

THE LEGALITY OF FOREST GOVERNANCE IN CONFLICT-AFFECTED REGIONS OF INDIA: A CRITICAL ANALYSIS

by

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ABSTRACT

Forests in the Indian landscape are primarily governed through a careful balance of environmental safeguards, constitutional measures and social justice. Especially in conflict-affected regions, that balance is constantly put to the test. These ecosystems, largely situated in East-Central India, are extremely rich in biodiversity and mineral resources, yet they remain gravely affected by insecurity, exaggerated claims on land resources and the marginalisation of communities who have resided in forest lands for generations. Against this very notion and backdrop, the paper attempts to raise a question that goes beyond legal and regulatory compliance: can forest management in these selected landscapes be regarded not just as law-abiding but legitimate? The research is purely doctrinal and analytical in substance. It attempts to question the central statutory structure moulding forest compliance and community rights, coupled with judicial precedents that have paved the way for their interpretation, precisely through the lens of constitutional directives. This legal interpretation is supported by a qualitative analysis and case-based approach, in which three conflict-affected regions are analysed to develop reasoning about the operation of laws and policies once they are out of legal statute books and put in function in the contested terrains. Secondary sources, comprising scholarly articles, literature and media reports, elevate the inquiry and help place legal developments within their administrative ecosystem. The research paper also identifies the expanding role of technological innovations in forest governance and its consequences for building trust between state parties and local communities. The Study brings into focus that the area of dispute lays not in the absence of legal policies, but in the manner it's applied. Two legislative visions, one based on centralised protection and the other on community-driven governance and compliance, coexist uneasily, and in other regions where the state is experienced mainly through security means, this disputed coexistence paves the way for unplanned enforcement and administrative discretion. By keeping forest management within a constitutional framework,

the paper adds to ongoing discord between ecological protection, the rights of indigenous communities and the expanding disparity between conservation and development. It suggests that ecological protection in conflict-affected landscapes is least likely to emerge from control alone, and that community-driven participatory approaches demand greater weight in legal design and policy execution. The paper is intended to raise an alarm in the legal scholarly community, environmental researchers and activists, policy makers and legal practitioners concerned with the intersection of law, biodiversity and social equality.

Keywords- *Forest governance, Conflict-affected regions, Forest rights, Community driven incentives and participation, Constitutional mandates*

INTRODUCTION

Forest Laws and Policy within Indian jurisdiction co-exist at the junction of environmental safeguards and measures, constitutional privileges and social laws and structures. This mutual co-existence is most precarious in conflict-affected regions, where forests are not only interpreted as most vivid and serene ecosystem but also are serving as a playground for a mixture of disputes relating to jurisdiction, constant struggles relating to expanding commercial interest and sustenance. These conflict-affected regions, mainly situated in East-central India are predominated by acts intending to overthrow the established regimes, constant extraction motives and intentional exclusion of local and indigenous communities.

The administrative and regulatory policies governing the forest at large in the given areas are very aggressively framed and structured, but they are theoretically impressive, yet the application of them written and coded policies reflects fundamental questions that judge the validity and sanctity of these laws at the larger platform. The bigger question to address is not only about the legality of forest governance in a legal and fundamental sense, but also about adherence of authority in classic situations of disagreement, administrative disorientation and compulsion. The Forest Law and Policy framework in India is very much modelled in a binary way that not only gives control, but also delegates' power, rights and duties in an authoritative way. In a bigger picture and holistic view, the Forest Conservation Act of 1980¹ centralizes power to the central government, asking to keep a stricter compliance over the usage of forest land for a non-forest purpose.

¹ Forest Conservation Act, 1980(Act no. 69 of 1980)

This legislation is based on the notion of ecological awareness which is rooted in varied factors like control mechanism practiced by states, showcasing a historical connection deep-rooted in the ideas of colonial control over land policies and forest regimes favouring elite leadership. On the other hand, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006,² highlights the usage of forest resources and land by indigenous communities, a continuous administration practiced by them for ages ideally for sustenance. It looks forward to addressing the historical justice done against these traditional and indigenous communities by rooting a notion of human rights within the scope of forest law and policy.

