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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN
LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

Gilgit, the 29th June, 2019

THE GILGIT-BALTISTAN FOREST ACT, 2019

(ACT NO. III OF 2019)

AN ACT of Gilgit-Baltistan Assembly to provide for the protection, rehabilitation, establishment, sustainable use, conservation and management of forests and the role played by forests in the socio-economic and ecological development of Gilgit-Baltistan. Forests as defined in this Act include natural forests, planted forests, watershed areas, rangelands, wastelands, wetlands, river beds and stream beds, and glaciers and their biodiversity and allied resources found therein.

RECOGNIZING that forests of Gilgit-Baltistan as defined above perform multiple and essential roles and functions through providing various

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ecosystem services, inter alia including provisioning services, regulating services, supporting services and scientific, educational, cultural, and recreational services.

RECOGNIZING FURTHER that these functions and services have local, regional, national and international significance in that they provide food, fibre, fuel, fodder, biochemical products and genetic resources; protect watersheds and thereby conserve soil and water; regulate global carbon cycles and thus have an important role in mitigating climate change; and conserve biodiversity and are a major habitat and refuge for wildlife of Gilgit-Baltistan.

ACKNOWLEDGING that new concepts and paradigms of forest management have been successfully introduced in other parts of the world for which provisions will have to be made in the Gilgit-Baltistan Forest Act.

REALIZING that forestry sector has inter-sectoral linkages and thus the forestry sector can play a role in and can be used as an engine for socio-economic and ecological development of Gilgit-Baltistan.

WHEREAS Gilgit-Baltistan is committed to international principles of human rights and good governance and is further committed under the various Multilateral Environmental Agreements to which Pakistan is signatory to promote the conservation, development, management and sustainable use of forests and biological diversity.

AND WHEREAS it is expedient to make provisions for all of the above and to consolidate the laws relating to the protection, rehabilitation, establishment, sustainable use, conservation and management of forests, and also to provide for other and ancillary matters including trees grown under farm and social forestry in the manner hereinafter appearing, and in exercise of the powers conferred under Article 60(1) of the Gilgit-Baltistan Order 2018, the Gilgit-Baltistan Assembly passes and enacts it.

It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Gilgit-Baltistan Forest Act, 2019.

(2) It extends to the whole of Gilgit-Baltistan and shall apply to all forests, including natural forests, Private Forests of District Diamer, planted forests, watershed areas, rangelands, wastelands, wetlands, river and stream beds,

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and glaciers and their biodiversity and allied resources found in forests and such lands or areas, whether government owned, community or privately owned. It also extends to trees grown under farm forestry and social forestry.

(3) It shall come into force at once.

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

(i) **"Aarhus Convention"** means and is shorthand for UNECE Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters;

(ii) **"Act"** means the Gilgit-Baltistan Forest Act 2019;

(iii) **"Access and Benefit Sharing abbreviated as ABS"** means access to genetic resources and biodiversity and carbon and other forest ecosystem products and services and benefits and their fair and equitable sharing arising from their utilization as set out in various Multilateral Environmental Conventions, local customary laws, regional and national agreements, laws, rules, policies, orders, notifications, etc. as applicable in the context of Gilgit-Baltistan;

(iv) **"Accession"** means an act whereby Gilgit-Baltistan or Pakistan becomes a Party to an international agreement already negotiated and closed for signature;

(v) **"Accuracy"** means and describes agreement between the reported value and the true value. For carbon accounting, this specifically refers to repeated measured observations or estimations of a quantity relevant for quantitative estimates of carbon stocks and flows;

(vi) **"Activity"** includes any operation, development, works or conduct and in the context of carbon accounting activity means a practice or ensemble of practices that take place on a delineated area over a given period of time;

(vii) **"Activity data"** in the context of carbon accounting means data on the magnitude of human activity (i.e., land use and land use changes related to forests) resulting in emissions or removals taking place during a given period of time;

(viii) **"Accused"** means any person, male or female, charged under this Act or rules made thereunder for any offence;

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(ix) **"Adaptation"** means (a) in the context of United Nations Framework Convention on Climate Change (UNFCCC) actions taken to help communities and ecosystems cope with changing climate conditions; or (b) in the context of United Nations Convention on Biological Diversity (UNCBD) genetically determined characteristic that enhances the ability of an organism to cope with its environment;

(x) **"Adaptation Fund"** means fund established under the Kyoto Protocol to provide support for adaptation projects;

(xi) **"Additionality"** means (a) funding principle envisaged to ensure that Global Environmental Facility (GEF) funds do not substitute for existing development finance but provide new and additional funding to produce agreed global environmental benefits; or (b) approval test for projects under the Clean Development Mechanism (CDM) of the Kyoto Protocol (KP) of UNFCCC or REDD+ projects. CDM and REDD+ projects are considered additional if they would not have taken place in the absence of the CDM or REDD+;

(xii) **"Adverse effects of climate change"** means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural or managed ecosystems or on the operation of economic systems or on human health and welfare;

(xiii) **"Adverse environmental impact"** means impairment of, or damage to, the environment and includes---(a) impairment of, or damage to, human health and safety or to biodiversity or property; (b) pollution; and (c) any adverse environmental effect as may be specified in the regulations;

(xiv) **"Aerial photography"** means the act of taking photographs of any portion of the earth with the help of cameras instated in an aircraft or any sort of airborne vehicle;

(xv) **"Aerodrome"** means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

(xvi) **"Afforestation"** means the direct human-induced conversion of a non-forest land to forest land through planting, seeding and/or the human-induced promotion of natural seed sources;

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(xvii) **"Agrobiodiversity"** means and includes wild plants closely related to crops (crop wild relatives), cultivated plants (landraces) and livestock varieties. Agrobiodiversity can be an objective of protected areas for crops wild relatives, traditional and threatened landraces, particularly those reliant on traditional cultural practices, and/or traditional and threatened livestock races, especially if they are reliant on traditional cultural management systems that are compatible with 'wild biodiversity'.

