

**THE FOREST ACT, 1927**  
**(XVI OF 1927)**

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## THE SCHEDULE

## TEXT

### <sup>1</sup>THE FOREST ACT, 1927

(XVI of 1927)

[21<sup>st</sup> September, 1927]

An

Act

*to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce*

**WHEREAS** it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce;

It is hereby enacted as follows:—

#### CHAPTER I

#### PRELIMINARY

**1. Short title and extent.**— (1) This Act may be called the <sup>2</sup>[\* \* \*] Forest Act, 1927.

<sup>3</sup>[(2) It extends to the Punjab.]

<sup>4</sup>[(3) \* \* \* \* \*]

<sup>5</sup>[2. Interpretation clause.— In this Act—

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<sup>1</sup>For statement of objects and reasons, see Gazette of India, 1926, Pt. V. p. 165, and for Report of Select Committee, see *ibid.*, p. 242.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

<sup>2</sup> Omitted the word "Indian" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Article 3 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 223-283.

<sup>3</sup> Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, which were earlier substituted by the Central Adaptation Of Laws Order, 1964 (P.O.No.1 of 1964), w.e.f. 28.5.1964, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 251c-251aap, which were earlier substituted by Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f. 14.10.1955, s.3 and the second Schedule; and published in the Gazette of Pakistan, dated 9.6.1960, pages 725-845, which were earlier substituted by the Repealing and Amending Ordinance, 1961 (I of 1961), s.3 and the second Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 71-100, which were earlier substituted by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.8; and published in the Gazette of Pakistan (Extraordinary), dated 12.5.1951, pages 331-388, which were earlier substituted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Article 3 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 223-283.

<sup>4</sup> Deleted by the Punjab Laws (Adaptation) Order, 1974 (Pb. O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>5</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f. 21.10.2010, s.4; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

- (a) “cattle” includes ungulate, camel, buffalo, horse, mare, gelding, pony, bull, colt, filly, mule, ass, pig, ram, sheep, lamb, goat, heifer, bullock and cow;
- (b) “Code” means Code of Criminal Procedure, 1898 (V of 1898);
- (c) “forest” means a reserved forest, protected forest, unclassified forest and village forest and includes wasteland or rangeland;
- <sup>6</sup>[(ca) “forest company” means a company established under the Act;]
- (d) “forest land” means a piece of land notified by the Government as the forest land to develop, protect and conserve forest and includes a rangeland and wasteland;
- (e) “forest land use” means use of a piece of land for development, conservation and preservation of a forest;
- (f) “forest offence” means an offence punishable under the Act or the rules;
- (g) “forest officer” means a person appointed by the Government as the forest officer;
- (h) “forest produce” includes the following, whether found in or brought from a forest—
  - (i) timber, firewood, charcoal, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahaua seeds (kuth) and myrobolam;
  - (ii) tree and leaves, flowers, seeds and fruits, and any other part or produce not hereinbefore mentioned, of a tree;
  - (iii) plant not being a tree (including shrub, grass, creeper, reed, moss, mushroom, herb, medicinal plant and brushwood) and any other part or produce of a plant;
  - (iv) wild animal and skin, tusk, horn, bone, silk, cocoon, honey, wax and any other part or produce of an animal;
  - (v) peat, surface soil, rock and mineral (including limestone, laterite, mineral oil, and any other product of mines or quarries);
  - (vi) natural spring; and
  - (vii) any other produce which may be notified as forest produce by the Government.
- (i) “forest settlement officer” means a person appointed by the Government as the forest settlement officer;
- (j) “Government” means the Government of the Punjab;
- (k) “private public partnership” means management of a forest as joint venture with a company, individual or entity;

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<sup>6</sup>Inserted by the Punjab Forest (Amendment) Ordinance 2015 (XVIII of 2015), w.e.f.17.7.2015, s.2; and published in the Punjab Gazette (Extraordinary), pages 193-196.

- (l) “protected forest” means a forest notified as protected forest under the Act;
- (m) “reserve forest” means a forest notified as reserved forest under the Act;
- (n) “river” includes any stream, canal, creek or other channel, natural or artificial;
- (o) “rules” means the rules made under the Act;
- (p) “trespass” means a person or persons entering a forest with tools and equipment helpful in commission of a forest offence;
- (q) “timber” includes wood (firewood, brushwood, twig, sawdust, chips), whether obtained by falling of a tree or plant or without it;
- (r) “tree” includes a woody plant, palm, bamboo, stump, brushwood and cane;
- (s) “unclassed forest” means a wasteland notified as the unclassed forest under the Act;
- (t) “village forests” means a forest notified as the village forest under the Act; and
- (u) “wasteland” includes an uncultivated or uncultivable land notified as the wasteland by the Government.]

## CHAPTER II

### OF RESERVED FORESTS

**3. Powers to reserve forest.**– The <sup>7</sup>[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.

**4. Notification by <sup>8</sup>[Government].**– (1) Whenever it has been decided to constitute any land a reserved forest, the <sup>9</sup>[Government] shall issue a notification in the <sup>10</sup>[Official Gazette]–

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<sup>7</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>8</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>9</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>10</sup>Substituted for the words “local official Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.



- (a) declaring that it has been decided to constitute such land a reserved 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, bridges 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 <sup>11</sup>[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.

**5. Bar of 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 <sup>12</sup>[on behalf of the <sup>13</sup>[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 <sup>14</sup>[Government] 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

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<sup>11</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>12</sup> Substituted for the words “on behalf of Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>13</sup> Substituted for the word “Crown” by the Central Laws (Adaptation) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

<sup>14</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

- (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 and 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 inquire 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 authorised 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.**— Rights in respect of which no claim has been preferred under section 6, and of the 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.