However, the scope of these two policy frameworks, in a way, creates a structural conflict that is evidently highlighted in the conflict-affected regions. On one hand, the former vouches for ecological conservation through supervision and control by the central government, solely depending on their action for the usage of forest, the latter supports the idea of fragmented and distributed governance by Gram Sabha's and civic authorities. In practice, this functional duality creates friction and discord in the legal interpretation of policies and laws in which conflicting interest are enforced inconsistently. Especially in conflict affected regions, where the presence of a state is felt both in action and power via security forces over a properly maintained bureaucratic system, this discord creates tension beyond measures. Forest management, under these conditions, consistently operates in a space where validity is established as much by managerial discretion as by statutory limitation.

The technicalities of this structural setup are further intensified and escalated by the way socio-cultural relationships are maintained and practiced in these conflict-affected regions. These areas are extremely rich in green cover and are impeccably resource-abundant, yet are economically impoverished, highlighting a major mineral deposit covering the forest belt. The point of intersection between ecological value and the huge extractive limit makes the plot a ground for discussions and bitter exchange of policies. Strategic and functional imperatives, largely dealing with quarrying and region specific development, eventually meet with ecological targets and group rights, insinuating compounding conflicts that lacks any attempt to come to a conclusion. Research studies have come to conclude, after years of observation, that a major portion of land conflicts in the Indian Territory arises in wooded areas, with a major amount correlated to the full version of action or inaction of forest rights legislation and mechanisms. This reflects that the legality of rights does not immediately

² Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

convert into a dispute resolution mechanism; instead, it largely and most frequently highlights underlying technical and structural anomalies.

Judicial precedents and decisions have played a significantly pivotal role in knitting the garment of forest management and governance, yet they also highlight the innate differences and complexities in the entire system. The judiciary has been a contributing unit in the adherence of ecological conservation and management, often expanding the scope of constitutional privileges and rights to bring ecosystem conservation within the ambit and scope of Article 21. Simultaneously, it has been struggling to reconcile the need to conserve ecology with the rights of forest dwellers. An impelling and ground breaking episode occurred when the Supreme Court ordered the mass eviction of claimants whose rights had been severely compromised and annulled under the forest laws and policy. Even though the order was eventually paused, it did highlight the instability and inefficacy of legal standing devoid of stringent security measures. The case got to the forefront how procedural flaws in adjusting and adjudicating claims could pose an insane danger for the disadvantaged communities, thereby reflecting impending worries and tensions about fair and equitable hearings and the idea of justice.

New developments in Forestry management show an increased dependence on digital mechanisms such as satellite tracking and GIS mapping.³ While these developments shape the pathway for better and enhanced visibility, they also narrate a preconceived notion about traditional ecological knowledge. In conflict-affected regions, where there already exists a deficit of credibility between the state parties and civic bodies and groups, the subtle introduction of digital mapping has the potential to further estrange involved stakeholders if not accompanied by active and participative engagement. Also, the wide level usage of security imaging systems shares a discord with risk assessment models, possibly validating the view of forests as spaces to be controlled rather than jointly managed.

The human-centric approach in forestry management in conflict-affected regions is both deep-rooted and far stretched. The traditional forest dwellers and indigenous communities are largely dependent on these ecological belts not just for sustenance but also for preserving their cultural identity and ancient heritage of traditional knowledge. The exclusion from usage of forest produce and resources, for varying reasons like ejection, constraint or

³ Rogan John, Miller Jennifer, Integrating GIS and Remotely Sensed Data For Mapping Forest Disturbance and Change, January 2007, Rev 50, 55(2007) . <https://doi.org/10.1201/9781420005189.ch6>

uprooting, explicitly complicates access to subsistence, home and stature. Constitutional provisions have maintained the stance that these ecological rights are indirectly linked to the right to life, yet their implementation remains largely inefficient and compromised in conflict-affected regions. The valley of difference between legal privileges and actual application is impeccably poor in areas where administrative efficiency is compromised, and security issues overpower governance mechanism.

