiring the State and citizens to protect and improve the natural environment, were relied upon to strengthen the case for environmental precaution.

Environmental jurisprudence also played a vital role, particularly the Precautionary Principle, which requires preventive action where there are serious threats of irreversible harm, even if complete scientific certainty is lacking. The

26 2024 INSC 545.

court recognised that in the context of GMOs, where long-term ecological and health impacts are uncertain, precaution must govern decision-making. Alongside this, the Public Trust Doctrine was invoked, which treats the State as a trustee of natural resources, holding them in trust for the benefit of present and future generations. The principle of Intergenerational Equity was also emphasised, stressing that ecological risks must not be passed down to future generations without safeguards.Procedural fairness was another legal concern, as the court examined whether the GEAC had followed the requirements of transparency, due diligence, and reliance on independent expert advice. Justice Nagarathna found that the failure to fully consider the Technical Expert Committee's (TEC) 2012 report constituted a violation of both statutory requirements and constitutional principles.Finally, the judgment touched upon principles of judicial review. Both judges agreed that while courts can review expert bodies like GEAC, the scope of such review is limited to ensuring that decisions are not arbitrary, unreasonable, or illegal. Justice Karol emphasised judicial restraint, suggesting that courts should not substitute their views for scientific assessments unless there is a clear violation of the law.

The case of *Chhattisgarh Forest Rights Committee* v. *Union of India,*[27] decided by the High Court of Chhattisgarh on May 2, 2024, illustrates the tensions between biodiversity protection, tribal rights, and forest governance under competing statutory regimes. The dispute arose after the petitioners, representing Scheduled Tribes and traditional forest dwellers of the Ghatbarra forest in Sarguja district, had their Community Forest Rights (CFRs) recognised under the Forest Rights Act (FRA), 2006, through an order dated September 3, 2013. Subsequently, however, the district-level Committee (DLC) revoked this recognition, citing that prior forest clearance and land diversion had already been granted for a coal mining project in the Parsa East–Kete Besan block. The petitioners challenged both the revocation and the continuation of mining activities, asserting that the DLC had exceeded its authority and undermined the statutory rights of the gram sabha.

The controversy directly implicated the role of tribal communities in biodiversity conservation, as the FRA expressly empowers gram sabhas to sustainably manage community forest resources. The revocation of CFRs in favour of the extractive industry threatened both the traditional livelihoods and cultural rights of tribal communities, as well as the ecological integrity of one of central India's biodiversity-rich forest landscapes.The petitioners argued that revocation of CFRs was procedurally flawed and unlawful because the community's rights had already been recognised, and subsequent forest clearance could not negate those rights. They further alleged violations of due process, constitutional protections, and the principle of community autonomy central to the FRA.

On the other hand, the mining proponent and state authorities defended the revocation, arguing that all necessary permissions and clearances had been lawfully

27 W.P. (C) No. 1346 of 2016,decided on May 2, 2024.

obtained from the Ministry of Environment, Forest and Climate Change (MoEF) and the Chhattisgarh government, and that the Supreme Court had upheld these in earlier proceedings. Thus, they contended, the DLC's action in revoking the CFR order was consistent with legal requirements and subordinate to the environmental and land-diversion approvals already granted for mining operations.The High Court, while considering the petitioners' interim applications, declined to grant relief. It relied on the fact that forest and environmental clearances had been validly obtained and subsequently endorsed by the Supreme Court's interim order of April 28, 2014, which permitted mining activities to proceed. Against this backdrop, the court held that granting interim relief to the petitioners would not be appropriate and therefore refused to reinstate CFRs or halt the mining operations at that stage.

The decision has significant implications for biodiversity, tribal rights, and forest laws. By prioritising procedural clearances and judicial endorsements over community forest rights, the court highlighted the precariousness of tribal entitlements under the FRA when they conflict with state-sanctioned industrial projects. While the FRA envisions community-driven stewardship of forests as a means to conserve biodiversity, its implementation in this case was undermined by competing statutory frameworks that facilitated resource extraction. Although the final disposal of the matter remains pending, the judgment underscores the ongoing struggle to reconcile developmental clearances with tribal custodianship of forests, raising fundamental questions about ecological justice, the scope of the FRA, and the future of biodiversity governance in tribal-dominated landscapes.