**10. Treatment of claims relating to practice of shifting cultivation.**— (1) In the 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 of the <sup>15</sup>[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 <sup>16</sup>[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

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<sup>15</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>16</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

- (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.

<sup>17</sup>[(3-a) If the admission of any claim, right or interest in a forest is found detrimental to the forest, the Government may acquire the right or interest in accordance with the provisions of the Land Acquisition Act 1894 (I of 1894) and may entrust the powers of Collector under the Land Acquisition Act 1894 (I of 1894) upon a forest settlement officer.]

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the <sup>18</sup>[Government].

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the <sup>19</sup>[Government].

<sup>20</sup>[(6) The forest settlement officer may permit the practice of shifting cultivation for a period not exceeding three years, in case of undeveloped wasteland in order to develop it into a productive forest, in accordance with the provisions of this section.]

**11. Power to acquire land over which right is claimed.**– (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 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 forest; 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<sup>21</sup>.

(3) For the purpose of so acquiring such land–

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<sup>17</sup>Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, and s.5; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>18</sup> Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>19</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>20</sup>Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, and s.5; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>21</sup>I of 1894.

- (a) the Forest Settlement-officer shall be deemed to be a <sup>22</sup>[District Officer (Revenue)] 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 <sup>23</sup>[District Officer (Revenue)], with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, 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.

**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 claim.**— 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 authorised 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.

- (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

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<sup>22</sup>Substituted for the word "Collector" by the Forest (Amendment) Ordinance, 2001 (XLVI of 2001), w.e.f.16.11.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 1811-1812. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

<sup>23</sup>Substituted for the word "Collector" by the Forest (Amendment) Ordinance, 2001 (XLVI of 2001), w.e.f.16.11.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 1811-1812. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

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 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 <sup>24</sup>[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 <sup>25</sup>[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 from order passed under section 11, section 12, section 15 or section 16.**— Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the <sup>26</sup>[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 <sup>27</sup>[District Officer (Revenue)], as the <sup>28</sup>[Government] may, by notification in the <sup>29</sup>[Official Gazette], appoint to hear appeals from such orders:

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<sup>24</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>25</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>26</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>27</sup> Substituted for the word "Collector" by the Forest (Amendment) Ordinance, 2001 (XLVI of 2001), w.e.f.16.11.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 1811-1812. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

<sup>28</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114. which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>29</sup> Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

Provided that the <sup>30</sup>[Government] may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the <sup>31</sup>[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 or Court, or by the majority of the members of such Court, as the case may be, shall, subject to revision by the <sup>32</sup>[Government], be final.

**19. Pleaders.**– The <sup>33</sup>[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 Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

**20. Notification declaring forest 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

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<sup>30</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>31</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>32</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>33</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

under the Land Acquisition Act, 1894<sup>34</sup>, have become vested in the Government under section 16 of that Act, the <sup>35</sup>[Government] shall publish a notification in the <sup>36</sup>[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 neighbourhood 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. Power to revise arrangement made under section 15 or section 18.–**

The <sup>37</sup>[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 right acquired over reserved forest, 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 <sup>38</sup>[on behalf of the <sup>39</sup>[Government]] 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, without the sanction of the <sup>40</sup>[Government]:

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<sup>34</sup>I of 1894.

<sup>35</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>36</sup>Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>37</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>38</sup> Substituted for the words "on behalf of the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>39</sup> Substituted for the word "Crown" by the Central Laws (Adaptation) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

<sup>40</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

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.

**25. Power to stop ways and water-courses in reserved forests.**— The Forest-officer may, with the previous sanction of the <sup>41</sup>[Government] or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the <sup>42</sup>[Government] deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

<sup>43</sup>**[26. Offences relating to reserved forests.**— (1) A person, who in a reserved forest—

- (a) makes fresh clearing which is prohibited under section 5;
- (b) kindles fire or burns fire in the manner which endangers the forest or sets on fire any plant or tree;
- (c) causes damage by negligently felling a tree, cutting or dragging any timber;
- (d) cuts or damages any plant;
- (e) fells, girdles, lops, taps or burns a tree or strips off a bark or leaves of a tree or otherwise damages the same;
- (f) quarries stones, mines, minerals, burns lime or charcoal, or collects or removes any forest produce;
- (g) constructs any building, structure, hutment or cattle pen;
- (h) clears or breaks up any land for cultivation or any other purpose;
- (i) encroaches upon the forest land;
- (j) causes damage or tempers with barbed wire, or fence erected in or around the forest;
- (k) contravenes any rules relating to hunting, shooting, fishing, or setting up traps or snares;
- (l) kindles, keeps or carries any fire except during such season as the forest officer may notify in this behalf;
- (m) trespasses or pastures cattle, or permits cattle to trespass;

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<sup>41</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>42</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>43</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.6; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.



- (n) removes or causes damage to the soil, water, natural vegetation (shrubs, herbs and plants), fish, wild animals and wild birds;
- (o) damages any structures such as water channel, check dam, embankment, reservoir or pond;
- (p) changes the land use for the purpose other than development, preservation or conservation of the forest or park; and
- (q) installs a saw mill, charcoal kiln or establishes timber or firewood depot or operates any mechanical aid designed to cut, fashion or convert a tree or timber or fabricates wood into articles of furniture, building materials, joinery or articles of domestic or commercial use in or within five mile radius of the forest;

shall be punished in accordance with the provisions of this section.

