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# Legislating for the Hills: Mizoram's Policy Shift on the Forest (Conservation) Amendment Act, 2023

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## ABSTRACT

*Laws travel from Delhi's corridors, but their ripples reach Mizoram's hills in waves of resistance. The Forest (Conservation) Amendment Act, 2023 seeks to align India's forest regulation with global climate goals, emphasizing Net Zero emissions by 2070, creation of additional carbon sinks, and ecological restoration. However, its centralized approach has sparked strong opposition in Mizoram, where majority of land is forested and tribal rights are constitutionally safeguarded. After unanimously rejecting the law in 2023, the Mizoram Assembly reversed its stance in August 2025, triggering widespread protests and debates over federalism, indigenous autonomy, and environmental governance. This paper examines Mizoram's policy shift and public backlash through legislative records, media reports, activist voices, and neighbouring states precedents exploring tensions between development imperatives, conservation commitments, and community rights. The study argues for participatory, region-sensitive forest governance to reconcile national goals with local realities.*

## I. INTRODUCTION

*Is the Forest (Conservation) Amendment Act, 2023 a promise of ecological security or a quiet erosion of federalism and tribal rights?*

The Forest (Conservation) Act, 1980 was enacted at a time when rapid deforestation and unregulated diversion of forest land had become a national concern. <sup>2</sup>Enacted under the backdrop of constitutional provisions such as Article 48A <sup>3</sup>which directs the State to protect and improve the environment and judicial interpretations expanding the right to life under Article 21 to include environmental protection, the Forest Conservation Act introduced a regulatory framework. <sup>4</sup>It required prior approval from the Union government before any diversion of forest land for non-forest purposes, establishing a highly centralised model of forest

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<sup>2</sup> Forest (Conservation) Act, 1980, No. 69, Acts of Parliament, 1980 (India).

<sup>3</sup> INDIA CONST. art. 48A.

<sup>4</sup> INDIA CONST. art. 21; see also "Subhash Kumar v. State of Bihar, (1991) 1 SCC 598 (India)."

governance. This approach has often been credited with reducing deforestation rates and strengthening environmental oversight, yet it has also drawn criticism for its bureaucratic rigidity, slow clearance processes, and limited sensitivity to local and customary contexts.<sup>5</sup> The FCA serves as the parent legislation for the Forest (Conservation) Amendment Act, 2023, a significant reform that redefines the scope of forest governance in India. Section 1A of the Act inserted preamble change explicitly situates forest governance within the framework of India's international climate obligations, underscoring the State's commitment to achieving long-term carbon neutrality, enhancing national carbon sequestration capacity, and expanding forest and tree cover as part of a broader ecological restoration strategy. By doing so, it reframes forest policy as a critical instrument for meeting global climate targets while simultaneously advancing domestic environmental and developmental objectives.<sup>6</sup> Equivalent by 2030, and increasing forest and tree cover to one-third of India's land area. The law introduces exemptions for certain border security and infrastructure projects and promotes ecological restoration alongside economic growth. While the Union government projects it as a progressive step toward climate mitigation, environmentalists and indigenous rights advocates warn that it may weaken safeguards, centralise authority further, and erode local autonomy over forests.<sup>7</sup>

These tensions are particularly pronounced in Mizoram, where over 85.34% of land is classified as forest,<sup>8</sup> and land ownership and governance are deeply intertwined with tribal customs, protected by the Sixth Schedule and Article 371G of the Constitution.<sup>9</sup> Mizoram initially rejected the Amendment through a unanimous Legislative Assembly resolution in June 2023, citing threats to biodiversity, cultural autonomy, and customary land rights.<sup>10</sup> Yet, in August 2025, the state government reversed its position, formally accepting the law and framing it as essential for security and infrastructure development in its sensitive border areas.<sup>11</sup> This policy shift reflects broader national debates on the balance between federalism, indigenous rights, and environmental governance.

This paper adopts a doctrinal and qualitative approach, drawing on legislative records, Assembly debates, activist discourse, and scholarly analyses to critically examine Mizoram's

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<sup>5</sup> Mizoram Legislative Assembly, 'Resolution Adopting the Forest (Conservation) Amendment Act, 2023 (Aug. 28, 2025)'.

<sup>6</sup> Forest (Conservation) Amendment Act, 2023, No. 15, Acts of Parliament, 2023 (India).

