



Register L.No.1176

THE GAZETTE OF AZAD JAMMU & KASHMIR

EXTRA ORDINARY GAZETTE  
PUBLISHED BY AUTHORITY

VOL.LXIX	Muzaffarabad	Dated 26 June 2023	No. 241
----------	--------------	--------------------	---------

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR**  
Law, Justice, Parliamentary Affairs and Human Rights Department

\*\*\*\*\*

**'MUZAFFARABAD'**

Dated: 26.06.2023

No. LD/Legis./Ord./93-104/2023. The following Ordinance made by the President on the 25<sup>th</sup> day of June, 2023, is hereby published for general information.

**[Ordinance III of 2023]**

**An  
Ordinance**

further to amend the Jammu and Kashmir Forest Regulation, 1930

**Whereas** to conserve the forests, increase the green cover and to combat the climate change crisis in the region, it is expedient further to amend the Jammu and Kashmir Forest Regulation, 1930 (II of 1930), to impose a complete or partial ban on cutting, felling, extraction, sale or transportation of Trees and Timber from any Forest Land, Private Forests, Community Forests or any other private or Government land or area, and matters connected therewith or ancillary thereto;

**And Whereas** the Azad Jammu and Kashmir Legislative Assembly is not in session and the President Azad Jammu and Kashmir is satisfied that circumstances exist which render it necessary to take immediate action;

**Now Therefore** in exercise of the powers conferred under sub-Article (1) of Article 41 of the Azad Jammu and Kashmir Interim Constitution, 1974, the President is pleased to make and promulgate the following Ordinance, for the purposes hereinafter appearing:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Jammu and Kashmir Forest Regulation (Amendment) Ordinance, 2023.

(2) It shall come into force at once.

1/3

2. **Addition of Section 48-B, 48-C and 48-D, Regulation II of 1930.**- In the Jammu and Kashmir Forest Regulation, 1930 (II of 1930), as in force in Azad Jammu and Kashmir by virtue of the Azad Jammu and Kashmir Courts and Laws Code, 1949, hereinafter referred to as the said Regulation, after Section 48-A, the following new Sections 48-B, 48-C and 48-D shall be inserted:-

**“48-B. Power of Government to impose ban.**- Notwithstanding anything contained in the said Regulation or any other law for the time being in force, the Government may, by notification in the official gazette, impose complete or partial ban on cutting, felling, extraction, sale, transportation, etc. of Trees and Timber from Forest Land, Private Forests, Community Forests or any other private or Government land, for such period as it may deem appropriate:

Provided that this ban shall not be applicable to Trees or Timber lawfully extracted, transported, sold, obtained, etc. by a Person, before the commencement of this Ordinance, for commercial or private purpose:

Provided further that if the ban is required to be withdrawn from a specific forest or area, the case shall be submitted to Government with complete justification and the ban may only be withdrawn after issuance of notification in the official gazette.

(2) The prohibition under Section 6, 13 and 13-B of the said Regulation, shall also be applicable in case of ban imposed under this Section.

**48-C. Penalty for violation of Section 48-B.**- Whoever, in violation of ban imposed under Section 48-B, unlawfully cuts, fells, extracts, sells or transports any Tree and Timber from Forest Land, Private Forests, Community Forests or any other private or Government land or cause any other damage prohibited under Section 6, 13 and 13-B, shall be punished with imprisonment of either description for a term which may extend to five years, or compensation which shall be equal to eleven times of the market value of confiscated Tree or Timber or with fine up-to one million rupees or with all:

Provided that the Tree or Timber damaged in violation of Section 48-B shall be confiscated along

with the Tools in favour of the Government by the order of Forest Officer not below the rank of Divisional Forest Officer.

- 48-D. Cognizance of offence under Section 48-C.-** (1) An offence punishable under Section 48-C shall be triable by a Magistrate 1<sup>st</sup> Class, specially empowered by the Government in this behalf, on a complaint made by a concerned Divisional Forest Officer, as per procedure provided under Chapter VI of the said Regulation:
- (2) The Magistrate shall hear the case on day to day basis and decide the same within a period of three months, commencing from the date of filing of the complaint.
- (3) Any person aggrieved by any order or decision made by Magistrate may, within sixty days of the commencement of such order or decision, prefer an appeal to the Forest Appellate Tribunal, constituted under Section 58 and its decision subject to the provision of sub-section (3) of Section 58 shall be final.”
3. **Amendment of Section 58, Regulation II of 1930.-** In the said Regulation, in Section 58, explanation to sub-section (1), shall be substituted as following,-
- “**Explanation:** Conservator of Forests (Territorial) concerned shall be the Member of Forest Appellate Tribunal.”

-sd-

**President**  
Azad Jammu and Kashmir

**(Kh. Hashim Shaheen)**  
Section Officer (Legislation)

No.24001-24100 /P&S/2023

Dated: 26-06-2023

---

Printed and Published by Controller Printing Press,  
Azad Government of the State of Jammu & Kashmir,  
Muzaffarabad.