

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta, the 23rd April, 2022.

No.PAB/Legis:V(11)/2022/8094. The Balochistan Forest Bill, 2022 (Bill No.08 of 2022), having been passed by the Provincial Assembly of Balochistan on 19th April, 2022 and assented to by the Governor Balochistan, on 20th April, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN FOREST ACT, 2022
ACT NO. VI OF 2022.

**AN
ACT**

to consolidate and amend the laws relating to protection, conservation, management and sustainable development of forests, rangelands and other renewable natural resources in the Balochistan Province

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to protection, conservation, management and sustainable development of forests, rangelands and other renewable natural resources and matters ancillary or incidental thereto in the Balochistan Province.

AND WHEREAS to promote and enhance the contribution of the forest to the sustainable development of Balochistan through protection, conservation, management and sustainable use of forests, rangelands and other renewable natural resources for the benefit of people and to ensure the sustained supply of forest goods and services.

AND also WHEREAS it is further expedient to adapt to the emerging situation after the 18th constitutional amendment whereby the role of Provincial Government with regard to green environment has been enhanced.

It is hereby enacted as follows:

CHAPTER I
PRELIMINARY.

- Short title, extent and commencement.** 1. (1) This Act shall be called the Balochistan Forest Act, 2022.
- (2) It extends to whole of Balochistan.
- (3) It shall come into force at once.
- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context;
- (a) **“Act”** means the Balochistan Forest Act, 2022;
- (b) **“accused”** means any person, charged under this Act or rules made thereunder, for any offence;
- (c) **“appellate court”** means the next upper court than the trial court;
- (d) **“Board of Revenue”** means the Board of Revenue, Balochistan Province, established under the Balochistan Board of Revenue Act, 1957 (Act, No. XI of 1957);
- (e) **“brushwood”** includes all woody plants, bushes, shrubs and small trees growing in reserved forests, protected forests, community forest reserves, wasteland and rangelands, with the exemption of trees, that is pears, plum, peaches, apples, cherries, apricot, almond, citruses, pistachios, guavas, litchis and vines grown upon;
- (f) **“cattle”** include horned cattle, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, donkeys, asses, yaks, pigs, rams, ewes, sheep, lambs, goats and their young ones;
- (g) **“Chief Conservator of Forests”** means the Chief Conservator of Forests of respective forest region;
- (h) **“Collector”** means a Collector appointed under the Balochistan Land Revenue Act, 1967 (No. XVII of 1967);

- (i) **“carbon as commodity”** means quantification of carbon as sequestered in plants and trees from the atmosphere and calculated in terms of its weight in Kilogram and tones of units and valued for sale and purchase as a commodity in the National and International Market on Carbon Trade;
- (j) **“Conservator of Forests”** means the Conservator of Forests declared as such by the Government of Balochistan;
- (k) **“Conveyance”** means any mean of transport mechanically propelled or otherwise;
- (l) **“Department”** means the Balochistan Forest & Wildlife Department;
- (m) **“Deputy Conservator of Forests”** means the Deputy Conservator of Forests declared as such by the Government of Balochistan;
- (n) **“Divisional Forest Officer”** means the Divisional Forest Officer declared as such by the Government of Balochistan;
- (o) **“Forest”** means land spanning more than 0.5 hectares with trees higher than 2 meter and a canopy cover of 10% or trees able to reach in-situ. It does not include land that is predominantly under agricultural or urban land use;
- (p) **“Forest offence”** means an offence punishable under this Act or rules made thereunder;
- (q) **“Forest officer;** means any person appointed by name or as holding an office, by or under the orders of the Government, to be Chief Conservator of Forests, Conservator of Forests, Deputy Conservator of Forests, Divisional Forest Officer, Range Forest Officer, Deputy Ranger Forests, Forester or Forest-guard, or to discharge any function of a Forest-

officer under this Act or any rule made thereunder;

- (r) **“Forest-produce”** includes;-
- (i) the following wherever found:-

Timber, fuel wood, charcoal, mazri, catechu, wood-oil, resin, natural varnish, bark, lac, *and*
 - (ii) the following when found in, or brought from a forest:-
 - (a) trees and leaves, flower and fruits, and all other parts or produce not hereinbefore mentioned, of trees;
 - (b) carbon sequestered in trees or other vegetation; living or dead or stored in forests soil;
 - (c) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants;
 - (d) wildlife and any part or produce of wildlife including meat, skins, horns, bones, silk, cocoons, honey and wax;
 - (e) peat, surface soil, rock, and minerals including limestone, laterite, marble mineral oils, and all products of mines and quarries;
 - (f) standing or harvested crops or grains thereof such as; wheat, barley, maize, rice, pulses or products thereof, and fruit trees or fruit thereof such as; apple, apricot, peach, plum, pistachio, almond; or
 - (g) any other produce which may be notified as forest produce by the department from time to time;

- (s) **“Forest Force”** means the entire forest establishment of the department employed for the purpose of this Act, but does not include the ministerial staff;
- (t) **“Government”** means the Government of Balochistan;
- (u) **“land-owner”** means a person or persons owning land in a locality as per revenue record or as per custom where revenue record is not available;
- (v) **“mazri”** means the dwarf palm plant (*Nannorhops ritichiana*);
- (w) **“mazri produce”** includes the mazri plant and its leaves, stem fruits, roots and all articles made from mazri;
- (x) **“natural resources”** includes land, water, forests, wildlife, mineral deposits, oil, gas and fish found in natural waters;
- (y) **“prescribed”** means prescribed by rules made under this Act;
- (z) **“Protected forest”** means all forests existing as such on the commencement of this Act and any other forest that may be declared as protected forest under this Act;
- (aa) **“Province”** means the Balochistan Province;
- (bb) **“Reserve forests”** means all forests existing as such on the commencement of this Act and any other forest that may be declared as reserve forest under this Act;
- (cc) **“Right holder”** means a person or persons who does not have any proprietary right over forests but has right or privileges over protected forest, reserve forest, or state-owned range lands as per record of the rights admitted at the time of settlement or subsequently admitted by Government;

- (dd) **“River”** includes any stream, canal, creek, water channel and lake natural or artificial;
- (ee) **“Rules”** mean rules framed under this Act;
- (ff) **“Sale Depot”** means any building, place, premises or enclosure registered with Deputy Conservator of Forest or Divisional Forest Officer of concerned District where timber, fuel wood or other forest produce is brought and stored for sale;
- (gg) **“Sawing unit”** means a saw mill or sawing machine registered with Deputy Conservator of Forest or Divisional Forest Officer of concerned District where timber or fuel wood is cut sawn or fashioned;
- (hh) **“Schedule”** means a schedule appended to this Act and to rules made thereunder;
- (ii) **“Section”** means a section of this Act;
- (ij) **“Seigniorage fee”** means fee payable by Government to right holders for trees harvested for sale from reserve forest, of one or other kind, entered in seigniorage (fee) list;
- (kk) **“Settlement”** means the first regular settlement or subsequent regular settlement of land, provided wherever the rights of the Government or the right holders have been alienated or wherever the boundaries have been altered during the subsequent settlements without written consent of Government or right holders, the right privilege and boundaries or forests recorded during the first regular settlement shall have precedence over the subsequent settlements;
- (ll) **“Shifting cultivation”** means the practice of agriculture crop production describe under section 9 of this Act;

- (mm) **“Smuggle”** means to bring into, or take out of the province any forest produces in breach of any prohibition or restriction for the time being in force, or take out from any reserved forest protected forest, any forest produces without lawful authority or by evading payment of price, forest duties, or tax leviable on forest produce, or to transport, store or sell such forest produce in violation of this Act or the rules made thereunder;
- (nn) **“Sustainable development”** means process of meeting human development goals while sustaining the ability of natural systems to continue to provide the natural resources and eco-system services upon which the economy and society depends;
- (oo) **“Sustainable use”** means the use of natural resources in a way and at a rate that does not lead to its long-term decline, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- (pp) **“State forest”** means all forests existing as such on the commencement of this Act;
- (qq) **“Timber”** includes trees when they have fallen, or have been felled, or uprooted, and all wood, whether cut up, sawn, split, or fashioned or hollowed out, or partially processed, for any purpose or not;
- (rr) **“Tree”** includes stumps, bamboos, palms, reeds, cans, woody plants and brushwood;
- (ss) **“Vessel”** means anything made for conveyance, by water, of timber or forest produce or any property or human being;
- (tt) **“Water bodies”** means public water bodies and includes;

- (i) All natural bodies of water, such as rivers and their tributaries, creeks, brooks, lakes, channels, lagoons, estuaries or dug, dredged or blasted canals;
- (ii) Any water impounded by the construction of any lake or dam or other impounding device across the channel of a navigable stream; *and*
- (iii) Flowing water, which are not by law or customs property of any person; *and*
- (uu) **“Wasteland”** means all uncultivated or cultivable land, but shall not include reserve forest, state forest, protected forest, graveyards, sacred places, land recorded at settlement as part of village site, land shown as “khali” or “banjar land” in annual records, land in urban and land under roads, railway tracks and water bodies.

CHAPTER II
RESERVE FOREST.

- Power to make a Forest Reserve.** 3. The Provincial Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.
- Notification by Government.** 4. (1) Whenever it has been decided to constitute any land a reserved forest, the Government shall issue a notification in the official Gazette; declaring that it has been decided to constitute such land a reserved forest:-
- (a) specifying, as nearly as possible, the situation and limits of such land by roads, rivers, streams, ridges or other well known or readily intelligible boundaries; *and*
 - (b) constitute a forest settlement board (hereinafter referred to as “Board” to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land

comprised within such limits, or over any forest-produce, and to deal with the same as provided in this Chapter.

(2) The Board shall consist of the following:-

(i)	A Revenue Officer not below the rank of a collector.	Chairman
(ii)	Concerned district head of the Forest Department.	Member
(iii)	A representative of the community-based organization or village-based organization.	Member

(3) The representative of the community shall be selected by the concerned community.

(4) All decisions of the Board shall be made by the majority of votes.

Proclamation by the Forest Settlement Board. 5.

(1) When the notification has been issued under section 4 the board shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation:-

- (a) specifying, as nearly as possible, the situation and limits of the proposed forest;
- (b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; *and*
- (c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right in respect thereof either to present to the Board within such period a written notice specifying, or to appear before it and state, the nature of such right and the amount and particulars of the compensation (if any) so claimed, in lieu thereof.

(2) After issuance of notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession, or under a grant, or contract in writing or entered into by, or on

behalf of the Government, or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land, except in accordance with such rules as may be made by Government in this behalf.