(2) If a person contravenes any provision of sub-section (1), the person shall be liable to punishment of imprisonment for a term which may extend to six months or fine mentioned in sub-section (3) or to both.

(3) The value of the damage caused due to the offence and corresponding amount of fine for the offence shall be as follows:-

- (a) if the damage is worth one thousand rupees or less, the fine may extend to ten thousand rupees;
- (b) if the damage is worth more than one thousand rupees but less than ten thousand rupees, the fine may extend to fifty thousand rupees;
- (c) if the damage is worth more than ten thousand rupees but less than twenty-five thousand rupees, the fine may extend to one hundred and fifty thousand rupees;
- (d) if the damage is worth more than twenty-five thousand rupees but less than one hundred thousand rupees, the fine may extend to five hundred thousand rupees; and
- (e) if the damage is worth more than one hundred thousand rupees, the fine may extend to ten times value of the damage.

(4) If a person commits any offence under this section after sunset and before sunrise or where the person has been previously convicted for a forest offence, the person shall be liable to punishment of imprisonment which may extend to one year or double of the fine mentioned in sub-section (3) or to both.

(5) Nothing in this section shall be deemed as an offence, if the act is done—

- (a) with the permission in writing of the forest officer, or in accordance with the rules; and
- (b) in exercise of any right under the Act, rules, grant or contract made by the Government.

(6) If fire in a reserved forest is caused willfully or by gross negligence, the Government may suspend exercise of any or all rights of pasture or to forest produce, for such period as it may determine.

(7) The Government may, after affording an opportunity of hearing and for reasons to be recorded in writing, extinguish a right or interest of a person in a reserved forest.

(8) The forest officer shall seize the forest produce in respect of which an offence is committed together with any tool, carriage wagon, cart or other vehicle for transport and anything used in the commission of the offence.]

<sup>44</sup>**[26-A. Removal of encroachments, etc., from Reserved Forests.–** (1) A Court convicting an accused person of an offence under clause (h) of sub-section (1) of section 26 shall direct the accused, if he or any other person on his behalf be in possession of the land in respect of which he is convicted, to deliver possession of the same within such period not exceeding thirty days, as the Court may fix in this behalf, to the prescribed Forest Officer, and to remove within the said period any encroachments which the accused may have put up or erected on such land.]

<sup>45</sup>[(2) If the Court directs an accused person under sub-section (1) to deliver possession of land in a reserved forest to the prescribed forest officer or to remove the encroachment and the person fails to deliver the possession or remove the encroachment within the specified period, the Court may–

- (a) direct ejectment of the person from the land or removal of the encroachment with such force as may be necessary and in such manner as may be prescribed;
- (b) impose upon the accused person, a fine which may extend to one thousand rupees for every day, after the period fixed by the Court under the provisions of sub-section (1) has expired and the person remains in possession of the land or fails to remove the encroachment on such land; and
- (c) direct the accused person to pay to the Government the expenditure incurred by the Government on removal of the encroachment.]

<sup>46</sup>**[27. Power to declare forest no longer reserved.–** (1) The Government shall not declare or notify a reserved forest or any part of the reserved forest as being no longer reserved forest.

(2) The Government shall not allow change in land use of a reserved forest, except for the purposes of right of way, building of roads and development of a forest park, but the Government shall not allow construction of concrete building or permanent structure in the reserved forest.]

### CHAPTER III

### OF VILLAGE-FORESTS

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<sup>44</sup>Inserted by the Forest (West Pakistan Amendment) Act, 1964 (VII of 1964), w.e.f.17.3.1964, s.2; and published in the Gazette of West Pakistan (Extraordinary), pages 833-834.

<sup>45</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.7; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>46</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.8; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

**28. Formation of village forests.**– (1) The <sup>47</sup>[Government] may assign to any village-community 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.

<sup>48</sup>[(2) The Government may make rules for management of a village-forest, conditions under which the village community may use the forest produce other than timber and pasture and duties of the village community for the protection and improvement of the forest.]

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

<sup>49</sup>**[28-A. Unclassed forests.**– (1) The Government may, by notification, declare a wasteland, not being a reserved forest or protected forest, as unclassified forest.

(2) The Government may, by notification, direct that all or any provisions of this Act relating to a reserved forest or protected forest, shall apply to an unclassified forest.

(3) The Government may make rules for management of an unclassified forest.]

## CHAPTER IV

### OF PROTECTED FORESTS

**29. Protected forests.**– (1) The <sup>50</sup>[Government] may, by notification in the <sup>51</sup>[official Gazette], declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in 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 <sup>52</sup>[Government] thinks sufficient. Every Such record shall be presumed to be correct until the contrary is proved:

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<sup>47</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>48</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.9; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>49</sup>Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.10; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>50</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>51</sup>Substituted for the words “local official Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

Provided that, if, in the case of any forest-land or wasteland, the <sup>53</sup>[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 <sup>54</sup>[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 <sup>55</sup>[Government] may, by notification in the <sup>56</sup>[official Gazette],–

- (a) declare any trees or class of trees in a protected forest 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 <sup>57</sup>[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 <sup>58</sup>[District Officer (Revenue)] shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in

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<sup>52</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>53</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>54</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>55</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>56</sup>Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

<sup>57</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>58</sup>Substituted for the word "Collector" by the Forest (Amendment) Ordinance, 2001 (XLVI of 2001), w.e.f.16.11.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 1811-1812. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

every town and village in the neighbourhood of the forest comprised in the notification.

