

URGENT
TIME BOUND

F. No. 2-1/2020-FP
Government of India
Ministry of Environment, Forest and Climate Change
Forest Policy Division

Indira Paryavaran Bhawan
Vayu Wing, 6th Floor
Jor Bagh Road
New Delhi-110003

Dated 09.07.2022

NOTICE FOR PUBLIC CONSULTATION

Sub: Proposal for amendment in the Indian Forest Act, 1927-for decriminalization of certain sections of IFA, 1927 regarding

The Ministry of Environment, Forest and Climate Change is undertaking a review of the Indian Forest Act, 1927 for amendment in certain sections of the Act. The exercise is focused on decriminalization of relatively minor violations of law, expeditious resolution through compounding of relatively smaller offences, reducing compliance burden on citizens, rationalization of penalties and preventing harassment of citizens.

2. In order to decriminalize the existing provisions of the Indian Forest Act, 1927, this Ministry has decided to bring amendment in section 26 and 33 of IFA, 1927 for decriminalization. Accordingly, a brief note along with the details of the amendment proposed in the relevant sections of IFA, 1927 are attached herewith as Annexure-I & II for comments/suggestions.

3. In view of above, it is requested that views/comments on the attached proposal may be sent to the Ministry **on or before 31st July, 2022**. The comments may be sent by email in MS-Office word file and pdf file at **forestpolicy-moefcc@gov.in** (subject of email should be "comments/views on the proposed amendment in the Indian Forest Act, 1927).

4. Alternatively, comments/ views/suggestions on the proposal may also be sent by post to the following address: *Shri Maneesh Kumar, AIG(FP), 6th Floor, Jal Wing, M/o Environment, Forest and Climate Change, Paryavaran Bhawan, New Delhi-110003*

The envelope may kindly be superscribed on the top with "comments/suggestions on the proposed amendment in the Indian Forest Act, 1927".

Encl: as above

Yours faithfully,


(Maneesh Kumar)

Asstt. Inspector General of Forests (FP)

**Note for public consultation on the proposal to make amendments in
the Indian Forest Act, 1927**

The Indian Forest Act, 1927 (IFA) (16 of 1927), provides the legal framework for the protection and management of forest, transit of forest produce and timber, and the duty leviable on timber and other forest produce. IFA is an umbrella Act, which provides the basic architecture for the management of forests in the country including providing mechanism to ensure notification of reserved, protected and village forests, protection of forest resources, forest biodiversity & wildlife of the country.

2. The Act is divided into following Thirteen Chapters: -
 - a. Chapter I Gives the title, extent, commencement and definitions.
 - b. Chapter II Gives powers to State Government to declare Forest land/waste land as Reserve Forest and lays down the procedure for the same. Also lays down Acts prohibited in such Forests.
 - c. Chapter III Deals with formation of village Forests.
 - d. Chapter IV Empowers State Governments to declare Forest land/waste land as Protected Forests and procedure thereof. Powers to make rules for regulating certain activities in Protected Forests, and lays down penalties for Acts prohibited in such Forests.
 - e. Chapter V Regarding the control over Forests and lands not being the property of Government.
 - f. Chapter V(A) Regarding the control over forests of claimants.
 - g. Chapter VI Regarding duty on timber and other Forest produce.
 - h. Chapter VII Regarding control of timber and other forest produce in transit.
 - i. Chapter VIII Regarding the collection of drift and stranded timber.
 - j. Chapter IX Deals with penalties and procedure regarding property liable to confiscation.
 - k. Chapter X Deals with cattle trespass in Forest areas.
 - l. Chapter XI Empowers State Governments to invest Forest Officers with certain powers.
 - m. Chapter XII Empowers State Governments to make Subsidiary Rules.

n. Chapter XIII Deals with Miscellaneous issues.

3. The Act also provides certain acts which are prohibited or not allowed in forests for the protection and conservation of forests. In case of non-compliance or contravention of the provisions of the IFA, 1927, or of the rules or directions issued under the said Act, the violator/ offender will be punished with imprisonment and fines. At times, there are difficulties in differentiating between a major and minor offence and because of that punishments are often not distinct. This abets habitual offenders to commit more crimes as there is same level of punishment for both first time and repeat offender. Hence, it is required to incorporate differentiated penal provisions in the Act by amending IFA, 1927. The substantive changes in the section 26(c), (d) and (e) and 33 (e), (f) and (g) of the IFA, 1927 is to remove the provision of imprisonment.

4. The details of the amendment proposed in the relevant sections of IFA, 1927 are attached as Annexure-II for comments/suggestions.

Proposed Amendments in the Indian Forest Act, 1927 (dated 09.07.2022)

THE INDIAN FOREST ACT, 1927			
Section	Existing	Proposed provision	Comments
26	<p>(1) Any person who-</p> <p>(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;</p> <p>(d) trespasses or pastures cattle, or permits cattle to trespass; or</p> <p>(e) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p>	<p>(1) Any person who-</p> <p>in sub-section (1) of 26, clauses (c), (d), and (e) shall be omitted;</p> <p>and after sub-section (1), the following sub-section shall be inserted, namely: -</p> <p>“(1A) Any person who, in a reserved forest-</p> <p>(a) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;</p> <p>(b) trespasses or pastures cattle, or permits cattle to trespass; or</p> <p>(c) causes any damage by negligence in felling any tree or cutting or dragging any timber,</p> <p>shall be punishable with fine which may extend to five hundred rupees, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.”</p>	
33	<p>33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.-- (1) Any person who commits any of the following offences, namely:-</p>	<p>33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.-- (1) Any person who commits any of the following offences, namely:-</p>	

<p>(e) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing fallen or felled, or closed portion of any protected forest;</p> <p>(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; or</p> <p>(g) permits cattle to damage any such tree,</p> <p>shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.</p>	<p>in sub-section (1), clauses (e), (f), and (g) shall be omitted;</p> <p>and after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Any person who commits any of the following offences, namely:-</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing fallen or felled, or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid; or</p> <p>(c) permits cattle to damage any such tree,</p> <p>shall be punishable with fine which may extend to five hundred rupees.”</p>	
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