(xviii) **"Aircraft"** means any type of aeroplane, airship, balloon or kite, whether captive, navigable or free, and whether controlled or directed by human agency or not;

(xix) **"Air pollution"** means any substance that causes pollution of air and includes soot, smoke, dust particles, odour, light, electro-magnetic, radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;

(xx) **"Alien Species"** means species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities. Alien species are not necessarily invasive species;

(xxi) **"Alpine Convention"** means the Convention on the Protection of Alps. Alpine Convention is a framework convention to ensure the protection of the alpine region and its sustainable development;

(xxii) **"Animal"** means any kind of vertebrate and invertebrate animal and the young and egg thereof, other than human beings, domestic animals and poultry, or the young or egg thereof;

(xxiii) **"Anthropogenic emissions"** means greenhouse gas emissions resulting from human activities under the UNFCCC;

(xxiv) **"Appeal court"** means the court of Secretary Forests Gilgit-Baltistan, or the Gilgit-Baltistan Chief Court or the Gilgit-Baltistan Supreme Appellate Court as the case may be wherein appeal is to be made as per provisions of law;

(xxv) **"Appendix"** means an Appendix to CBD, CITES, CMS, Ramsar or any other relevant Multilateral Environmental Agreement or an Appendix of any National or Regional Law, Rules, Policy or Instrument, Order, Notification, etc. and which is applicable to the forests and forestry sector of Gilgit-Baltistan;

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(xxvi) **"Arboretum"** means a botanical garden of trees;

(xxvii) **"Arid, semi-arid and dry sub-humid areas"** means areas other than polar and sub-polar regions in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;

(xxviii) **"Arrears of land revenue"** shall have the same meaning as assigned to it by the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), and includes all moneys payable to Government under this Act or any rules made thereunder;

(xxix) **"Authority"** means a person, an organization, institution or body corporate, which is vested with powers to implement this Act;

(xxx) **"Authorized officer"** includes a member of the Forest and Wildlife Service of Gilgit-Baltistan, or any person so designated under this Act or the rules made thereunder;

(xxxi) **"Awke Kon Guidelines"** means voluntary guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities;

(xxxii) **"Basel Convention"** is shorthand for and means Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their Disposal;

(xxxiii) **"Basel Protocol"** is shorthand for and means the Basel Protocol on Liability and Compensation to the Basel Convention on Hazardous Wastes;

(xxxiv) **"Biodiversity"** is shorthand for biological diversity and means variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems;

(xxxv) **"Biological resources"** means genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

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(xxxvi) **"Biomass"** means the total amount of live and inert organic matter above and below ground expressed in tonnes of green or dry matter per unit area;

(xxxvii) **"Biomass fuels"** means energy sources that are renewable as long as the vegetation producing them is maintained or replanted such as firewood from forests;

(xxxviii) **"Biomes"** means a major portion of the living environment of a particular region (such as a fir forest or grassland), characterized by its distinctive vegetation and maintained largely by local climatic conditions;

(xxxix) **"Bio-piracy"** means the expropriation of biological resources without fair compensation or sharing of benefits;

(xl) **"Bio-prospecting"** means exploration of biodiversity for commercially, scientifically, or culturally valuable genetic and biochemical resources and any activity or process undertaken as part of discovery and commercialization of new products based on biological resources. It includes all or any of the following:

a. samples of genetic resources;

b. samples of any derivatives of genetic resources;

c. the knowledge, innovations, and customary practices of local communities associated with those genetic resources; for purposes of research, product development, conservation or industrial or commercial application, and includes investigative research and sampling, but does not include customary uses of genetic resources and derivatives.

(xli) **"Biosafety"** means set of measures or actions addressing the safety aspects related to the application of biotechnologies and to the release into the environment of transgenic plants and other organisms, particularly microorganisms, that could negatively affect plant genetic resources, plant, animal or human health, or the environment;

(xlii) **"Biosafety protocol"** means the protocol to the Convention on Biological Diversity. It is also referred to as the Cartagena Protocol and regulates the trans boundary movement, transit, handling and use of living modified organisms that may have an adverse effect

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on the conservation and sustainable use of biodiversity taking also into account human health;

(xliii) **"Biosphere Reserve"** means sites recognized under UNESCO's Man and Biosphere Programme which innovate and demonstrate approaches to conservation and sustainable development;

(xliv) **"Biotechnology"** means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;

(xlv) **"Board"** means the Gilgit-Baltistan Forest and Wildlife Board, constituted under section 10 of this Act;

(xlvi) **"Board of Revenue"** means the Board of Revenue, Gilgit-Baltistan, established under the West Pakistan Board of Revenue Act, 1957 (W.P. Act XI of 1957);

(xlvii) **"Bonn Guidelines"** is shorthand for and means the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization;

(xlviii) **"Bottom-up approach"** means approach based on the participation of relevant stakeholders, particularly those at the local levels;

(xlix) **"Breeding Facility**" means a breeding or propagating facility or area established under this Act or the rules made thereunder for the breeding or propagation of trees, plants or wild animals, etc.;

(l) **"Brushwood"** includes all woody plants, bushes, shrubs and small trees growing on forestlands, rangelands, watershed areas, wetlands, river beds and stream beds and other areas under the management control of Gilgit-Baltistan Forest and Wildlife Department and include those fruit and nut trees growing on farm lands which are found in the above mentioned areas and include almonds, apples, apricots, cherries, citruses, figs, grape and other fruit vines, mulberry, peaches, pears, persimmons, pistachios, plums, walnuts and other fruits, nuts and vines growing in Gilgit-Baltistan;

(li) **"Buffer zone"** means an area within or around a Protected Area, which may act as a transition zone between the core zone and multiple use zone of the Protected Area with respect to protection and utilization of natural resources therein. Buffer zones protect