Inquiry by Forest Settlement board.

6. The Board shall take down in writing all statements made under section 5, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights referred to in section 5 so far as the same may be ascertainable from the records of the Government and the evidence of any persons acquainted with the same.

Powers of Forest Settlement Board.

7. For the purpose of such inquiry, the Board may exercise the following powers, that is to say:-
- (a) power to enter, or authorize any of its member or any officer to enter upon any land, and to survey, demarcate and make a map of the same; *and*
 - (b) the powers of a Civil Court in the trial of suits, related to the land in respect thereof the notification under section 4 has been issued.

Extinction of rights.

8. Rights in respect of which no claim has been preferred under section 5, and of the existence of which no knowledge has been acquired by inquiry under section 6, shall stand extinguished, unless, before the issuance of notification under Section 19 is published, the person claiming them satisfies the Board that he had sufficient cause for not preferring such claim within the period fixed under section-5.

Treatment of Claims relating to practice of shifting cultivation.

9. (1) In the case of a claim relating to the practice of shifting cultivation, the Board shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated and submit the statement to the Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.
- (2) On receipt of the statement and opinion, the Government may make an order permitting or prohibiting the practice wholly or in part.
- (3) If such practice is permitted wholly or in part, the Board may arrange for its exercise:-

- (a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or
- (b) by causing certain portions of the land under settlement to be separately demarcated, and permitting to the claimants to practice shifting cultivation therein under such conditions as the Board may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the prior sanction of Government or an officer of the department duly authorised by it.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control and restriction by Government and may be done away with at any time by it.

Power to acquire land over which right is claimed.

10. (1) In the case of a claim to a right in or over any land, other than a right of way or right of pasture, or a right to forest-produce or a water-course, the Board shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Board shall either—
- (a) exclude such land from the limits of the proposed forest; or
 - (b) come to an agreement with the owner thereof for the surrender of his rights; or
 - (c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894;
- (3) For the purpose of so acquiring such land—
- (a) the Board shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;
 - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of the said Act;

- (c) the provisions of the said Act in this behalf shall be deemed to have been complied with; *and*
- (d) the Collector, with the consent of the parties, or the Court as mentioned in section 9 of the said Act, with the consent of both parties, may award compensation in land, money, or partly in land and partly in money.

Order on claims to rights of pasture or to forest produce.

11. In the case of a claim to rights of pasture or to forest-produce, the Board shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest Settlement Board.

12. The Board, when passing any order under section-11 shall record, so far as may be practicable:-
- (a) the name, father's name, caste, residence and occupation of the person claiming the right; *and*
 - (b) the designation, position, coordinates, area and khasra number/survey number of the field or group of fields (if any) and all buildings (if any) in respect of which the exercise of such rights is claimed.

Record where the Forest Settlement Board admits claim.

13. If the Board admits in whole or in part any claim under section 11, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber, fuel wood and other forest-produce which he is from time to time authorized to take or receive for domestic use, and such other particulars as the case may require.

Exercise of rights admitted.

14. (1) After making such record the Board shall, to the best of its ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose, the Board may,
- (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-

produce (as the case may be) to the extent so admitted; or

- (b) so, alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the Government.

Commutation of rights.

15. In case the Board finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 as shall ensure the continued exercise of the said rights to the extent so admitted, it shall, subject to such rules as Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as it considers appropriate.

Appeal from order passed under sections 10, 11, 14 or section 15.

16. (1) Establishment of tribunal—

- (a) The Government by notification in the official Gazette shall establish a Forest Tribunal (hereinafter called tribunal) for deciding such appeals;
- (b) The tribunal shall comprise of the following three:-

(i)	Representative of Board of Revenue above the rank of Collector.	Chairman
(ii)	Conservator of Forests of respective jurisdiction.	Member
(iii)	Representative of an International NGO.	Member

(2) Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by Government in this behalf, may, within three months from the date of the order passed on such claim by the Board under section-10, section-11, section-14 or section-5, present an appeal from such order before the tribunal.

Appeal under section 16.

17. (1) Every appeal under section 16 shall be made by petitioner in writing, and may be delivered to the tribunal.

(2) the appeal under section 16, shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) the tribunal shall fix a date, time and convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by tribunal, shall be final.

Pleaders.

18. The Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Board, or the tribunal, in the course of any inquiry or appeal under this Act.

Notification declaring forest Reserve.

19. (1) When the following events have occurred, namely:-

(a) the period fixed under section-5 for preferring claims has elapsed, and all claims, if any, made under that section or section 8 have been disposed-off by the Board;

(b) if any such claims have been made, the period limited by section 16 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed-off by the tribunal; *and*

(c) all land (if any) to be included in the proposed forest, which the Board has, under section 10, selected to acquire under the Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act.

(2). The Government shall publish a notification in the official gazette, specifying, according to boundary-marks erected or otherwise, the limits of the forest which is to be declared as Reserve Forest, and declaring the same to be as such from a date fixed by the notification.

(3) From the date so fixed such forest shall be deemed to be a reserve forest.

(4) The management of reserve forests shall for all intense and purposes be vested in the forest department.

Publication of translation of notification in neighborhood of the forests.

20. The Board shall, before the date fixed by such notification issued under section 19, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangements made under section 14 or section 17.

21. The Government may, within three years from the publication of any notification under section-19, revise any arrangement made under section-14 or section-17(4), and may for this purpose rescind or modify any order made under section-14 or section-17(4), and direct that any one of the proceedings specified in section-14 be taken in lieu of any other of such proceedings, or that the rights admitted under section-11 be commuted under section-15.

No rights acquired over reserve forest, except as provided.

22. No right of any description shall be acquired in or over a forest declared as reserved except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 19 was issued.

Rights not to be alienated without sanction.

23. (1) Notwithstanding anything contained in section-22, no right continued under clause (c) of sub-section (2) of section 14 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the written sanction of Government:

Provided that, when any such right is appended to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber, fuel wood or other forest-produce obtained in exercise of any such right shall be sold or bartered.

Power to stop ways and watercourses in reserved forests.

24. A Forest-officer may, with prior approval of Government or of any officer duly authorized by it in this behalf, stop any public or private way or water-course in a reserve forest, provided that a substitute for the way or water-course so stopped, which Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

**Acts prohibited
in reserved
forests and
punishment
thereof.**

25. (1) No person after issuance of a notification under section-19 shall, in a reserved forest—

- (a) encroach upon any land, or cultivate any land or clear or break up or occupy any land for cultivation, or for any other purpose;
- (b) construct or cause to be constructed any building or shed, road or enclosure, or any infrastructure, or alter or enlarge any existing building, road, shed or any enclosure or infrastructure;
- (c) exercise the right of trespass, graze, browse, pasture or herd cattle or permit cattle to trespass, or cut grass, or exercise any other right, except the rights admitted under section-14;
- (d) sets fire or abet in setting fire, or in contravention of any rules mad in this behalf, kindle any fire or leave any fire burning in such manner as may endanger such forest;
- (e) cause any damage by negligence in felling any tree or cutting or dragging any timber;
- (f) cut, fell, uproot, girdle, lop, tap, burn any tree or brush wood, or strip bark or leaves or collect or extract torch wood and any forest produce from or otherwise damage or collect the same;
- (g) quarry stone, burn lime or charcoal, subject to any manufacturing process mine minerals or carry out any drilling for oil and gas exploration or remove any forest produce;
- (h) pollute soil or water by sewerage, sewage, domestic or industrial waste or through any other pollutants or means; and
- (i) hunt, shoot, fish, or poison water, or set snares or traps in contravention of any rules made in this behalf.

(2) No persons shall abet in the commission or furtherance of any of the above acts.

(3) Nothing in this section shall be deemed to prohibit:

- (a) any act done by permission in writing of the Forest Officer; not below the rank of Divisional Forest Officer or any rule made by Government; or
- (b) the exercise of any right mentioned in section 14 or acquired under section 22 or admissible under section 23.

(4) Whenever fire caused wilfully or by gross negligence to a reserved forest, or excessive damage is caused wilfully or by gross negligence to such forest through girdling, lopping, felling, torch wood extraction, or drying of trees through artificial means, the Forest Officer not below the rank of a Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof the exercise of all or any rights, concession or privileges of the right holder, in respect of pasture or forest produce or seigniorage fee or timber permit shall be suspended for such period as he may deem appropriate.

**Punishment for
contravention of
Acts prohibited
U/S 25.**

- 26.** (1) Whoever contravenes or fails to comply with any of the provisions of section 25 or abets in commission or furtherance of any such acts shall be punishable with imprisonment for a term which may extend to two (02) years or with a fine which may extend to fifty thousand rupees or both, in addition to such compensation as the convicting court may direct to be paid; which shall not be less than the value of actual damage done to the forest as assessed by the Forest officer:

Provided that:

- (a) Where the value of forest damage, as assessed by the Forest Officer, is less than ten thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than one month, or with fine, which shall not be less than five thousand rupees or with both;
- (b) Where the value of forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed twenty-five thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than three months, or with fine, which shall not be less than twelve thousand rupees or with both;

- (c) Where the value of forest damage, as assessed by the Forest Officer, exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees, the offence, shall be punishable with imprisonment, which shall not be less than five months, or with fine, which shall not be less than twenty-five thousand rupees or with both;
- (d) Where the value of forest damage, as assessed by the Forest Officer exceeds fifty thousand rupees but does not exceed seventy-five thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than seven months, or with fine, which shall not be less than thirty-five thousand rupees or with both;
- (e) Where the value of forest damage, as assessed by the Forest Officer, exceeds seventy-five thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than nine months, or with fine, which shall not be less than forty thousand rupees or with both;
- (f) Where the value of forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than one year, or with fine, which shall not be less than fifty thousand rupees or with both; *and*
- (g) In all such cases, where the offence is committed after the sunset and before sunrise, the value of forest produce shall be assessed at double of prevailing market rates.

(2) When an offence is established then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animals, sawing units, chain saw, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of Government, in addition to the punishment awarded under sub-section (1).

(3) If the offender be a woman, the magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear through an agent, authorised in writing under the signature or thumb impression of the woman, attested by a respectable person of the area concerned.

(4) When the person who is in-charge of cattle which have trespassed in contravention of clause (c) of sub-section (25), is a child under the age of sixteen years, the owner of the cattle shall be deemed to be a person who is guilty of an offence within the meaning of that clause.

Power to declare forest no longer reserved forest.

