

THE Punjab Forest Act, 1999

An act to consolidate and amend the laws relating to forests, transit of Forest produce, sale of timber, firewood, protection and conservation of land and natural resources, duty leviable on timber and other forest produce, joint forest management and participation of stakeholders, management of public, communal and private forests, environmental and Biodiversity concerns, Wildlife and Ecosystem Management.

Whereas it is expedient to consolidate, amend, update and formulate various laws for forests, Land, Water and Resource Conservation, Ecosystem Management, Joint Forest Management of Public, Communal and private forests, sale, transit and duty on forest produce and trespass of cattle in public, communal and private forests;

It is hereby enacted as under

CHAPTER I

PRELIMINARY

1. Short Title & Extent : -- (1) This act may be called as Punjab Forest Act, 1999.

(2) It extends to whole of the Punjab Province.

(3) The Provincial Government may, by notification in the official gazette, extend this Act to any other area.

2. Interpretation Clause : -- In this Act, unless there is any thing repugnant in the subject or context: -

(1) "Cattle" includes ungulates, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, sheep, lambs, goats and kids.

(2) "Forest officer" means any person whom the Provincial Government or any officer empowered by the Provincial Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest Officer.

(3) "Forest offence," means an offence punishable under this Act or under any rules made thereunder;

(4) "Forest produce" includes-

(a) The following whether found in, or brought from; a forest or not, that is to say

Timber, charcoal, catechu, wood-oil, resin, natural varnish, bark, lac, tree flowers and seeds and myrobalans, and

(b) The following when found in, or brought from, a forest; that is to say: -

(i) Trees and leaves, flowers, seed and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) Plants not being trees (including grass, reeds, and moss), and all parts or produce of such plants,

(iii) Wild animals including fish and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

- (iv) Peat, surface soil, sub-soil, sand, water, rock, and minerals (including limestones, laterites, minerals, oils, and all products of mines or quarries).
- (5) "River", includes any stream, canal, creek or other channels, natural or artificial.
- (6) "Timber" includes trees when they have fallen or have been fallen and all wood (including firewood, brushwood, twigs, sawdust, chips) whether cut up or fashioned or hollowed out for any purpose or not; and
- (7) "Tree" includes palms, Bamboos, stumps, brushwood and canes.
- (8) "Environment" will have the same meanings as assigned to it in section 2(x) of the Pakistan Environmental Protection Act, 1997.
- (9) "Biodiversity" will have the same meaning as assigned to it in the Pakistan Environmental Protection Act, 1997.
- (10) "Joint Forest Management" refers to the joint investment for management of public, communal or private forests or lands for forestry sector objectives between Punjab Government, Forest Based Industries, Nongovernmental Organizations (NGO), other organizations, individuals.
- (11) "Participatory Forest Management" refers to management of natural resources with active and full participation of the stakeholders.
- (12) "Stakeholders" are individuals or families having direct or indirect admitted rights or privileges in or over any public forest or forest land owned by the Provincial Government, with entire or partial dependence for their livelihood;
- (13) "Communal Forests" are the forests or lands jointly owned and or managed by villagers or community (including Shamlats, Guzara Lands, Village Forests, and other commonly held pieces of land) and managed for forestry sector objectives.
- (14) "Private Forests" are the lands owned by individuals, groups or families and managed for forestry sector objectives such as trees, range management, pastures, wilderness areas, wildlife reserves, wildlife sanctuaries and bioreserves.
- (15) "Ecosystem Management" refers to integrated natural resource management of forestry sector resources including flora, fauna, land, water, ecology, environment, and biodiversity according to sustainable development principles.
- (16) "Community Organization" (CO) refers to an organized group of stakeholders in a natural resource who agree and undertake the responsibility for scientific and sustained management of the forestry sector resource for perpetual use.
- (17) "Microplan" means an integrated natural resource management plan for a small area, generally a village or cluster of villages with joint stake in a piece of land, forest, rangeland, wildlife reserve, ecosystem reserve or any such wilderness land.
- (18) "Joint Forest Management" refers to collaboration of the government and community or communities, wood based industries, NGOs etc. to manage a forest sector resource.
- (19) "Joint Forest Management Committee" means a committee constituted by the beneficiaries of a village where participation of the people in planning and management of the forests forming part of the village concerned, is required.
- (20) "Joint Forest Management Agreement" refers to an agreement prescribed by the Provincial Government from time to time to be signed by the Forest Officer and communities, wood based industries, NGOs or other parties for Joint Management of the Forestry Sector Resources.
- (21) "Sustainable Development" refers to development that meets the need of the present generation without compromising the ability of the future generations to meet their needs.
- (22) "Forest Magistrate" means a judicial officer or Magistrate of first class with powers under section 30 of PPC, appointed under this Act to deal with forest offences.
- (23) "Wild animals" will have the same meanings as assigned to it in Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974.
- (24) "Forest" refers to any piece land to which the provisions of this Act are applicable.
- (25) "Provincial Government" means Government of the Punjab or any officer/officers authorized to act on her behalf, under this Act.
- Wild Animal will have the same meaning as given in Punjab Wildlife A, 1974.

