

Government of India
Ministry of Environment Forest and Climate Change
(Forest Conservation Division)

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Jor Bagh Road, Aliganj

New Delhi: 1100 03,

Dated: 11th July, 2025

OFFICE MEMORANDUM

Sub: Simplified version of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Forest (Conservation) Amendment Act, 2023 – reg.

The undersigned is directed to refer to the above mentioned subject and to inform that the Forest (Conservation) Amendment Act, 2023 was notified on 4.08.2023 and came into force w.e.f. 1.12.2023. In order to ensure effective implementation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by concerned Ministries, States Governments, Union territory Administrations and various organisations/agencies, a simplified version with descriptive notes in respect of the various amendments regarding the various provisions Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is enclosed herewith for ease of understanding of the various amendments.

In view of the above, the undersigned is directed to request all Ministries/Organizations/State Government/Union territory Administration are requested to disseminated to all concerned .

Encl: As above.

(Charan Jeet Singh)

Scientist 'E'

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Distribution to:

1. Secretary, M/o Home Affairs/Defence/Road, Transport & Highway/Steel/Power/Coal/Mines/Communications/Jal Shakti/
2. Addl. Chief Secretary/Principal Secretary (Forests), All States Govts./Union territory Administrations
3. Dy Director General of Forests (Central), all Regional Offices of the MoEF&CC
4. The Nodal Officer (FCA), All States Govts./Union territory Administrations
5. Director (Technical), NIC, MoEF&CC with a request to upload the simplified version on PARIVESH Portal.
6. Guard file.

Copy to:

PSO to Secretary, EF&CC/ Sr. PPS to DGF&SS/PPS to Addl. DGF(FC)

**SIMPLIFIED VERSION WITH
DESCRIPTIVE NOTES RELATED TO
THE PROVISIONS
OF
VAN (SANRAKSHAN EVAM
SAMVARDHAN)
ADHINIYAM, 1980 WITH
AMENDMENTS MADE IN 1988 AND
2023**

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

“WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationally Determined Contribution (NDC) targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one third of its land area, which has to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and therefore enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs, carbon neutrality .”.

Description: *The Act was promulgated mainly to regulate the use of forest lands for various non-forest purposes. During the intervening period, after the promulgation of the Act, new challenges relating to ecological, social and environmental developments have emerged at national as well as international levels. For example mitigating the impact of climate change, achieving the national targets of Net Zero Emission by 2070, maintaining or enhancing the forest carbon stock, etc. Therefore, to carry forward the country's rich tradition of preserving forests and their bio-diversity and to tackle the climate change challenges, it is necessary to encompass such issues in the ambit of the Act. Accordingly, to reflect the same in the spirit of the Act, the Preamble has been inserted.*

Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Description: Current provisions of the Act are regulatory in nature i.e. Act regulates the use of forest lands for non-forest purposes. In the scenario of dynamic changes in the policies and programme to combat the larger challenges viz. increasing the green cover, carbon neutrality, striking a balance between ecological stability and economic aspirations, integrated development with conservation efforts, etc., it was considered necessary to amend the name of the Act. Moreover, to ensure that potential of the provisions of the Act is reflected in its name, a self-contained name has been assigned to the Act which is in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country.

(2) It shall be deemed to have come into force on the 1st day of December, 2023.

1A. Act to cover certain land.—(1) The following land shall be covered under the provisions of this Act, namely:-

- (a) that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;
- (b) that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.- (i) For the purposes of this sub-section, the expression 'Government record' means record held by Revenue Department or Forest Department of the State Government or Union territory Administration or any authority, local body, community or council recognised by the State Government or Union territory Administration;

Description: The applicability of the act in various types of lands has been dynamic i.e. initially provisions of the Act were being applied to the notified forest land only and subsequently, Act was made applicable to revenue forest land or in lands which were recorded as forest in government records. Many of such lands were already put to non-forestry use such as habitations, institutions, roads, etc. with the approval of the competent authority. Besides this, apprehensions were also prevalent regarding applicability of Act in the plantations raised in private and government non-forest lands. This situation resulted in

misinterpretation of the provisions of the Act with respect to their applicability, specially in recorded forest lands, private forest lands, plantations, etc. Therefore, to remove ambiguities and bring clarity about the applicability of the Act in various lands, the new section 1A has been inserted to prescribe the extent of applicability of the Act.

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

(a) such forest land situated alongside a rail line or a public road maintained by government, which provides access to a habitation, or to such rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and

(c) such forest land, —

(i) as is situated within a distance of hundred kilometres along international borders or Line of Control or Line of Actual Control, as the case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.

Description: *Strategic and security related projects of national importance need to be fast-tracked to ensure development of vital security infrastructures, especially along the international border areas such as Line of Actual Control (LAC), Line of Control (LoC), as also in the notified LWE areas.*

Similarly, small establishments, habitations on the side of roads/railways also need to be facilitated by providing them access and connectivity to main arterial roads and other public utilities.

A declining tendency of undertaking plantations in non-forest lands has been observed owing to the apprehension among individuals, organisations and authorities regarding such plantations being considered forests due to the various interpretations regarding

applicability of the Act, and this misapprehension is becoming a hindrance in enhancing green cover to fulfil the Nationally Determined Contribution targets of creating additional carbon sink of 2.5 to 3.0 billion tons of CO₂ equivalent.

