

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

STARRED QUESTION NO:595
ANSWERED ON:08.05.2000
INDIAN FOREST ACT
SU THIRUNAVUKKARASAR

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Government propose to enact a new Act, in place of the Indian Forest Act, 1927 which has become outdated;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

Answer

MINISTER OF ENVIRONMENT AND FORESTS

(SHRI T.R. BAALU)

- (a) The Government have decided to amend the Indian Forest Act, 1927 and the proposals for amendment have already been finalised by the Ministry.
- (b) The statement is placed on the Table of the House.
- (c) Does not arise.

THE STATEMENT REFERRED TO IN REPLY TO PART (b) OF THE LOK SABHA STARRED QUESTION NO. 595 BY THIRUNAVUKARASU ON INDIAN FOREST ACT, 1927 FOR REPLY ON 8TH MAY, 2000.

Salient features of the proposed amendments to the Indian Forest Act, 1927 as finalised by the Ministry.

First drafted in 1865, the Indian Forest Act was revised in 1878 and was consolidated again in 1927. The existing Indian Forest Act, 1927 is a consolidated law relating to forests managed for production. The proposed amendment gives more emphasis to conservation aspects in conformity with the National Forest Policy, 1988. The salient features of the proposed amendments are as under:-

1. It updates and consolidates various forest and related Acts, and the amendments made by the States to the IFA, 1927 from time to time. Some definitions have also been added.
2. Suitable provisions have been proposed in the draft to give effect to the pronouncements made in the National Forest Policy, 1988. The preamble of the Act `to consolidate the law relating to forests, the transit of forest produce and duty leviable on timber & forest produce` has been revised as `to provide for the restoration, conservation and management of forests and matter connected therewith and incidental thereto`.
3. Central Government have been given entrusted with powers to give directions to the States and also to make rules and take other measures necessary or expedient for the protection and improvement of the quality of forests.
4. Central Government have also been entrusted with powers to direct State Governments to constitute a reserved or protected forests within a prescribed time and also the power to give direction to any State Government, officer or person in exercise of its power and functions.
5. Village communities have been assigned greater duties and responsibilities in the protection and management of village forests adjoining habitations to meet their requirements. The scope of village forests has been extended to community lands, institutional lands, village common lands, and other wastelands with a view to assign to village community its conservation, development and management on the principles of sustained biomass production for the collective benefit of the community. State Government may constitute any forest/land, other than a reserved forest, which is the property of the Government or village panchayat or community or over which the Government or village panchayat or community has any right, a village forest. The management of the village forest, as per approved Plan, will be with the community.
6. Village community may also participate in the management of other degraded forests including reserved forests under the provision of Joint Forest Management on usufruct sharing basis provided in the amended Act.

7. Control of shifting cultivation has been proposed to rehabilitate the affected areas with appropriate land use safeguarding the interest of the affected people.

8. Suitable provisions have been made to encourage tree plantation on private lands. There is provision for registration of any farmer or individual as tree grower in respect of his land in which he has raised plantation. Plantation forests shall not be included in agricultural land holding for the purpose of ceiling laws. State Governments have been empowered to relax or exempt the prevailing restrictions specially on felling and transport of certain species/timber from private to encourage social forestry and farm forestry programmes. States have also been empowered to prohibit or restrict, felling of damaging or removing any kind of tree or all trees from any urban area and from any particular part of the rural area. A tree authority has been proposed for conservation of trees in urban areas and in any particular part of the rural area for mobilising people support for planting and preservation of trees.

9. States have been empowered to impose a levy on the sale and disposal of forest produce. It will be a 'forest development tax' at a rate not exceeding 15% of the value assessed or the amount of consideration paid for the forest produce. It will be in addition to any duty or tax payable and will not be a part of consolidated fund of the State. This amount will exclusively be used for regeneration and protection of forests.

10. A number of regulatory measures have been provided for effective control on forest based industries. Requisite provisions have been made to ensure that industries using forest produce as a raw material are not set up without ascertaining adequate availability of such raw material. Provision has also been made for fixing a support price of any forest produce by the Central or the State Government to save the farmers from any possible exploitation.

11. Measures for protection have been made more effective. Penal provisions for the offence of unauthorised felling and removal of forest produce from the reserved and protected forests and other offences have been made more stringent. Some of the offences like encroachments have been made non-bailable and a minimum mandatory imprisonment and fine have been provided. Special provision has been made for preventing corrupt practices by forest and other officials charged with responsibilities of forest protection.

12. Special provisions have been made for controlling saw milling, processing of certain types of forest produce, possession, trade and processing of produce of endangered forest species.

13. Specific provisions have been made stipulating that the government forests shall be managed only in accordance with approved management plans.

14. Procedures under the Act have been comprehensively amended. Forest officials are empowered to confiscate the seized forest produce including tools, equipment, machinery, plants, vehicles, etc. involved in forest offences. Inter-departmental co-operation has been made mandatory for prevention and detection of forest offences.

15. Provisions have been made to regulate the possession, transit and disposal of wood and products of sandal wood, red sandal, and agar wood and other endangered species declared by the State Governments.

16. Provision to reward to any person including forest officers helping in detection of forest offence has been made.