<sup>7</sup> <https://egazette.gov.in/WriteReadData/2023/247866.pdf> see Key Features of Forest (Conservation) Amendment Act, 2023"

<sup>8</sup> Id.

<sup>9</sup> Forest Survey of India, *India State of Forest Report 2023* (2024).

<sup>10</sup> Government of India, *The Constitution of India* (as amended up to the 106th Amendment Act, 2023).

<sup>11</sup> Mizoram Legislative Assembly, 12th Session of the 8th Assembly (Aug. 22, 2023), YouTube (2023), [https://www.youtube.com/live/BN1dxDBHH\\_o?si=Qxsv0dOhKYyD78hl](https://www.youtube.com/live/BN1dxDBHH_o?si=Qxsv0dOhKYyD78hl) "

<sup>11</sup> Mizoram Legislative Assembly, *Bulletin: Proceedings of the Fifth Session of the Ninth Assembly* (Aug. 2025).

experience as a case study. It interrogates the centralisation of environmental policymaking, Mizoram recent resolution of The Forest (Conservation) Amendment Act, 2023 and the implications for tribal land governance, and the compatibility of the Amendment with constitutional principles of federalism and participatory governance.

## II. VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 2023

The FCAA, 2023 reflects these competing imperatives. Passed by Parliament in August 2023<sup>12</sup>, it seeks to align forest governance with India's global climate commitments and developmental priorities, situating forest policy within the broader framework of achieving Net Zero emissions by 2070, creating an additional carbon sink of 2.5–3 billion tonnes of CO<sub>2</sub> equivalent by 2030, and expanding forest and tree cover to one-third of the country's land area.<sup>13</sup> It also introduced a series of exemptions and procedural changes intended to "streamline" forest clearance processes. The most consequential provision exempts land within 100 kilometres of India's international borders from FCA restrictions for "strategic linear projects of national importance and security."<sup>14</sup> This exemption disproportionately impacts the Northeast, where most states, including Mizoram, lie almost entirely within this 100-km belt.<sup>15</sup> Other provisions narrowed the legal definition of "forest," excluded certain land categories (such as plantations and private forests),<sup>16</sup> and enabled faster project clearances.<sup>17</sup> Key Features of the 2023 Amendment are:

Feature	Section of FCAA 2023	Implications
<b>Renaming of the Act</b>	Section 1(1)	Renames <i>Forest (Conservation) Act, 1980</i> as <i>Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980</i> , symbolising a shift towards balancing conservation with development.
<b>Statement of Objectives &amp; Carbon Neutrality</b>	Section 1A	Introduces explicit focus on ecological restoration, carbon sinks, and climate commitments; risks commercialising conservation through monoculture plantations.

<sup>12</sup>Ministry of Law & Justice, Notification: Forest (Conservation) Amendment Act, 2023, Gazette of India, Extra., pt. II, sec. 1 (Aug. 4, 2023).

<sup>13</sup> Forest (Conservation) Amendment Act, 2023, No. 15, pmb.

<sup>14</sup> Id. S 2(2).

<sup>15</sup> Id.

<sup>16</sup> Id 2.

<sup>17</sup> Id.

<b>Redefinition of “Forest”</b>	Section 2	Narrows legal definition to recorded forests; may exclude ecologically significant but unrecorded forests from protection.
<b>Border &amp; Security Exemptions</b>	Section 2(2)	Exempts security and infrastructure projects within 100 km of international borders from clearance, affecting NE states like Mizoram.
<b>Streamlined Clearance Processes</b>	Section 2 (Amendments)	Expedites project approvals for “national development” sectors; could weaken environmental scrutiny and EIA safeguards.
<b>Centralisation of Powers</b>	Section 3A	Authorises Centre to issue binding directions, reducing state autonomy in forest governance.
<b>Expanded Rulemaking Powers</b>	Section 4	Grants Centre broader powers to frame rules, reinforcing top-down governance