A deep-rooted analysis of the authenticity of forestry management and governance in the given situation must move past formal acknowledgement and should involve with the core issues of the legal processes. The enactment of reformist statutes is deficient if their application is arbitrary, draconian or erratic. The legal disintegration, combined with security-development nexus challenges, engineers a platform in which validity is undermined to procedural compliance rather than normative integration. This leads one to ask whether forest management in troubled areas can truly be referred to as permissible and sanctioned or if it represents a regime that is legitimate yet fundamentally unsound and materially flawed.

In the final assessment of situation, the legal mechanism and compliance procedure in forestry management in the conflicted areas is very enigmatic. It is largely rooted in laws and procedures that share the intention to strike balance amidst protective measures, equity and betterment procedures, yet its application very often discloses fragmentation, intimidation and banishment. This discrepancy between law and practice subverts the functioning and authority of government.

CASE STUDIES ON FOREST GOVERNANCE IN CONFLICT AFFECTED AREAS

a. Niyamgiri Hills, Odisha⁴

The Niyamgiri case is one of the most classic and powerful examples of the discord between ecosystem management, tribal rights and affairs, and commodity-driven development in India. The facts mentioned how a bauxite mining project in the Niyamgiri hills disabled not only the ecosystem balance but also the sacred and artistic expression of culture and practices of the Dongria Kondh Community for whom the hills serve as a pivotal part of their cultural identity, sustenance and hallowed place. The discord eventually had to be decided by the Supreme Court, which held that it's the duty of Gram Sabha to look into the deeper facts and questions about their identity violation and community entitlements, hence prioritizing and positioning community approvals at the core of forest administration.

⁴ Orissa Mining Corporation Ltd. Vs Ministry of Environment and Forest & Others; April 18, 2013.

What makes Niyamgiri an informative and essential study is the fact that it showcases how ecosystem legislation can be applied as a potent defence regime rather than merely a bureaucratic and administrative burden. The ruling validated the fact that some of them are developmental ideas and initiatives in the forestry management cannot be taken as correct and usable in the literal sense of it solely on the grounds of it being flown down from the central administration. In conflict-affected regions, this becomes even more attention-worthy as the local communities encounter certain issues very often, like unequal distribution of power, poor leadership and hierarchical manipulation with systematic coercion. Niyamgiri thus demonstrates that the legality of forest management rests not only on the letter of the law, but also on substantial involvement, explicit consent and esteem for community organisations.

b. Gadchiroli, Maharashtra⁵

Gadchiroli offers a very distinct and informative viewpoint on forestry management in conflict-affected regions. As a part of Central India's ecologically rich and wooded tribal region, the area has ancient roots, expanded in the notions of rivalry and rebellion, vast exploitative interest and disastrous policy implementation. Against such a historical canvas, forests are not merely seen as a natural gift; they rather serve as zones of production, mobilisation, skilful endurance and subversion. The historical expansion of forest management by the state in these regions largely happened without proper identification and acknowledgement of traditional entitlements, planting a conflict between forest departments and traditional forest dwelling communities.

The importance of Gadchiroli is identified in how it clearly brings to front the inconsistencies in the hierarchical setup and control mechanism. The traditional forest dwelling communities have more reasons to believe that conservation is largely a cutback and not a conservation mechanism, as state interaction is largely mediated by obligatory protection measures. This has the potential to ruin the confidence and trust, and rather infest friction and trouble in the forestry management, even when the directives are for environmental stewardship. Likewise, the locale also expresses the need to implant participatory governance, because grassroots involvement and vesting of forest rights can ease tension and enhance validity.

c. South Assam⁶

⁵ Ishan Kukreti, *Gadchiroli Villages to move SC Against Maharashtra Forest Body*, Down To Earth, November 16, 2018.