27. (1) Government may, by notification in the official Gazette, direct that, any forest or any portion thereof declared as reserved forest under this Act shall cease to be a reserved forest, with effect from a date specified in such notification.

(2) From the date so specified, such forest or portion thereof shall cease to be a reserved forest; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III PROTECTED FOREST.

Powers to declare Protected forests.

28. (1) Government may, by notification in the official Gazette, declare any forest-land or waste-land which is not included in a reserved forest, but is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a protected forest.

(2) The situation and limits of such land or forest shall be specified in the notification, as nearly as possible, by roads, rivers, ridges, or other well known on readily intelligible boundaries.

(3) The management of the forest or waste land comprised in the notification issued under sub section (1) shall vest in the Forest Department.

(4) No notification under sub section-1 shall be made unless the nature and the extent of rights of Government and of private persons, in or over the forest or waste land comprised therein have been inquired

into and recorded by Forest Settlement Board. Every such record shall be presumed to be correct unless the contrary is proved; and the rights recorded under this section cannot be interfered with at all, except in closed forest or when rights are suspended on account of fire, excessive damage to forest or on account of any act prohibit under section-32:

Provided that if, in the case of any forest or waste land Government considers that such inquiry and record will take such length of time as in the mean time to endanger the rights of Government, it may, pending such inquiry and record, declare such land to be a protected forest but so as not to abridge or affect any existing rights of individuals or communities.

(5) Government may, in the interest of forest conservation, conduct proper inquiry into the nature and extent of rights of Government and of private persons in or over protected forest, as soon as possible, after issuance of notification under sub section (1) or declaration under the provisions to sub section (4) and constitute any such forest or land, a protected forest in accordance with the procedure laid down in respect of reserved forest as contained in section-4 to section-19 of this act.

Power to close forests and prohibit certain acts.

29. (1) Government, may by notification—
- (a) declare any tree or class of trees or brush wood or any other forest produce in a protected forest to be reserved from a date fixed by notification; or
 - (b) declared that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as Government thinks fit, and that the rights of private persons or village community, if any, over such portion shall be suspended during such terms, provided that when any portion of forest is closed it shall be ensured that the remainder of such forests is sufficient, and is reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or
 - (c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal

of any timber or forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or the extension of any kind of encroachment over such land for any other purpose, or pasturing of cattle, or any other act or acts mentioned in sub-section (1) and sub-section (2) of section-32, in any such forest.

(2) All the trees on Government lands resumed by Government, or declared protected under this act, or any of the laws repealed by this act shall be deemed to be reserved under this section with effect from the commencement of this act.

Publication of translation of such notification in neighbourhood.

30. The Board shall cause a translation into the local vernacular of every notification issued under section 28 or section 29 to be affixed at a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Power to make rules for protected forests.

31. The Government may, for the purposes of this chapter, make rules to prohibit or regulate the following matters, namely:-

- (a) cutting, felling, sawing, converting, obtaining, storing, selling, transporting and removal of trees and timber and fuel wood, and the collection, manufacture and removal of other forest-produce from protected forests, and the use of any tools, implements, carriages, boats, vehicles, pack animals, conveyances, power saw and sawing unit in protected forests;
- (b) granting of licenses or permits to the inhabitants and right holders to take trees, timbers, fuel wood or other forest-produce from forest for their own use, and return of such license or permits by such persons or organization;
- (c) the payments, if any, to be made in lieu of grant of licence or permit under clause (b) or other payments including royalty, transit fee etc. in respect of such trees, timber, fuel wood and other forest produce and in manner in which such payment made;
- (d) the examination of forest-produce passing out of such forests by Forest Officers;

- (e) cutting of grass and pasturing of cattle in such forests;
- (f) proper storage and protection of timber and other forest produce from fire or any other damage;
- (g) hunting, shooting, fishing, and setting traps or snares in such forests;
- (h) protection, conservation, management and sustainable use;
- (i) the exercise of rights, if any determined under section 27: *and*
- (j) any other associated matter of protected forest.

Acts prohibited in protected forests and penalties.

32. (1) No person shall set fire or abet in setting fire to a protected forest, or in contravention of any rules made in this behalf, kindle any fire or leave any fire burning in such a manner as may endanger such forest, or keep, kindle or carry any fire, except during such seasons as permitted by the Forest Officer.

(2) No person, in contravention of any notification issued under section 28 or rules made under section-31, in a protected forest, shall—

- (a) cultivate any land or clear or break up any land for cultivation or occupy or encroach upon any land for any other purpose;
- (b) construct or cause to be constructed any building, or alter or enlarge any existing building, or make any enclosure or alter or enlarge any existing enclosure; fells, girdles, lops, taps or burns any trees reserved under section 30, or trips off the bark or leaves from, or otherwise damages, any such tree;
- (c) trespass, graze, browse, pasture or drive cattle or permit cattle to trespass or cut grass or enter into a fenced enclosure;
- (d) cause any damage by negligence in felling any tree or cutting, or dragging any timber;
- (e) cut, fell, uproot, girdle, lop, tap, burn any tree or brush wood, or extract torch wood, or strip bark or leaves from or otherwise damage the same;

- (f) quarry stone burn lime or charcoal, subject to any manufacturing process mine minerals or carry out any drilling for oil and gas exploration or remove any forest produce;
- (g) pollute soil or water by sewerage, sewage, domestic or industrial waste, or through any pollutants or means;
- (h) hunt, shoot, fish or poison water or sets snares or traps; *and*
- (i) abet in the commission of the furtherance of the any of the above acts

(3) Nothing in sub-section (1) & (2) shall be deemed to prohibit: any act done with the permission in writing of the Forest Officer, in accordance with rules made under section-31; or, except as regards any portion of a forest closed under section 28, or as regards any rights, the exercise of which has been suspended under sub section 4, or in exercise of any right recorded under section-27.

(4) Whenever fire is caused wilfully or by gross negligence to a protected forest, or excessive damage is caused wilfully or by gross negligence to such forest through girdling, lopping, felling, torch wood extraction, or drying of trees through artificial means, the Forest Officer not below the rank of a Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof, the exercise of all or any rights, concession or privileges of the right holder, in respect of pasture or forest produce or seigniorage fee or timber permit shall be suspended for such period as he may deem appropriate.

**Punishment for
contravention
of Acts
prohibited U/S
32.**

33. (1) Whoever contravenes or fails to comply with any of the provisions of this section, or abet in commission or furtherance of any such acts, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifty thousand rupees or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the forest as assessed by the Forest Officer:

Provided that:

- (a) where the value of forest damage, as assessed by the Forest Officer, is less than ten thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than one month, or with fine, which shall not be less than five thousand rupees, or with both;
- (b) where the value of forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed twenty-five thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than three months, or with fine, which shall not be less than twelve thousand rupees, or with both;
- (c) where the value of forest damage, as assessed by the Forest Officer, exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than five months, or with fine, which shall not be less than twenty-five thousand rupees, or with both;
- (d) where the value of forest damage, as assessed by the Forest Officer, exceeds fifty thousand rupees but does not exceed seventy-five thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than seven months, or with fine, which shall not be less than thirty-five thousand rupees, or with both;
- (e) where the value of forest damage, as assessed by the Forest Officer, exceeds seventy-five thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than nine months, or with fine, which shall not be less than forty thousand rupees, or with both;
- (f) where the value of forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees, the offence shall be punishable with imprisonment, which shall not be less than one year, or with fine, which shall not be less than fifty thousand rupees, or with both; *and*

(g) in all such cases, where the offence is committed after sunset and before the sunrise, the value of forest produce shall be assessed at double of prevailing market rates.

(2) When an offence is established then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animals, sawing units, chain saw, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of Government, in addition to the punishment awarded under this section.

(3) if the offender be a woman, the magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorised in writing under the signature or thumb impression of the woman, attested by a respectable person of the area concerned.

(4) When the person who is in-charge of cattle, which have trespassed in contravention of clause (c) of sub-section (2) is a child under the age of sixteen years, the owner of the cattle shall be deemed to be a person, who is guilty of an offence within the meaning of that clause.

Power to declare forest no longer protected.

34. (1) Government may, by notification in the official Gazette, direct that, any protected forest or any portion thereof shall cease to be a protected forest, with effect from a date specified in such notification.

(2) From the date so specified, such forest or portion thereof shall cease to be a protected forest; but the rights (if any), which have been extinguished therein, shall not revive in consequence of such cessation.

Existing state forests.

35. The provisions of this Act related to protected forest shall be applicable over existing state forests, declared as such under Balochistan Forest Regulation 1890.

CHAPTER IV **CONTROL OVER FORESTS AND LANDS NOT BEING THE** **PROPERTY OF GOVERNMENT.**

Protection of forests for special purposes.

36. (1) The Provincial Government may, by notification in the official Gazette, regulate or prohibit in any forest or waste-land—

- (a) the breaking up or clearing of land for cultivation;
- (b) the pasturing of cattle; or
- (c) the firing or clearing of the vegetation.

(2) When such regulation or prohibition appears necessary for any of the following purposes:-

- (a) for protection against storms, winds, rolling stones, floods and avalanches;
- (b) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of land-slips or of the formation of ravines and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;
- (c) for the maintenance of a water-supply in springs, rivers and tanks;
- (d) for the protection of roads, bridges, railways and other lines of communication; *and*
- (e) for the preservation of the public health.

(3) The Provincial Government may for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No Notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, until his objections, if any, and any evidence he may produce in support of the same, have been heard by an officer duly appointed in that behalf and have been considered by the Provincial Government.

Power to assume management of forest.

37. (1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 36, or if the purpose of any work to be constructed under that section so require, the Provincial Government may, after notice in writing to the owner of such forest or land and after considering his objections, if any, place the same under the control of a Forest-officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

(2) The net profits, if any, arising from the management of such forest or land shall be paid to the said owner.

Expropriation of forests in certain cases.

38. (1) In any case under this Chapter in which the Provincial Government considers that in lieu of placing the forest or land under the control of a Forest-officer, the same should be acquired for public purposes, the Provincial Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894.

(2) The owner of any forest or land comprised in any notification under section 36 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the Provincial Government shall acquire such forest or land accordingly.

Protection of Forest at request of owners.

39. (1) The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof, may, with a view to the formation or conservation of forests thereon, represent in writing to the Forest Settlement Board their desire: -

(a) that such land be managed on their behalf by the Forest-officer as a protected forest on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act be applied to such land.

(2) In either case, the Provincial Government may, by notification in the official Gazette, apply to such land provisions of the Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

CHAPTER V
COMMUNITY FOREST RESERVES.