CHAPTER II

OF RESERVED FORESTS

3. Powers to reserve forests : – The Provincial Government may constitute any forestland 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.

4. Notification by Provincial Government : – (1) Whenever it has been decided to constitute any land a reserved forest the Provincial Government shall issue a notification in the official Gazette-

(a) declaring that it has been decided to constitute such land a reserve forest;

(b) specifying, as nearly as possible, the situation and limits of such land, and

(c) appointing an officer (hereinafter called the Forest Settlement Officer 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 in or over any forest produce, and to deal with the same as provided in this Chapter.

Explanation- For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The Officer appointed under clause (c) of sub-section(1) shall ordinarily be a person not holding any forest office except that of Forest Settlement officer.

(3) Nothing in this section shall prevent the Provincial Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform the duties of a Forest Settlement officer under this Act.

(4) In case, the land to be constituted as Reserved Forest is already in the uninterrupted possession of the Provincial Government, the appointment of the Forest Settlement Officer and the proceedings under this act shall not be mandatory and the Provincial Government shall be empowered to notify any piece of such land as Reserved Forests, provided no rights whatsoever, recorded at the time of settlement in the revenue record exist over the said land.

5. Bar on accrual of forest rights : -- After the issue of a 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 made or entered into by or on behalf of the Provincial 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 the Provincial Government, from time to time in this behalf.

6. Proclamation by Forest Settlement Officer : -- When a notification has been issued under section 4, the Forest Settlement Officer 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 mentioned in section 4, or section 5 within such period either to present to the Forest Settlement Officer a written notice specifying or to appear before him and state the nature of such right and the amount of particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement Officer : -- The Forest Settlement officer shall take down in writing all statements made under section 6, and shall at some convenient place enquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may, be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement Officer : -- For the purpose of such inquiry, the Forest Settlement Officer may exercise the following powers, that is to say: -

- (a) power to enter, by himself or any officer authorized by him for the purpose, 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.

9. Extinction of rights : -- (1) Rights in respect of which no claim has been preferred under section 6, and of existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

(2) Rights claimed being detrimental to the management objectives of forestry sector or other natural resources may be purchased or extinguished on payment of compensation in the form of alternative piece of land or money value thereof as provided under Land Acquisition Act, 1894.

10. Treatment of claims relating to practice of shifting cultivation : -- (1) In case of a claim relating to the practice of shifting cultivation, the Forest Settlement officer 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 Provincial Government, together with the opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the Provincial 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 Forest Settlement Officer 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 giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe for conservation of any or all of the Forestry Sector Resources..

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the Provincial Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Provincial Government.

(6) Whenever the admission of such claims or rights is found detrimental to the objectives of management of such forestry sector resources, the claims or rights shall be liable to be extinguished on payment of compensation or otherwise in terms of the provisions of Land Acquisition Act 1894. In such case the Forest Settlement Officer shall be deemed to be a District Revenue Officer under Land Acquisition Act 1894.

(6) The practice of shifting cultivation may be permitted for a period not exceeding three years, only in case of undeveloped wastelands as a tool to develop such lands in to productive forests.

11. Power to acquire land over which right is claimed : -- (1) In the case of a claim to 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 Forest Settlement Officer 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 Forest Settlement Officer shall either: -

- (i) exclude such land from the limits of the proposed forests; or
- (ii) come to an agreement with the owner thereof for the surrender of his rights; or
- (iii) 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 Forest Settlement Officer shall be deemed to be a District Revenue Officer 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 that Act;
- (c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and
- (d) the District Revenue Officer, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation inland or partly in land and partly in money.

