

# **The North West Frontier Protection of Trees and Brushwood Act, 1949**

(VII OF 1949)

*An Act to protect the trees and brushwood belonging to the Government and Local Bodies.*

**1. Preamble**—Whereas it is expedient to provide for the trees and brushwood ; it is hereby enacted as follows :—

I. (i) This act may be called the N. W. F. -P. protection of trees and Brushwood Act, 1949.

(ii) It extend to the whole of the North West Frontier Province.

(iii) It shall come into force at once.

**2. Definition**—In this Act unless there is anything repugnant in the subject to context, the following expressions shall have the meanings hereby respectively assigned to them that is to say :—

(a) "Government" means, Government of the North-West Frontier Province and Government of Pakistan.

(b) "Local Bodies" means, Municipal Committees, Notified area committee, Cantonment and Distt. Board, in the North West Frontier Province.

(c) "Tress" means trees of all kinds, belonging to the Government or Local Bodies.

(d) "Brushwood" includes all woody plants, Fruit trees, bushes, shrubs and small trees belonging to the Government of Local Bodies.

(e) "An offence under this Act" means :

(i) felling or girding a tree or a brushwood ;

(ii) Lopping, tapping, stripping off the barks of leaves from setting fire trokindling any fire or leaving any fire burning in the vicinity of, keeping or carrying any fire in such a way as to endanger, permitting cattle to damage or otherwise in any way damaging any tree of burshwood, whether, standing, fellen or falled ;

(iii) removing any felled or fallon tree or brushwood or any part thereof ;

(iv) infringing any rules made under Act. Provided that nothing shall be deemed to be an offence under this Act when done with the permission, in writing of the prescribed authority or in accordance with rules framed under this Act.

**3. Liability to reveal offences under this Act—**(1) Every person ordinarily residing in any village or occupying or owing any land, in the vicinity of any tree or brushwood, and every land-owner or occupant of any land in the vicinity of any tree or brushwood, shall be bound to furnish without unnecessary delay to the nearest Police Officer or Magistrate any information he may possess respecting the Commission of, intention to Commit, an offence under this Act and shall further be bound to prevent the commission of such an offence ;

(2) Every person who neglects duty imposed on him by this Section shall be punishable with imprisonment which may extend to three years or fine or both.

**4. Joint Liability of villages—**(1) Without prejudice to the other provision of this Act and in addition to any other penalty provided for by this Act, the Provincial Government may impose a fine on all persons ordinarily residing in the village as a whole or any particular village or any land-owner or occupant of land, in the vicinity of any tree or brushwood in respect of which an offence under this Act has been committed irrespective of the fact whether the person committing the offence is known or not.

(2) The Provincial Government may in their discretion give an opportunity to show cause why the fine be not imposed before imposing a fine under Sub-Section (1) of this Section to the representative of Villages, Landowners or occupants of land upon whom the fine is intended to be imposed.

(3) The fine when imposed shall be recovered as if it was an arrears of land revenue.

**5. Punishment—**Any person who commits an offence under this Act shall be punished with imprisonment for term which may extend to three years of fine or both.

**6. Bar of jurisdiction—**No order passed under Section 4 of this Act shall be called in question in any Court.

**7. Powers of Provincial Government to make rules—**(1) The Provincial Government may frame rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for any of the following matters :—

- (a) prescribing the authorities entitled to grant permission to any persons to do any act which is an offence under this Act.
  - (b) providing for the preservation and disposal of any tree or brushwood whether standing, fallen or felled.
  - (c) prescribing the authority before whom the representatives of any village, land-owners or occupants of land can Show Cause why the fine should not be imposed upon the Villagers, land owners or occupants.
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