Declaration of Community Forest Reserve.

40. A local organization by resolution, may get an area of community land, over which they have proprietary right, to be declared as a Community Forest Reserve in the following manner:-

(a) Submit an application in writing to the Department through District Revenue Officer for a community forest to be notified as a Community Forest Reserve;

- (b) Allocate the duties of managing the Community Forest Reserve to a committee and appoint a manager for looking after day-to-day operations of the forest; *and*
- (c) Negotiate a joint management agreement or other arrangements with Chief Conservator of Forests or an officer nominated by him in this behalf, but not less than a forest officer of Grade-17, in respect to the management of the Community Forest Reserve.

Procedure for declaring Community Forest Reserve.

41. (1) Any such application submitted under section 40 (a) to declare a community forest as a Community Forest Reserve shall accompany the following documents:-

- (a) A copy of resolution referred in section-40;
- (b) A list of the members of the community committee allocated the responsibility for managing the Community Forest Reserve referred in section-40 (b);
- (c) A map, or other documentary evidence which clearly and sufficiently identify—
 - (i) The community land as a common property resource; *and*
 - (ii) The area to be established as a Community Forest Reserve within the community land;
- (d) A brief statement of reasons for the application and the proposed objectives to be pursued by the local organization in the management of the proposed Community Forest Reserve;
- (e) A brief description of the financial management arrangements in respect of the Community Forest Reserve; *and*
- (f) A brief description of socio-economic pattern of community and the flora & fauna of the area.

(2) The Department after receipt of such application accompanied with necessary documents and duly recommended by the District Revenue Officer, determine whether to agree to the application subject to the conditions relating to the management of community forest reserve; or to reject it.

(3) Where the application is agreed with or without conditions the department shall;

- (a) Inform the respective community organization; *and*
- (b) By notification in the official gazette declare the community forest to be a Community Forest Reserve.

(4) Where an application has been agreed to by department subject to conditions, the community organization and department shall try to come on an agreement through mutual consultation.

(5) If no such agreement is reached the local organization may either withdraw its application or accept the terms and conditions of department.

Modal condition for management of Community Forest Reserve.

42. The department may develop and publish standard model conditions all or any of which may be adopted by a local organization in its application to manage the Community Forest Reserve.

Management of Community Forest Reserve.

43. (1) The Community Forest Reserve shall manage in accordance with—

- (a) the objectives set out under Section 41 of this Act;
- (b) such policies as may be determined by the local organization;
- (c) such by-laws and other rules as may be made by local organization, including model by-laws adopted for use in respect of declared Community Forest Reserve by the local organization;
- (d) the Community Forest Reserve management plan made in accordance with the provision of this chapter;
- (e) customary rules and practices applicable to forest use and management; *and*
- (f) any agreement as may be made between the local organization and some other person or body relating to the management of the

declared Community Forest Reserve:

Provided that such agreement shall be approved by the local organization before it shall come into operation.

(2) The Chief Conservator of Forests or his representative may from time-to-time issue notes of guidance to community organization in respect of the management of Community Forest Reserve and the community organization shall pay regard to the same.

**Joint
Management of
Community
Forest Reserve.**

44. (1) The local organization, having jurisdiction over the community forest reserve, and the department and such other persons and bodies as may be considered appropriate by the local organization may negotiate and agree a joint management agreement or other management arrangement, for a Community Forest Reserve.

(2) A copy of the joint management or other arrangement to which section 40 applied shall be kept at the office of the local organization and made available for inspection by any member of the community, free of any charge or condition, at all reasonable hours during the working day.

(3) Until a joint management agreement or some other arrangement for the management of the Community Forest Reserve is made, the Community Forest Reserve shall be managed in accordance with the community by-laws and other rules, agreements and practices, applicable to the Community Forest Reserve as before its notification as a Community Forest Reserve under this Act.

**Technical legal
assistance of
Forest
Department.**

45. The community committee managing the Community Forest Reserve may request the department:

(a) To provide technical assistance to that committee for preparation and revision of Management Plan of the Community Forest Reserve; *and*

(b) For services of a full time or part time trained Forester on payment of remuneration to be mutually agreed to between the local organization and the Department.

**Model by-laws
for Community
Forest Reserve.**

46. The Department may prepare and publish model by-laws for the Community Forest Reserve and such by-laws may be adopted by local organization for use, with or without

notification.

Procedure when Community Forest Reserve is not properly managed.

47. (1) In the case a local organization is failing to manage the Community Forest Reserve in accordance with the agreed terms and conditions, then the department may require to take the steps to improve management of the forest under its jurisdiction.
- (2) If the local organization fails to improve its management of Community Forest Reserve, the department after providing an opportunity of oral hearing, may de-notify the Community Forest Reserve.
- (3) The local organization may appeal within 30 days of receiving the decision in sub-section 2 in writing to the Government against any such decision of the department.
- (4) There shall be no appeal against the decision of the Government.

Act prohibited in Community Forest.

48. All acts in the Community Forest Reserve are prohibited, except those permitted under the by-laws or the joint management agreement referred in section-44:

Provided that violation of terms and conditions for the acts prohibited in a Community Forest Reserve shall be punishable with imprisonment which shall not less than three months and a fine which shall not less than five thousand rupees or both.

CHAPTER VI
MANAGEMENT OF RANGELANDS & PROTECTED RANGELANDS.

Management of Rangelands.

49. (1) As majority of rangelands in the Province are communal, so generally the management of rangelands shall be carried out by the owners and users of these rangelands in accordance with principles of sustainable use.
- (2) The Department along with other stakeholder agencies may act as a facilitator for providing technical support.

Rights in rangeland.

50. (1) Subject to the rights and powers of the Government in respect of seigniorage fee, forest conservancy, sustainable development and management defined in this Act or in the rules made thereunder, and

subject also to the claims of right holders not being owners of the land, the rangelands are the property, held jointly or severally, as the case may be, of the land owner of the village in whose boundaries these are included and such land owners are entitled to graze their livestock over such land, but they shall have no right or power to sell any tree, timber, brushwood, shrubs, herbs or grasses or any other forest produce growing on such land, except with permission of the concerned Conservator of Forests and under such conditions as he may impose. All such sales shall be subject to payment to Government of timber surcharge, forest development charges, seigniorage fees, and management charges, which shall be creditable to the Forest Development Fund.

(2) The claims of right-holders other than land-owners of the village shall be recognised to the extent defined and recorded at settlement, or in case of doubt or dispute, to the extent which may hereafter be defined by the Collector with the sanction of the Board of Revenue, and exercise of such rights shall be subject to the provisions of this Act and the rules made thereunder.

Protection of rangelands.

51. (1) Subject to the sub-section (6), Conservator of Forests may, by order, with prior approval of the Government, declare any rangeland to be protected rangeland from the date specified in the order, when, in his opinion, it becomes necessary to do so for any of the following purposes, namely:-

- (a) the protection, conservation and regeneration of particular types of the brushwood, shrubs, herbs or grasses;
- (b) the protection against storm, wind, rolling stones, floods and avalanches, any other natural calamities;
- (c) the conservation or preservation of soil on ridges and slopes, and in the valleys of hilly tracts, the prevention of land-slips or landslides, or of the formation of ravines and torrents, or the protection against erosion and flood or the deposit thereon of sand, stones or gravel;
- (d) the protection of catchment basins, banks and beds of rivers, streams, torrent and ravines;

- (e) the maintenance of water supply in springs, rivers, tanks and reservoirs, *and*
- (f) the protection of the lines of communication including roads, bridges and railways, and other infrastructure.

(2) The order under sub-section (1) shall clearly define the area declared as protected rangeland and cause the same to be shown on the village map, besides demarcating on the ground with boundary marks so far as may be necessary.

(3) The following acts shall be prohibited in the protected rangeland, declared under sub-section (1), that is to say;-

- (a) the encroachment by breaking up or clearing of land for cultivation construction of sheds, building, road, enclosure or any infrastructure or its occupation as sites for sheds, building or enclosures;
- (b) grazing of small ruminants and pasturing of cattle;
- (c) burning or clearing of vegetation;
- (d) cutting of particular types of trees or removal of forest produce;
- (e) quarrying stones, mining of minerals, burning of lime or charcoal;
- (f) hunting, shooting, poisoning of water, or setting of traps and snares; or
- (g) polluting soil or water by sewerage, sewage, domestic or industrial waste or any other pollutants, or means.

(4) No order made under sub-section (1) shall be cancelled, or the boundary of the protected rangeland shall be altered without the approval of Conservator of Forests.

(5) Subject to sub-section (6), the Conservator of Forests may, with the approval and expense of Government, for any purpose mentioned in sub-section (1), construct or carry out in or upon such protected rangeland such engineering or cultural works as he deems fit.

(6) No order shall be made under sub-section (1) nor

shall any work be begun under sub-section (5), until after the issue of a notice by the Conservator of Forests concerned to the owner/owners of such rangeland calling on them to show cause, within a reasonable period of time which shall not be less than ninety days, as to why such order should not be made or construction work carried out, as the case may be, and the explanation or objections, if any, and any evidence they may produce in support of the same, have been heard, considered and disposed of by the Conservator of Forests.

(7) No compensation shall be claimable by the owner or other right holders of such protected rangeland in respect of any order passed under this section.

(8) The management of the protected rangeland shall vest in Department.

Management of rangelands.

52.

(1) The management of rangelands shall vest in the Department.
in conditions, when:

- (a) the landowners neglect or wilfully disobey any order under section 51 or rules (or regulations) made under this chapter; or
- (b) the purpose of any work to be considered or carried out under section 51 (5) so requires.

(2) The Conservator of Forests may by notification, after giving the land-owners an opportunity of being heard in accordance with the procedure as laid down in sub-section (6) of section-51, assume the management of such rangeland and place the same under the control of a Forest Officer, and may declare that all or any of the provisions of this Act or the rules made thereunder relating to reserved forests or protected forests shall apply to such rangeland, as the Conservator of Forests may deem fit.

(3) The Divisional Forest Officer shall demarcate such rangeland and shall prepare a map thereof or construct boundary pillars around such land.

(4) The Conservator of Forests may transfer the management of such lands back to the land-owners for sustainable development or for any other reason as he deems fit in the circumstances,

Management of rangeland at the request of owners.