VII PROTECTION OF WILDLIFE

The courts are equally concerned with protecting wildlife.*In Re: T.N. Godavarman Thirumulpad* v. *Union of and In Re: Gaurav Kumar Bansal*,[28] the Supreme Court, in a bench comprising Justices B.R. Gavai and Prashant Kumar Mishra, decided the case arising out of I.A. No. 20650 of 2023 within the broader *Godavarman* public interest litigation framework. The judgment was triggered by issues raised by petitioner Gaurav Kumar Bansal, concerning illegal construction and widespread tree felling within the Corbett Tiger Reserve. The Court was called upon to examine whether these actions violated environmental protections under the Wildlife Protection Act, 1972, and breached the Public Trust Doctrine.

The petitioner alleged that officials,motivated by commercial interests, cleared trees and constructed tourist infrastructure, specifically tiger safari facilities at Pakhrau, without the requisite permissions or ecological safeguards. The Central Empowered Committee's (CEC) report painted a troubling picture,highlighting the blatant disregard for legal norms by forest authorities and political functionaries entrusted with conserving tiger habitats. While the Court acknowledged the gravity of these violations, it issued nuanced orders: existing tiger safaris and those under construction at Pakhrau would not be disturbed immediately, recognising ongoing investments and potential logistical challenges.

28 2024(3) SCALE.

However, the court directed the State of Uttarakhand to establish a rescue centre near the Pakhrau Tiger Safari to ensure animal welfare and ecological oversight. Crucially, the Ministry of Environment, Forest and Climate Change (MoEF and CC) was directed to constitute a high-powered committee comprising representatives from the NTCA, the Wildlife Institute of India (WII), the CEC, and MoEF and CC. This committee was tasked with assessing environmental damage, recommending restoration strategies, and identifying responsible officials for legal and financial accountability. The committee's mandate explicitly included quantifying ecological harm, estimating the restoration cost, and ensuring cost recovery from the delinquent officers or persons, with proceeds strictly reserved for restoration efforts. This strong directive underscores that environmental damage must be remedied, not merely acknowledged. Furthermore, the committee was instructed to evaluate whether tiger safaris should be permitted in buffer or fringe areas of tiger reserves. If such tourism facilities were deemed meritorious, the committee was to propose clear guidelines delineating permissible and prohibited activities in these ecologically sensitive zones.

At the heart of the court's reasoning lies the reaffirmation of the Public Trust Doctrine—holding that forests, wildlife, and biodiversity are assets to which the public has a trust, and the State cannot abdicate its responsibility for commercial or political expediency. The judgment also echoed the evolving jurisprudence that courts act as "guardians of the wild", ensuring that enforcement agencies respect not only statutory mandates but also constitutional principles such as article 21 (right to life) and environmental duties under article 48A and 51A(g). By refusing to allow immediate disruption of existing infrastructure, while simultaneously insisting on accountability and restoration, the court struck a balance—avoiding ecological misuse without triggering abrupt cancellations that might compromise practical exigencies.

Providing a rescue centre illustrates a commitment to animal welfare and ecological balance beyond merely punitive measures—anchoring conservation in compassionate policy.Mandating guidelines for future ecotourism in buffer zones demonstrates forward-looking regulation that acknowledges the potential for coexistence between sustainable tourism and ecological preservation.Overall, the decision reflects a mature environmental jurisprudence in India—one that integrates scientific input, legal oversight, procedural fairness, ecosystem integrity, and the principle of intergenerational justice.By framing accountability, remediation, and sustainable use as central tenets, the court affirmed that environmental governance must be holistic, transparent, and responsive—an exemplar of judicious ecological stewardship.

Balancing culture, law, and animal rights

In *People for the Ethical Treatment of Animals (PETA)* v. *State of Assam*,[29] the High Court of Gauhati was called upon to examine the legality of a Governor's Notification dated December 27, 2023, which permitted the conduct of buffalo

29 2024 SCC OnLine Gau 2054.

fights (Moh-Juj) and Bulbuli bird fights in Assam, subject to regulation by local authorities. PETA India, a charitable trust working for animal welfare, challenged this notification in two writ petitions, one directed against the provision on buffalo fights and the other against the provision relating to Bulbuli bird fights. It was argued that these traditional practices, though claimed to be part of Assam's cultural heritage and associated with the Magh Bihu festival, directly contravened statutory protections against cruelty to animals.