Table: 1

One of the first changes introduced by the Forest (Conservation) Amendment Act, 2023 is the renaming of the principal Act. Section 1(1) of the Amendment substitutes the title “Forest (Conservation) Act, 1980” with “Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980”,<sup>18</sup> reflecting an emphasis not only on conservation (sanrakshan) but also on development and enrichment of forests (samvardhan). Among the most consequential provisions is the exemption of certain security-related or infrastructure projects located within 100 km of India’s international borders from the requirement of prior forest clearance. This provision is particularly consequential for Northeastern states such as Mizoram, Nagaland, and Arunachal Pradesh, where vast forested areas lie entirely within this buffer zone.<sup>19</sup> Given the small geographic size and border-centric location of these states, the exemption effectively allows large swathes of land to bypass the standard forest clearance process. While intended to facilitate infrastructure development and national security, critics have raised concerns about unchecked forest diversion, diminished environmental oversight, and potential threats to biodiversity and local livelihoods. The Amendment also introduces mechanisms to expedite

<sup>18</sup> Id S 1(1).

<sup>19</sup> Jayashree Nandi, ‘NE States Object to Exemption to Forest Clearance in Key Bill, Hindustan Times’ (July 22, 2023).

project approvals for sectors considered vital to “national development,” including defense, strategic industries, and infrastructure. The rationale is to address bureaucratic delays and accelerate decision-making.

However, environmentalists caution that this simplification may weaken environmental scrutiny, enabling large-scale projects to proceed without comprehensive ecological assessment. The trend reflects a broader policy orientation that privileges “ease of doing business” over stringent safeguards, potentially undermining the Environmental Impact Assessment (EIA) framework, historically a critical tool for ensuring responsible land use and forest management.<sup>20</sup> Today's technological and policy landscape brings a renewed emphasis on ecological restoration and carbon neutrality (Section 1A), positioning forests as key carbon sinks within India's climate diplomacy. This framing has been criticised for promoting monoculture plantations over natural forests, thereby reducing biodiversity and long-term carbon sequestration potential.<sup>21</sup> Examples such as Andhra Pradesh's eucalyptus and acacia plantations and the Green India Mission illustrate how such “restoration” efforts may prioritise carbon targets and revenue generation over ecological integrity and tribal rights. Andhra Pradesh's social forestry projects replaced natural forests with eucalyptus and acacia, causing biodiversity decline and water depletion, despite being labelled as “restoration.”<sup>22</sup> Similarly, plantation drives under the Green India Mission have been criticised<sup>23</sup> for prioritising carbon targets over ecosystem diversity and tribal rights, illustrating how “eco-tourism” and restoration initiatives can prioritise revenue over ecological integrity and community livelihoods.<sup>24</sup>

The newly inserted Section 3A empowers the Central Government to issue binding directions to state governments for implementing the Act. While this centralisation is justified as a means to ensure uniform policy implementation and expedite decision-making for projects of “national importance,” it significantly reduces the autonomy of states, especially those like Mizoram with special constitutional protections under Article 371G. This provision has raised concerns that state-level voices and community interests may be sidelined in forest governance, weakening federalism and eroding local control over ecologically and culturally significant landscapes. Similarly, Section 4 expands the Central Government's rulemaking powers, allowing the Union

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<sup>20</sup>Vaishali Rawat, ‘Greenlight for Destruction, Frontline’ (Jan. 10, 2024).

<sup>21</sup>K. B. Saxena, ‘The Forest (Conservation) Amendment Act 2023: A Threat to India's Ecological Balance, 45 J. Env'tl. Pol'y 123 (2024)’.

<sup>22</sup>Mongabay India, ‘Eucalyptus Plantations in Andhra Pradesh Sway Between Economy and Ecology’ (Apr. 21, 2021).

<sup>23</sup>‘Revamped Green India Mission: Ecosystems & Livelihoods, Indian Express’ (June 19, 2025).

<sup>24</sup>Earth Journalism Network, ‘How Indigenous Communities Are Being Barred from Forests in Madhya Pradesh’ (Aug. 18, 2023).

to frame detailed guidelines and regulations without extensive consultation or legislative debate.<sup>25</sup> While this flexibility is presented as a tool to adapt to emerging environmental and developmental challenges, it may also bypass parliamentary scrutiny and stakeholder participation, concentrating decision-making in the executive.

Following the enactment of the Forest (Conservation) Amendment Act, 2023, the Union Ministry of Environment, Forest and Climate Change notified the Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2025, which further consolidate the Centre's authority over forest governance.<sup>26</sup> These rules introduce a revised definition of "working permission," permitting the commencement of preliminary activities for linear projects immediately after Stage-I, or in-principle, approval rather than waiting for final clearance. They also allow offline application submissions for projects of strategic or national importance, simplify compensatory afforestation procedures for critical mineral projects, and make the notification of afforestation lands as protected forests optional. While these changes aim to streamline project execution and support India's developmental and strategic goals, they simultaneously weaken environmental safeguards, reduce transparency, and increase centralization.