53. (1) If the owner of any rangeland, or if there be more than one owner, the owners of shares therein amounting in the aggregate to at least two-third thereof, with a view to the formation, protection, conservation, management or sustainable use of rangeland thereon, request in writing to the Conservator of Forests:

(a) that such rangeland be set apart and managed on his or their behalf by the Forest Officer as reserved or protected forest, or by the community-based organization, or village-based organization as a community forest reserve in the manner as provided in section 40 or by Joint Forest Management Committee as provided section 44 on such terms as may be mutually agreed upon; or

(b) that all or any of the provisions of this Act or rules made thereunder be applied to such rangeland.

(2) The Conservator of Forests may, by notification, apply to such rangeland such provisions of this Act, with such modification, as he deems suitable to the circumstances thereof.

(3) The management and protection of such rangeland shall be responsibility of the Forest Officer, the community-based organization, the village-based organization or the Joint Forest Management Committee, as the case may be.

(4) The Conservator of Forests may transfer the management of such lands back to the land owners for sustainable use or for any other reason as he deems fit in the circumstances.

Apportionment of net profit.

54. The net profit, if any, arising from the management of rangelands under section-52 or 53 shall be paid to the said land-owners after deducting at source, the charges incurred in connection with management of such land, timber surcharges, other charges/surcharges, as well as 20% managerial charges on profit. The deduction so made shall be credited to the Forest Development Fund.

Guiding principles for range use.

55. The users of rangelands shall follow the following guiding principles for range use:-

(a) Conserve soil resource, minimizing erosion and undesirable soil disturbance;

- (b) Promote and maintain healthy plant communities and maintain or enhance forage and livestock quality;
- (c) Maintain and improve water resources;
- (d) Promote healthy, viable, productive and diverse wildlife population and their associated habitat; *and*
- (e) Conserve biodiversity.

- Range Use Plan. 56.** (1) A range use plan on common property shall precede by an agreement among the users and the management agency. The plan will be prepared in consultation with users/community.
- (2) The range use plan should consist of—
- (a) A map that has location of boundaries, range developments and pastures;
 - (b) A grazing schedule for each pasture including its period of use and class and number of livestock;
 - (c) The actions to be carried out in the area under the plan to deal with issues identified;
 - (d) Measure to prevent the introduction and spread of undesirable plant species; *and*
 - (e) Confirm to any prescribed requirement.
- (3) A range plan should be revised every three years and be amended if it is not achieving intended results or if new information relevant to the plan area comes into effect.

Regulation of nomadic pastoralists. 57. The Government shall make rules for management of rangelands, violation of range management plan and grazing permits as prescribed under this chapter

Penalties. 58. Whoever contravenes or fails to comply with any of the provisions of this chapter or rules made thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to thirty thousand rupees or with both, in addition to such compensation for the damage done to the rangeland as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the rangeland as assessed by the Forest

Officer and that all forest produce illicitly obtained or removed and seized shall be restored to the Government.

CHAPTER VII
THE CONTROL OVER MAZRI AND MAZRI PRODUCE.

Protection, preservation, propagation and control of mazri and mazri produce.

59. (1) Whenever it appears desirable to provide for better protection, preservation, propagation and control of mazri and mazri produce in any area of the Province, the Conservator of Forests; through an office order:

- (a) fix the period during which mazri shall not be cut or transported; *and*
- (b) specify the route by which mazri or mazri produce shall be transported during the period not covered by clause (a).

Mazri to be a protected plant.

60. Mazri shall be a protected plant wherever it is so declared by the Conservator of Forests and except as provided by this Act, or rules made thereunder, the cutting of its leaves, shoots, roots or stem shall be prohibited.

Management of growing tracts.

61. (1) The management of all mazri-growing tracts, including tracts which have been denuded of mazri, shall vest to the Forest Department.

(2) For the purpose of protection, conservation, regeneration and sustainable management of mazri, the Department may, in the prescribed manner—

- (a) prohibit the breaking up or clearing for cultivation of mazri growing tracts or its occupation as sites of sheds, building or enclosure in such land;
- (b) specify the mode in which mazri and mazri produce may be transported; *and*
- (c) control the export, import and sale of mazri and mazri produce.

(3) The Conservator of Forests may issue orders prohibiting such breaking up or occupation and defining the area to which such prohibition shall extend and may cause the limits of such area to be shown on the village map and demarcated on the ground with the boundary marks so far as may be necessary.

(4) The Conservator of Forests may, in a similar

manner, revise such orders from time to time by altering the boundaries of the protected land as to exclude any particular plot which is not necessary to be protected any longer.

(5) The Conservator of Forests may cause to summarily eject any person cultivating land or committing any other act in contravention of an order passed under the foregoing sub-sections and may direct that any breaking up or occupation of land shall be removed or crop grown in contravention of such order shall be confiscated in favour of Government.

Control of the mazri produce.

62. (1) Subject to the overall control of the Department, the Divisional Forest Officer or any Forest Officer authorised by Government shall have power to control, regulate the sale and export of the mazri produce in any area of the Province.

(2) No mazri or mazri produce shall be allowed to be transported within the Province unless it is covered by a permit issued by the officer authorised by Government and brought through the routes prescribed by the Department for the purpose.

Management Orders.

63. (1) Subject to the approval of Government, the Divisional Forest Officer, may by a general or special order prohibit the cutting or injuring of mazri and regulate the cutting and transporting of mazri for the domestic requirements of the right holders.

(2) In case of contravention of any order issued under sub-section (1) the Divisional Forest Officer may direct that no mazri shall be cut in any area to which the provisions of this Act apply or are made applicable, without his prior permission in writing or of such officer as may be authorised by him in this behalf.

Power to search.

64. (1) Any Forest Officer, not below the rank of Range Forest Officer, may search any house, room, tent, enclosure, vehicle, vessels, or place where he has reason to believe that mazri or mazri produce is placed in contravention of any provision of this Act or of any order, rule or direction made thereunder and may seize any such mazri or mazri produce.

(2) Search under this section shall be made in accordance with the provisions contained in sections 102 and 103 of the Criminal Procedure Code. 1898 (V of 1898).

Penalties.

65. Any person who commits a breach of any of the provisions of this chapter or orders or rules made

thereunder, on conviction by the court, be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both, in addition to the confiscation of the mazri or the mazri produce in respect of which the offence has been committed and such compensation as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the mazri or mazri produce as assessed by the Forest Officer:

Provided that:

- (a) where the value of the damage as assessed by the Forest Officer, exceeds fifteen thousand rupees, the sentence of imprisonment shall not be less than three months; *and*
- (b) if the offender is a woman, the court shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorised in writing under the signature or thumb impression of the woman, attested by a respectable person of the village concerned.

Power to make rules.

- 66.** (1) Government may make rules to carry out the purposes of this chapter.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may;-
- (a) provide for the preservation, cutting, reproduction, collection, storage, sale, transportation, transit, checking or examination, levy of duty and disposal of mazri and mazri produce; *and*
 - (b) provide for the management, prohibition and regulation of the breaking of wasteland, control of illicit cultivation, closure, plantation, removal of encroachment and annual cutting programme.

CHAPTER VIII
THE DUTY AND FEES ON TIMBER, FUELWOOD AND OTHER FOREST PRODUCE.

- Seigniorage fee.** **67.** (1) In the case of trees harvested from the reserved forest, Divisional Forest Officer shall credit to Government as forest revenue the sale proceeds of such trees after deducting the timber or fuel wood surcharge,

forest management surcharge or any other charges for the time being in vogue and creditable to Forest Management Fund, and on the other hand debit to Government and pay to the right holders entitled thereto, the seigniorage fee due, according to list of such fees that are in force for the time being.

(2) The list of seigniorage fees in force at the commencement of this Act given at Schedule-II is hereby maintained.

(3) Government after every ten years shall with due reference to the average actual sale prices realisable for timber or fuel wood, revise the rates of fees in such list and may add trees to it or exclude trees from it.

(4) Wherever the list of seigniorage fees has been revised, Government shall publish notification in the official gazette.

Duty and forest development charges on timber, fuel wood and other forest produce.

68. (1) Government may, by notification, levy a duty or forest development charges, or both, in such manner, at such places and at such rates as may be prescribed on any timber, fuel wood or other forest produce—

(a) produced in the Province; or

(b) brought from any place outside the province, or is transported from or through any place within the province, or from beyond the frontier or elsewhere.

(2) In every case in which duty or forest development charges, or both, are directed to be levied ad valorem, Government may fix, by notification, the value on which such duty or forest management charges, are both shall be assessed.

(3) All duties on timber, fuel wood or other forest produce and all forest development charges, or both, which at time when this Act comes into force, are levied therein under the authority of Government, shall deemed to have been duly levied under the provisions of this Act:

Provided that the fees and forest development charges so levied shall not exceed in any case a fair estimate of twenty five percent of the average market price realisable on the sales.

(4) The amount realised from duties and forest management charges shall be credited; Provincial

Government exchequer; and Forest Management Fund on 50% basis each.

Permits fees and other cesses.

69. (1) In addition to the forest duty and forest management charges, the Government may levy permit fees and other cesses on timber and fuel wood coming from outside Pakistan into the Province.

(2) The amount realised from such cesses shall be credited similarly as mentioned in sub-section 4 of section 68.

CHAPTER IX

THE CONTROL OF TIMBER FUEL WOOD AND OTHER FOREST PRODUCE IN TRANSIT.

Power to make rules to regulate transit of timber, fuel wood and other forest produce.

70. (1) The control of all rivers, streams and reservoirs and their banks as regard floating of timber, as well as the control of all timber, fuel wood and other forest produce in transit by land or water, or air ways is vested in Government, and it may make rules to regulate the transit of all timber and other forest produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

- (a) prescribe the routes by which alone, timber, fuel wood or other forest produce may be imported, exported, transported or moved into, from or within the Province, provided that in case of imported and exported timber the routes shall be the designated Customs Entry or Exit Points under the Customs Act, 1969 (IV of 1969);
- (b) prohibit the import, export, transport or moving of such timber, fuel wood or other forest produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass;
- (c) provide for the issue, production and return of such passes and for the payment of fees thereof;
- (d) provide for the stoppage, reporting, checking or examination and measuring of timber, fuel wood or other forest produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or any charge due

thereof, or to which it is desirable for the purpose of this Act to affix a mark;

- (e) provide for the establishment and regulation of track, road side, river side or other depots and for establishment of forest check posts or barriers for checking or examination of timber, fuel wood or other forest produce;
 - (f) provide for place and for establishment and regulation of depots to which such timber, fuel wood or other forest produce shall be taken by those in charge of it for checking or examination, or for payment of such money, or in order that such marks may be affixed to it and the conditions under which such timber, fuel wood or other forest produce shall be brought to store at and removed from such depots, barriers or check posts;
 - (g) prohibit the closing up or obstructing of the channel banks of any river used for transit of timber, fuel wood or other forest produce, and throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to close or obstruct;
 - (h) provide for the prevention or removal of any such obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitates the same;
 - (i) prohibit absolutely or subject to conditions, within specific local limits, the establishment of saw-pits, the converting, cutting, burning, concealing and marking of timber, the altering, effacing or defacing of any marks of the same, or the possession or carrying of marking hammer or other implements used for marking timber; *and*
 - (j) regulate the use of property marks for timber, and the registration of such marks, prescribe the time for which such registration shall hold good, limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.
- (3) Government may direct that any rules made under

this section shall not apply to any specified species or class of timber, fuel wood or other forest produce or to any specific area.