<sup>59</sup>[**32. Power to make rules for protected forests.**— The Government may make rules to regulate the following matters in relation to a protected forest—

- (a) cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce;
- (b) granting of licence to an inhabitant of a town or village in the vicinity of the protected forest to use forest produce and withdrawal of the licence;
- (c) granting of licence to a person for felling or removing a tree or timber or other forest-produce for the purpose of trade and withdrawal of the licence;
- (d) payment that a licensee is required to make in respect of the licence, tree, timber or forest produce;
- (e) examination of forest produce passing out of the forest;
- (f) clearing or breaking up of land for cultivation or any other purpose;
- (g) protection from fire of the timber lying in the forest and a tree reserved under section 30;
- (h) cutting of grass and pasturing of cattle;
- (i) hunting, shooting, fishing, poisoning water and setting trap or snare;
- (j) protection and management of any portion of the forest closed under section 30;
- (k) exercise of a right under section 29;
- (l) quarrying or mining of stones or minerals, burning of lime or charcoal, collection or removal of any forest produce;
- (m) soil, water, natural vegetation, fish, wild animals and wild birds;
- (n) change of land use in the forest;
- (o) protection of the forest land from encroachment;
- (p) water channels, check dams, embankments, reservoirs and ponds;
- (q) construction of a building, structure, hutment and cattle pen;
- (r) installation of a saw mill or operation of any mechanical aid designed to cut, fashion or convert tree or timber or fabrication of wood into articles of furniture, building material, joinery or articles of domestic or commercial use in the forest or within five miles radius of the forest; and
- (s) barbed wire fence in or around the forest.]

<sup>60</sup>[**33. Offences relating to protected forests.**— (1) A person, who in a protected forest—

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<sup>59</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.11; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

- (a) fells, girdles, lops, taps or burns a tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, the 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 of the forest;
- (d) sets or kindles fire without taking reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of the forest;
- (e) leaves any fire burning in the vicinity of any reserved tree or closed portion of the forest;
- (f) fells any tree or drags any timber and damages any reserved tree;
- (g) permits cattle to damage any reserved tree; and
- (h) infringes any rule made under section 32;

shall be punished in accordance with the provisions of this section.

(2) If a person contravenes any provision of sub-section (1), the person shall be liable to punishment of imprisonment for a term which may extend to six months or fine mentioned in sub-section (3) or to both.

(3) The value of the damage caused due to the offence and corresponding amount of fine for the offence shall be as follows:-

- (a) if the damage is worth one thousand rupees or less, the fine may extend to ten thousand rupees;
- (b) if the damage is worth more than one thousand rupees but less than ten thousand rupees, the fine may extend to fifty thousand rupees;
- (c) if the damage is worth more than ten thousand rupees but less than twenty-five thousand rupees, the fine may extend to one hundred and fifty thousand rupees;
- (d) if the damage is worth more than twenty-five thousand rupees but less than one hundred thousand rupees, the fine may extend to five hundred thousand rupees; and
- (e) if the damage is worth more than one hundred thousand rupees, the fine may extend to ten times value of the damage.

(4) If a person commits any offence under this section after sunset and before sunrise or where the person has been previously convicted for a forest offence, the person shall be liable to punishment of imprisonment which may extend to one year or double of the fine mentioned in sub-section (3) or to both.

(5) Nothing in this section shall be deemed as an offence, if the act is done—

- (a) with the permission in writing of the forest officer, or in accordance with the rules; and
  - (b) in exercise of any right under the Act, rules, grant or contract made by the Government.
- (6) If fire in a protected forest is caused willfully or by gross negligence, the Government may suspend exercise of any or all rights of pasture or to forest produce, for such period as it may determine.]

<sup>61</sup>[**33-A. Power of Court to** <sup>62</sup>**[convict] trespassers.**– (1) A Court convicting an accused person of an offence under clause (c) of sub-section (1) of section 33, shall direct the accused, if he or any other person on his behalf be in possession of the land in respect of which he is convicted to deliver possession of the same within such period not exceeding thirty 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.]

<sup>63</sup>[(2) If a person fails to deliver possession of land to the forest officer or to remove the encroachment in contravention of the order of the Court under sub-section (1)–

- (a) the Court may order ejectment of the person from the land or removal of the encroachment with such force as may be necessary and in the manner as may be prescribed;
- (b) the person shall be liable to fine which may extend to one thousand rupees for every day during which the person remains in possession of the land or fails to remove the encroachment after the expiry of the period fixed by the Court under sub-section (1); and
- (c) the Government may recover from the person the expenditures incurred on removal of the encroachment as arrears of land revenue.]

**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 under section 33, in the exercise of any right recorded under section 29.

<sup>64</sup>[**34-A. Power to declare forest no longer protected.**– (1) The Government shall not declare or notify a protected forest or any part of the protected forest as being no longer protected forest.

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<sup>61</sup>Inserted by the Forest (West Pakistan Amendment) Act, 1964 (VII of 1964), w.e.f.17.3.1964, s.3; and published in the Gazette of West Pakistan (Extraordinary), pages 833-834.

<sup>62</sup> Misprinted in the Gazette as "evict".

<sup>63</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.13; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>64</sup> Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.14; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

(2) The Government shall not allow change in land use of a protected forest, except for the purposes of right of way, building of roads and development of a forest park, but the Government shall not allow construction of concrete building or permanent structure in the protected forest.]