Together, these provisions create a highly top-down model of environmental regulation, which critics argue could undermine the participatory ethos envisioned in forest governance frameworks such as the Forest Rights Act, 2006 (FRA) and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). The risk is particularly acute in tribal-majority states, where customary land rights and traditional governance systems are constitutionally recognised but may not be reflected in centralised rulemaking processes.<sup>27</sup>

#### *Mizoram's Policy Shift on the Forest (Conservation) Amendment Act, 2023*

Mizoram's initial rejection of the FCAA, 2023 was rooted in legitimate concerns over the absence of clear rules and the potential adverse effects on tribal rights and forest governance. The subsequent reversal, with the Assembly formally endorsing the Act, was justified by the Chief Minister on several grounds, each warranting closer scrutiny.<sup>28</sup> Firstly, the reference to the Godavarman case<sup>29</sup> underscores the challenge posed by a strict, dictionary-based definition of forests that constrained Mizoram's autonomy over land use. While the Amendment Act's dilution of this definition ostensibly grants the state greater discretion, this shift raises critical

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<sup>25</sup> Forest (Conservation) Amendment Act, 2023, No. 15, S 4.

<sup>26</sup> Jayashree Nandi, 'Centre Notifies Forest Conservation Rules Amendment, Hindustan Times (Sept. 2, 2025)'.

<sup>27</sup> Ayesha Alavi, *The Forest Amendment Act 2023: A Constitutional Challenge to Tribal Rights*, Virtuosity Legal (2025).

<sup>28</sup> Mizoram Legislative Assembly, 5th Session of the 9th Assembly (Aug. 27, 2025), YouTube (2025).

<sup>29</sup> T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267 (India).

questions about environmental safeguards. Does relaxing forest definitions risk opening avenues for commercial exploitation under the guise of regulatory flexibility? The purported empowerment of the state must therefore be weighed against potential ecological consequences.

Secondly, he emphasized that the Act (FCAA), 2023 respects the provisions of the Forest Rights Act (FRA), 2006 and thus ensures protection for forest-dwelling communities in Mizoram.

<sup>30</sup>While this framing positions the FRA as a legal safeguard against displacement or rights violations, its actual capacity to protect community interests in the context of the FCAA is highly questionable. It is important to note that the FRA operates primarily at the level of Gram Sabhas, and its enforcement remains weak and inconsistent across the country. In Mizoram, the effectiveness of Gram Sabhas is even more uncertain given the lack of procedural clarity and the marginal role they have historically played in large-scale project approvals. This is especially troubling considering that in the 12th session of the 8th Mizoram Legislative Assembly, it was recorded that even MLAs were unaware of the contents and implications of the FCAA until after its passage. <sup>31</sup>If elected representatives themselves were kept in the dark, it is deeply unlikely that village-level bodies would be adequately informed or empowered to exercise veto powers.

Moreover, several civil society voices, regional political actors, and tribal rights activists across the Northeast and Himalayan regions have denounced the FCAA 2023 as "anti-tribal." The Naga People's Front, forest rights groups, and leaders such as Pranab Doley and Mayalmit Lepcha have pointed to the Act's provisions that facilitate the diversion of forest land for zoos, safaris, eco-tourism, and other commercial ventures without robust consultation or consent.

<sup>32</sup>These concerns echo broader fears that the FCAA may directly conflict with special constitutional protections, including Article 371G in Mizoram, by centralizing forest governance and undermining customary land rights. While the FRA remains a positive and progressive piece of legislation, it cannot be assumed to provide a sufficient institutional shield in a legal environment where overarching constitutional protections like Article 371G are compromised. The notion that Gram Sabhas will act as effective gatekeepers is optimistic at best and potentially misleading at worst. In such a scenario, what appears to be a safeguard may in fact become a procedural formality, unable to prevent the erosion of tribal rights in practice. In border districts of Mizoram, where the Act allows for exemptions for "strategic linear

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<sup>30</sup> Mizoram Legislative Assembly, 5th Session of the 9th Assembly (Aug. 27, 2025), YouTube (2025).