12. Order on claims to rights of pasture or to forest produce : -- In the case of a claim to rights of pasture or to forest produce, the Forest Settlement Officer shall pass an order admitting or rejecting the same in whole or in part. Admission of such rights shall imply the usufructs and participation of stakeholders in management of forestry sector resources and shall not be transferable.

13. Record to be made by Forest Settlement Officer. : -- The Forest Settlement Officer, when passing any order under section 12, 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 and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. Record where he admits claims : -- If the Forest Settlement Officer admits in whole or in part any claim under section 12, 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 and other forest produce which he is, from time to time authorized to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

15. Exercise of rights admitted : -- (1) After making such record the Forest Settlement Officer shall, to the best of his 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. The rights so admitted shall neither be inheritable nor multipliable or transferable.

(2) For this purpose the Forest Settlement Officer 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 the claimant,
- (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 Provincial Government.

16. Commutation of rights : -- In case the Forest Settlement Officer finds it impossible having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the Provincial 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 he thinks fit.

17. Appeal for order passed under section 11, 12, 15 or 16 : -- Any person who has made a claim under this Act, or Forest Officer or other person generally or specially empowered by the Provincial Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement Officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a District Revenue Officer, as the Provincial Government may, by notification in the official Gazette, appoint to hear appeals from such orders.

Provided that the Provincial Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the Provincial Government, and, when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17. : -- (1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement Officer, who shall forward it without delay to the authority competent to hear the same.
(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land revenue.
(3) If the appeal be to the Forest Court, the Court shall fix a day and a 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 such officer, of Court, or by the majority of the members of such Courts, as the case may be, shall, subject only to revision by the Provincial Government, be final.

19. Pleaders : -- The Provincial Government, or any persons who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement Officer, or the appellate officer or Court, in the course of any inquiry or be appeal under this Act.

20. Notification declaring forest as reserved : -- (1) When the following events have occurred, namely:-
(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement Officer;
(b) if any such claims have been made the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and
(c) all lands (if any) to be included in the proposed forest which the Forest Settlement Officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894, have become vested in the government under section 16 of the Act.
The Provincial Government shall publish a notification in the official Gazette, specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.
(2) From the date so fixed such forest shall be deemed to be a Reserved Forest.

21. Publication of translation of such notification in the neighborhood of forest. : -- The Forest Officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the Forest.

22. Powers to revise arrangements made under section 15 & 18 : -- The Provincial Government may within five years from the publication of any notification, under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

23. No rights acquired over RF except as here provided. : -- No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Crown or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction : -- (1) Notwithstanding anything contained in section 23 no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, with out the sanction of the Provincial Government. Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.
(2) No timber or other forest produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under Section 14.
(3) The Provincial Government shall be empowered to alter or extinguish any such rights in the public interest, in which case compensation shall be paid to the claimant (s) as per provisions of Land Acquisition Act, 1894. Provincial Government may allow participatory management of such forest with stakeholders or Joint Forest Management for sustainable development and management.

25. Powers to stop ways and water courses in RF : -- The Forest Officer may, with the previous sanction of the Provincial Government or of any Officer duly authorized by it in this behalf, stop any public or private way or watercourse in a reserved forest, provided that a substitute for the way or water course so stopped, which the Provincial Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest Officer in lieu thereof.

26. Acts prohibited in each such forest : -- (1) Any person who-

- (a) makes any fresh clearing prohibited by section 5,
 - (b) sets fire to a reserved forest or, in contravention of any rules made by the Provincial Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest,
 - (c) kindles, keeps or carries any fire except at such seasons as the Forest Officer may notify in this behalf;
 - (d) Trespasses or pastures cattle, or permits cattle to trespass;
 - (e) causes any damage by negligence in felling any tree, or cutting or dragging any timber;
 - (f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages the same;
 - (g) quarries stone, burns lime or charcoal, or collects, subject to any manufacturing process, removes or stores any forest produce, within 5 kilometers radius of the forest boundary, without written permission of the Forest Officer not below the rank of Divisional Forest Officer;
 - (h) clears or breaks up any land for cultivation or any other purpose;
 - (i) in contravention of any rules made in this behalf by the Provincial Government hunts, shoots, fishes, poisons water or sets traps or snares, or
 - (j) in any manner disturbs biodiversity, wildlife habitat, environment, watershed values and or accelerates soil erosion or landslides.
 - (k) uses chemical fertilizers, pesticides, insecticides, weedicides, herbicides or any other chemicals adversely affecting flora, fauna and environment within a radius of one kilometer of the forest, wildlife habitat, game sanctuaries, game reserves, bioreserves without written permission of the forest officer not below the rank of Divisional Forest Officer.
- shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 5,000 or with both in case of damage valuing Rs. 1,000 or less and with imprisonment for a term which may extend to six months or fine which may extend to Rs. 25,000 or with both, in case of damage valuing more than Rs. 1,000 but not more than 10,000 rupees. The above penalties shall be in addition to such compensation for damage done to the forest as the convicting court may direct to be paid;