This is another important and fundamental case study, as it highlights how management of ecology and forestry can both create and intensify social aggression and conflict when the superior states and associates neglect the local livelihoods and disjointed governance. This case study highlights the issues associated with the notion of practicing sustainable forestry practices in situations aggravated by varying and conflicting interest, fragmented enforcement mechanism and legislative conflicts. This geography has already faced an intense ecological and social discord, and ecological management there has been shaped largely by biodiversity protection goals and local economic dependence on the forest.

This case study has been greatly impact-driven and informative as it brings to front the inefficiencies in the forestry management and ecosystem that are a by-product of continuous legal failures. They have arisen from a blend of significant and potent issues like ancient and historical struggle, resistance at the top-level management towards adapting something new and novice and a sharp disconnect between efficient planning and ground realities. In the conflict-affected regions of South Assam, ecology is maintained and sustained by statutes and regulations which do not completely showcase the poorly regulated system, standard usage and community management of resources. Resultantly, even well-meaning preservation strategies can aggravate tension if there is forced compliance.

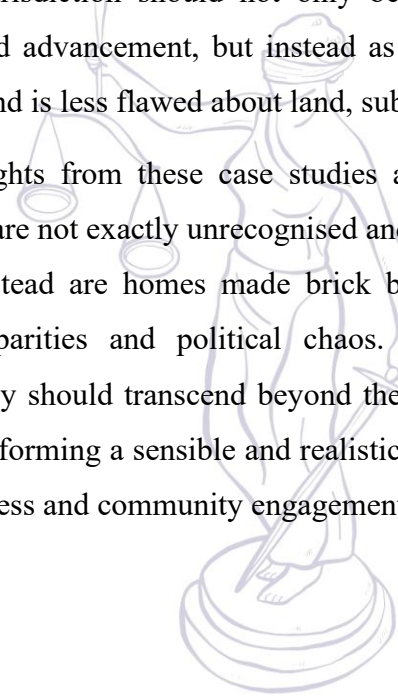
CONCLUSION

The in-depth review and analysis of the historical framing of cases reflect that forest conservation and ecological management in the conflict-affected zones within Indian territory cannot be interpreted and registered solely as an administrative business or affair. It is highly debatable and strictly a constitutional domain in which there is a constant intersection of factors such as ecology, sustainability, and the convergence of authority and equity. In Niyamgiri, the point of discord was if the forest dwelling communities and the civic population could practice prior and informed consent over a developmental project encroaching upon their sacred land mass; in Gadchiroli, the issue revolved around a major conflict and discord between security mechanisms and local civic engagement; in South Assam, an ineffective and poor administrative mechanism emerged from the void and tension between official policy framework and social normative structure and in affected areas such as Jaldapara and Buxa, conservation itself triggered for rights contention.

⁶ Jitendra Choubey, *Environmental Activist Raise Concern over OIL Projects in Eco sensitive Zone in Assam*, The New Indian Express, March 29, 2025.

These case studies largely evidence the fact that the legal status of forest management and conservation does not solely rely upon the legislative framework. It largely relies on the fact that the legal structure offers measures and protections to communities residing in forests for years, specifically in areas where the state authority is not very hard-pressed, and there exists an unrelenting tension. An administrative mechanism based on the ideology of enforcing administrative measures only would mostly deepen suspicion and defiance, a legal model functioning on the notion of including community based civic engagements and collective decision making is more likely to lead to evolved conservation measures and wider acceptance of social beings. Hence, forest conservation and management in conflict-affected regions within Indian jurisdiction should not only be viewed as a fundamental conflict between conservation and advancement, but instead as a constitutional query about whose stance has more weight and is less flawed about land, subsistence and endurance.

Deep and profound insights from these case studies are classic examples that forests in conflict-affected regions are not exactly unrecognised and unregulated domains that are left at bay unattended; they instead are homes made brick by brick by the historical legacy of oppression, cultural disparities and political chaos. Any forest policy that has been impeccably drafted ideally should transcend beyond the notions of conflict-affected regions and should head towards forming a sensible and realistic framework based on a realist model of fair allocation, lawfulness and community engagement.



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