<sup>31</sup> Mizoram Legislative Assembly, 12th Session of the 8th Assembly (Aug. 22, 2023), YouTube (2023).

<sup>32</sup> Jayashree Nandi, *Why Naga People's Front Has Opposed the Forest Amendment Act*, Hindustan Times (Aug. 9, 2023).

projects,”<sup>33</sup> a Gram Sabha may not have the technical knowledge to scrutinize security-based justifications or negotiate safeguards for community rights. Similarly, delays in translating central notifications into Mizo risk bypassing meaningful consultation, undermining the participatory spirit of the FRA, 2006.

This concern is not hypothetical. In *Orissa Mining Corporation v. Ministry of Environment & Forests* (2013), the Supreme Court emphasized that Gram Sabha consent was mandatory for diversion of forest land affecting Scheduled Tribes and other traditional forest dwellers. Yet, implementing this directive required massive administrative support, legal literacy programs, and NGO intervention to ensure that affected communities could understand the implications of the mining project. Mizoram’s Gram Sabhas, operating in remote terrain with limited administrative infrastructure, face even greater challenges in effectively exercising these rights, especially under a more centralized legal framework like the Act (FCAA), 2023.

Thirdly, he argued that project clearances have historically taken considerable time, resulting in delays to government initiatives and development projects, thereby hindering the state’s progress. The Amendment Act is expected to streamline these procedures, with the intention of reducing bureaucratic delays and facilitating more efficient governance. However, this framing of efficiency warrants critical examination. While procedural delays can be frustrating, especially in urgent infrastructure development, speed must not override ethical and ecological safeguards. There is a risk that “streamlining” may translate into weakened scrutiny and diminished public participation, particularly in ecologically sensitive and socially complex regions like Mizoram. As the saying goes, “*good things take time*” and in the context of environmental governance, doing things ethically and inclusively often requires deliberation and patience. Rushing through clearances may offer short-term administrative gains but risks generating long-term environmental degradation, social unrest, or legal challenges. Therefore, the promise of efficiency must be carefully balanced with the need for transparency, justice, and sustainability.

Furthermore, he emphasis on securing exemptions for strategic roads under the Act reflects the broader geopolitical and security concerns that are particularly salient in border states like Mizoram. <sup>34</sup>This adds complexity to the conventional forest conservation discourse, as infrastructure development in such regions often involves competing priorities between national security, environmental protection, and local rights. However, this narrative has not gone

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<sup>33</sup>Forest (Conservation) Amendment Act, 2023, No. 15, S 2(2).

<sup>34</sup>Mizoram Legislative Assembly, 5th Session of the 9th Assembly (Aug. 27, 2025), YouTube (2025).

unchallenged. Critics point out that the state's endorsement of the Amendment Act may have been more procedural than substantive. Allegedly, the Mizoram government had already requested national strategic designation for key roads including the Bangladesh-Mizoram corridor even before the Assembly had formally adopted the Act. Moreover, on the very day the resolution was passed, it was confirmed that the Ministry of Defence had already granted exemptions for seven such roads under the amended provisions.<sup>35</sup> This sequence of events raises questions about whether the legislative endorsement was genuinely deliberative or merely a post-facto legitimisation of decisions already made in coordination with the central government. Finally, the Chief Minister's assurance that the state can revoke its endorsement of the Act<sup>36</sup> if it proves detrimental may appear to offer a safeguard. However, I argue that this is a limited and potentially misleading reassurance. In contrast to the FRA, which is widely seen as a positive, rights-affirming legislation with clear benefits for the people of Mizoram, the Amendment Act, 2023 raises more serious concerns. By endorsing it, the state appears to have compromised certain protections guaranteed under Article 371G of the Constitution a provision that is central to Mizoram's autonomy over land, forests, and customary governance. This is not a minor procedural issue. While, in theory, the state can later revoke its resolution, the implications of having ceded constitutional safeguards may be far more difficult if not impossible to undo once the Act is implemented. What if the damage occurs before any revocation takes place? What if we are too late to prevent adverse outcomes? In this sense, the policy shift is not just tentative it is risky, and potentially irreversible. It raises critical concerns about whether short-term administrative or developmental gains are being prioritised over long-term constitutional and ecological security.

