

# Standing Committee Report Summary

## The Indian Forest (Amendment) Bill, 2012

- The Departmentally-Related Parliamentary Standing Committee on Science & Technology, Environment & Forests, (Chair: T. Subbarami Reddy) submitted its 231<sup>st</sup> Report on the Indian Forest (Amendment) Bill, 2012 on November 26, 2012.
- The Indian Forest Act, 1927 (IFA) consolidated the laws relating to forests, transit of forest produce and the duty leviable on timber and other forest produce. The Bill seeks to amend certain provisions of this Act such as the amount that can be charged for compounding of an offence and requiring the forest officer to obtain and record the views of the gram sabha before compounding an offence. [To compound an offence means to accept compensation in lieu of punishment. This relief is also allowed under Section 320 of the Criminal Procedure Code, 1973 for certain offences.]
- The Committee observed that the Indian Forest Act, 1927 is archaic and needs a comprehensive revision. The present amendments are only a piecemeal effort to amend the law. The Ministry has informed the Committee that there is no plan to amend the IFA as a whole.
- The Committee stated that the Act was aimed at monopolising forest resources to harness maximum revenue denying forest dwellers their traditional rights over forest produce. The Committee recommended that the IFA needs to be brought in tune with the National Forest Policy, 1988 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). The IFA criminalises activities that the FRA recognises as the rights of the forest dwelling scheduled tribes and other forest dwellers. These rights include: (a) the right to hold forest land for habitation, self-cultivation and livelihood, and (b) the right of ownership, access to collect, use and dispose of minor forest produce.
- Under the Act, for the purpose of compounding an offence a forest officer should not be below the rank of Ranger and should be in receipt of a monthly salary of at least Rs 100. The Bill removes this monthly salary limit of Rs 100 and retains only the officer's minimum rank. The Committee endorsed the proposed amendment given that there is variance in the salary of forest officers in various states.
- The amount of compensation that can be charged for compounding offences has been raised from Rs 50 to Rs 10,000. The Committee has recommended that for petty offences it would suffice if the compensation is decided only based on the value of forest produce illegally acquired. The Committee further stated that any enhancement to the benchmark amount of Rs 10,000 may give wide discretion to the forest officer which may be misused.
- In the Act, the maximum pecuniary penalty for petty offences is Rs 500. The Committee observed that there is a huge gap between this fine prescribed in the Act and the proposed amount of Rs 10,000 to be paid as compensation for the purpose of compounding. Hence, the majority of petty offenders may opt for prosecution rather than compounding. This will negate the purpose of the proposed amendment unless the pecuniary penalty is also suitably enhanced.
- The Bill also requires forest officers to obtain and record the views of the gram sabha before they compound an offence in a Scheduled Area. The Committee welcomed this addition, as it would ensure transparency in the process of compounding of offences. The Committee has suggested that this provision be rephrased to provide that the forest officers not only obtain the views of the gram sabha before exercising these powers but also give due consideration to such views while passing an order.
- The Committee cautioned that obtaining views from the gram sabha may unduly delay the process of compounding and the Ministry should address this problem.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.