Penalty for breach of rules made under section 70.

71. Contravention of any of the provisions of the rules made under section 70 shall be punishable with imprisonment which may extend to six months, or with fine which may not be less than the three times the value of permit:

Provided that in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence the offender shall render himself liable to double of the penalties mentioned above.

Government and Forest Officer not liable for damage to forest produce at depot.

72. The Government shall not be responsible for any loss or damage which may occur in respect of any timber, fuel wood or other forest produce while at depot established under a rule made under section 70, or while detained elsewhere, for the purpose of this Act, and no Forest Officer shall be responsible for any such damage, unless he causes such loss or damage maliciously or fraudulently.

All persons bound to aid in case of accident at depot.

73. (1) In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private persons, shall render assistance to any Forest Officer, Police Officer or Levies Officer demanding his aid in averting such danger or securing such property from damage or loss.

(2) Any person who fails to provide the required aid or assistance, without lawful excuse, in contravention of sub-section (1) shall be punishable with imprisonment which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both.

CHAPTER X
THE COLLECTION OF DRIFT AND STRANDED WOOD OR
TIMBER.

Certain kinds of wood and timber to be deemed the property of Government until the title thereto proved, and may be collected accordingly.

74. (1) All wood or timber found a drift, beached, stranded or sunk; bearing marks which have not been registered in accordance with the rules made under section 70, or on which the marks have been obliterated, altered, effaced or defaced by fire or otherwise; and all unmarked wood and timber found in such areas as Government directs, shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such wood or timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 70, and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

(3) The Government may, by notification in the Official Gazette exempt any class of wood or timber from the provisions of this section.

Notice to claimant of drift wood or timber.

75. Public notice shall, from time to time, be given by the Forest Officer of wood or timber collected under section 74. Such notice shall contain a description of the wood or timber, and shall require any person claiming the same to present to such officer, within a period not less than thirty days but not more than sixty days, from the date of such notice, a written statement of such claim.

Procedure on claims preferred to such wood or timber.

76. (1) When any such statement is presented as aforesaid, the Forest Officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the wood or timber to the claimant.

(2) If such wood or timber is claimed by more than one person, the Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Court, or retain the wood or timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within thirty days from the date of such rejection, institute a suit to recover possession of wood or timber claimed by him; but no person shall have right to claim any compensation or costs against the Government, or against any Forest Officer, on account of such rejection, or the detention or removal of any wood or timber, or the delivery thereof to any other person under this section.

(4) No such wood or timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

Disposal of unclaimed wood or timber.

77. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 75, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to

recover possession of such wood or timber within the further fixed period limited by section 76, the ownership of such wood or timber shall vest in Government.

Government and its officers not liable for damage to such wood or timber.

78. The Government shall not be responsible for any loss or damage which may occur in respect of any wood or timber collected under section 74, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage maliciously or fraudulently.

Payments to be made by wood owner or claimant before timber is delivered to him.

79. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest Officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section-80.

Power to make rules.

80. (1) The Government may make rules to regulate the following matters, namely;-

- (a) the salving, collection and disposal of all wood or timber mentioned in section-74;
- (b) the use and registration of boats used in salving and collecting wood or timber;
- (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such wood or timber; *and*
- (d) the use and registration of hammers and other instruments to be used for marking such wood or timber.

Penalties.

81. Any person contravening any of the provision, or any rules made under section 80, shall be punishable with imprisonment for a term which may extend to six months, or fine which may not be less than twenty thousand rupees, or with both.

CHAPTER XI **THE SALE AND SAWING OF TIMBER AND FUEL WOOD.**

Restriction on establishment of sale depot or a sawing unit.

82. (1) No sale depot or a sawing unit shall be established, unless the same is registered with Divisional Forest Officer of respective jurisdiction, after approval of the concerned Conservator of Forests, in such a manner and on payment of such fee as prescribed.

(2) A Divisional Forest Officer may, for reasons to be

recorded in writing, refuse to register a sale depot or a sawing unit, between the forests and forest check post or forest barrier of the Forest Department, or refuse to register a sale depot or a sawing unit elsewhere, or cancel the registration of an existing sale depot or a sawing unit:

Provided that no order under this sub-section shall be made without giving the owner of the sale depot or the sawing unit, as the case may be, an opportunity of being heard:

Provided further that the forest contractors, during the currency of their contract and the Government owned sale depot or sawing units may be exempted from the operation of sub-section (2) as may be considered fit for the registering officer in the circumstances.

(3) Where registration of a sale depot or sawing unit is refused or cancelled under sub-section (2), or its validity period has expired, the sale depot or sawing unit, as the case may be, shall cease to function or operate, except in case of expiry of registration, if the owner of the sale depot or sawing unit, as the case may be, has, in the prescribed manner, applied for renewal of the registration and his request for renewal has not been refused; provided that no request for renewal shall be refused without apprising the owner of the sale depot or the sawing unit concerned of the reasons for refusal and without giving him an opportunity of being heard.

Maintenance of record.

83.

(1) Every owner of the sale depot or a sawing unit shall maintain such record or keep such register as may be prescribed.

(2) The record or register being maintained under sub-section (1) shall be open to inspection by the Forest Officer.

Appeal.

84.

(1) Any person aggrieved by any order passed by Divisional Forest Officer under section 82 shall have the right of appeal before the Conservator of Forests within thirty days of the issuance of such order.

(2) In computing the period of 30 days under sub-section (1) the day on which the order sought to be appealed against was made and the time requisite for obtaining a copy thereof, shall be excluded.

(3) The Conservator of Forests shall not confirm, modify, alter or set aside any order appealed against, except after giving the parties an opportunity of being heard.

(4) The decision of the Conservator of Forests on an appeal under sub-section (3) shall be final.

Offences and penalties.

85. Contravention of any of the provisions of this chapter or the rules made thereunder shall constitute an offence rendering the offender liable to imprisonment for a term which shall not be less than three months and may extend to two years, or a fine which shall not to be less than ten thousand rupees and extend to fifty thousand rupees, or with both, and may further entail seizure and confiscation of illicit wood as well as seizure, sealing, dismantling and confiscation of the apparatus, machinery, tools, equipment and the sawing unit to the Government:

Provided that where the value of the illicitly possessed timber, fuel wood or forest produce, as assessed by the Forest Officer exceeds thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine, which shall not be less than thirty thousand rupees, or with both, in addition to such compensation for the damage done to the forest as assessed by the Forest Officer which shall not be less than the value of the damage so assessed:

Provided further that where the offence is committed after sunset and before sunrise, or when the offender causes hindrance in the performance of lawful duties of a Forest Officer under this chapter or rules made thereunder, or has been previously convicted of a like offence, he may be inflicted with double the penalties specified above.

Power to make rules.

86. The Government may make rules for control and regulation of the sale depot and sawing units providing for all or any of the following matters, namely:-

- (a) the classes of timber and fuel wood, and the kind of timber and fuel wood to which the rules shall apply;
- (b) establishment, registration, regulation and inspection of sale depot and sawing units;
- (c) fee for registration, including the renewal fee and the period for which the registration shall hold good;
- (d) conditions under which timber or fuel wood may be brought to, stored at, and removed

from, sale depot, or cut, sawn or fashioned at a sawing unit;

- (e) specification of timber or fuel wood, its sale, cutting, sawing or fashioning;
- (f) form of registration to be maintained at the sale depots and sawing units;
- (g) security to be pledged with the Divisional Forest Officer for the establishment of sale depot and sawing unit; *and*
- (h) seizure and sealing of unregistered sale depots and sawing units, including dismantling thereof and confiscation of timber, fuel wood, forest produce and all machinery, tools, equipment and appliances found therein.

CHAPTER XII
THE FOREST PROTECTION PENALTIES AND PROCEDURE.

**Constitution of
the Forest
Force.**

87.

(1) The entire forest establishment under Government, excluding ministerial staff, for the purpose of this Act, shall be deemed to be the Forest Force and shall be constituted in the prescribed manner.

(2) Members of the Forest Force shall put on such uniform as may be prescribed.

(3) The Forest Force shall be equipped with such arms and ammunition, vehicles, vessels, tools, equipment and communication system as may be deemed appropriate and necessary by Government.

(4) The Forest Officer may use such force as may be reasonable in the circumstances to arrest the forest offender, recover the produce, detain or take into custody any forest offender or case property, prevent the escape of any person concerned or likely to be concerned in a forest offence or prevent the removal of any timber or forest produce in respect of which any such offence has occurred or is likely to occur:

Provided, that where it becomes necessary to stop for checking, searching and apprehending any mechanically propelled vehicle, boat, launch, railway wagon, pack animal, cart and carriage or any kind of conveyance, the Forest Officer may use or cause to be used all force and means for stopping, checking, searching and apprehending it, or preventing its

escape, but shall open fire only when it becomes absolutely necessary in self defence.

(5) A Forest Officer not below the rank of Range Forest Officer may enter any sawing unit sale depot or any premises, enclosure, or any building other than a dwelling house, to make a search and seize timber or forest produce and arrest offender, or break open the lock of any door, fixture or conveyance for purpose of search and seizure of timber, any other forest produce or case property or arrest of offender.

(6) The Forest Officer shall have the powers to hold enquiry or investigation into forest offences and in the course of such enquiry or investigation, to receive and record statements.

(7) The Forest Officer shall have the power of Civil Court to compel the attendance of witnesses and production of documents and material objects for purpose of enquiry or investigation in connection with a forest offence.

(8) The Forest Officer not below the rank of Range Forest Officer shall hold investigation of forest offences as per Criminal Procedure Code 1898 and submit challan to the competent court of jurisdiction through the concerned District Forest Officer.

(9) The investigation Officer shall hand over the accused person(s) arrested for cognizable forest offence to the police/levies station in charge for the purposes of custody and shall produce him/them before a first-class Magistrate for custodial remand within 24 hours of such arrest.