Provided that any person who commits any offence in respect of a Reserved Forest, timber, trees, forest produce, the value of which exceeds ten thousand rupees shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to twenty five thousand rupees or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid;

Provided further that where the value of damage of property in respect of which an offence has been committed -

- (a) does not exceed ten thousand rupees, the term of imprisonment shall not be less than six months and fine shall not be less than ten thousand rupees;
- (b) exceeds ten thousand rupees but does not exceed twenty five thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than twenty five thousand rupees;
- (c) exceed twenty five thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than twenty five thousand rupees;

Provided also that the penalties that are double of the above penalties may be inflicted where the offence is committed after sunset and before sunrise or where the offender has been previously convicted of a like offence.

(2) Nothing in this section shall be deemed to prohibit-

- (a) any act done by permission in writing of the Forest Officer, or under any rule made by the Provincial Government; or
- (b) the exercise of any right continued under clause
- (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Crown under section 23.

(3) Whenever fire is caused willfully or by gross negligence in a reserved forest, the Provincial Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

(4) All timber, trees or forest produce in respect of which an offence is committed together with any tool, carriage wagon, cart or other vehicle of transport or things used in committing any such offence, shall be liable to confiscation;

(5) The court shall have powers to sanction reward out of the fine realized, to any person providing information in respect of an offence or help in apprehending the offender;

(6) The expenditure incurred by Government on removal or demolishing of an encroachment or structure, if any involved in the offence shall also be recovered from the convicted person, as arrears of land revenue.

(7) Removal of encroachments etc. from Reserved Forest

i. A court convicting an accused person of any offence under this section shall direct the accused, if he or any other person on his behalf be in possession of land in respect of which he is convicted to deliver possession of the same within such period not exceeding 30 days as the court may fix in this behalf to the prescribed forest officer, and to remove within the said period

any encroachment which the accused may have put up or erected on such land.

ii. Any accused person directed by a court under this section to deliver possession of a land in a protected forests to the prescribed forest officer or to remove therefrom any encroachment made by him, who fails to be deliver the land or to remove the encroachment within the period specified by the court under the said sub-section;

a. May, by order of the court, be ejected from such land and any encroachment made by him on such land may be removed or demolished with such force as may be necessary and in such manner as may be prescribed; and

b. Shall also be liable to a fine which may extend to 1000 rupees for every day for each acre of such land, after the period fixed by the court under the provision of this sub-section has expired, that he remains in possession or occupation of the land in respect of which he has been convicted or fails to demolish or remove the encroachment on such land.

27. Powers to declare forest no longer Reserved Forest. : -- (1) The Provincial Government may, by notification in the official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

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

CHAPTER III

OF VILLAGE FORESTS

28. Formation of village forests : -- (1) The provincial government may assign to any village-community (herein called Community Organization), the rights of government to or over any land, which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The provincial government may make rules for regulating the management of village forests, prescribing the conditions under which the community (through Community Organizations to be constituted for the purpose) to which any such assignment is made may be provided with timber or other forest produce or pasture and their duties for the protection and improvement of such forest. In such cases the government may prescribe a formal joint management agreement to be executed with community organization, also prescribing preparation and execution of a scientific plan (herein called Microplan).

(3) All the provisions of this act relating to reserved forests shall (so far as they are not inconsistent with rules so made) apply to village forests.

CHAPTER IV

OF PROTECTED FORESTS

29. Protected Forests : -- (1) The Provincial Government may, by notification in the local official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included a reserved forest, but 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.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest."

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Provincial Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved.

Provided that, if in the case of any forest-land or Waste-land, the Provincial Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government the Local Government 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.

