

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

Date the 28th day of January, 1976.

No. 472/SL/76 The following Ordinance made by the President on the 28th day of January, 1976, is hereby published for general information :-

**(ORDINANCE I OF 1976)**

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

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

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by Section 41 (1) of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance :-

1. **Short title and commencement.-** (1) This Ordinance may be called the Azad Jammu and Kashmir Forest Regulation (Amendment) Ordinance, 1976.  
  
(2) It shall come into force at once.
2. **Substitution of Section 6, Regulation II of 1930.-** In the Forest Regulation, 1930 (II of 1930) hereinafter referred to as the said Regulation, for section 6, the following shall be substituted namely:-  
  
“6 (1) Acts prohibited in such forests:- Any person who -  
  
(a) sets fire to a demarcated forest, or kindles any fires, or leaves any fire burning in such manner as to endanger such a forest;  
  
or who in a demarcated forest

- (b) kindles, keeps or carries any fire except at such seasons as the Conservator of the Circle may from time to time notify in this behalf;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) fells, girdles, lops, or burns any trees, or strips off the bark or leaves from, or otherwise damages, the same:
- (e) quarries stone, burns lime or charcoal or collects, subjects to any manufacturing process, or removes any forest produce;
- (f) clears or breaks up any land for cultivation or any other purpose;
- (g) in contravention of any rules which the Government may from time to time in the Azad Jammu and Kashmir Government Gazette prescribe, hunts, shoots, poisons water, or sets traps or snares;
- (h) in such forest or part thereof duly declared to be closed by competent authority trespasses cattle, or permits cattle to trespass; or
- (i) removes or damages the utensils, lips, nails, or other articles fixed to trees for the collection of resin;

Shall be punished with imprisonment of either description for a term which may extend to 6 months or

(a) (i) In case of illicit cutting of trees by the non-concessionists, the price shall be charged at full Zamindari rates in addition to charging compensation equal to the price calculated at the Zamindari rates prevalent at the time of disposal of the case.

(ii) In case of non-concessionists, the price of illicit cutting of trees shall be charged at lease rates prevalent at the time of disposal of the case in addition to charging compensation equal to the price so calculated.

(iii) In case of illicit lopping and girdling of trees the price of the lopped tree or trees at full

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 trees in the forest closures, the compensation shall extend to rupees one thousand but shall not be less than rupees three hundred.

(v) Where trees are cut from revenue assessed or evacuee land by an owner/allottee without the permission of the the competent authority and where the trees are cut for purposes of sale, gift or transfer and not for his bonafide personal use, the amount of compensation shall be assessed at the price of the trees 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 which 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.

(b) The amount of price and compensation awarded shall be recoverable has arrears of land revenue.

(c) Where a person has been found to have incroached upon or in unlawful possession of Government or forest land he shall be ejected by the Divisional Forest Officer. The appeal shall lie against the orders past by the Divisional Forest Officer to the Chief Conservator Forest and final Revision shall lie to the Government.

(d) In case of damage to the forest where a culprit or culprits cannot be specified the Enquiry Officer/court 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. **Substitution of Section 28, Regulation II of 1930:-** In the said 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 Governmnt.

(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 Governement may direct.

(6) A revision against the order passed by the Divisional Forest Officer shall lie to the Government within thirty days from the date of such order. Every application for revision shall be a complete by a copy of a order by which the applicant is aggrieved.

(7) Notwithstanding any thing contained in these Regulations or anyother law for the time being in-forec, 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/-

4. **Addition of sections 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 orders for carrying out the purposes of these Regulations, contravention of these directions, instructions or orders given by the Chief Conservator of Forests shall be deemed to be a forest offence.

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 non-bailable. "

Sd/-  
(Sardar Muhammad Ibrahim Khan)  
President  
Azad Jammu and Kashmir,  
Muzaffarabad

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Sd/-  
(Muhammad Akaram Shah)  
Deputy Secretary Law  
Azad Govt. of the State of J&K  
Muzaffarabad.