



Plant tree and book your house in Heaven

# FOREST UPDATE

## THE FOREST (AMENDMENT) ACT, 2010 (XVII OF 2010)

Provincial Assembly Punjab wide Notification No. PAP-Legis-2(56)/2010/278 dated 21.10.2010

### Part - 01

### An Act.

further to amend the Forest Act, 1927.

Preamble. Whereas it is expedient further to amend the Forest Act, 1927 (XVI of 1927) for the purposes hereinafter appearing;

It is enacted as follows:

**1. Short title and commencement.**  
(1) This Act may be cited as the Forest (Amendment) Act 2010.

(2) It shall come into force at once.

**2. Substitution of the words "Federal Government" with the word "Government" in Act XVI of 1927:-** In the Forest Act 1927 (XVI of 1927), hereinafter referred to as the "said Act", the words "Federal Government", wherever occur, shall be substituted by the word "Government".

**3. Substitution of the words "Provincial Government" with the word "Government" in Act XVI of 1927:-** In the said Act, the words "Provincial Government" wherever occur, shall be substituted by the word "Government".

**4. Amendment in section 2 of Act XVI of 1927:-** In the said Act, section 2 shall be substituted by the following:

**"2. Interpretation clause.** In this Act:

(a) "cattle" includes unguulate, 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;

(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, mahua 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);



Mr. Babar Hassan Bharwana, Secretary FW&F, is chairing a high level meeting to discuss important Forestry matters

- (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;
- (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) "unclassified forest" means a wasteland notified as the unclassified 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.

5. Amendment in section 10 of Act XVI of 1927- In the said Act, in section 10-(a) after sub section (3), the following sub section (3-a) shall be inserted:-

"(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."

(b) after sub section (5), the following sub section (6) shall be inserted:

"(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."

6. Amendment in section 26 of Act XVI of 1927:- In the said Act, section 26 shall be substituted by the following:

"26. Offences relating to reserved forests- (1) A person, who in a reserved forest-



Malik Ahmed Ali Olakh Minister for Forests, is chairing a high level meeting



Mr. Muhammad Mehboob-ur-Reham CCF CZ, Lahore, is chairing an important Forest meeting



Mr. Muhammad Ajmal Rahim CF Sargodha, is discussing an important Forestry matter

(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;

(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 sun set and before sun rise 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."

**7. Amendment in section 26-A of Act XVI of 1927.**- In the said Act, in section 26-A, sub-section (2) shall be substituted by the following:-

"(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 ejection 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."

**8. Amendment in section 27 of Act XVI of 1927.** In the said Act, section 27 shall be substituted by the following:-

**"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"

**9. Amendment in section 28 of Act XVI of 1927.** In the said Act, in section 28, sub section (2) shall be substituted by the following:

"(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."

**10. Insertion of section 28-A in Act XVI of 1927.**- In the said Act, after section 28, the following section 28-A shall be inserted:

**"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."

**11. Amendment in section 32 of Act XVI of 1927.**- In the said Act, section 32 shall be substituted by the following:-

**"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."

Continue