

Bill No. IX of 2012

THE INDIAN FOREST (AMENDMENT) BILL, 2012

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BILL

further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Forest (Amendment) Act, 2012.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 **2.** In sub-section (3) of section 68 of the Indian Forest Act, 1927,—

Amendment of section 68 of Act 16 of 1927.

(a) the words “and is in receipt of a monthly salary amounting to at least one hundred rupees” shall be omitted;

(b) for the words “fifty rupees”, the words “ten thousand rupees” shall be substituted;

(c) after sub-section (3), the following shall be inserted, namely:—

'(4) In Scheduled Areas, the Forest-officer shall, before exercising the powers vested under this section, obtain and record the views of the Gram Sabha concerned.

Explanation. — In this sub-section, the expressions,—

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(a) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(b) "Scheduled Areas" means the areas to which the provisions of clause (1) of article 244 and the Fifth Schedule to the Constitution apply.' 10

STATEMENT OF OBJECTS AND REASONS

The Indian Forest Act, 1927 (16 of 1927) has been enacted to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

2. Section 68 of the Indian Forest Act, 1927 contains provisions for compounding of offences. It *inter alia*, —

(a) confers power upon a Forest Officer, appointed by the State Government, to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, (other than an offence specified in section 62 relating to punishment for wrongful seizure or section 63 relating to penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks) a sum of money by way of compensation for the offence which such person is suspected to have committed;

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

Sub-section (2) of the aforesaid section 68 further provides that the suspected person, if in custody, shall, on the payment of such sum of money, or such value, or both, as the case may be, be discharged on the payment of such sum of money, or such value, or both, as the case may be, and the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

3. Sub-section (3) of aforesaid section 68 of the Indian Forest Act, 1927 provides that, —

(i) a Forest-officer referred to above for the purpose of compounding of offence should not be inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and

(ii) the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

4. The monthly salary limit of a Forest Officer specified in sub-paragraph (i) of the preceding paragraph empowered to compound aforesaid offences has become redundant and it is therefore proposed to omit salary limit from aforesaid sub-section (3).

5. The sum not exceeding rupees fifty accepted as compensation as mentioned in paragraph (ii) of the preceding paragraph fixed in 1927 is very less. It is also proposed to revise the said limit from fifty rupees to ten thousand rupees.

6. It is also proposed to insert a new sub-section (4) in section 68 of the Indian Forest Act, 1927 so as to make it mandatory for the Forest-officer, to obtain and record the views of Gram Sabha before compounding the offence so as to ensure the transparency in compounding of the offences and participation of the people at Gram Sabha level.

NEW DELHI;
The 15th February, 2012

JAYANTHI NATARAJAN.

ANNEXURE

EXTRACT FROM THE INDIAN FOREST ACT, 1927

(16 OF 1927)

* * * * *

Power to
compound
offences.

68. (1) * * * * *

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

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RAJYA SABHA

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further to amend the Indian Forest Act, 1927.

*(Shrimati Jayanthi Natarajan, Minsiter of State (Independent Charge)
in the Ministry of Environment and Forests)*