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## THE FOREST CONSERVATION ACT: SAVING NATURE'S WEALTH

- Yeshika Sharma

### ABSTRACT

*What would happen to this planet if all the forests were to disappear! This planet would go through catastrophic changes and face unprecedented climate imbalances. The planet would lose its massive wildlife and naturally go through floods and droughts in alternate seasons. In extreme cases, even human life could be under threat.<sup>1</sup>In most parts of the globe, forests are referred to as the 'lungs of the Earth' as these provide oxygen and absorb in carbon dioxide. In India, however, the role of forests is far greater. They support millions of tribal and rural people and form the backbone of their lives of countless Indians. However, with fast growing industrialization, urbanization, increasing mining activities and growth of infrastructure all over the country, man has resorted to deforesting large chunks of land. The Forest (Conservation) Act, 1980 was enacted by the Indian Parliament to control the haphazard usage of forest land. The Act is aimed at conserving forests for future generation. It is one of the most important environmental laws of India.<sup>2</sup>*

### IMPORTANCE OF FOREST CONSERVATION

Forests play a very important role in our environment. They are natural resources which support life on Earth. They help to stabilize the climate, they help to support an ecological system and help to safeguard the biodiversity of the Earth. The forest absorbs harmful carbon dioxide from the atmosphere and releases essential oxygen for the survival of human beings and animals. A forest also acts as a natural carbon sink and the consumption of this carbon by the forests helps

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<sup>1</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980).

<sup>2</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

in reducing global warming and climate change. A forest helps in controlling the rainfall and the temperature, thus maintaining stability of the environment.<sup>3</sup>

Another role that forests play is that of protecting the earth from the effects of soil erosion and the conservation of fresh water. Tree roots hold soil in place preventing landslides and floods, forest act as sponges to replenish groundwater during rainy seasons to sustain water cycle. Forests are source of rivers and streams which get used for irrigation in farms, for industries and for domestic purposes. Without forests, many places would be facing severe water shortage and damage to environment.

A Forest is a very vital part of Nature's System and has lots of biodiversity. India has been blessed with huge variety of Flora & Fauna of which many are endangered like Tigers, Elephants, Rhinoceroses, Leopards & many endangered species of Birds & Medicinal plants etc. These species are resident of Forest only & sustain on food & shelter provided by Forest only. Thus, saving trees is equal to saving total Ecosystem.

Forests also have social and ecological value not realized by many. They support millions of tribal and rural population of the country and provide them livelihood. A forest is a source of fuel, seasonal fruits, wild herbs, bamboos, timber and drugs required for the day to day life of human beings and also for earning their livelihood. Many tribal communities in the country live in forests and have traditionally managed forest resources using indigenous knowledge systems for their sustenance.

However, before the enactment of the Forest (Conservation) Act, 1980, all the State Governments had been empowering themselves to use forest land for purposes other than those related to forest, such as agriculture, industries, afforestation, dams, roads, tourism and water harvesting etc. Without any environmental safeguards, forest land were being diverted on a large scale for such purposes and consequently there was large scale of deforestation taking place, which caused serious environmental problems such as biodiversity degeneration, land degradation, soil erosion, floods and change in rainfall pattern i.e. variable and unpredictable. The worst effect of deforestation is creation of climate imbalance which affects wildlife

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<sup>3</sup> Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980; India Code, The Forest (Conservation) Act, 1980.

habitats and the forest dependent population has to shift to alternative habitats outside the forests.<sup>4</sup>

The Forest (Conservation) Act, 1980 was brought in by Indian government to control the carnage of deforestation and to check exploitation of forest resources by State Governments. The main objective of this legislation is to check diversion of forest land for purposes other than those related to forests and this can only be done with prior approval of Central Government.<sup>5</sup>

Compensatory afforestation is another significant feature of the Forest (Conservation) Act, 1980. This provision requires that wherever forest land is diverted for development, equivalent area of forest land to be brought under afforestation by the State/ person responsible for diversion of forest land. This will help in compensating for the damage caused to environment due to diversion of forest land from forest to non-forest use.