30. Power to issue notification reserving trees, etc. : – The Provincial Government may, by notification in the official Gazette: -

- (a) declare any trees or class of trees in a protected forest trees, etc. to be reserved from a date fixed. by the notification;
- (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Provincial Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality 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 forest-produce in any such forest and the breaking up or clearing for cultivation, for building, for herding- cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood : – The District Revenue Officer shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. Power to make rules for protected forests : – The Provincial Government may make rules to regulate the following matters, namely

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;
- (b) the granting of licenses to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their - own use, and the production and return of such licences by such persons
- (c) the granting of licences to persons felling or removing. trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons
- (d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payments shall be made;
- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879, is not in force;
- (k) the protection and management of any portion of a forest closed under Section 30 ; and
- (l) the exercise of rights referred to in Section 29.
- (m) Joint Forest Management of Protected forests.
- (n) Participatory Forest Management with stakeholders.

33. Penalties for acts in contravention of notification under section 30 and rules under section 32 : – (1) Any person who commits any of the following offences, namely;

- (a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;
- (b) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce;
- (c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;
- (d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest
- (e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;
- (f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;
- (g) permits cattle to damage any such tree;
- (h) infringes any rule made under section 32;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand, or with both.

(2) Whenever fire is caused willfully or by gross negligence in a protected forest, the Provincial Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Provided further that where the damage of property in respect of which offence is committed –

- (a) does not exceed ten thousand rupees, the term of imprisonment shall not be less than one months and the fine shall not be less than three thousand rupees;
- (b) exceeds ten thousand rupees but does not exceed twenty five thousand rupees, the term of imprisonment shall not be less than three months and the fine shall not be less than ten thousand rupees;

- (c) exceeds twenty five thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than fifteen thousand rupees;
- provided also that the penalties which are double of the above penalties may be inflicted where the offence is committed after sunset and before sunrise or where the offender has been previously convicted of a like offence.
- (3) Whenever fire is caused willfully or by gross negligence in a Protected Forest, the Provincial Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as it thinks fit.
- (4) All timber, tree or forest produce, in respect of which an offence has been committed together with any tool, carriage wagon, cart or other vehicle or thing used in committing any such offence shall be liable to confiscation.
- (5) The court shall have powers to sanction reward out of the fine realized, to any person providing information in respect of an offence or help in apprehending the offender.
- (6) The expenditure incurred by Government on removal or demolishing of encroachment or structure, if any, involved in the offence shall be recovered from the convicted person, and shall be recoverable as arrears of Land Revenue.
- (1) Power of court to evict trespassers
- i. A court convicting an accused person of any offence under clause (e) of sub-section (1) of this section shall direct the accused, if he or any other person on his behalf be in possession of land in respect of which he is convicted to deliver possession of the same within such period not exceeding 30 days as the court may fix in this behalf to the prescribed forest officer, and to remove within the said period any encroachment which the accused may have put up or erected on such land.
- ii. Any accused person directed by a court under this section to deliver possession of a land in a protected forests to the prescribed forest officer or to remove therefrom any encroachment made by him, who fails to be deliver the land or to remove the encroachment within the period specified by the court under the said sub-section;
- a. May, by order of the court, be ejected from such land and any encroachment made by him on such land may be removed or demolished with such force as may be necessary and in such manner as may be prescribed; and
- b. Shall also be liable to a fine which may extend to 1000 rupees for every day, after the period fixed by the court under the provision of this sub-section has expired, that he remains in possession or occupation of the land in respect of which he has been convicted or fails to demolish or remove the encroachment on such land.

34. Nothing in this chapter to prohibit acts done in certain cases : -- Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest Officer or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

- 35. Protection of forests for special purposes** : -- (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;
- when such regulation or prohibition appears necessary for any of the following purposes
- (i) for protection against storms, winds, rolling stones, floods and avalanches;
- (ii) 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 or sand, stones or gravel;
- (iii) for the maintenance of a water supply in springs, rivers and tanks;
- (iv) for the protection of roads, bridges, railways other lines of communication
- (v) for the preservation of environment and public health.
- vi) for conservation of biodiversity and preservation of ecosystem.
- (2) 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, and 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
- (4) The owner or owners, if more than one, may opt to participate in sustainable development of such private forest.

(5) In either case a Micro plan shall be formulated for such forest and the Provincial Government may make rules to exempt it from levy of land revenue, income tax or any other taxes, in vogue, from time to time.

36. Powers to assume management of forests : -- (1) In case of neglect of, or willful disobedience to any regulation, or prohibition under section 35, or is if the purposes 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) A well-conceived scientific management plan, clearly defining the objectives, prescriptions and expected outputs and environmental impact, shall be prepared to manage such forests.