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the network form potentially damaging external influences and which are essentially transitional areas;

(lii) **"Carbon"** means chemical element present in all organic matter which contributes to climate change in the form of various greenhouse gases, for example carbon dioxide and methane;

(liii) **"Carbon Credit"** means and is a generic term for any tradable certificate or permit representing the right to emit one tonne of carbon dioxide or the mass of another greenhouse gas with a carbon dioxide equivalent (tCO_2) equivalent to one tonne of carbon dioxide;

(liv) **"Carbon Flux"** means the exchange of carbon between different carbon pools;

(lv) **"Carbon Market"** means trading systems through which countries, companies, organizations, entities or individuals may buy or sell units of greenhouse gas emissions;

(lvi) **"Carbon Pool"** means a component of the biosphere, geosphere, hydrosphere, or atmosphere which can absorb and store carbon as well as emit carbon into the atmosphere.

(lvii) **"Carbon reservoir"** means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored;

(lviii) **"Carbon Rights"** means the right to carbon stored in carbon sinks and carbon reservoirs and that which is sequestered now or will be sequestered in future.

(lix) **"Carbon sequestration"** the term carbon sequestration is used to describe both natural and deliberate processes by which CO_2 is either removed from the atmosphere or diverted from emission sources and stored in the ocean, terrestrial environments (vegetation, soils, and sediments), and geologic formations. In the context of land use, land use change and forestry it means the process by which land, trees or forest or other vegetation absorb carbon dioxide from the atmosphere. Carbon sequestration thus leads to removing carbon from the atmosphere and depositing it in other carbon sinks or carbon reservoirs, principally through changes in land-use. In forestry, carbon sequestration occurs principally through the conservation or expansion of forests;

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(lx) **"Carbon sink"** means any process, activity or a mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;

(lxi) **"Carbon source"** means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere;

(lxii) **"Carbon Standard"** means a standard used to measure and assess the contribution of a carbon project to poverty alleviation, sustainable management of forests and biodiversity conservation; quantification and assessment of net greenhouse benefits; monitoring and reporting; and project certification procedures;

(lxiii) **"Carbon stock"** means the amount of carbon stored in a sink;

(lxiv) **"Carbon tax"** means a tax by government on the use of carbon-containing fuels or substances;

(lxv) **"Cartagena Protocol"** is the other name of the Bio-safety Protocol to the Convention on Biological Diversity and has the same meaning as the Biosafety Protocol;

(lxvi) **"Cattle"** includes horned cattle, buffaloes, camels, horses, mares, geldings, ponies, colts, fillies, mules, donkeys, assess, yaks, rams, ewes, sheep, lambs, goats, and all other animal species found and domesticated in Gilgit-Baltistan, and their eggs and young ones;

(lxvii) **"CBD"** means the Convention on Biological Diversity (1992) as ratified by the Government of Pakistan, inclusive of its Articles as are amended by the Conference of Parties to the Convention in their meetings from time to time;

(lxviii) **"Certificate"** means a Certificate issued under this Act or the rules made thereunder for a period of more than one year;

(lxix) **"Certified Emissions Reductions"** also abbreviated as CERs means unit equal to one metric ton of carbon dioxide equivalent, which may be used by countries listed in Annex-I of the Kyoto Protocol towards meeting their binding emission reduction and limitation commitments or any country for emissions reductions and limitations;

(lxx) **"Chief Conservator Forests"** means the Chief Conservator of Forests, Government of Gilgit-Baltistan;

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(lxxi) **"CITES"** means the Convention on International Trade in Endangered Species of Wild Flora and Fauna (1973) as ratified by the Government of Pakistan, inclusive of its Articles and Appendices as are amended by the Conference of Parties to the Convention in their meetings from time to time;

(lxxii) **"Clean Development Mechanism"** means one of the three market-based mechanisms under the Kyoto Protocol to the UNFCCC, whereby developed countries may finance greenhouse gas emissions avoiding projects in developing countries, and receive credits for doing so which may apply towards meeting mandatory limits on their own emissions;

(lxxiii) **"Climate Change"** means change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;

(lxxiv) **"Climate system"** means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions;

(lxxv) **"closed season"** means a period declared closed by the Department under this Act or rules made thereunder;

(lxxvi) **"CMS"** means the Convention on Migratory Species of Wild Animals (1979) ratified by the Government of Pakistan, inclusive of its Articles and Appendices as are amended by the Conference of Parties to the Convention in their meetings from time to time;

(lxxvii) **"Collector"** means a Collector appointed under the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967);

(lxxviii) **"Combating desertification"** includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development and which are aimed at: (a) prevention and/or reduction of land degradation; (b) rehabilitation of partly degraded land; and (c) reclamation of desertified land;

(lxxix) **"Community"** means a group of individuals or families who share a common heritage, interest or stake in unidentifiable land, land based resources or benefits that may be derived therefrom;

(lxxx) **"Community conserved areas"** means natural or modified ecosystems, including significant biodiversity, ecological services

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and cultural values, voluntarily conserved by indigenous peoples and local and mobile communities through customary laws or other effective means;

(lxxxi) **"Community forestry"** means forestry management that includes local people and/or communities in planning and implementing forestry activities;

(lxxxii) **"Community Organisation"** means a representative organisation of significant majority of households or the interest group related to the resource in a given area;

(lxxxiii) **"Complementarity"** means funding principle according to which funded activities must be coherent with provincial or national programmes and policies to maximize global environmental benefits;

(lxxxiv) **"Comparability"** means that estimates of carbon emissions and removals reported by countries in inventories should be comparable among countries. For this purpose, countries should use agreed methodologies and formats for estimating and reporting inventories;

(lxxxv) **"Completeness"** helps assure that Emission Reduction (ER) Programmes consider all the relevant information. For carbon accounting, this includes carbon pools and categories of activities producing emissions or removals of carbon for reporting on the implementation of REDD+ Activities. For programmatic elements, this includes information on how the UNFCCC safeguards are being addressed and respected.