## CHAPTER V

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

**35. Protection of forests for special purposes.**— (1) The <sup>65</sup>[Government] may, by notification in the <sup>66</sup>[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 of 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 and other lines of communication;
- (v) for the preservation of the public health.

(2) The <sup>67</sup>[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

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<sup>65</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>66</sup>Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

<sup>67</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.



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 <sup>68</sup>[Government].

**36. Power to assume management of forests.**— (1) In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the <sup>69</sup>[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.

**37. Expropriation of forests in certain cases.**— (1) In any case under this Chapter in which the <sup>70</sup>[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 <sup>71</sup>[Government] may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894<sup>72</sup>.

(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 <sup>73</sup>[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 <sup>74</sup>[District Officer (Revenue)] their desire—

<sup>68</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>69</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>70</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>71</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>72</sup>I of 1894.

<sup>73</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>74</sup>Substituted for the word "Collector" by the Forest (Amendment) Ordinance, 2001 (XLVI of 2001), w.e.f.16.11.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 1811-1812. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

- (a) that such land be managed on their behalf by the Forest-officer as a reserved or 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 <sup>75</sup>[Government] may, by notification in the <sup>76</sup>[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.

## CHAPTER VI

### OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

**39. Power to impose duty on timber and other forest-produce.**— (1) The <sup>77</sup>[Government] may levy a duty in such manner, at such places and at such rates as it may declare by notification in the <sup>78</sup>[Official Gazette] on all timber or other forest-produce—

- (a) which is produced in <sup>79</sup>[Pakistan], and in respect of which <sup>80</sup>[the <sup>81</sup>[Government]] has any right;
- (b) which is brought from any place outside <sup>82</sup>[Pakistan] <sup>83</sup>[or is transported from or to any place within Pakistan]:

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<sup>75</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>76</sup> Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>77</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Central Government" by the Forest Laws Amendment Ordinance,1962(X of 1962),w.e.f.24.2.1962, s.2; and published in the Gazette of Pakistan (Extraordinary), pages 265-g to 265-h, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>78</sup> Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>79</sup> Substituted for "the Provinces and the Capital of the Federation" by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f.14.10.1955, s.3 and 2<sup>nd</sup> schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which were earlier substituted for the words "British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3(2) and 4; and published in the Gazette of Pakistan, pages 223-283.

<sup>80</sup>Substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>81</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

<sup>82</sup> Substituted for the words "the Provinces and the Capital of the Federation" by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f.14.10.1955, s.3 and 2<sup>nd</sup> schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which were earlier substituted for "British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3(2) and 4; and published in the Gazette of Pakistan, pages 223-283.

<sup>83</sup>Added by the Forest Laws Amendment Ordinance, 1962(X of 1962), w.e.f.24.2.1962, s.2; and published in the Gazette of Pakistan (Extraordinary),pages 265-g to 265-h.

<sup>84</sup>[\* \* \* \* \*]

(2) In every case in which such duty is directed to be levied *ad valorem*, the <sup>85</sup>[Government] may fix by like notification the value on which such duty shall be assessed.

<sup>86</sup>[(3)\* \* \* \* \*]

<sup>87</sup>[(4)\* \* \* \* \*]

**40. Limit not to apply to purchase-money or royalty.**— Noting 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) The 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 <sup>88</sup>[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 <sup>89</sup>[the Province];
- (b) prohibit the import or export or moving of such timber or other 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 therefor;

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<sup>84</sup> Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>85</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Central Government" by the Forest Laws Amendment Ordinance,1962(X of 1962),w.e.f.24.2.1962, s.2; and published in the Gazette of Pakistan (Extraordinary), pages 265-g to 265-h, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>86</sup>Omitted by the Forest Laws Amendment Ordinance, 1962(X of 1962), w.e.f.24.2.1962, s.2; and published in the Gazette of Pakistan (Extraordinary), pages 265-g to 265-h.

<sup>87</sup>Omitted by the Forest Laws Amendment Ordinance, 1962(X of 1962), w.e.f.24.2.1962, s.2; and published in the Gazette of Pakistan (Extraordinary), pages 265-g to 265-h.

<sup>88</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>89</sup> Substituted for the words "British India" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

- (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 <sup>90</sup>[the <sup>91</sup>[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 incharge 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, stored 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, brushwood, 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 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 necessitated the same;
- <sup>92</sup>[(h) prohibit absolutely or subject to conditions, within stipulated local limits, the establishment of sawpit, sawmill, charcoal kiln, timber or fire wood depot within five miles radius of the forest, converting, cutting, burning, concealing or making of timber, altering or effacing of any mark on the same or possession or carrying of marking hammer; and]
- (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 <sup>93</sup>[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.

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<sup>90</sup> Substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>91</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

<sup>92</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.15; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>93</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

**<sup>94</sup>[41-A. Powers of <sup>95</sup>[Government] as to movements of timber across Customs frontiers.–** Notwithstanding anything in section 41, the <sup>96</sup>[Government] may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from <sup>97</sup>[Pakistan] across any customs frontier as defined by the <sup>98</sup>[Government], and any rules made under section 41 shall have effect subject to the rules made under this section.]

**42. Penalty for breach of rules made under section 41.–** <sup>99</sup>[(1) If a person contravenes any rule, the Government may prescribe that the person shall be liable to imprisonment which may extend to six months or fine which may extend to one million rupees or to both.]

