

THE PROVINCIAL ADMINISTERED TRIBAL AREAS (CONSERVATION AND EXPLOITATION OF CERTAIN FORESTS) REGULATION, 1980.

N.-W. F. P.. REGULATION NO. 1 OF 1980.

17th June, 1980.

A REGULATION.

to provide for conservation, better exploitation and prohibition of unlawful cutting of forests in certain Provincially Administered Tribal Area of Hazara Division.

Preamble

WHEREAS it is expedient to provide for conservation, better exploitation and prohibition of unlawful cutting of forests in certain Provincially Administered Tribal Areas of Hazara Division. and for matters connected therewith;

AND WHEREAS the Governor of a Province, with the prior approval of the President, may, with respect to any matter within the legislative competence of the Provincial Assembly, make regulations for a Provincially Administered Tribal Area or any part thereof: NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province, with the prior approval of the President, is pleased to make the following Regulation ;—

Short title,

1. (1) This Regulation may be called the Provincially Administered Tribal Areas (Conservation and Exploitation of Certain Forests) Regulation, commencement 1980.

extent and

- (2) It extends to the specified areas.
(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context:—

1. "forest produce" when brought from the specified areas, includes minerals, surface-soil, trees, timber, charcoal, brush wood, grass, peat, canes, creepers, reeds, leaves, flowers, fruits roots barks, honey, wax, lac, gum and resin;
2. "Government" means the Government of the North-West Frontier Province;
3. "Schedule" means the Schedule to this Regulation;
4. "Specified areas" means the Provincially Administered Tribal Areas adjoining Mansehra District known as Black Mountain Range, in Hazara Division; and
5. "timber" includes trees when they have fallen or have been felled and all wood of such trees whether cut up or fashioned or hollowed out for any purpose or not

3. (1) For the purposes of conservation and better exploitation of forests there shall be no extraction of timber and other forest produce in the specified areas, except by Government or by a corporation or an agency set

Prohibition of private up or authorised by Government in this behalf.

extraction of
timber, etc.

(2) Notwithstanding anything contained in any other law, custom, usage or instruction for the time being in force or in any decree, order or judgment of any Court or other authority,—

(a) all contract, agreements or other instruments entered into or executed for the extraction of timber or other forest produce in the specified areas, subsisting immediately before the commencement of this Regulation, shall upon such commencement, stand terminated; and

(b) all timber and other forest produce produced in and extracted from the forests in the specified areas and brought into, or transported from, through or to, any place within Hazara Division shall, whether extracted before or after commencement of this Regulation, be liable to duty at the rate specified in the Schedule or at such other rate as Government may, from time to time, notify in the official Gazette.

Disposal of timber etc. on failure of the owner to collect. 4. (1) If the timber or other forest produce, referred to in clause (b) of sub-section (2) of section 3, lying in the specified areas or the depots is not collected by the owner, after payment of duty as fixed by this Regulation, within three months of the coming into force of this Regulation, then the same may be put to sale by Government through public auction.

1. The proceeds of sale under sub-section (1) shall, after deduction of duty leviable under this Regulation together with any other expenses, if any, incurred in connection with the holding of the auction, be refunded to the owner of such timber or other forest produce on an application made by him in that behalf.
2. The person in whose favour such timber or other forest produce is auctioned shall be liable to pay duty at the usual rate as applicable in the Hazara Division for such sales from the depot.

Owner not entitle to claim any damage for wrong payment of the sale proceeds. 5. If the sale proceeds payable to the owner under section 4 are in good faith paid to some other person not entitled to receive the same either himself or on behalf of the owner, the same shall not be recoverable from Government or the person authorised by Government to make payment in this behalf.

Indemnity 6. No suit, prosecution or other legal proceeding, shall lie against Government or any other person for anything in good faith done or intended to be done under this Regulation.

Power to make rules. 7. Government may make rules for carrying out the purposes of this Regulation.

SCHEDULE

| Serial No. | Description of timber, firewood and other forest produce. | Rate of duty |
|------------|---|--------------|
| 1. | Timber (Coniferous other than broad leaved) per cft. | 90.00 |
| 2. | Timber (Walnut, maple oak, olive and other broad leaved species) per cft. | 90.00 |
| 3. | Poles (Ballies) over 2 Girth at thick end each | 90.00 |
| 4. | Poles (Ballies Bargas) less than 2 Girth at the thick | 90.00 |

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| | end each. | |
| 5. | Poles (cot arms) each | 10.00 |
| 6. | Resin per maund | 350.00 |
| 7. | Medical herbs per maund. | 100.00 |
| 8. | Walunt bark per maund | 500.00 |
| 9. | Firewood: | |
| | (a) Camel load | 1.00 |
| | (b) Lorry load. | 100.00 |
| | (c) Cart load | 5.00 |
| | (d) Railway Wagon | 50.00 |
| | (e) Other loads | 0.50 |
| 10. | Charcoal per truck | 1,000.00 |