(lxxxvi) **"Confiscation"** means the forfeiture of sub judice case property of offender in favour of Government by a court of law or any officer vested with magisterial power under section 241 of this Act;

(lxxxvii) **"Conservation"** in relation to biodiversity, forests and wildlife means the protection, management and sustainable utilization/use of these resources, habitat, ecosystem and the non-living environment supporting such resources, habitat, or ecosystem with actual or potential use or value;

(lxxxviii) **"Conservator of Forests"** means the Concerned Conservator of Forests, Government of Gilgit-Baltistan;

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(lxxxix) **"Conservation Order"** means a conservation order issued under section 342 of this Act;

(xc) **"Consumptive use"** means the taking of flora or the hunting or capturing of fauna in accordance with the provisions of this Act or Gilgit-Baltistan Wildlife Act 2017 or any other protected law applicable to Gilgit-Baltistan;

(xci) **"Conveyance"** means any means of transport whether mechanically propelled or otherwise;

(xcii) **"Corridor"** means a way to maintain vital ecological or environmental connectivity by maintaining physical linkages between cover areas;

(xciii) **"Country of origin of genetic resources"** means the country which possess those genetic resources in in-situ conditions;

(xciv) **"Country providing genetic resources"** means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country;

(xcv) **"Criteria"** criteria are the content level of a standard which set out the conditions which need to be met in order to deliver a principle. It can be possible to verify criteria directly but they can also be further elaborated through indicators. In the case of World Bank Methodological Framework, the set of criteria allow the Carbon Fund to judge or decide whether or not the ER Programme meets methodological requirements of the Forest Carbon Partnership Facility Carbon Fund;

(xcvi) **"Cultural Heritage"** means (a) Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; (b) Groups of Buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; (c) Sites: works of man or combined works nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view;

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(xcvii) **"Custodian community"** means a community having assumed use rights that considerably predates the declaration of a protected area or having any legally recognized rights;

(xcviii) **"Customary rights"** means something which has been practiced since time in memorial by reference to a particular locality may acquire the legal status of a custom, which is a form of local law;

(xcix) **"Datum"** means an arbitrarily selected reference point, plane or surface to which any measurements are referred including geodetic, vertical and gravimetric datum;

(c) **"Dealer",** when used in relation to any forest produce, wild animals, trophies, or their products shall mean any person who, in the course of trade or business carried on by him whether on his own behalf or on behalf of any other person,—

a. procures, purchases, sells, barters or otherwise in any manner deals with any forest produce, wild animals, trophies or their products;

b. procures, purchases, sells, barters or otherwise in any manner deals with any forest produce obtained from a Protected Forest, Private Forest, protected Area, wasteland or riverbed, etc;

c. cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any such forest produce, wild animals, trophies or their products or manufactures any articles there from; and

d. transports or conveys any forest produce, wild animals, trophies or their products.

(ci) **"Deforestation"** means the direct human-induced conversion of forested land to non-forested land;

(cii) **"Degradation of forest"** means the human-induced qualitative degradation of forests and forest lands;

(ciii) **"Department"** means the Forests, Wildlife and Environment Department of Government of Gilgit-Baltistan concerned with forestry, wildlife and environment affairs;

(civ) **"Derivative"** means any processed part of an animal, plant or body fluid;

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(cv) **"Desertification"** means degradation of land in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activity;

(cvi) **"Designated National Authority"** means the national agency responsible for addressing specific issues or acting as the focal point for a multilateral environmental agreement (MEA);

(cvii) **"Devolution"** means the transfer of rights, authority and responsibility by Government Forest Department and agencies to the local delimited geographic and functional domains;

(cviii) **"Digital maps"** means geographic maps produced through satellite images, GPS, total station data or digitized using mapping software;

(cix) **"Discharge"** includes spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;

(cx) **"Dispersal area"** means an area adjacent to or surrounding protected areas, wildlife conservancies or sanctuaries into which wild animals move during some period of the year or are habitually used by wild animal species for feeding, laying, storing eggs, rearing or feeding their young, and includes breeding places;

(cxi) **"District Conservation Committee or DCC"** means a committee notified by Government in a district to provide a mechanism of linking the Government and communities for streamlining conservation efforts;

(cxii) **"Dispute"** means disagreement on a point of law (e.g., the interpretation of an international agreement) or fact (e.g., an action taken);

(cxiii) **"Divisional Forest Officer"** means the Divisional Forest Officer of the Concerned Forest Division;

(cxiv) **"Domestic animal"** includes any buffalo, bull, camel, cat, cow, dog, donkey, goat, guinea pig, horse, mule, ox, ram or any other animal kept for domestic purposes, or the young of such animal;

(cxv) **"Domesticated or cultivated species"** means species in which the evolutionary process has been influenced by humans to meet their needs;

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(cxvi) **"Drought"** means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded values, causing serious hydrological imbalances that adversely affect land resource production systems;

(cxvii) **"Dwelling house"** means any building or structure which is for the time being kept by the owner or occupier for the residence therein of himself, his family or servants or any of them, irrespective of whether it is not regularly used, and includes a building or structure adjacent to or occupied with dwelling house if there is communication between that building or structure and the dwelling house, either immediate or by means of a covered or enclosed passage leading from the one to the other, but not otherwise;

(cxviii) **"Earmarked"** means dedicated to a particular purpose. Usually said of funds or contributions;

(cxix) **"Ecological character"** means combination of the ecosystem components, processes and services that characterize the wetland at a given point in time;

(cxx) **"Economic instrument"** means one of the tools for environmental protection that make use of fiscal incentives (subsidies) and deterrents (taxes, levies, charges, etc.) as well as market measures such as tradable emissions permits, rather than regulating specific outcomes;

