

Decriminalisation of certain sections of Indian Forest Act

July 14, 2022

In news– In an attempt to reduce the harassment of people, the Ministry of Environment, Forests and Climate Change has recently issued a public notice for decriminalisation of Indian Forest Act (IFA), 1927.

What are the proposed changes?

- **The proposed changes include decriminalising kindling a fire or carrying fire in forest areas**, felling trees and dragging timber and even felling or damaging a tree reserved under a special provision of the law.
- **A person who “kindles, keeps or carries any fire” permits cattle to pasture or trespass or causes damage by felling a tree or dragging timber** through the forest could earlier be penalised with six months imprisonment or a fine up to Rs 500, or both.
- **The ministry seeks to replace the provision of imprisonment for six months and fine**, with a fine of ₹500.
- The ministry in its note said that **in order to decriminalise the existing provisions of the Indian Forest Act 1927, it plans to bring amendments in section 26 and 33 of IFA.**
- This amendment is being proposed to make the IFA regulation effective and save time on unnecessary formalities. It also **seeks to remove unnecessary fears from general public’s mind.**
- **The exercise is focused on decriminalisation of relatively minor violations of law**, expeditious resolution through compounding of relatively smaller offences, reducing compliance burden on citizens, rationalisation of penalties and preventing harassment of citizens.

- Legal experts said the **move is regressive because it reduces the punishment of felling trees** worth lakhs because of their timber and ecological value to a mere ₹500 fine.
- Legal experts said also that **the Centre does not have the jurisprudence to carry out amendments in the Act**, as it does not fall under the Central government, having been enacted before Parliament was established. Instead, the Act is adopted by states as they feel fit.

The Indian Forest Act(IFA), 1927-

- IFA is an umbrella act which provides the basic architecture for the management of forests in the country.
- It provides a mechanism to ensure **notification of reserved, protected and village forests, protection of forest resources, forest biodiversity and wildlife of the country.**
- Main objective of the Act was to secure exclusive state control over forests to meet the demand for timber.
- It gives details of what a forest offence is, what are the acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.

Amendments to the law-

Followin are the amendment proposed by the Centre in 2019-

MORE POWER TO FOREST OFFICERS	
<ul style="list-style-type: none"> ➤ Forest officers get more immunity for using firearms to prevent offences ➤ No prosecution sanction against such officer unless an inquiry by executive magistrate ➤ Indemnity will be in addition to the immunity provided to certain categories of public servant under Section 197 of the CrPC 	<ul style="list-style-type: none"> ➤ Any forest officer (not below the rank of an assistant conservator of forests) can search any such place in which he has reason to believe that any forest produce or tool to commit forest offence is concealed ➤ Any person, forest officer, any officer of state government cannot withdraw forest offence cases registered under the Act