(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-officers not liable for damage to forest-produce at depot.–** The <sup>100</sup>[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 <sup>101</sup>[Government] or by any private

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<sup>94</sup> Inserted by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>95</sup> Substituted for the words "Federal Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.2; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the word "Central" by the Punjab Laws (Adaptation) Order, 1974 (Pb. O. No. 1 of 1974), w.e.f.14.8.1973, Article 2 and Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>96</sup>Substituted for the words "Federal Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.2; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the word "Central" by the Punjab Laws (Adaptation) Order, 1974 (Pb. O. No. 1 of 1974), w.e.f.14.8.1973, Article 2 and Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>97</sup> Substituted for the words "the Provinces and the Capital of the Federation" by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f.14.10.1955, s.3 and 2<sup>nd</sup> schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which were earlier substituted for the words "British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3(2) and 4; and published in the Gazette of Pakistan, pages 223-283.

<sup>98</sup>Substituted for the words "Federal Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.2; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the word "Central" by the Punjab Laws (Adaptation) Order, 1974 (Pb. O. No. 1 of 1974), w.e.f.14.8.1973, Article 2 and Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>99</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.16; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>100</sup>Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

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 provided, 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 <sup>102</sup>[Government] directs, all unmarked 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 <sup>103</sup>[Government] may, by notification in the <sup>104</sup>[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,

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<sup>101</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>102</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f. 21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>103</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f. 21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>104</sup> Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

or may refer the claimants to the Civil Courts, and retain the 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 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 <sup>105</sup>[Government], 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.

(4) No such 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.

**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. Government and its officers not liable for damage to such timber.**— The <sup>106</sup>[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.

**51. Power to make rules and prescribe penalties.**— (1) The <sup>107</sup>[Government] may make rules to regulate the following matters, namely:-

- (a) the salving, collection and disposal of all timber mentioned in section 45;

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<sup>105</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>106</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>107</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f. 21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>108</sup>[(b) the use and registration of boats and other vehicles used in salving and collecting timber;]

(c) the amounts to be paid for salving, collecting, 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.

<sup>109</sup>[(2) If a person contravenes any rule made under this section, the Government may prescribe that the person shall be liable to imprisonment which may extend to six months or fine which may extend to one million rupees or to 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, <sup>110</sup>[vehicles] 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 offence is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

<sup>111</sup>[**53. Power to release property.**– A forest officer, not being below the rank of a Ranger, may release a tool, boat, vehicle or cattle, not being the forest produce, seized under section 52, on the execution of a bond by the owner of the property before the Magistrate, as and when required.]

**54. Procedure thereupon.**– Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, 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, <sup>112</sup>[vehicles] and cattle used in committing any forest-offence, shall be liable to confiscation.

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<sup>108</sup>Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.17; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>109</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.17; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>110</sup>Substituted for the word "carts" by the Indian Forest (West Punjab Amendment) Act, 1948 (IV of 1948),s.2.

<sup>111</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.18; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>112</sup>Substituted for the word "carts" by the Indian Forest (West Punjab Amendment) Act, 1948 (IV of 1948),s.2.



(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 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 committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate 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 property seized under section 52.**— The Magistrate may, notwithstanding anything hereinbefore 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 so 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 order 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, such property or such portion thereof, as the case may be, shall vest in the Government free from all encumbrances.

<sup>113</sup>**[61. Power to release a seized property.**— Notwithstanding anything contained in this Chapter, an officer, authorized in this behalf by the Government, may direct immediate release of any property, which is wrongfully seized under this Act, not being the property of the Government.]

**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

<sup>113</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.19; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

<sup>114</sup>[**63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.**— (1) If a person, with intent to cause damage or injury to the public or to any other person, or to cause wrongful gain—

- (a) knowingly counterfeits upon any timber or standing tree a mark used by a forest officer to indicate that the 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 mark placed on a tree or timber by or under the authority of a forest officer; or
- (c) alters, moves, destroys or defaces any boundary-mark of a forest or wasteland to which the provisions of this Act are applied; the person shall be liable to imprisonment for a term which may extend to two years or fine which may extend to one million rupees or to both.

(2) If the offence under this section is committed after sunset and before sunrise or the accused is a previous convict for a forest offence, the accused person shall be liable to double of the penalty prescribed under sub-section (1).]

<sup>115</sup>[**64. Power to arrest without warrant.**— (1) A forest officer, authorized by the Government may, without warrant, arrest a person, who is found committing an offence punishable with imprisonment under this Act.

(2) A forest officer may seize any forest-produce, tool or vehicle used in the commission of an offence under the Act.

(3) The forest officer shall produce the person arrested under the Act before the nearest Magistrate within twenty-four hours of the arrest or release the arrested person on bond or send the arrested person to the nearest police station.

(4) The forest officer shall produce the seized property before the Magistrate.]

<sup>116</sup>[**64-A. Procedure relating to arrests, searches, etc.**— (1) If a forest officer arrests a person or seizes a property, he shall, within twenty-four hours after the arrest or seizure, make a report of the particulars of the arrest or seizure to his immediate superior officer.

(2) A forest officer may, without search warrant, search any vehicle, boat or place, suspected or likely to be used for the commission of an offence under this Act.

(3) The provisions of the Code relating to arrest, seizure and search shall, as nearly as possible, apply to the arrest, seizure and search under the Act.

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<sup>114</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.20; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>115</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.21; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>116</sup> Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.22; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

(4) A forest officer, not below the rank of a divisional forest officer, shall, within ten days of the arrest or seizure, submit a report before the Magistrate in the prescribed manner and such report shall be deemed as the report under section 173 of the Code.

