

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the April 20, 1976.

No. 1503/SL/76. The following Act of the Legislative Assembly received the assent of the President on the 18th of April, 1976, and is hereby published for general information:-

(ACT V OF 1976)

AN ACT, to amend the Jammu and Kashmir Forest Regulation of 1930.

Whereas it is expedient to amend the Jammu and Kashmir Forest Regulation, 1930 (II of 1930) as inforce in Azad Jammu and Kashmir, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Forest Regulation (Amendment) Act, 1976.

(2) It shall come into force at once.
2. **Amendment of Section 6, Regulation II of 1930.**- In the Forest Regulation, 1930 (II of 1930) hereinafter referred to as the said Regulation, in section 6:-
 - (a) In the heading, between the figure and stop '6' and the word 'Any' the brackets and figure '(1)' shall be inserted;
 - (b) In clause (ii), for the word 'commercial' the word 'lease' shall be substituted ;
 - (c) for clause (iii), the following shall be substituted:-
 - (iii) In case of illicit lopping and girdling of trees the price of the lopped or girdled tree at half Zamidari rates prevalent at the time of disposal of the case shall be assessed as compensation ;
 - (iv) In case of damage other than illicit cutting and lopping and girdling of tree in the forest closures, the compensation shall extend to

rupees five hundred but shall not be less than rupees three hundred.

- (v) Where tree is cut from revenue assessed or evacuee land, except where the competent authority grants permission for bonafide personal use or gifting the tree for use in the same village, the amount of compensation shall be assessed at the price of the tree at lease rates prevalent at the time of the disposal of the case.
- (vi) In other cases under the Forest Regulation or rules made thereunder the amount of compensation to be awarded in such case may extend to one thousand rupees, but shall not be less than three hundred rupees in addition to the price of the forest produce at prevalent market rate.

(2) In case of damage to the forest where a culprit cannot be specified, the Divisional Forest Officer may impose a collective compensation for the loss so caused and direct the same to be paid by the persons residing in the locality or estate. The compensation so recovered may be utilized for the development of the particular area in the locality or estate where such recovery is made.

(3) Where a person has been found to have encroached upon or in unlawful possession of forest land he shall be ejected by the Divisional Forest Officer, and every Officer of Police, on the requisition of such Officer, shall assist him. Appeal shall lie against the order issued by the Divisional Forest Officer to the Chief Conservator of Forests and final revision shall lie to the Government.

(4) The price and compensation awarded shall be recoverable as arrears of land revenue.

3. **Substitution of Section 28, Regulation II of 1930.** In the shall Regulation, for section 28, the following shall be substituted, namely:-

"28. (1) All timber or forest produce which is or is not the property of the Government and in respect of which a forest offence has been committed, and all tools, boats, carts, cattles and vehicles, used in committing any forest

offence shall be confiscated on the orders of the Forest Officer not below the rank of Divisional Forest Officer.

- (2) Such confiscation may be in addition to any other punishment prescribed for such offence.
- (3) When anything is confiscated under these Regulations, such thing shall thereupon vest in the Government.
- (4) The officer adjudging confiscation shall take and hold possession of the thing confiscated, and every officer of police, on the requisition of such officer, shall assist him in taking and holding such possession.
- (5) Property of which confiscation has been adjudged and in respect of which the option of paying a penalty in lieu of confiscation has not been exercised, shall be sold, destroyed or otherwise disposed of in such manner as the Government may direct.
- (6) A revision against the order passed by the Divisional Forest Officer shall be to the Government within sixty days from the date of such order, Every application for revision shall be accompanied by a copy of the order by which the applicant is aggrieved.
- (7) Notwithstanding anything contained in these Regulations or any other law for the time being in force, no order passed by the Divisional Forest Officer under these Regulations or no order passed by the Government in revision shall be called in question in any Court.
- (8) No suit, prosecution or other legal proceedings shall lie against any person for any thing in good faith done or intended to be done under these Regulations or any rule, direction or order made thereunder.
- (9) Notwithstanding anything contained in these Regulations or rules made thereunder, on conviction of an offender, or on directing the confiscation of property under these Regulations the Government is authorised to grant reward to any person or persons who have contributed to the seizure of the property confiscated, or the conviction of the offender out of sale proceeds of the confiscated forest produce. The amount of reward shall be 10% of the sale proceed upto the value of Rs.

50,000/- and 5% over the value of Rs. 50,000/-subject to a minimum of Rs. 5,000/-.

4. **Addition of section 55 and 56, Regulation II of 1930.-** In the said Regulation, after section 54, the following shall be added, namely:-
 - "55. The Chief Conservator of Forests may from time to time, give directions, instructions and order for carrying out the purposes of these Regulations, contravention of these directions, instructions or orders given by the Chief Conservator of Forests shall be punishable with imprisonment of either description for a term which may extend to one month or with fine not exceeding rupees three hundred or with both.
 56. Notwithstanding anything contained in these Regulations or any other law for the time being in force, every offence punishable under these Regulations, or any rule, direction or order made thereunder, shall be cognizable, compoundable and bailable. "
5. **Repeal.-** The Azad Jammu and Kashmir Forest Regulation (Amendment) Ordinance, 1976 (Ordinance I of 1976) is hereby repealed.

Sd/-
(Sardar Aftab Ahmad Khan)
Secretary Law & Parliamentary Affairs
Azad Govt. of the State of J & K.