

JOINT SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1927

**The Indian Forest Bill**

List of Reports of Select or Joint Committees  
presented in the Legislative Assembly in 1927.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Steel Industry (Protection) Bill.	7.2.27.	
2.	The Indian Merchant Shipping (Amendment) Bill.	26.3.27.	
3.	The Gold Standard and Reserve Bank of India Bill.	18.8.27.	Report of the Joint Committee.
4.	The Imperial Bank of India Bill.	18.8.27.	-do-
5.	The Indian Lighthouse Bill.	31.8.27.	-do-
6.	The Indian Securities (Amendment) Bill.	31.8.27.	
7.	The Indian Tariff (Amendment) Bill.	31.8.27.	
8.	The Indian Tariff (Cotton Yarn Amendment) Bill.	31.8.27.	
9.	The Bamboo Paper Industry (Protection) Bill.	31.8.27.	
10.	The Indian Forest Bill.	1.9.27.	
10.	The Indian Criminal Law (Amendment) Bill.	14.9.27.	

## LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

2. At the outset of our discussion, the Chairman ruled that as the Bill was purely a consolidating measure, the Select Committee was not empowered to make any changes of substance. We have accordingly restricted our discussion to two points relating to the omission of certain sections from the present Indian Forest Act, 1878.

3. It was suggested that section 34 of the Indian Forest Act, 1878, which has not been reproduced in the Bill, should be inserted, as it may happen that there are areas still existing in the territories to which the Bill may be extended in which the determination of rights required by that section have not yet been completed. We understand, however, that there cannot possibly be any such area, and we accordingly make no suggestion for amendment of the Bill on this point.

4. With regard to section 42 of the Indian Forest Act, 1878, a point was raised that the amended clause 42 contained in the Bill constituted a change of substance, and that it confers upon the Local Governments a power to prescribe double penalties, which does not exist in the Act. In our opinion, section 42 of Act VII of 1878 contains an ambiguity, inasmuch as it may be held either, (1) that the second paragraph authorises the Local Government to prescribe double penalties in certain cases, or (2) that it authorises a Magistrate to inflict double penalties in those cases, whether they have been so prescribed or not. We consider it proper for the consolidating Bill to remove the ambiguity, and we support the method by which this is done in the Bill before us. In removing one of the two possible constructions of section 42 of the Act, the Bill seems to us to retain the milder of the two interpretations, inasmuch as it allows double penalties only where they have been prescribed by the Local Governments.

5. The Bill was published in the Gazette of India, dated the 4th September, 1926.

6. We have made no alterations in the Bill and we recommend that it be passed in the form in which it was introduced.

M. S. SESA AYYANGAR.

K. C. NEOGY.

G. SARVOTHAM RAO.

E. F. SYKES.

VIDYA SAGAR PANDYA.

H. S. GOUR.

M. S. ANEY\*.

B. S. MOONJE\*.

*The 30th August, 1927.*

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\* Subject to minute of dissent.

## MINUTES OF DISSENT.

I regret that I am unable to agree with my colleagues in the view they have taken regarding the two points referred to in paragraphs 3 and 4 of their Report. I strongly feel that the elimination of the entire Chapter V, section 34, of the Indian Forest Act of 1878 and the alteration of section 42(2) in the present Bill are changes of a substantial and not merely of a formal nature, and therefore they are out of place in the present Bill which is purely one of a consolidating nature. The omission of section 34 is likely to affect adversely the rights of the people over forests where the inquiry contemplated under that section might not have been made, while its retention does in no way prejudice the administration of the forests. Besides the principles which the Local Government has to consistently bear in mind in determining the areas for Reserve Forests and Protected Forests, viz., justice, equity and good conscience, are clearly enunciated in the provisions which it is proposed

to omit in the present Bill. So long as there are tracts to which the Indian Forests Act is not extended, section 34 can never be construed as one that is spent up altogether. The second change, viz., the proposed alteration in section 42(2) amounts to the extension of powers given to the Local Government under the old Act. I do not think that the changes proposed in this clause will ensure to the benefit of the people.

SIMLA, }  
*The 30th August, 1927.* } M. S. ANEY.

I agree with this note of dissent so far as it deals with section 34. I sign the Report subject to this.

B. S. MOONJE.

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GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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Report of the Select Committee on the  
Bill to consolidate the law relating to forests,  
the transit of forest produce and the duty  
leviable on timber and other forest produce.

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