(5) The Magistrate may conduct an enquiry or trial of an offence punishable under the Act in accordance with the procedure prescribed for the enquiry or trial under the Code.]

<sup>117</sup>[**65. Power to release an arrested person.**— A forest officer, not being below the rank of a Ranger, who has arrested any person under this Act, may release the person, if the person executes a bond to appear before the Magistrate, forest officer or officer incharge of the nearest police station.]

**66. Power 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.

<sup>118</sup>[**67. Powers to try offences summarily.**— (1) Notwithstanding anything contained in the Code, a Magistrate empowered in this behalf by the Government, may summarily try an offence punishable under this Act and impose a punishment of imprisonment for a term not exceeding six months or fine not exceeding one million rupees or to both.

(2) The Magistrate shall conduct the trial of an offence under the Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.]

**68. Power to compound offences.**— <sup>119</sup>[(1) The Government may, by notification, confer power on a forest officer—

- (a) to accept from a 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 which is not less than the value of loss to the property of the Government, as compensation for the offence; and
- (b) when any property has been seized, not being the property of the Government, to release the property on payment or without payment of compensation, as may be prescribed.]

(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.

<sup>120</sup>[(3) \* \* \* \* \*

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<sup>117</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.23; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>118</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.24; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>119</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.25; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>121</sup>[**68-A. Reward in forest cases.**— The Government may, by notification and in the prescribed manner, allow a forest officer to reward a subordinate forest officer from the compensation recovered by the forest officer under section 68 which amount shall not be more than three fourth of the amount of compensation recovered from the person.]

**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 11 of the Cattle-Trespass Act, 1871<sup>122</sup>, and may be seized and impounded as such by any Forest-officer or Police-officer.

<sup>123</sup>[**71. Powers to alter fines.**— The Government may, by notification, direct that in lieu of the fines fixed under section 12 of the Cattle-Trespass Act 1871 (I of 1871), the owner or occupant of the cattle, impounded under section 70, shall pay the fines, as the Government deems appropriate but such fines shall not exceed the following amounts:-

for each buffalo or camel	one thousand rupees
for each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	five hundred rupees
for each calf, ass, ram, ewe, sheep, lamb or goat	two hundred rupees.]

## CHAPTER XI

### OF FOREST-OFFICERS

**72.** <sup>124</sup>[**Government**] may invest Forest-officers with certain powers.— (1) The <sup>125</sup>[Government] may invest any Forest-officer with all or any of the following powers, that is to say:-

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<sup>120</sup> Omitted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.25; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>121</sup> Inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.26; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>122</sup> I of 1871.

<sup>123</sup> Substituted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.27; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>124</sup> Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

- (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;
- (c) power to issue a search-warrant under the Code of Criminal Procedure, 1898<sup>126</sup>; and
- (d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(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<sup>127</sup>.

**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-officers not to trade.**— Except with the permission in writing of the <sup>128</sup>[Government], 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 working any forest, whether in or outside <sup>129</sup>[Pakistan].

## CHAPTER XII

### SUBSIDIARY RULES

**76. Additional powers to make rules.**— The <sup>130</sup>[Government] may make rules—

- (a) to prescribe and limit the powers and duties of any Forest-officer under this Act;

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<sup>125</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>126</sup>v of 1898.

<sup>127</sup>XLV of 1860.

<sup>128</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>129</sup> Substituted for the words “the Provinces and the Capital of the Federation” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f.14.10.1955, s.3 and 2<sup>nd</sup> schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which were earlier substituted for the words “British India” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Articles 3(2) and 4; and published in the Gazette of Pakistan, pages 223-283.

<sup>130</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and
- (d) generally, to carry out the provisions of this Act.

<sup>131</sup>[**77. Penalty for breach of rules.**— If a person contravenes any rule made under this Act and for which no penalty is provided under the Act, the person shall be liable to imprisonment for a term which may extend to six months or fine which may extend to ten thousand rupees or to both.]

**78. Rules when to have force of law.**— All rules made by the <sup>132</sup>[Government] under this Act shall be published in the <sup>133</sup>[official Gazette], and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

## <sup>134</sup>[**CHAPTER XII-A**

### **FOREST COMPANY**

**78-A. Forest company.**— (1) The Government may establish a forest company under the Companies Ordinance, 1984 (*XLVII of 1984*) to oversee the implementation of public private partnership on assigned forest land or wasteland.

(2) The Government may, by notification in the official Gazette, assign a blank forest land or wasteland owned by the Government to a forest company.

(3) The Government shall not notify a forest land or wasteland under subsection (2) unless the nature and extent of the rights of the Government and of private persons in or over the forest land or wasteland have been inquired into and recorded at a survey or settlement or in such other manner as the Government deems appropriate.

(4) Subject to the Companies Ordinance, 1984 (*XLVII of 1984*), the Government may constitute the Board of Directors of a forest company with equal representation from public and private sectors to manage functioning of the forest company.

(5) The forest company shall, in addition to its Articles of Association and Memorandum of Association, comply with the provisions of this Act and the rules.

**78-B. Procedure for partnership.**— (1) The forest company shall invite applications of eligible persons through a public notice, published in at least two national daily

<sup>131</sup> Substituted by the Forest (Amendment) Act 2010 (*XVII of 2010*), w.e.f.21.10.2010, s.28; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

<sup>132</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (*XVII of 2010*), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>133</sup>Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>134</sup>Inserted by the Punjab Forest (Amendment) Ordinance 2015 (*XVIII of 2015*), w.e.f.17.7.2015, s.3; and published in the Punjab Gazette (Extraordinary), pages 193-196.

newspapers, for public private partnership for the development of forest on the forest land or wasteland.