(cxxi) "**Ecosystem"** means a dynamic complex of plant, animal, microorganism communities and their non-living environment, interacting as a functional unit. Ecosystems are irrespective of political boundaries;

(cxxii) "**Ecosystem approach"** means a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way;

(cxxiii) "**Ecosystem services**" means processes and functions provided by natural ecosystems that sustain life and are critical to human-welfare. These are benefits people obtain from ecosystems and include provisioning services such as food, water, fiber, timber, biochemicals, fodder, fuel wood, etc.; regulating services such as climate regulation, regulation of floods, drought, land degradation, diseases and pests regulation; supporting services such as soil formation, nutrient cycling etc.; and cultural services such as

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recreational, educational, scientific, spiritual, religious and other non-material benefits;

(cxxiv) "**Eco-tourism**" means travel undertaken to witness sites, areas or regions of unique natural or ecologic quality, or the provision of services to facilitate such travel;

(cxxv) "**Emission Factor**" means a coefficient that quantifies the emissions or removals of a Greenhouse Gas per unit REDD+ activity. Emission factors are often based on a sample of measurement data, averaged to develop a representative rate of emission for a given level of land use changes related to forests under a given set of operating conditions;

(cxxvi) "**Emissions**" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time;

(cxxvii) "**Emission Reduction Unit**" means a unit equal to one metric ton of carbon dioxide equivalent , applicable to binding emissions-reduction targets under the Kyoto Protocol and generated through joint implementation projects;

(cxxviii) "**Emissions trading**" means a mechanism under the Kyoto Protocol through which Parties with emissions commitments may trade units of their emissions allowances with other Parties;

(cxxix) "**Endangered ecosystem**" means an ecosystem of exceptional biodiversity value or habitat of endangered or endemic species which has undergone severe degradation;

(cxxx) "**Endangered species**" means any floral or faunal species specified in the second Schedule of this Act or declared as such by any other written law or any wildlife specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

(cxxxi) "**Endemic species**" means species of plants or animals that are found in and are native to a specific geographic region and are found nowhere else;

(cxxxii) "**Enforcement**" means range of procedures and actions taken by a State and its competent authorities to ensure that persons or organizations failing to comply with laws or regulations are brought back into compliance or punished through appropriate action;

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(cxxxiii) "**Environment**" means-(a) air, water and land; (b) all layers of the atmosphere; (c) all organic and inorganic matter and living organisms; (d) the ecosystem and ecological relationships; (e) buildings, structures, roads, facilities and works; (f) all social and economic conditions affecting community life; and (g) the interrelationships between any of the factors specified in sub-clauses (a) to (f);

(cxxxiv) "**Environmental impact assessment or EIA**" means an environmental study comprising collection of data; prediction of qualitative and quantitative impacts; comparison of alternatives; evaluation of the preventive, mitigation and compensatory measures; formulation o environmental management and training plans and monitoring arrangements; and framing of recommendations and such other components as may be prescribed;

(cxxxv) "**Environmentally sound management**" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against adverse effects which may result from such wastes, in terms of the Basel Convention;

(cxxxvi) "**Exotic**" refers to a species, both floral and faunal, which does not occur in an area naturally and is introduced or intended to be introduced from outside of its natural occurrence;

(cxxxvii) "**Export**" means to take or cause any forest produce, wild animal, trophy or other biodiversity product to be taken from Gilgit-Baltistan to any place outside of Pakistan;

(cxxxviii) "**Ex-situ conservation**" means conservation outside the natural ecosystem and habitat of the biological organism or component of biodiversity;

(cxxxix) "**Fish**" shall have the same meaning assigned to it under the Fisheries Act and Rules applicable to Gilgit-Baltistan;

(cxl) "**Forest**" means a tract of land mostly or predominantly covered with trees and woody vegetation and declared as forest by Government under this Act,or a minimum area of land of 0.5 ha with a tree crown cover of more than 10% comprising trees with the potential to reach a minimum height of 2 meters.This will also include existing irrigated plantations as well as areas that have already been defined as forest in respective legal documents and expected to meet the required thresholds as defined in the national

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forest definition for Pakistan, or by virtue of any definition accepted by Government under any international or national law or obligation;

(cxli) "**Forest biomass**" means all organic matter in a forest, i.e. leaves, branches, trunks, litter, and soil organic matter, irrespective if dead or alive;

(cxlii) "**Forest Biodiversity Reserve**" means an area of Government Protected Forest declared as such under this Act for the in-situ conservation of forest biodiversity;

(cxliii) "**Forest Produce"** means Forest Produce as defined in this Act;

(cxliv) "**Forest carbon"** means the carbon that is stored in forest biomass and forest soil (forest carbon sinks), and the carbon that will be sequestered in them over time;

(cxlv) "**Forest carbon flux**" means the exchange of forest carbon between different forest carbon pools and the atmosphere;

(cxlvi) "**Forest carbon pools**" means those parts of the forest ecosystem where forest carbon is stored and includes above ground biomass (both live and dead); below ground biomass (both live and dead); small twigs, leaves, herbs, grasses and litter ; organic forest soil carbon and carbon stored in harvested wood products (HWP);

(cxlvii) "**Forest carbon rights**" in relation to land means the exclusive legal right to obtain the benefit (whether present or future) associated with the stored forest carbon and any carbon sequestered in the future, by any existing or future tree or forest on the land. It is thus the right of a person, group or an entity to the legal, commercial, economic or other benefits (whether present or future) from exploiting the forest carbon;

(cxlviii) "**Forest carbon sink**" means the natural features (forest, trees and soil) that hold and absorb carbon from the atmosphere;

(cxlix) "**Forest carbon stock**" means the amount of carbon stored in the world's forest ecosystem mainly in the living biomass and soil;

(cl) "**Forest and Wildlife Force**" means the entire forest and wildlife establishment of the Department employed for the purposes of this Act and the Gilgit-Baltistan Wildlife Act 2017 and the rules made under these Acts but does not include clerical or ministerial staff of