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

37. Expropriation of forests in certain cases : -- (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 35 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.

38. Protection of forests at request of owners : -- (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 District Revenue Officer their desire-

(a) that such land be managed on their behalf by the forest officer and the owner(s) jointly as a reserved or a protected forests 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.

(c) in either case the owner or owners as the case may be shall be liable to pay or share in case of Joint Forest Management, the expenses for land development, planting, protection and maintenance of the land notified under this section.

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

(3) the land may be reverted to the owner or owners, on their written request, not earlier than five years and having paid the expenses or share of expenses as the case may be, and written undertaking to maintain the land as forest or grazing land for a minimum period of five years.

(4) in case such land has been notified under Land Preservation (Chos) Act, 1900, the above provisions shall be applicable.

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST PRODUCE

39. Power to impose duty on timber and other forest produce. : -- (1) The Central Government or Government of the Punjab with prior permission of the Central Government, may levy a duty in such manner, as such places and at such rate as it may declare by notification in the official gazette on all timber or other forest produce:-

(a) which is produced in Islamic Republic of Pakistan and in respect of which government has any right;

(b) Which is brought from any place outside Islamic Republic of Pakistan or is transported from or any place Pakistan.

2). In every case in which such duty is directed to be levied ad valorem the Central Government or Government of the Punjab may fix by like notification the value on which such duty shall be assessed.

(3) All duties on timber or other forest produce which, at the time when this Act comes into force in any territory, are levied therein under the authority of the Provincial Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

(4) Until provision to the contrary is made by the Central Legislature, Provincial Government levying a duty on any timber or other forest produce, produced in the Province may continue to levy that duty on such timber or forest produce;

Provided that nothing in this sub-section authorizes the levy of any duty which as between timber or other forest produce of the province and similar produce of the locality outside the province, discriminates in favour of the former, or which in the case of timber or other forest produce of localities outside the province discriminates between timber or other forest produce of one locality and similar timber or other forest produce of another locality.

40. Limit not to apply to purchase money or royalty. : -- Nothing in this Chapter shall be deemed to limit the amount if any, chargeable as purchase money or royalty on any timber or other forest produce, although the same is levied on such

timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

41. Power to make rules to regulate transit of forest produce : -- (1) Control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest produce in transit by land or water, is vested in the Provincial 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 or other forest produce may be imported, exported or moved into, from or within the Province;
- (b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized 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 or fees therefor;
- (d) provide for the stoppage, reporting, examination and marking of timber or other forest produce in transit, in respect of which there is reason to believe that any money is payable to the Provincial Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;
- (e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to store at and removed from such depots
- (f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brush-wood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;
- (g) provide for the prevention or removal of any obstruction 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 necessitate the same;
- (h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks of the same, or the possession or carrying of making hammers or other implements used for marking timber;
- (i) 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) The Provincial Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

(4) Powers of Central Government as to movements of timber across customs frontier:

Notwithstanding anything in this section, the central Government may make rules to prescribe the route by which alone timber or other forest produce may be imported, exported or removed into or from Islamic Republic of Pakistan across any customs frontier as defined by the Central Government, and any rules made under this section shall have effect subject to the rules made hereunder.

42. Penalty for breach of rules made under section 41 : -- (1) The Provincial Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five thousand rupees, or with both.

- (a) Provided that contravention of rules relating to timber or forest produce the value of which exceeds ten thousand rupees shall be punishable with imprisonment for a term which may extend to one year and fine which may extend to ten thousand rupees but the term of imprisonment shall not be less than six months and fine shall not be less than five thousand rupees.
- (b) All timber, trees or forest produce, in respect of which an offence is committed together with any tools, carriage wagon or vehicle, cart or thing used in committing such offence shall be liable to confiscation.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted 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.

43. Government and forest officer not liable for damage to forest produce at depot : -- The Provincial Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest- produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act, and no Forest

officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

44. All persons bound to aid in case of accident at depot : -- 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 Crown or by any private person, shall render assistance to any Forest Officer or Police Officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

45. Certain kinds of timber to be deemed property of Government until title thereto proved and may be collected accordingly : -- (1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the Provincial Government directs, all un-marked wood and timber;

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 timber may be collected by any Forest Officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest Officer may notify as a depot for the reception of drift timber.

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

46. Notice to claimants of drift timber : -- Public notice shall from time to time be given by the Forest Officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

47. Procedure on claim preferred to such timber : -- (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 timber to the claimant.