The Act therefore helps in promoting sustainable development by striking balance between the need for development and requirement of protecting ecology. In this way the Forest (Conservation) Act has been very successful in checking deforestation and ensuring environment friendly use of natural resources.<sup>6</sup>

### **KEY FEATURES OF THE FOREST (CONSERVATION) ACT**

The crucial provision of Section 2 of the Act as it prevents the state authorities from de-reserving the forests or using forest land for non-forest purposes without the approval of the Central Government.<sup>7</sup>

The Act has served the very useful purpose of bringing about a drastic reduction in uncontrolled deforestation across the country. Thus while giving its approval for taking up development projects which involve use of forest land, environmental clearances would be granted only after a detailed assessment is carried out of the ecological impact that such projects would have. Thus there would be a balanced approach towards growth of economy and development on the one hand and conservation of environment on the other.

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<sup>4</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

<sup>5</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980).

<sup>6</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

<sup>7</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980).

Another significant feature of the Act is the concept of compensatory afforestation. Whenever forest land is diverted for developmental activities such as industries, roads, mining, or dams, the concerned authorities are required to undertake afforestation on equivalent non-forest land or degraded forest land. The environmental degradation that may be caused due to diversion of forests from ecological zone to non-ecological zone is to be counter balanced to some extent by undertaking afforestation / land restoration program. This provision of law reflects in the spirit of sustainable development. While promoting economic activities, ecological balance is not to be totally jeopardized.<sup>8</sup>

The Act also strives to conserve biodiversity. For a country like India where forests are home to innumerable species of plants and animals, saving of forests is saving of life. Thus, in protecting forests, the Act indirectly safeguards wild life and protects biodiversity also.<sup>9</sup>

The forests of India help combat climate change by virtue of trees absorbing the major greenhouse gas – carbon dioxide – which leads to global warming. Hence the Act serves two purposes of protecting environment as well as fulfilling the international environmental obligations and commitments including implementation of Paris Agreement.<sup>10</sup>

## **CHALLENGES IN IMPLEMENTATION**

The Forest (Conservation) Act of 1980 faces challenges of late. The demands of various development projects such as mining, construction of highways, industries and hydropower projects are increasing by the day and are requiring to be met by diverting large amounts of forest land. The easy clearances for cutting down forests have often been the cause of ire of environment activists.<sup>11</sup>

Even where compensatory afforestation is carried out it cannot hope to reproduce the full values of natural forests. All that such re-forestation does is to increase the Forest Cover in statistical terms. Mature natural forests take decades, even centuries to reach their full potential.

Rights of tribal and local communities residing in forests and issues related to them also remain to be addressed. Many of these communities are indigenous and have lived for generations in

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<sup>8</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

<sup>9</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980).

<sup>10</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

<sup>11</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980); Ministry of Environment, Forest and Climate Change, Forest Conservation Act, 1980.

the forests. They possess massive knowledge on natural resources conservation but forest conservation policies have led to their displacement and have even barred them from using resources from the forests for their survival. Conservation of environment and forests and recognition of rights and means of survival of local communities residing in forests need to be addressed immediately and a balance needs to be brought between the two.<sup>12</sup>

There have been amendments to the Forest (Conservation) Act recently and while some would say that this will enable use of more forest land for strategic purposes as well as for development, others feel that the Act needs to be reformed to permit development of the country through infrastructure.

## **CONCLUSION**

The Forest (Conservation) Act, 1980 is a landmark legislation in protecting the country's natural wealth. The forest is not just for economic exploitation, it is for ecology, for biodiversity, for climate and for human beings. Thus, while development of the country through infrastructure for its growth is essential, it should not be at the cost of environment.<sup>13</sup>

Strengthening Forest Conservation—Need of the Hour for India. To conserve forests and strengthen forest conservation it is very important for India to strictly implement its existing environmental laws and bring about transparency in the approval processes. There is also a need for scientific study and scrutiny of proposals for use of forests. It is also extremely important to have involvement of local communities in forest management. Spread of awareness and environmental education amongst public at large is equally important to create a consciousness amongst citizens to use forests in a responsible manner and protect them.

Saving forests for today's generation is equal to saving humanity for future generations. If we save our nature today, a healthy and sustainable world will be left for our future generations to live in tomorrow.

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<sup>12</sup> The Forest Conservation Act, 1980, No. 69 of 1980, India Code (1980).

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