(10) The Investigating Officer shall be given all lawful facilities by the concerned Police Station House Officer/Levies Thana in charge of a particular jurisdiction to investigate the case according to laid down procedure of law.

(11) Any evidence recorded under this section shall be admissible in any subsequent trial before a magistrate to the same extent as evidence recorded by the police officer during investigation.

(12) Any member of the forest establishment; excluding ministerial staff; is as good a witness as anyone from public until and unless evidence is brought on record to disbelieve him or his ulterior motive is proved.

(13) No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction in writing of Government, against any Forest Officer in respect of anything done or purported to be done in exercise of the powers conferred under the forest Act and rules made thereunder.

Power of arrest without warrant.

88. (1) Any Forest Officer himself or with assistance of a Police Officer/Levies Officer, of the respective jurisdiction may, without orders from a magistrate and without a warrant, arrest any person against whom reasonable suspicion exists of his having been involved in any forest offence punishable with imprisonment for six months or more.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the magistrate having jurisdiction or to the officer in charge of the nearest police station/levies thana within twenty-four hours of such arrest.

Power of release an arrested on a bond.

89. Any Forest Officer of a rank not below a Range Forest Officer may release such person on his executing a bond to appear, if and when so required, before the magistrate of competent jurisdiction.

Power of seizure of property liable to confiscation,

90. (1) Any Forest Officer may seize—

(a) Timber or any other forest produce which he has reason to believe has been obtained, stored, possessed or is being transported contrary to any provisions of this Act or of any rules or orders made thereunder; *and*

(b) Any implements, tools, equipment, carts, carriages, wagons, pickup, lorry, truck, tractor trolley, boat or launch, van, motor car, bus or any other mechanically propelled vehicles, saw machine, sawing unit, chain saw, power saw, pack animals, arms and ammunition or any other kind of conveyance used in the commission, abetment or furtherance of the offence under this Act.

(2) Every Officer seizing any timber, forest produce or any property under this section, shall place on such property a mark indicating that the same has been so

seized, and shall, as soon as may be, make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(3) When the offender is not known or cannot be found, the magistrate shall, if he is satisfied that an offence has been committed, direct that the case property seized under sub section (1) shall be confiscated in favour of Government:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Power to release property seized under section 90 and procedure thereupon.

91. Any Forest Officer of a rank not below the Range Forest Officer who has seized any property under Section 90 (1-b) may release the same, on the execution by the owner thereof, of a bond for the production of the property so released, if and when so required, before the magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Procedure as to perishable properties seized.

92. (1) The magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized if he is of the opinion the forest produce so seized is subject to speedy and natural decay, and may deal with the sale proceeds in accordance with the provisions of Criminal Procedure Code 1898.

(2) If the owner of any perishable property is unknown or cannot be found, the magistrate shall, if he is satisfied that an offence has been committed, direct the sale of such property seized under section 90, and the sale proceeds so realised shall be credited to Government Treasury, through forest officer of the competent jurisdiction.

Appeal from orders of a Court.

93. The Officer who made the seizure under section 90, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 91 or section 92, appeal to the Court to which orders made by such magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

- Property when to vest in Government.** 94. When an order for the confiscation of any property has been passed and the period has lapsed, such property shall vest in the Government free from all encumbrances.
- Counterfeiting or effacing or defacing marks on trees and timber and altering boundary marks.** 95. No person shall, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Pakistan Penal Code.
- (a) knowingly counterfeit upon any timber or standing tree a mark used by Forest Officer to indicate that such timber or tree is the property of Government or of some person, or that it may lawfully be cut or removed by some person, or that it is designated for scientific, educational or other purposes: or
 - (b) alter, deface or obliterate any such mark placed on a tree, or on timber, by or under the authority of a forest officer; or
 - (c) alter, move, destroy or deface any boundary mark or boundary pillar of any Protected forest, Reserved forest, Community forest reserve or any other forest made by or under the authority of a forest officer.
- Punishment for counterfeiting, effacing or defacing marks or altering boundary marks.** 96. Whoever contravenes or fails to comply with any of the provisions of section 95 or abets in commission or furtherance of any such acts, shall be punishable with imprisonment up to six months and shall not be less than two months or with fine up to one hundred thousand rupees but not less than fifty thousand rupees or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of the actual damage done to the Forest mark as assessed by the Forest Officer.
- Punishment for heinous offences.** 97. Notwithstanding anything contained in any law for the time being in force, the offences under this section shall be non-bail-able—
- (a) where the value of the forest damage, as assessed by the forest officer, exceeds one hundred thousand rupees;
 - (b) where an accused has been previously convicted of an offence, for damaging a forest, of fifty thousand rupees or more; *and*
 - (c) where an accused puts a lawful authority in fear of any injury or causes hurt or assaults,

or threatens lawful authority or uses criminal force or commits criminal intimidation against any Forest Officers—

shall be punished with imprisonment up to one year and not less than six months or fine up to one hundred thousand rupees not less than fifty thousand rupees or both in addition to the compensation for damage caused by the offender and all the tools, equipment, and machinery used in the commission of the offence shall be liable to confiscation.

Persons bound to inform and assist Forest Officers etc.

98. Every person having any right in a Protected forest, Reserved forest, Community Forest Reserve, or any forest land which have been placed under the management of a Forest Officer, every person employed by such person therein, and every person in any village contiguous thereto who is employed by Government, shall be bound to furnish without unnecessary delay to the nearest Forest Officer, Police Officer or Levies Officer or concerned community based organization, or village-based organization, any information he may possess regarding the commission of, or intention to commit, any forest offence or to prevent a loss likely to be caused by fire or any other incident.

Seizure of cattle found trespassing.

99. (1) Any Forest Officer may seize and impound any cattle found trespassing in a Protected forest, Reserved forest, Community Forest Reserve, or any other forest area which has been lawfully closed to grazing.

(2) When cattle under sub-section (1) are impounded, it shall be governed by the provision of the Cattle Trespass Act, 1871 (1 of 1871).

Powers of Investigation & trial.

100. All offences under this Act or rules made thereunder shall be investigated by the Forest Officers and trialled in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1998), and Qannon-e-Shadat Order in force in the province of Balochistan.

Prosecution of forest offences.

101. Before submission of the challan of a compoundable forest offence, the case may be compounded by the authorized Forest officer on the request of the accused person. In case of failure to reach to a compromise; as prescribed under this law, any officer designated by the concerned District Head of Forest, shall prepare a challan in accordance with the Criminal Procedure Code 1898 and forward the same to the District head of Forest, who after scrutiny, will submit complete or incomplete challan of the case to the court of

competent jurisdiction within fourteen days:

Provided that while compounding the forest offences the authorized officer shall not reduce the fine from the minimum limit prescribed under this Act.

CHAPTER XIII
THE FOREST OFFICER'S POWERS AND OBLIGATIONS.

Conferment of certain powers on Forest Officer.

102. (1) Government may invest any forest officer, with all or any of the following powers:-

- (a) Power to enter upon any land to survey demarcate and make its map;
- (b) Power to hold inquiry into forest offences, and in the course of such inquiry to receive and record statements and put-up challans;
- (c) Power of a civil court to compel the attendance of witness and the production of documents and material objects;
- (d) Powers to issue a search-warrant under the Code of Criminal Procedure 1898; *and*
- (e) Powers to use force as may be necessary in the circumstances to check and examine any timber or forest produce, to apprehend unlawfully obtained or removed timber or forest produce, or to apprehend any person, vessel or conveyance used in the commission or furtherance of forest offence, or to remove encroachments from Government property or demolish any unauthorized building erected on Forest and Wildlife land.

Admissibility of statements, evidence before a court.

103. Any statement recorded under section 102 shall be admissible in any subsequent trial before a Court of law.

Powers to arrest without warrant.

104. (1) A Forest Officer or Police officer/Levies Officer may without order from a magistrate and without a warrant, arrest any person who is committing an offence within his sight or against whom a reasonable suspicion exists of his having been concerned with any forest offence, punishable with imprisonment for one month or more.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the

provision of this Act as to release on bond, take or send the person arrested before the magistrate having jurisdiction in the case or to the officer Incharge of the nearest police station or levies thana within twenty-four hours.

- Forest Officers deemed public servants.** 105. All Forest Officers shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act no.XLV of 1860)
- Compounding of offences and payment of compensation.** 106. A Forest Officer not below the rank of Range Forest Officer, on the application of the accused may compound a forest offence in accordance with such procedure as may be prescribed by Government in rules framed for this purpose.
- Rewards in forest cases.** 107. The Government, by notification in the prescribed manner may allow a forest officer to reward subordinate forest officials up to 25% of the compensation recovered due to efforts of such officials.
- Indemnity for acts done in the good faith.** 108. No suit shall be filed against Forest Officer and other employees, experts, advisors, committee or consultants of the Department, for anything which is done in good faith under this Act or the rules made there under.
- Forest Officers not to trade.** 109. Except with the permission in writing of the Department, no Forest officer shall, as principal or agent, trade in timber or other forest produce, or be or become interested in any lease of any forest or in any contract for management of any forest or wastelands, within his jurisdiction of duty.

CHAPTER XIV
ENCROACHMENT & TRANSFER OF FOREST LAND.

- Encroachment of the Forest land.** 110. (1) Any person without written permission of the Chief Conservator of Forests or any other officer authorized by the government; enters into a forest land to dispossess, grab, control, alter the boundaries or occupy any forest land or with the intention to dispossess, grab, control, alter boundaries or occupy the forest land shall be deemed to have committed an offence of encroachment.
- (2) The person who commits the offence of encroachment as described in subsection (1) shall be trialled as per provisions of Land Dispossession Act 2005.
- Transfer of** 111. The forest land; whether it is mutated or notified in the

Forest land.

name of forests department can neither be allotted nor leased out to any individual, organization; Government, Semi-Government, or Non- Government institutions, or to any other entity.

CHAPTER XV
MISCELLANEOUS.

Powers to make rules.