(2) If such 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 Courts, and retain the timber pending their receipt of an order from any such Court for its disposal.

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

(1) No such timber shall be subjected 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.

48. Disposal of unclaimed timber : -- 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 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

49. Provincial Government and its officers not liable for damage to such timber : -- The Provincial Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

50. Payments to be made by claimant before timber is delivered to him. : -- 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 51.

(1) The Provincial Government may make rules from time to time to regulate the following matters, namely:-

- (a) the salving, collection and disposal of all timber mentioned in section 45;
- (b) the use and registration of boats, tractors or any other machinery used in salving and collecting timber;
- (c) the amounts to be paid for salving, collecting, sorting, stacking, moving, storing or disposing of such timber, and
- d) the use and registration of hammers and other instruments to be used for marking such timber.

(2) The Provincial Government may prescribe, as penalty for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to ten thousand rupees, or with both.

CHAPTER IX

PENALTIES AND PROCEDURE

52. Seizure of property liable to confiscation : -- (1) When there is reason to believe that a forest offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts or cattle used in committing any such offence, may be seized by any Forest Officer or Police Officer.

(2) Every officer seizing 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;

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

53. Power to release property seized under section 52 : -- Any Forest Officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, 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.

54. Procedure thereupon : -- Upon the receipt of any such report, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

55. Forest produce, tools, etc. when liable to confiscation : -- (1) All timber or forest produce which is not the property of Government and in respect of which a forest offence has been committed, and all tools, boats, carts and cattle used in committing any forest offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

56. Disposal on conclusion of trial for forest offence of produce in respect of which it was committed : -- When the trial of any forest offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest Officer, and, in any other case, may be taken charge of by a Forest Officer, and, in any other case, may be disposed of in such manner as the Court may direct.

57. Procedure when offender not known, or cannot be found : -- When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed order the property in respect of which the offence has been known, or committed to be confiscated and taken charge of by the Forest Officer or to be made over to the person whom the Magistrate found deems to be entitled to the same;

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.

58. Procedure as to perishable properties seized under section 52 : -- The Judicial Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

59. Appeal from orders under section 55, section 56 or section 57 : -- The officer who made the seizure under section 52 or any of his official superiors, or any person claiming to be interested in the property seized, may, within one month from

the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

60. Property when to vest in Government : -- When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when on such an appeal, being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property or such portion thereof as the case may be, shall vest in the government free from all encumbrances.

61. Saving of power to release property seized : -- Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the provincial Government from directing at any time the immediate release of any property seized under Section 52.

62. Punishment for wrongful seizure : -- Any Forest Officer or Police officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks : -- Whoever, with intent to cause damage or injury to republic or to any person, or to cause wrongful game as defined in the Pakistan Penal Code

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest Officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
- (b) alters, defaces or obliterates any such marks placed on a tree or on timber by or under the authority of a Forest officer; or
- (c) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act are applied;

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees but the term of imprisonment shall not be less than six months and the fine shall not be less than five thousand rupees, in addition to such compensation for damage done to the forest, forest produce or timber, biodiversity, wildlife habitat, watershed value, environment as the court may direct to be paid.

64. Powers to arrest without warrant : -- (1) Any Forest officer or Police officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(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 in the case or to the officer in charge of the nearest police station.

(3) Nothing in this section shall be deemed to authorize such arrest for any act, which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section

65. Power to release on a bond a person arrested : -- Any Forest officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of Section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police station.

66. Powers to prevent commission of offence : -- Every Forest officer and Police officer shall prevent, and may interfere for the purpose of preventing the commission of any forest-offence.

67. Powers to try offences summarily : -- The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the Provincial Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

68. Powers to compound offences : -- (1) The Provincial Government may, by notification in the official gazette, empower a Forest Officer.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such Officer, the suspected person,

if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) Provincial Government may make rules to the extent that;

i. A Forest Officer shall not be empowered under this section unless he is a Forest Officer of a rank not inferior to that of a Range Forest Officer.

ii. The amount so realized by way of compensation and value shall not be remitted as Provincial Revenue but shall be deposited in the Provincial Forest Reserve for rehabilitation of forests, to be established by the Government of the Punjab.

69. Presumption that forest produce belongs to Government : -- When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

CHAPTER X

CATTLE TRESPASS

70. Cattle Trespass Act, 1871, to apply : -- Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the meaning of section II of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest officer or Police officer.