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the staff and which has been declared as such under section 9 of this Act.;

(cli) "**Forest Magistrate**" means a Forest Officer not below the rank of Divisional Forest Officer and/or Magistrate of the First Class especially appointed for taking cognizance of offences under this Act or Rules made thereunder;

(clii) "**Forest Offence**" means an offence punishable under this Act or Rules made thereunder;

(cliii) "**Forest Officer**" means any person appointed or empowered by Government in this behalf to carry out all or any of the purposes of this Act, or to do anything required under this Act or any Rules made thereunder;

(cliv) "**Forest Produce**" includes:

a. The following wherever found: timber, bark, charcoal, gum, natural varnish, resin, rosin, lac, wax, wood oil, and derivatives thereof;

b. The following when found in or brought from a forest:

i. trees, leaves, flowers, fruits, seeds, roots and all other parts or produce of trees including fuel wood;

ii. plants not being trees including grasses, creepers, reeds, mosses, mushrooms, medicinal and aromatic plants (MAPs) and brushwood, and all parts and produce of such plants and other non-wood produce;

iii. Biodiversity and biodiversity services found within forest area;

iv. forest carbon and forest soil carbon and carbon sequestration by the forest;

v. wildlife and all other parts or produce of wildlife, including skins, horns, bones, silk, cocoon, honey and wax;

vi. peat, surface soil, water, sand, stones, rocks and minerals, including mineral oil, limestone, laterite, marble and all products of mines and quarries;

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vii. standing or harvested crops and the grains thereof such as wheat, barley, maize, rice, pulses, and any other crop and produce thereof;

viii. any other produce or ecosystem services, which may be notified as forest produce by the Department from time to time.

(clv) "**Forest Reference Emission Level or Forest Reference Level**" Forest Reference Emission Level or Forest Reference Level expressed in tonnes of carbon dioxide equivalent per year that is a benchmark for assessing each country's performance in implementing REDD+ Activities under the UNFCCC;

(clvi) **"Framework"** means a high-level structure which lays down a common purpose and direction for plans and programmes;

(clvii) "**Fund**" means the Gilgit-Baltistan Forest and Wildlife Fund established under section 11 of this Act;

(clviii) "**Game**" means any animal specified in this Act or the Wildlife Act, and includes the eggs and young of any such ;

(clix) "**Genetic Engineering**" means any technologies involving human-made changes in the genetic constitution of cells, tissues, organs or organisms;

(clx) "**Genetic material**" means any material of plant, animal, or microbial or other origin containing functional units of heredity;

(clxi) "**Genetically Modified Organisms**", hereinafter referred to as "GMOs", means the organisms created as a result of Genetic Engineering;

(clxii) "**Genetic resources**" means genetic material of actual or potential use;

(clxiii) "**Geodetic datum**" means the origin or a point to which all horizontal measurements are referred;

(clxiv) "**Geodiversity**" means the diversity of minerals, rocks (whether solid or 'drift'), fossils, landforms, sediments and soils, together with the natural processes that constitute the topography, landscape and the underlying structure of the Earth;

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(clxv) "**Geographical maps**" means maps that show general configuration of physical features of a certain area on a reference plane;

(clxvi) "**Geospatial data**" means information collected in hard copy format or in digital format or any other format for the purposes of preparation geographical or topographical data and its attributes, its processing and analysis;

(clxvii) "**Good Practice**" is a set of procedures intended to ensure that the set criteria of a standard or measure are fulfilled and information on indicators is produced in adequate fashion;

(clxviii) "**Governance**" means the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken on issues of public concern, and how citizens or other stakeholders have their say. Governance arrangements are expressed through legal and policy frameworks, strategies and management plans; and they include the organizational arrangements for following up on policies and plans and monitoring performance. Governance covers the rules of decision making, including who gets access to information and participates in the decision-making process, as well as the decisions themselves;

(clxix) "**Governance quality**" in the context of forests and protected areas means how well a forest, protected area or a protected land is being governed—the extent to which it is responding to the principles and criteria of 'good governance' identified and chosen by the relevant peoples, communities and governments (part of their sense of morality, cultural identity and pride) and generally linked to the principles espoused by international agencies and conventions;

(clxx) "**Governance type**" in the context of forests and protected areas means and are defined on the basis of 'who holds management authority and responsibility and can be held accountable' for a specific forest, protected area or protected land;

(clxxi) "**Government**" means the Government of Gilgit-Baltistan;

(clxxii) "**Government department**" means a department controlled by Federal or a Provincial Government and includes any autonomous body, authority or organization established by or under the Federal or a Provincial law or which is owned or controlled or administered by the Federal or a Provincial Government or in which the Federal

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or a Provincial Government have controlling share or interest and also includes any local Government;

(clxxiii) "**Gravity datum**" means the point to which all gravity measurements are referred;

(clxxiv) "**Greenhouse Gas or GHG**" means an atmospheric gas, both natural and anthropogenic, that traps and re-emits infrared radiation, and is responsible for warming the earth and climate change. The major greenhouse gases are carbon dioxide, methane and nitrous oxide. Less prevalent, but very powerful, greenhouse gases are hydro fluorocarbons (HFCs), per fluorocarbons (PFCs) and sulphur hexafluoride (SF6) . Those gases are regulated under the UNFCCC and the Kyoto Protocol. Some GHGs are also regulated under the Montreal Protocol for their effects on the ozone layer;

(clxxv) **"Guidance"** is a set of documents and tools that detail and explain how to apply good practice;

(clxxvi) "**Habitat"** means a place or site or particular environment, characterised by a specific set of environmental conditions, an organism or population naturally occurs and which provides food, cover and water on which such organism or population depend directly or indirectly including biotic and abiotic factors essential for survival of the organism or population;

