

DEFINITION OF FOREST – ENVIRONMENT

Haryana has issued a new rule that narrowly defines a 'forest' using strict area and canopy density criteria. This move is being criticized as it directly contradicts the Supreme Court's broader 1996 Godavarman ruling and could open ecologically vital lands to development.

The Importance of Defining a 'Forest' in India

Foundational Governance Framework – India's approach to forest management is built upon a robust combination of constitutional mandates, key legislation, and judicial oversight.

Constitutional Provisions

Article 48A (Directive Principles) – This directs the State to actively protect and improve the environment and to safeguard the nation's forests and wildlife.

Article 51A(g) (Fundamental Duty) – This places a duty on every citizen to protect the natural environment, including forests and wildlife.

Key Legislation

Forest (Conservation) Act, 1980 (FCA) – This is the cornerstone of forest protection, strictly restricting the diversion of forest land for any non-forest purpose without prior approval from the Central Government.

Other Acts – The Wildlife Protection Act, 1972, and the Environment Protection Act, 1986, further strengthen the legal framework for conservation.

The Core Issue – The Lack of a Universal Definition: A persistent challenge in Indian environmental law has been that India never enacted a single, universal, and statutory definition of what constitutes a "forest." Historically, forests were classified under the Indian Forest Act, 1927, as Reserved Forests, Protected Forests, or Unclassified Forests. However, this left a critical gap, as vast tracts of ecologically important land—such as scrublands, grasslands, community-managed forests, and other green areas—remained outside of these formal government records and thus lacked legal protection.

The Supreme Court's Landmark Intervention

The T.N. Godavarman Thirumulpad Case (1996) – In this landmark case, the Supreme Court radically expanded the scope of forest protection.

The "Dictionary Meaning" Rule – The Court ruled that the term "forest" must be understood not just by what is officially recorded in government files, but by its simple dictionary meaning.

Universal Application – This broad interpretation meant that any piece of land that fits the dictionary definition of a forest—irrespective of its ownership (be it private or government-owned)—is to be treated as a forest and is automatically covered under the stringent provisions of the Forest (Conservation) Act, 1980.

Consequences – This ruling led to a pan-India freeze on the diversion of forest land for non-forest activities unless explicitly approved by the Centre. It also empowered the judiciary, through the Centrally Empowered Committee (CEC), to closely monitor and prevent deforestation.

Impact of the Godavarman Judgment – The judgment was a game-changer for conservation. It brought vast areas of previously unprotected, ecologically important land under the ambit of "forest" law and mandated that states prepare detailed "identification reports" and maps of all such forest areas.

Haryana Government's Controversial 2025 Notification

A New, Narrow Definition – Haryana's Environment & Forests Department issued a notification that introduces a rigid, criteria-based definition for forests. A patch of land will be considered a forest only if it meets all three of the following conditions.

1. It has a minimum area of 1 hectare.
2. It is a minimum area that is contiguous with government-notified forests.
3. It has a canopy density of 0.4 (40%) or more.

What This Definition Excludes –

1. Lands smaller than 1 hectare.

2. Open forests with less than 40% canopy cover.
3. Scrublands, wetlands, and other fragmented green patches.

The State's Argument – The Haryana government argues that this new definition brings clarity and objectivity to the classification process, which it claims will help avoid confusion and delays in approving development projects.

Criticism from Environmentalists and Legal Experts

Direct Contradiction of Supreme Court Orders – Critics point out that the Supreme Court in the Godavarman case deliberately avoided setting rigid numerical thresholds for area or canopy density to ensure the definition remained broad and inclusive. Haryana's rule directly narrows this scope, defying the Court's interpretation and potentially amounting to prima facie contempt of court.

Grave Ecological Concerns

Biodiversity Loss – The excluded areas like scrublands, grasslands, and wetlands are critical habitats for many endangered species, including the sarus crane, leopard, nilgai, and various reptiles.

Habitat Fragmentation – Many smaller, excluded forest patches serve as crucial wildlife corridors that connect larger forests, particularly in the ecologically fragile Aravalli Hills. Removing their protected status threatens this connectivity, isolating wildlife populations.

Increased Climate Vulnerability – Haryana already has one of India's lowest forest covers (around 3.6%). Further reducing protected areas will harm the state's ability to perform essential ecological functions like carbon sequestration, rainfall regulation, and groundwater recharge.

The Problem of High Thresholds – The combined requirement of a 1-hectare area and 40% canopy density sets the bar too high. This leaves many ecologically important but degraded areas unprotected, which runs contrary to India's National Forest Policy, 1988, a key objective of which is to restore such degraded forests.

The Political-Economic Angle – Many critics argue that the move is designed to favor real estate developers, mining corporations, and infrastructure projects, especially in the Aravalli Hills. They fear that this dilution of the definition will open up vast tracts of land for commercial exploitation under the guise of not being a "forest."

Reactions and Wider Implications

Official and NGO Reactions

1. Retired Indian Forest Service (IFS) officers have warned that the notification violates Supreme Court rulings and India's international commitments under the Convention on Biological Diversity (CBD) and the UNFCCC.
2. NGOs and environmentalists have filed objections and are likely to challenge the notification in the Supreme Court and the National Green Tribunal (NGT). The NGT has a history of striking down similar state-level attempts to dilute the forest definition.

Wider Implications for India

1. Risk of a Dangerous Legal Precedent: If Haryana's move is allowed to stand, it could encourage other states to adopt similar narrow definitions, which would systematically dismantle the robust protective framework built by the Godavarman judgment over the last three decades.
2. Impact on International Climate Commitments: India's Nationally Determined Contribution (NDC) under the Paris Agreement includes a promise to create an additional carbon sink of 2.5–3 billion tonnes of CO₂ equivalent by 2030 through afforestation. Narrowing the definition of what counts as a forest directly undermines this critical target.
3. Potential for Federal Tension: Since 'Forests' are on the Concurrent List of the 7th Schedule, state laws must comply with central legislation (like the FCA, 1980) and Supreme Court rulings. Haryana's unilateral move could trigger a legal conflict between the Centre and the State.

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