The Assembly's endorsement triggered across Mizoram. Demonstrations erupted in Aizawl, with slogans denouncing what activists label as the "Revoke FCAA."<sup>37</sup> This public backlash has placed Mizoram's stance under intense scrutiny. What was once framed by the state government as a pragmatic decision in line with national interest is now being contested from within especially by civil society, and local activists who view the Act as fundamentally anti-tribal. The response reflects deeper anxieties about the fragility of constitutional asymmetry under Article 371G, especially as Mizoram's approval of the Forest (Conservation) Amendment Act, 2023 weakens these protections. It highlights the limited political space available to peripheral states when national strategic interests are invoked, raising serious concerns about

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<sup>35</sup>Id.

<sup>36</sup>Id.

<sup>37</sup>Dalidia Fanai, 'Protest Erupts Over Mizoram Assembly's Endorsement, India Today NE' (Aug. 28, 2025). "Note: The protest was led by Vanramchhuangi, popularly known as Ruatfela Nu."

the security of tribal autonomy and local rights.

### III. CRITIQUES AND CONCERNS

Despite the government's justifications, FCAA, 2023 has faced strong criticism from scholars, environmentalists, and Northeastern states. Scholars argue that the Amendment signals a shift toward greater centralization of environmental governance, prioritizing Union authority over forest clearance, streamlining approvals, and introducing broad exemptions for border and infrastructure projects (Gazette of India, 2023; PRS, 2023).<sup>38</sup> Critics view the Amendment as prioritizing strategic and economic goals over ecological sustainability, community rights, and local forest governance.

Media coverage highlights public concerns and the tangible human and ecological impacts. The Bill is described as introducing "radical changes to India's forest law" and posing particular danger to Northeastern states (Dutta, 2023). Reports state that it reduces forest clearance procedures, allows large-scale diversion of forest land without permissions, and narrows the definition of forests, risking the loss of protection for many areas under the 1980 Act.<sup>39</sup> Environmental risks are also significant. India Spend reports that nearly 28% of India's forest cover about 197,159 sq km is excluded from statutory protection under the Forest (Conservation) Amendment Act, 2023, as the law limits safeguards to lands recorded as forests on or before October 25, 1980 (Sayeda, 2023). This is particularly critical for states like Mizoram, which already lost 186 sq km of forest cover between 2019 and 2021 (India State of Forest Report, 2021).<sup>40</sup> The exclusion of such landscape risks accelerating habitat degradation and biodiversity loss, especially in Mizoram's ecologically fragile border regions.

Mizoram's decision to adopt the Forest (Conservation) Amendment Act, 2023 represents a significant shift in its constitutional position under Article 371G, which had previously insulated the state from the automatic application of central forest laws.<sup>41</sup> By voluntarily embracing the Act, Mizoram effectively waived a key layer of constitutional protection, thereby exposing itself to future legislative and executive interventions. The *Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2025*<sup>42</sup> exemplify the volatility of this framework. These rules, notified scarcely two years after the 2023 Act, reconfigure procedures for project approvals and

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<sup>38</sup>PRS Legislative Research, *The Forest Conservation (Amendment) Bill, 2023*, <https://prsindia.org/billtrack/the-forest-conservation-amendment-bill-2023>"

<sup>39</sup>S. B. Dutta, 'Why the Northeast is Protesting', Times of India' (July 29, 2023).

<sup>40</sup>Sayeda Z. A., *Forest Law Amendment Will Make It Easier to Divert 28% of Forest Cover*, IndiaSpend (Aug. 7, 2023).

<sup>41</sup>INDIA CONST. art. 371G.

<sup>42</sup>Jayashree Nandi, *Centre Notifies Forest Conservation Rules Amendment*, Hindustan Times (Sept. 2, 2025).

environmental safeguards with minimal consultation, demonstrating how swiftly regulatory regimes can evolve through executive action alone. This regulatory fluidity heightens the risk for Mizoram: the state's forests and customary governance systems are now subject to policy shifts over which it exercises little control. The speed and frequency of these changes underscore a deeper structural vulnerability, where incremental rule-making may cumulatively erode ecological protections and undermine the spirit of Article 371G without direct legislative amendment.

