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**Citizen consumer and civic Action Group**

#103, First Floor, Eldams Road  
Teynampet, Chennai - 600 018  
Tamil Nadu, India  
Phone : 91- 44 - 2466 0387/ 2499 4458  
Fax : 91 - 44 - 2499 4458  
Email : [helpdesk@cag.org.in](mailto:helpdesk@cag.org.in)  
Website : [www.cag.org.in](http://www.cag.org.in)

29 July 2022

To

Shri. Maneesh Kumar

Assistant Inspector General of Forests (FP)

Ministry for Environment, Forest & Climate Change

Government of India, 6th Floor, Jal Wing, Paryavaran Bhawan

New Delhi - 110 003

[forestpolicy-moefcc@gov.in](mailto:forestpolicy-moefcc@gov.in)

**Subject: Submission of comments/views on the proposed amendment in the Indian Forest Act, 1927**

Dear Sir,

Citizen consumer and civic Action Group (CAG), founded in 1985, is a non-profit and non-political organisation. CAG has an established reputation for undertaking high-quality, independent, objective action-research on urban governance, consumer protection, and environmental protection and, based on that, to provide recommendations that inform and improve policy and practice.

The forests act as the guardians and protectors of the wild flora and fauna of the country. Its uses are many in terms of preserving biodiversity and improving the livelihood of the tribal population, to mention a few, which help maintain the ecological balance throughout the country. The conservation of forests is essential to mitigate climate change which is a global concern today, and control air and water pollution. Therefore, the Indian Forest Act of 1927 (IFA) was enacted to protect India's forest resources and its ecosystems. The implementation of the provisions of the IFA in letter and spirit will help us to protect and conserve our forested areas to a greater extent. Therefore, we should always prioritise conservation rather than unsustainably exploiting forest resources.

Against this background, the MoEFCC issued the notice for public consultation on 09th July 2022 for receiving comments on the proposed amendment, by giving just 21 days for the public to respond.. It is a common practice that for any public consultation, there should be a minimum of 30 days' notice to facilitate receiving comments from citizens, civil society organisations and other relevant stakeholders. This will add value to the real purpose of public consultation and help in receiving more, reliable, responses. Therefore, we kindly suggest that in future, any public consultation should be given a minimum of 30 days' notice.

With this, we hereby submit our comments/suggestions on the proposed amendment in the IFA in the hope that you will incorporate these suggestions which would help further strengthen the penal provisions of the IFA—thereby a step forward in protecting and conserving our forests and its ecosystems for all living beings.

Yours sincerely,

S. Saroja

Executive Director

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Mr. N.L. Rajah (*Senior Advocate*)

### Comments on the proposed amendments to the India Forest Act, 1927 (IFA)

Ref: Notice for public consultation dated 09 July 2022 from the Forest Policy Division, Ministry of Environment, Forest and Climate Change, Government of India

Section	Existing	Proposed provision	Comments
26	<p>(1) Any person who –</p> <p>(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf,</p> <p>(d) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;</p> <p>shall be punishable with <b>imprisonment for a term which may extend to six months</b>, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p>	<p>(1) Any person who – in sub section (1) of 26, clause (c), (d), and (e) shall be omitted;</p> <p>and after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Any person who, in a reserved forest-</p> <p>(a) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;</p> <p>(b) trespasses or pastures cattle, or permits cattle to trespass;</p> <p>(c) causes any damage by negligence in felling any tree or cutting or dragging any timber;</p> <p>shall be punishable with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.”</p>	<p>1. The proposed amendments are made as there are difficulties differentiating between a major and minor offence. There is no rationale in the notice on what constitutes a major or minor offence. The public notice should have provided a clear distinction between major and minor offences.</p> <p>2. It is understandable removing imprisonment for minor offences will help expedite resolution under IFA. But retaining a 500 rupees fine seems too minimal for an offence under this Act. Therefore, in the proposed revision, the <b>fine amount should be increased from 500 to 1000 rupees</b>.</p> <p>3. Also the existing section 26(1)(e) should be considered a major offence as it involves an act of causing damage to forest.</p> <p>4. Further it is prudent to increase the severity of punishments for major offences. Therefore, It is suggested that the <b>punishment for</b></p>

			<p><b>violation of existing sections 26(1), (a), (b), (e), (f), (g), (h), (i) and (j) shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</b></p> <p>5. The available <i>Crime in India</i> statistics brought out by the National Crime Records Bureau show, that in 2020, just around 2000 odd cases were registered under the IFA for the whole of India. This is an indicator that IFA is not being enforced adequately, given the geographical extent and forest cover of our country. Moreover, penal provisions are made to make every citizen comply, not to reduce the compliance burden on people as justified in the referred public notice. If the enforcement agencies follow the due process of law without any unwarranted excesses, the citizens will not be harassed. We should make the law enforcement agencies accountable for any wrongdoing, by which we can prevent the harassment of citizens, and not by diluting existing</p>
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			provisions of law meant to protect forests.
33	<p>Penalties for acts in contravention of notification under section 30 or of rules under section 32.-</p> <p>(1) Any person who commits any of the following offences, namely:-</p> <p>(e) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or closed portion of any protected forest;</p> <p>(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(g) permits cattle to damage any such tree;</p> <p>shall be punishable <b>with imprisonment for a term which may extend to six months</b>, or with fine which may extend to five hundred rupees, or with both.</p>	<p>Penalties for acts in contravention of notification under section 30 or of rules under section 32.-</p> <p>(1) Any person who commits any of the following offences, namely:- in sub-section (1), clauses (e), (f), and (g) shall be omitted; and after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Any person who commits any of the following offences, namely:-</p> <p>(a) leaves burning any fire kindled by him in the vicinity of any tree reserved under section 30, whether standing, fallen or closed portion of any protected forest;</p> <p>(b) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;</p> <p>(c) permits cattle to damage any such tree;</p> <p>Shall be punishable with fine which may extend to five hundred rupees.”</p>	<p>6. In line with comment no. 2, the <b>fine amount should be increased from 500 to 1000 rupees</b> for existing sections 33(1), (e) and (g).</p> <p>7. As section 33(1)(f) involves felling of trees, it should be considered a major offence.</p> <p>8. In line with the comment no. 4, <b>the punishment for violation of existing sections 33(1), (a), (b), (c), (d), (f) and (h) shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both</b>, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.</p>
<p><b>Additional comment:</b></p> <ol style="list-style-type: none"> <li>1. As the Union government, through the above-referred notice for public consultation on proposed amendments to the IFA, intends to differentiate punishments for habitual and first-time offenders. Therefore, the following comment is made:</li> <li>2. An additional section, namely, <b>Punishment for the habitual offender</b>, may be added under existing Sections 26 and 33, and under which <b>whoever convicted of an offence under existing sections 26(1), (a), (b), (e), (f), (g), (h), (i) and (j) and 33(1), (a), (b), (c),</b></li> </ol>			

**(d), (f) and (h), shall be punishable with imprisonment for a term which shall be not less three years but which may extend to five years and shall also be liable to fine which may extend to ten thousand rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid, may be added.**

3. For the purpose of this Act, the habitual offender may be defined as follows: **Any person been convicted and sentenced to imprisonment or fined more than twice under existing sections 26(1), (a), (b), (e), (f), (g), (h), (i) and (j) and 33(1), (a), (b), (c), (d), (f) and (h), of the Indian Forest Act, 1927.**