(clxxvii) "**Habitat/Species management area or Category IV of IUCN Protected Areas**" means areas that aim to protect particular species or habitats and management reflects this priority. Many category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category;

(clxxviii) **"Harvesting"** means the felling, trimming, docking, splitting, debarking, extracting or uprooting of any plant or plant substance;

(clxxix) "**Hazardous substance"** means any chemical, waste, gas, medicine, drug, plant, animal or micro-organism which is likely to be injurious to human health or the environment;

(clxxx) "**Hide"** means any form of man-made screen, fence, platform, pit or ambush intended to conceal a forest or wildlife offender;

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(clxxxi) "**Highway"** shall have the meaning assigned to it under the Roads and Highways Act;

(clxxxii) "**Imagery"** means remotely sensed image of any resolution depicting any part of the earth and acquired or obtained using optical or, as the case may be, non-optical sensor;

(clxxxiii) **"Indicator"** means quantitative or qualitative parameters which can be achieved and verified in relation to a criterion. Indicators are meant to provide information on the state or condition of a criterion;

(clxxxiv) "**Indigenous**" means a species native to or naturally occurring in a specific area, a country or a region or an environment but not introduced;

(clxxxv) "**Indigenous knowledge systems"** means the system of norms, cultures, rites, rituals and other biodiversity, forests and wildlife conservation and management related practices of traditional communities which have been proved to enable the communities interact with and utilize these resources in a sustainable manner;

(clxxxvi) **"Indigenous and tribal people"** means tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. They also include people who are regarded as indigenous on account of their descent from the populations which inhibited the area, the country, or geographical region to which the country belongs, at the time of conquest or colonization or the establishment of the present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions;

(clxxxvii) **"Informer"** means a person who brings or provides specific information in writing or any other suitable and actionable way to the concerned member of Forest Service regarding an offence under this Act;

(clxxxviii) "**Initial environmental examination"** means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;

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(clxxxix) **"In situ conservation"** means conditions where genetic resources exist within ecosystems and natural habitats and includes the conservation of ecosystems and habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;

(cxc) "**Interested party**" means any person having a bona fide interest in the conservation, rehabilitation, restoration, development and sustainable management of forests and includes forest officers, forest owners, forest concessionists, right holders, local beneficiaries and users, and concerned community- and village-based organizations established under and for the purposes of this Act and Rules made thereunder;

(cxci) "**Inter-generational**" means the conscious endeavour by the present generation, in the exercise of its rights to beneficial use of wildlife resources, to enhance and maintain them for benefit of future generations;

(cxcii) **"Intra-generational equity**" means the right of the people within the present generation to benefit equitably from the exploitation of wildlife resources;

(cxciii) "**Invasive species**" means a non-indigenous species translocated to or introduced into a place or a habitat outside its natural occurrence or outside its natural range where it dominates and outgrows the native and indigenous species or takes over the habitat or reaches a level where it could become a weed or a pest;

(cxciv) "**Land**" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;

(cxcv) "**Land degradation**" means reduction or loss in arid, semi-arid or dry sub-humid areas, of the biological or economic productivity and complexity of rain fed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as: (a) soil erosion caused by wind and/or water; (b) deterioration of the physical, chemical, biological, or economic properties of soil; and (c) long-term loss of natural vegetation;

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(cxcvi) "**Land owner**" means person or persons owning land in a village as per revenue record or as per custom where revenue record is not available;

(cxcvii) "**Land Use, Land Use Change and Forestry (LULUCF)**" means the impact of the type of land use by humans, and changes in such land use, on greenhouse gas emissions;

(cxcviii) "**License**" means a Licence issued under this Act for a period of calendar year;

(cxcix) "**Licensing officer**" means a forest or wildlife officer designated as such by the authority;

(cc) "**Livestock**" includes buffaloes, cattle, sheep, goats, pigs, horses, mules, donkeys, and all other domesticated animals and their eggs and young;

(cci) "**Local plane coordinate system**" means a rectangular coordinate system generally used for large-scale mapping;

(ccii) "**MAB**" means UNESCO Man and the Biosphere Programme (1977);

(cciii) "**Mapping**" means the art of map-making using specific datum, projection and scale and includes digital mapping;

(cciv) "**Management effectiveness**" means how well a forest, protected area or protected land is being managed—primarily the extent to which it is protecting its values and services and achieving goals and objectives;

(ccv) "**MEA"** means, a generic term used for treaties, conventions, protocols and other binding instruments related to the environment. Usually applied to instruments of a geographic scope wider than that of a bilateral agreement. In the context of this Act, MEA refers to a Multilateral Environmental Agreement ratified by Government of Pakistan like CBD, CITES, CMS, WHC, MAB, etc.;

(ccvi) **"Meat"** means the flesh, fat, blood or any eatable part of a wild animal, whether fresh, dried, pickled or otherwise preserved or processed;

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(ccvii) "**Mechanically propelled vehicle**" means all vehicles, including aircraft and watercraft, which receive their motive power from internal combustion, steam, reaction or electrical propulsion;

(ccviii) "**Migratory route**" means an area of a strip or zone of land used by herds of wild animals during their migratory cycles or seasonal movements;

(ccix) "**Multiple use zone**" means an area within or adjoining a Protected Area devoted primarily to human use and managed to facilitate maintenance of a broader landscape hospitable to wild animal species;

(ccx) "**National Park or Category II of IUCN Protected Areas**" means an area set aside as a national park under this Act or Wildlife Act. National parks are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristics of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities;

(ccxi) "**Natural Heritage**" means (a) Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; (b) Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals or plants of outstanding universal value from the point of view of science or conservation; and (c) Natural sites precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty;

(ccxii) "**Natural monument or feature or Category III of IUCN Protected Areas**" means areas set aside to protect a specific natural monument, which can be landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value;

(ccxiii) "**Natural resources**" include land, water, forest, wildlife, mineral deposits, and fish found in natural waters;