#### **IV. RECOMMENDATIONS FOR INCLUSIVE FOREST GOVERNANCE**

To ensure that forest governance in Mizoram balances ecological protection, development, and tribal rights, three key measures are recommended.

i. A legally binding consultative process should be established with tribal bodies and local self-governance institutions. Village Councils should serve as the first point of contact to obtain free, prior, and informed consent (FPIC), followed by review and approval from Autonomous District Councils (ADCs) to ensure alignment with customary laws and the Sixth Schedule. A Joint Consultative Committee comprising state government representatives, ADCs, Village Councils, and civil society organizations should mediate conflicts and ensure proposals meet national environmental standards. Evidence from Nepal's community forestry programs and India's Joint Forest Management initiatives demonstrates that local engagement improves forest regeneration, reduces conflict, and strengthens community stewardship.<sup>43</sup>

ii. To Reconsider the Forest (Conservation) Amendment Act, 2023 in Mizoram, given risks to biodiversity and customary land rights under the Sixth Schedule and Article 371G, the Act should be suspended or revised for Mizoram. A Mizoram-specific Forest Conservation Act should be enacted by the state assembly, incorporating principles from the Forest Rights Act (FRA), 2006, and formalizing community co-management. The Union Ministry of Environment, Forest and Climate Change would then issue a notification recognizing the state-adapted law, ensuring national and state laws operate in tandem.

iii. Mizoram should serve as a pilot for local conservation initiatives. Tribal councils and local institutions could oversee forest monitoring, biodiversity management, and carbon sequestration projects. A Mizoram Community Forest Fund (MCFF) should be established, funded through CAMPA allocations and corporate social responsibility (CSR) contributions.

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<sup>43</sup>N. K. McGunnigle, D. K. Bardsley & I. K. Nuberg, *Rewilding in the Developing World*, 55 *Envtl. Dev.* 101225 (2025).

Monitoring should combine traditional knowledge with modern scientific methods to ensure effective, participatory governance.

By embedding participatory governance, customary rights, and rigorous oversight into forest management, India can reconcile developmental ambitions with the long-term health of its forests and the cultural rights of forest-dependent communities. Such an approach not only honours the spirit of constitutional protections like Article 371G, but also aligns closely with the objectives of the Sustainable Development Goals (SDGs) particularly SDG 13 (Climate Action), SDG 15 (Life on Land), and SDG 16 (Peace, Justice and Strong Institutions).<sup>44</sup> A truly sustainable forest governance model must therefore be rooted not just in economic imperatives, but in ecological justice, local self-determination, and intergenerational equity.

## V. CONCLUSION

The Forest (Conservation) Amendment Act, 2023 represents a significant shift in India's forest governance, prioritizing centralized authority, streamlined development, and strategic imperatives, particularly in sensitive border states like Mizoram. While the Act claims to align with climate commitments and national interests, its narrowing of forest definitions, broad exemptions for security projects, and accelerated clearance processes risk undermining environmental safeguards and the constitutional autonomy guaranteed under Article 371G.

Mizoram's initial rejection and subsequent reversal of the Act reveal deep institutional and political tensions. The state's limited engagement and the lack of transparent consultation with local Gram Sabhas highlight critical gaps in participatory governance. Moreover, the Act's centralizing tendencies threaten to marginalize tribal rights and customary land governance, raising fears of ecological degradation and socio-cultural disruption. The strong public backlash and protests reflect broader anxieties about federalism, indigenous autonomy, and the fragility of constitutional protections in the face of national strategic priorities. While the Chief Minister's assurances of revocability offer some comfort, the potential irreversible impacts of ceding constitutional safeguards cannot be overlooked.

Ultimately, Mizoram's experience underscores the urgent need for forest governance models that balance development, ecological sustainability, and indigenous rights. Ensuring meaningful local participation, strengthening institutional capacities, and respecting constitutional asymmetries are essential to protect both the environment and the communities that depend on it. Without such inclusive approaches, well-intentioned climate and development goals risk

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<sup>44</sup>United Nations, *Sustainable Development Goals* (2015), <https://sdgs.un.org/goals>.

deepening inequalities and eroding the very fabric of tribal autonomy and ecological resilience. The Forest (Conservation) Amendment Act, 2023 positions itself as a promise of ecological security and climate progress, Mizoram's experience reveals it may instead quietly erode federalism and tribal rights. The Act's centralized approach risks undermining constitutional protections and local autonomy, raising critical questions about whose interests are truly prioritized in India's forest governance going forward.

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