71. Powers to alter fines fixed under that Act : -- The Provincial Government may, by notification in the official Gazette, direct that, in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871, there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit but not exceeding the following, that is to say:-

For each buffalo or camel	Rs. 100
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullocks, cow, heifer	Rs. 50
For each calf, ass, pig, ram, ewe, sheep, Lamb, goat or kid	Rs. 25

CHAPTER XI

OF FOREST OFFICERS

72. Provincial Government may invest Forest Officer with certain powers : -- (1) The Provincial Government may invest any Forest officer with all or any of the following powers, that is to say:-

- (a) power to enter upon any land and to survey, demarcate and make a map of the same : -
- (b) the powers of a civil court to compel the attendance of witnesses and the production of documents and material objects and judicial powers under section 30 PPC to try Forest Offence cases summarily.
- (c) power to issue a search-warrant under the Code of Criminal Procedure, 1898;
- (d) power to hold an inquiry into the forest-offences, and in the course of such inquiry, to receive and record evidence.
- (e) Appointing Forest Magistrate or the Forest Officer not below the rank of an SDFO (BS 17) having a law degree and experience, with each Conservator of Forests, along with supporting staff for trial of forest offence cases.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

73. Forest Officers deemed public servants : -- All forest officers shall be deemed to be public servants within the meaning of the Pakistan Penal Code.

74. Indemnity for acts done in good faith : -- No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. Forest Officer not to trade : -- Except with the permission in writing of the Provincial Government, no Forest officer shall, as principal or trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside Pakistan.

CHAPTER XII

SUBSIDIARY RULES

76. Additional powers to make rules : -- The Provincial Government may make rules: -

- (a) to prescribe and limit
- (b) to regulate the rewards
- (c) for preservation
- (d) generally to carry out provisions of this Act
- (e) to prescribe, limit, alter or eliminate rights and privileges prescribed in section 29 of this Act.
- (f) For other considerations not specifically mentioned in the Act.

77. Penalties for breach of rules : -- Any person contravening any rules under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend six months or fine which may extend to ten thousand rupees, or both.

78. Rules when to have force of law : -- All rules made by the Provincial Government under this Act shall be published in the official Gazette, and shall there upon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

79. Persons bound to assist Forest Officers and Police Officers : -- (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Crown, or who receives emoluments from the Crown for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest officer or Police officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest officer or Police officer or not,

- (a) to extinguish any forest fire in such forest of which he has knowledge or information
- (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest, and shall assist any Forest Officer or Police Officer demanding his aid-
- (c) in preventing the commission in such forest of any forest-offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse the burden of proving which shall lie upon such person) fails-

- (a) to furnish without unnecessary delay to the nearest Forest Officer or Police officer any information required by sub-section (1);
- (b) to take steps as required by sub--section (1) to extinguish any forest fire in a reserved or protected forest;
- (c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest, or
- (d) to assist any Forest officer or Police officer demanding his aid to preventing the commission in such forest of any forest offence, or when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender;

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

80. Management of forests, the joint property of government and other persons : -- (1) If the Government and any person be interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Provincial Government may either-

(a) undertake the management of such forest, waste land or produce, accounting to such person for his interest in the same ;
or

(b) issue such regulations for the management of the forest, waste-land. or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Provincial Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapter II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of Government Forest is enjoyed : -- If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Provincial Government that such service is no longer so performed;

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Provincial Government.

82. Recovery of money due to government : -- All money payable to the Government under this Act or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrears of land revenue.

83. Lien on forest produce for such money : -- (1) When any such money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a forest officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Provincial Government.

84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894 : -- Whenever it appears to the Provincial Government that any land is required for any of the purposes of this Act, such land shall be deemed to be need for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894.

85. Recovery of penalties due under bond : -- When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Pakistan Contract Act 1872, be recovered from him in case of such breach as if it were an arrears of land-revenue.

85-A. Saving for rights of Central Government : -- Nothing in this Act shall authorize any Provincial Government to make any order or do any other thing in relation to any property belonging to Islamic Republic of Pakistan, not vested in Federal Government for the purposes of that Province or otherwise to prejudice any rights of Islamic Republic of Pakistan, without the consent of the Federal Government or authority concerned.

86. Repeals : -- (The enactments mentioned in the schedule are hereby repealed (only for Islamabad by Federal Laws Revision and Declaration Ordinance XXVII of 1981) to the extent specified in the fourth column thereof.