

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
STARRED QUESTION No. 119
TO BE ANSWERED ON 28.06.2019

Amendments in Forest Act, 1927

*119. SHRI SUSHIL KUMAR SINGH:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether his Ministry has proposed amendments to the Forest Act, 1927 and the same was sent to various State Governments in March 2019;
- (b) if so, the details of the proposed amendments;
- (c) the ways in which the proposed changes would affect the lives of forest dwellers who depend on these forests for their livelihood;
- (d) whether one of the proposed changes give forest officials the authority to shoot people in the name of 'conservation' and if so, the details thereof; and
- (e) whether the said amendment also proposes a collective punishment against entire village for any violation and if so, the details thereof?

ANSWER

MINISTER FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI PRAKASH JAVADEKAR)

(a) to (e) A statement is laid on the Table of the House.

Statement referred to in reply to part (a) to (e) of Lok Sabha Admitted Starred Question No. 119 due for answer on 28.06.2019 asked by Shri Sushil Kumar Singh regarding Amendments in Forest Act, 1927.

- (a) &(b) Indian Forest Act (IFA) was enacted in 1927. After independence many States have enacted their State Forest Acts, where IFA stands repealed. IFA is applicable in the remaining States, which do not have their own Act. The State Forest Acts have been amended from time to time, whereas no major amendments have been made in IFA. There was a felt need to amend the IFA to keep it at par with development in last 90 years and with other State Acts. With this in view the exercise of amending IFA has been initiated. As a first step the first set of amendments have been proposed after a techno-legal analysis by a Core Drafting Committee comprising of technical and legal experts. The first Draft of comprehensive amendments to the Indian Forest Act, 1927 has been circulated to all State/ UT Forest Departments on 7th March, 2019 for soliciting their views and comments. In the next step the suggestions received will be deliberated in a conference of State Government officials. The draft finalized thereafter will be shared with other concerned Ministries and will be put in public domain to invite views and comments of different stakeholders. After analyzing these and after adequate number of consultations, the final draft will be prepared. This is a preliminary draft. The salient features of this draft are given in **Annexure I**.
- (c) The proposal is to recognize the rights and role of villagers in managing village-forest through Joint Forest Management Committees (JFMCs). These benefits to villagers/rural communities are not in derogation but in addition to the forest rights and occupation in forest land which are recognized and vested in forest dwelling Scheduled Tribes and other traditional forest dwellers as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The proposed amendment in Indian Forest Act, 1927 also envisages to assign the village community the responsibility of conservation and development of village forest constituted out of any forest or land for the socio-economic benefit of community.
- (d) No such provisions have been proposed in the amendments being considered for Indian Forest Act, 1927 regarding giving authority to forest officials to shoot people in the name of “conservation”. However, with an intention to prevent commission of offence in the forest, a provision has been proposed to empower forest officer to use little force including fire arms with appropriate precaution under Section 66. This power has been checked by Section 62 which provides for punishment to forest officer for wrongful or vexatiously or unnecessarily seizures of the property on pretence of seizing property or who vexatiously and unnecessarily arrests any person.
- (e) No such provisions have been proposed in the amendments being considered for Indian Forest Act, 1927 regarding collective punishment against entire village for any violation.

Annexure referred to in reply to part (a) & (b) of Lok Sabha Admitted Starred Question No. 119 due for answer on 28.06.2019 asked by Shri Sushil Kumar Singh regarding Amendments in Forest Act, 1927.

The following are salient features of the proposed Amendments of Indian Forest Act, 1927:

1. **Preamble:** Preamble has been amended to incorporate the principles of national Forest Policy.
2. **Definitional clause:** Re-defining forest produce, cattle, owner, timber, tree, etc along with defining community, forest, forest land, reserve forest, protected forest, unclassed forest, production forest, forest officer, plantation, pollution, sawing, saw-mill, saw pit, shifting cultivation, bark, vehicle, fishing, waste material, wild animals, carbon sequestration, encroachment, etc
3. **Reserved Forests:** New features inserted like recordings of individual and community forest rights recognized and accepted under FRA, 2006; declaring conservation area for carbon sequestration to achieve NDC target; and prohibition of dumping and littering in RF, etc.
4. **Village Forest:** With a view to provide socio-economic benefits of forests to rural communities, a detailed provisions have been proposed in the Amendment Act to assign village community rights and responsibilities of conservation and development of village forest constituted out of any forest or land. Such village-forests shall be managed by the community through Joint Forest Management Committee, constituted in consultation with Gram Sabha and the Forest Department, as per the provisions prescribed by the Rule. Such village forest shall exclude those areas that have already been under the claims of community under the “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006.
5. **Protected Forest:** Inclusion of land of ecologically importance for conservation, role of central government.
6. **Production Forest:** New chapter added with a view to recognize the economic benefits of forests and meeting demand of timber domestically.
7. **Regulation of shifting cultivation** added to make alternatives arrangement gradually which are based on the principles of sustainable management of forests
8. **Transit of timber and forest produce:** Suitable suggestions proposed for relaxing export-import of timber or other forest and transit of timber and forest produce.
9. Procedure for dealing with **forest offences and fines** has been revised to make it compatible with present scenario. Seizure of property liable to confiscation has been expanded. Immunity to forest officials has been provided as per public servants within the meaning of Section 21 of Indian Penal Code 1860 (45 of 1860) and shall be protected under section 197 of Code of Criminal Procedure 1973 for effective implementation of Forest Acts and Rules. Such immunity is

also given under Wildlife Protection Act, 1972. Hence this was proposed to make it as par with other relevant Acts.

10. **Sustainable management of forests:** A new chapter added for regulation of Working Plans and Working Schemes for the management of forest areas and constitution of National Forest Funds and State Forest Funds.