In this background exemptions have been provided in the Act.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose.— (1) Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;

Description: *Taking cognizance of fast depleting forest resources of the country, the forests were added to the Concurrent List by the Constitution (Forty- second Amendment) Act, 1976. It was felt necessary that to put a check on uncontrolled and unregulated use of forest land for various non-forestry purposes, a regulatory mechanism should be in place. Accordingly, regulation on de-reservations and non-forestry use of forest land was introduced by enacting the Forest (Conservation) Act, 1980 by the Central Government on 25.10.1980. State Government cannot divert the forest land or change their legal status from forest to non-forest without the prior approval of the Central Government.*

- (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation subject to such terms and conditions, as the Central Government may, by order, specify;

Description: *In 1988, the clause (iii) of section 2 was inserted to regulate the assignment of forest land on lease to private entities for raising commercial plantations. However, in recent times, the provisions of this section are being invoked by the States and user agencies for assignment of forest land on lease for mining and other purposes, before completing due process for leasing of land.*

In the previous expression before amendment, the provisions of sub-section could not be applied to entities, owned and managed by

Government including for mining resulting in lack of uniformity, and therefore to bring uniformity in the provisions, amendment has been made in the subsection. Moreover, such leases may be assigned as per the terms and conditions laid down by the Central Government.

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation:

‘Explanation.— For the purposes of this sub-section, “non-forest purpose” includes breaking up or clearing of any forest land or a portion thereof for—

- a. cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b. any purpose other than reafforestation,

but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

 - i. *silvicultural operations including regeneration operations;*
 - ii. *establishment of check-posts and infrastructure for the front line forest staff;*
 - iii. *establishment and maintenance of fire lines;*
 - iv. *wireless communications;*
 - v. *construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;*
 - vi. *establishment of zoo and safaris, referred to in the Wild Life (Protection) Act, 1972, owned by the Government or an Authority, in forest areas other than Protected Areas;*
 - vii. *eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and*
 - viii. *any other like purposes, which the Central Government may, by order, specify.’;*

Description: *To carry out various forestry management activities and respond to quick natural hazards in the forests, basic infrastructural facilities are required to be maintained in the forest land. For want of enabling provisions in the Act, it is difficult to create such basic infrastructure in the forest area thereby impacting the forestry operations, regeneration*

activities, monitoring and supervision, prevention of forest fires, etc. Moreover, the proper protection and conservation of forests by local communities requires availability of livelihood opportunities which can be effectively enabled through promotion of eco-tourism, zoos and safaris. Therefore, activities ancillary to forestry management have been explained under this sub-section. The term 'Explanation' has been made elaborate to include activities which are taken up for the cause of conservation of forest and wild life.

(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose.

Description: *Temporary survey activities in forest area such as investigation, reconnaissance etc. causes no permanent change in the forest land use i.e. there is no perceptible change in the forest vegetation or in breaking of land. These investigations, reconnaissance of exploratory surveys, etc. are an effective tool to determine the availability of minerals without impacting the forest land. It has been therefore, provided not to treat surveys, etc. as a non-forest activity subject to certain terms and conditions specified by the Central Government.*

3. Constitution of Advisory Committee.—The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to

- i. the grant of approval under section 2; and
- ii. any other matter connected with the conservation of forests which may be referred to it by the Central Government.

Description: *Prior approval of the Central Government under section 2 is sought by the State Government for the various purposes mentioned under section 2. To facilitate the scrutiny and in-depth examination of the proposal establishing the inescapability of forest land for the intended purpose and to examine the various matter connected with the conservation of forests, it is necessary that such proposals are examined holistically. Accordingly, the Act provides provision to constitute a statutory Advisory Committee. The Committee, after appraising the proposal and matters related to conservation of forests, in a holistic manner, advise the Central Government on the proposal and matters connected with the conservation of forests.*

3A. Penalty for contravention -

Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period, which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments.—(1) Where any offence under this Act has been committed -

- (a) by any department of Government, the head of the department; or
- (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Description: *With a view to strengthen the Act, encouraging implementation of the provisions of the Act and to deter and discourage the use of forest land for various non-forest land without the prior approval of the Central Government, it was felt necessary to provide penal provisions in the Act. Penal provisions were inserted in the year 1988. After their insertion in the Act, the penal provisions have acted as a strong deterrent among the various users including State Government authorities.*

3C. Power of Central Government to issue directions.—The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory or any organization, entity or body recognized by the Central Government, State Government or Union territory Administration, as may be necessary for the

implementation of this Act.

Description: *There has been change in the ecological, social and environmental regimes and policies relating to conservation and development of forests during the last four decades since the enactment of the Act. To keep the provisions of the Act in tandem with the dynamic changes in the ecological, strategic and economic aspirations of country, an enabling provision for issuance of directions, new section 3C has been inserted in the Act.*

4. Power to make rules .—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Description: *To enable the Central Government to implement the provisions of the Act, power to notify rules under the Act has been provided. It is necessary that various provisions of the Act which need further instruction, directions, streamlining of procedures, etc. are clarified by the Central Government for better understanding and use of the provisions of the Act by the various users. Therefore, enabling provisions to notify the rules has been provided in the Act.*

5. Repeal and saving -

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.