(2) The eligibility criteria for an applicant shall include:

- (a) availability of required technical and other human resource to undertake the project;
- (b) financial capacity; and
- (c) relevant experience.

(3) The forest company shall execute the afforestation plan in accordance with the Agreement signed with the successful applicant that shall not exceed fifteen years but it may contain provision for extension of the Agreement for one more term of fifteen years subject to satisfactory performance by the applicant.

(4) The forest company and the person occupying a forest land or wasteland under public private partnership shall protect:

- (a) the forest land or wasteland from any type of encroachment or use other than the permitted or permissible use under the Agreement, this Act or the rules; and
- (b) the forest produce from illegal removal, illegal cultivation or other incidents such as forest fire, insect attack and diseases.

(5) The forest company shall deposit the profit with the Government.

(6) The forest company shall maintain record of forest produce and shall annually submit the record of the forest produce to the Government.

(7) The Government may notify a monitoring committee to monitor and evaluate the afforestation plan of the forest company.

(8) The forest company and the occupant shall rectify any violations to the afforestation plan specified by the monitoring committee within sixty days.

(9) The Government may conduct third party validation to evaluate performance of the forest company or any public private partnership project under the Act.]

## CHAPTER XIII

### MISCELLANEOUS

**79. Persons bound to assist Forest-officers and Police-officers.**– (1) Every person who exercises any right in a <sup>135</sup>[reserved, protected or unclassed forests], 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

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<sup>135</sup>Substituted for the words “reserved or protected forest” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.29; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

employed by the <sup>136</sup>[Government], or who receives emoluments from the <sup>137</sup>[Government] 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 in 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 <sup>138</sup>[which may extend to three months or with fine which may extend to twenty-five thousand rupees or with both.].

**80. Management of forests the joint property of Government and other persons.—** (1) If the Government and any person be jointly interested in any forest or

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<sup>136</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>137</sup> Substituted for the word "Crown" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, which were earlier substituted for the word "Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>138</sup> Substituted for the words "which may extend to one month or with fine which may extend to two hundred rupees or with both" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f. 21.10.2010, s.29; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.



waste-land, or in the whole or any part of the produce thereof, the <sup>139</sup>[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 <sup>140</sup>[Government] undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the <sup>141</sup>[Official Gazette], declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

<sup>142</sup>**[80-A. Public private partnership.]**— (1) Subject to the Punjab Public Private Partnership Act 2014 (IX of 2014) and any other law for the time being in force, the Government may itself or through a forest company invite proposals for the development of a forest land or wasteland.

(2) The Government may itself or through a forest company enter into public private partnership for the development, preservation and conservation of a forest land or wasteland.

(3) Subject to the provisions of this Act, the Government may itself or through a forest company permit any person to use a blank forest land or wasteland for increase in the productivity of the forest.

(4) The Government shall not permit use of forest land or wasteland assigned to a forest company for:

- (a) construction of any permanent structure; or
- (b) change of land use for the purpose other than the development of forest or forest related activities.

(5) Subject to the Punjab Public Private Partnership Act 2014 (*IX of 2014*) and any other law for the time being in force, the Government or forest company shall enter into a detailed contractual arrangement with any person in accordance with the provision of this section.

(6) If, in the opinion of the Government or forest company, the person has violated any provision of the Act or the contractual arrangement, the Government

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<sup>139</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>140</sup>Substituted for the words “Provincial Government” by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>141</sup>Substituted for the words “local official Gazette” by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>142</sup> Substituted by the Punjab Forest (Amendment) Ordinance 2015 (XVIII of 2015), w.e.f.17.7.2015, s.4; and published in the Punjab Gazette (Extraordinary), pages 193-196, which were earlier inserted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.30; and published in the Punjab Gazette (Extraordinary), pages 1105-1114.

may, in addition to any other penalty prescribed under the Act, recover possession of the forest land or wasteland from the occupant.

(7) Nothing in this section shall be construed to allow the Government or forest company or any other occupant of the forestland or wasteland to permit or to do an act, which is prohibited or punishable under the Act.]

**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 <sup>143</sup>[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 <sup>144</sup>[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 arrear 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 <sup>145</sup>[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 <sup>146</sup>[Government] that any land is required for any of the purposes of this Act, such land

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<sup>143</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>144</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

<sup>145</sup>Substituted for the words "His Majesty" by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Table; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.

<sup>146</sup>Substituted for the words "Provincial Government" by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.3; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations.

shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894<sup>147</sup>.

**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 Contract Act, 1872<sup>148</sup>, be recovered from him in case of such breach as if it were an arrear of land-revenue.

<sup>149</sup>[**85-A. Saving for rights of Central Government.**—\* \* \* \* \*]

**86. Repeals.**— The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof.

<sup>150</sup>[**THE SCHEDULE**

(See section 86)

*Enactments Repealed* \* \* \* \* \*]

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<sup>147</sup>I of 1894.

<sup>148</sup>IX of 1872.

<sup>149</sup>Omitted by the Forest (Amendment) Act 2010 (XVII of 2010), w.e.f.21.10.2010, s.31; and published in the Punjab Gazette (Extraordinary), pages 1105-1114, which were earlier inserted by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and first Schedule.

<sup>150</sup>Repealed by the Central Laws (Adaption) Order, 1961 (P.O. No. 1 of 1961), w.e.f. 23.3.1956, Article 2 and Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174.