112. The Government may, within a year, make following rules:-

- (a) to prescribe and limit the powers and duties of Forest Officers under this Act;
- (b) for implementation of multilateral environment agreements; as far as possible and as appropriate in accordance with its particular conditions and capabilities;
- (c) to regulate the rewards not exceeding one-fourth of the amount recovered from offenders and realized from compensation to be paid to officers, officials, informers, helpers under this Act;
- (d) for the preservation, reproduction and disposal of trees and timber belonging to Government, or grown on lands belonging to or in the occupation of private persons;
- (e) to prescribe procedure for issue of permits for cutting of trees or brushwood growing in reserved, protected , community forest reserve or any other category of forest;
- (f) to provide guideline for preparation of management plans for any community reserve forest, reserved forests, protected forests and rangeland;
- (g) to prescribe procedure for constitution of community-based organization/village and functioning councils and their duties, powers and obligation.
- (h) to prescribe procedures and terms and conditions for community and government joint forest management;
- (i) to prescribe procedure for compounding of forest offences; *and*
- (j) To provide for the compensation to be paid to the forest officers, officials functionaries and helpers in case of death injury or other

physical and financial damages sustained by them in the course of duty.

Repeals and Savings.

113. (1) The following enactments and rules framed thereunder are hereby repealed:-

- (a) The Forest Act, 1927 (Act No.XVI of 1927). In its application to the Province of Balochistan;
- (b) The Balochistan Forest Regulation, 1890;
and
- (c) The Balochistan Firewood and Charcoal (Restriction) Act, 1890.

(2) Notwithstanding the repeal of the enactments mentioned above, any appointments made, orders passed, notification issued, rules made contracts entered into, proceedings commenced, right acquired, liabilities incurred, penalties, rates, fees or charges levied, forfeitures made, things done or action taken under any of the provision of the repealed enactments shall, so far as they are not inconsistent with the provision of this Act, be deemed to have been respectively made, passed, issued, entered into, commenced, acquired, incurred, done, taken or levied under this Act.

Removal of difficulties.

114. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such orders, not inconsistent with the provision of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

Schedule -I
Penalties and Punishment for Offences under the Act

S. No	Offences	Penalty/punishments
1	Section 26: (1) Punishment for acts prohibited under section 25	Imprisonment for a term which may extend to 2-two years and fine which extends to fifty thousand rupees or both, in additions to compensation as per assessment of forest officer.
	(a) Where the value of forest damage, as assessed by the Forest Officer, is less than ten thousand rupees,	Imprisonment for a term which shall not be less than one month, or with fine, which shall not be less than five thousand rupees or with both.
	(b) Where the value of forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed twenty-five thousand rupees	Imprisonment for a term which shall not be less than three months, or with fine, which shall not be less than twelve thousand rupees or with both.

	(c) Where the value of forest damage, as assessed by the Forest Officer, exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees	Imprisonment for a term which shall not be less than five months, or with fine, which shall not be less than twenty-five thousand rupees or with both.
	(d) Where the value of forest damage, as assessed by the Forest Officer exceeds fifty thousand rupees	Imprisonment for a term which shall not be less than seven months, or with fine, which shall not be less than thirty-five thousand rupees or with both.
	(e) Where the value of forest damage, as assessed by the Forest Officer exceeds fifty thousand rupees	Imprisonment for a term which shall not be less than nine months, or with fine, which shall not be less than forty thousand rupees or with both.
	(f) Where the value of forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees	Imprisonment for a term which shall not be less than one year, or with fine, which shall not be less than fifty thousand rupees or with both.
	(g) Where the offence is committed after the sunset and before sunrise, the value of forest produce shall be assessed at double of prevailing market rates.	
	(2) When an offence established then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animals, sawing units, chain saw, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of the Government, in addition to the punishment awarded under sub section 1.	
2	Section 33: (1) Punishments for contravention of acts prohibited under section 32.	Imprisonment for a term which may extend to two years, or with fine which may extend to fifty thousand rupees or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the forest as assessed by the Forest Officer.

(a) Where the value of forest damage, as assessed by the Forest Officer, is less than ten thousand rupees	Imprisonment for a term which shall not be less than one month, or with fine, which shall not be less than five thousand rupees, or with both
(b) Where the value of forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed twenty-five thousand rupees	Imprisonment for a term which shall not be less than three months, or with fine, which shall not be less than twelve thousand rupees, or with both
(c) Where the value of forest damage, as assessed by the Forest Officer, exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees	Imprisonment for a term which shall not be less than five months, or with fine, which shall not be less than twenty-five thousand rupees, or with both
(d) Where the value of forest damage, as assessed by the Forest Officer, exceeds fifty thousand rupees but does not exceed seventy-five thousand rupees	Imprisonment for a term which shall not be less than seven months, or with fine, which shall not be less than thirty-five thousand rupees, or with both
(e) Where the value of forest damage, as assessed by the Forest Officer, exceeds seventy-five thousand rupees but does not exceed one hundred thousand rupees	Imprisonment for a term which shall not be less than nine months, or with fine, which shall not be less than forty thousand rupees, or with both
(f) Where the value of forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees	Imprisonment for a term which shall not be less than one year, or with fine, which shall not be less than fifty thousand rupees, or with both
(g) In all such cases, where the offence is committed after sunset and before the sunrise, the value of forest produce shall be assessed at double of prevailing market rates.	
(2) When an offence is established then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages,	

	including mechanically propelled vehicles, pack animals, sawing units, chain saw, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of Government, in addition to the punishment awarded under this section.	
3	Section 58: Whoever contravenes or fails to comply with any of the provisions of the Chapter on Rangelands and Protected Rangelands or rules made thereunder, shall be punishable with	Imprisonment for a term which may extend to six months, or with fine which may extend to thirty thousand rupees or with both, in addition to such compensation for the damage done to the rangeland as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the rangeland as assessed by the Forest Officer and that all forest produce illicitly obtained or removed and seized shall be restored to the Government.
4	Section 65: Any person who commits a breach of any of the provisions of this chapter or orders.	Imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both. In addition to the confiscation of the mazri or the mazri produce in respect of which the offence has been committed and such compensation as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the mazri or mazri produce as assessed by the Forest Officer.
	(2) Where the value of the damage as assessed by the Forest Officer, exceeds fifteen thousand rupees	The sentence of imprisonment shall not be less than three months.

5	Section 71: Penalty of breach of rules made under Section 70.	Imprisonment for a term which may extend to six months or with fine which may not be less than the three times the value of permit.
6	Section 73: All persons bound to aid in case of accident at depot	Any person who fails to provide the required aid or assistance, without lawful excuse, in contravention of sub-section (1) shall be punishable with imprisonment which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both.
7	Section 81: Penalties for acts done in contravention of the provision of section 80 and rules made thereunder.	Imprisonment for a term which may extend to six months, or fine which may not be less than twenty thousand rupees, or with both.
8	Section 85: (1) Offences and penalties for contravention of the provisions contained in Chapter: The Sale and Sawing of Timber and Fuel Wood.	Imprisonment for a term which shall not be less than three months and may extend to two years, or a fine which shall not to be less than ten thousand rupees and extend to fifty thousand rupees, or with both, and may further entail seizure and confiscation of illicit wood as well as seizure, sealing, dismantling and confiscation of the apparatus, machinery, tools, equipment and the sawing unit to the Government.

	<p>2. Where the value of the illicitly possessed timber, fuel wood or forest produce, as assessed by the Forest Officer exceeds thirty thousand rupees</p>	<p>imprisonment which shall not be less than six months, or with fine, which shall not be less than thirty thousand rupees, or with both, in addition to such compensation for the damage done to the forest as assessed by the Forest Officer which shall not be less than the value of the damage so assessed:</p> <p>Provided further that where the offence is committed after sunset and before sunrise, or when the offender causes hindrance in the performance of lawful duties of a Forest Officer under this chapter or rules made thereunder, or has been previously convicted of a like offence, he may be inflicted with double the penalties specified above.</p>
<p>9</p>	<p>Section 96: Punishment for counterfeiting, effacing or defacing marks or altering boundary marks</p>	<p>Imprisonment for a term up to six months and shall not be less than two months or with fine up to one hundred thousand rupees but not less than fifty thousand rupees or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of the actual damage done to the Forest mark as assessed by the Forest Officer.</p>
<p>10</p>	<p>Section 97: Punishment for heinous offences such as:</p> <p>(1) where the value of the forest damage, as assessed by the forest officer, exceeds one hundred thousand rupees;</p> <p>(2) where an accused has been previously convicted of an offence, for damaging a forest, of fifty</p>	<p>Imprisonment for a term up to one year and not less than six months or fine up to one hundred thousand rupees not less than fifty thousand rupees or both in addition to the compensation for damage caused by the offender and all the tools, equipment, and machinery used in the commission of the offence shall be liable to confiscation.</p>

	thousand rupees or more; and (3) Where an accused puts a lawful authority in fear of any injury or causes hurt or assaults, or threatens lawful authority or uses criminal force or commits criminal intimidation against any Forest Officers.	
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**Schedule -II
Rates for Seignior-age Fee.**

S. NO.	Local Name of Species	Scientific Name	Rates of Seigniorage Fee (Rs) per tree/stump			
			Green Tree			Dead tree
1	2	3	4	5	6	7
			DBH 24" inches and above	DBH 16" to 23" inches	DBH 16" to 8" inches	
1	Sanobar, Obust, Apurs	<i>Juniperus excels</i>	100	80	50	1/3 rd of the rates as mentioned in the columns 4, 5 and 6
2	Chilghoza	<i>Pinus gerardiana</i>	100	80	50	
3	Zaitoon, Showan, Khat	<i>Olea ferrugenea</i>	70	60	40	
4	Phulai, Palosa	<i>Acacia modesta</i>	60	50	30	
5	Wild Pistachio, Sheena, Guwan	<i>Pistacia khinjuk and Pistacia cabulica</i>	70	60	40	

(TAHIR SHAH KAKAR)
Secretary.

No.PAB/Legis:V(08)/2022/8094.

Dated Quetta, the 23rd April, 2022.

A copy is forwarded to the Chief Controller, Government Printing Press, Balochistan, Quetta for favour of publication in the next issue of Balochistan Gazette. Before final printing, a copy thereof be sent to this Secretariat for proof reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)
Special Secretary (Legis:)

No.PAB/Legis:V(08)/2022/8094.

Dated Quetta, the 23rd April, 2022.

A Copy is forwarded for information and necessary action:-

1. The Principal Secretary to Governor Balochistan, Quetta.
2. The Principal Secretary to Chief Minister Balochistan, Quetta.
3. The Secretary Government of Balochistan, Forest Department, Quetta
4. The Secretary, Government of Balochistan, Law and Parliamentary Affairs Department.
5. The Director General, Public Relations, Balochistan, Quetta.
6. The System Analyst, Balochistan Provincial Assembly.
7. P.S. to Secretary, Balochistan Provincial Assembly.

Special Secretary (Legis:)