The State of Assam defended the notification, asserting that Moh-Juj and Bulbuli fights were deeply ingrained in Assamese culture and had been practised since the Ahom era. The state emphasised their social and cultural importance, describing them as symbolic of community bonds and traditional celebrations. It further sought to justify the notification on the ground that it had included Standard Operating Procedures to regulate the events, reduce cruelty, and ensure veterinary supervision, thereby balancing cultural traditions with animal welfare concerns. The legal issues before the court were whether the state government had the competence to issue such a notification in light of existing central legislation; whether cultural practices could justify exceptions to laws prohibiting animal cruelty; and whether the notification stood in conflict with the Prevention of Cruelty to Animals Act, 1960 (PCA Act) and the Wildlife (Protection) Act, 1972. The court also had to consider the binding force of earlier Supreme Court rulings, such as *Animal Welfare Board of India* v. *A. Nagaraja*,[30] which categorically banned entertainment-based animal fights like Jallikattu. It clarified that traditions could not override animal welfare laws.

On examining the statutory provisions, the court noted that section 3 of the PCA Act imposes a duty of care upon persons in charge of animals.In contrast, section 11(m) and 11(n) specifically prohibit inciting animals to fight and causing them unnecessary pain for entertainment. Section 22 prohibits exhibiting or training animals for entertainment purposes in contravention of law. In addition, Section 9 of the Wildlife (Protection) Act bans hunting of wild birds, and Bulbuli birds (red-vented bulbul and red-whiskered bulbul) are protected species listed in Schedule II. These provisions, read together, clearly outlawed both buffalo and Bulbuli bird fights.

The court further emphasised that under article 254 of the Constitution, a State cannot override a central law unless it obtains Presidential assent, which had not occurred in this case. The Governor's notification, therefore, lacked legislative competence. More importantly, under article 141, the Supreme Court's ruling in *A. Nagaraja* was binding, and it had already held that animal fights conducted in the name of tradition amounted to cruelty and violated the constitutional right to life under article 21, which extends to animals' right to live with dignity and freedom from unnecessary pain.

In its reasoning, the court rejected the contention that traditions and culture could justify an exception. It held that cultural practices are not immune from

30 (2014) 7 SCC 547.

constitutional and statutory scrutiny, especially where they perpetuate cruelty. The court stressed that animal welfare is part of the constitutional mandate under article 48A (the directive principle on environmental protection) and article 51A(g) (the fundamental duty to protect animals and nature). Permitting fights in the name of custom would undermine the principles of compassion, sustainable ecology, and respect for life.Accordingly, the court quashed the Governor's notification insofar as it authorised buffalo and Bulbuli fights, declaring it to be in direct conflict with central legislation and unconstitutional. It directed the State of Assam to strictly enforce the PCA Act and the Wildlife (Protection) Act, and to ensure that no such events were conducted in the future. The court also reminded state authorities of their obligation to spread awareness and prevent cruelty in the name of entertainment.

In conclusion, the High Court of Gauhati reaffirmed that animal welfare laws and constitutional values take precedence over cultural traditions that inflict suffering. The decision reinforced the principle that cruelty for entertainment is impermissible, no matter how deep-rooted in local customs. The judgment thus stands as another milestone in Indian animal welfare jurisprudence, aligning with the Supreme Court's earlier rulings and strengthening the legal shield against exploitation of animals under the guise of tradition.

VIII CONCLUSION

Across these judicial and legislative interventions, specific common themes are discernible. First, the precautionary principle continued to serve as a guiding standard, though its application was increasingly balanced against considerations of energy transition and economic development. Second, the public trust doctrine was reaffirmed, particularly in the Supreme Court's and NGT's insistence that protected areas and eco-sensitive zones cannot be treated as fungible spaces for commercial projects. Third, the principle of intergenerational equity was invoked to stress that ecological resources must be preserved not merely for present needs but also for future generations. Finally, the year underscored the constitutional significance of articles 21, 48A, and 51A(g), which collectively ground the right to a healthy environment, state obligations for environmental protection, and the citizen's duty to safeguard nature.In sum, the developments in 2024 reveal a dynamic recalibration of forest and tribal law in India.

The judiciary reaffirmed its role as the guardian of ecological and tribal rights, while also demonstrating a willingness to accommodate national developmental commitments under careful regulatory oversight. The legislature, meanwhile, sought to rationalise and streamline forest governance through amendments that remain contested for their potential impacts on tribal autonomy and ecological resilience. For scholars and practitioners alike, the jurisprudence of 2024 offers critical insights into how India's legal system is navigating the fraught intersection of conservation, development, and rights. This intersection will undoubtedly continue to define the trajectory of environmental and tribal law in the years ahead.