(ccxiv) "**Non-consumptive use**" means the use of scenery, cultural and natural resources that does not involve taking away any specimen

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from the scene, cultural or natural site or the wild and includes forest or landscape/waterscape viewing, game viewing, bird watching, walking safaris, hiking, canoeing, boating, scuba diving, mountaineering and any other similar or related activity;

(ccxv) "**Non-consumptive ecotourism**" means natural features, landscapes, plants or animals viewing, walking safari, camping, balloon safaris, canoe rafting, bird watching, sport fishing, hiking, mountain climbing, expedition, documentary and commercial photographing, video shooting, filming, cinematograph, and includes any other activity of similar nature directed at drawing leisure out of the use of nature and forest or other land-based ecosystems;

(ccxvi) **"Offence"** means an act punishable under this Act or the rules made thereunder;

(ccxvii) "**Officer**" means any person appointed as such under section -- of this Act;

(ccxviii) "**Owner**" in relation to any land means the person holding or deemed by any written or customary law to be holding a right of occupancy over the land and includes a lessee, a mortgagee in possession or any other person authorized by the owner, lessee, mortgagee to act on his behalf or in his absence;

(ccxix) "**Permit**" means a permit issued under this Act for a period not exceeding 30 days;

(ccxx) "**Person**" means any natural person or legal entity and includes an individual, firm, body or association of persons, partnership. society, group, company, corporation, co-operative society, trust, non-governmental organization, community-based organization, village development committee, village council, local council or local authority, women organization, and in the case of a vessel, the master or the person having for the time being the charge or control of the vessel, a public servant or an employee of Forest Service or Government Agency or the Government Agency itself;

(ccxxi) "**Photographing of Nature and Landscapes**" means an act of taking pictures of a Forest or Other Natural Landscapes, their flora or fauna or ecological phenomena or processes, and includes cinematography, video shooting and filming of such things;

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(ccxxii) "**Photogrammetry**" means the art of taking measurements and map-making by using mono or, as the case may be, stereo image of the photographs taken by an aircraft or airborne vehicle or a satellite;

(ccxxiii) "**Poaching**" means illegal hunting, illegal capturing or illegal harvesting of any wildlife but does not include the control of species widely or commonly regarded as pests or vermin, as listed the Gilgit-Baltistan Wildlife Act, 2014;

(ccxxiv) "**Pollution**" means the contamination of air, land or water by the discharge or emission of effluent or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavourably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;

(ccxxv) "**Precautionary approach/principle**" means an approach or principle according to which the absence of full scientific certainty shall not be used as a reason for postponing action where there is a risk of serious irreversible harm to the environment of human health;

(ccxxvi) "**Prescribed**" means prescribed by rules made under this Act;

(ccxxvii) "**Private Forest**" means all forests of Chilas, Darel and Tangir sub-divisions of Diamer District which are owned by private persons individually or jointly and declared as such under this Act or the rules made there under, or under the Accession Deed of 1952 by the Government of Pakistan with the people of Darel and Tangir at the time of accession and the Judgment passed by the Supreme Appellate Court Gilgit-Baltistan in Case No. SMC-18/2009, dated 16-04-2011 thereby accepting the ownership rights of the local resident communities in Private Forestsin Chilas, Darel and Tangir subdivisions of District Diamer;

(ccxxviii) "**Prior informed consent**" means consent to be acquired prior to development and implementation of Forest Carbon Projects or accessing genetic resources or other use of specific ecosystem services or shipping internationally regulated chemicals, substances or products;

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(ccxxix) "**Product**" means any articles, trophies and any other derivatives of wild floral or faunal species in the context of Forests, Protected Areas, wastelands or riverbeds;

(ccxxx) "**Project**" means any activity, plan, scheme, proposal or undertaking aimed at achieving specific objectives;

(ccxxxi) "**Proponent**" means a person who proposes or intends to undertake a project;

(ccxxxii) "**Protected Animal**" means a wild animal specified in the Third Schedule of Gilgit-Baltistan Wildlife Act 2014;

(ccxxxiii) "**Protected Area**" means a clearly defined geographically defined space (land, inland water, marine and coastal areas or a combination of the two or more of these), recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values or designated or regulated and managed to achieve specific conservation objectives and as such under this Act or Gilgit-Baltistan Wildlife Act, 2014;

(ccxxxiv) "**Protected area with sustainable use of natural resources or Category VI of IUCN Protected Areas**" means protected areas that are meant to conserve ecosystems and habitats, together with the associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area;

(ccxxxv) "**Protected Forest"** means all forests which are the property of government or to the produce of which government has proprietary rights and have been declared as such under this Act;

(ccxxxvi) **"Protected landscape/waterscape or Category V of IUCN Protected Areas"** means those protected areas where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values;

(ccxxxvii) **"Protected plants"** means plants protected under this Act;

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(ccxxxviii) "**Protected species**" means any species declared as protected under this Act or Gilgit-Baltistan Wildlife Act, 2017;

(ccxxxix) "**Protected Wasteland"** means wasteland declared as such under this Act;

(ccxl) "**Protocol**" means an international instrument appended or closely related to another agreement, which constitutes a separate and additional agreement and which must be signed and ratified by the Parties to the Convention concerned;

(ccxli) "**Province**" means any of the Provinces of Pakistan;

(ccxlii) "**Public participation**" means active involvement by the citizenry in decision making processes through, inter alia, use of the media, relevant consultative mechanisms and public hearings;

(ccxliii) "**Public survey**" means a survey in respect of which details are included in the register of public surveys;

(ccxliv) "**Purchase**" **and "sell"** include barter;

(ccxlv) "**Ramsar**" means the Convention on Wetlands of International Importance especially as Waterfowl Habitat, commonly known as the Ramsar Convention 1971, as amended from time to time by the Parties to the Convention and as ratified by the Government of Pakistan, for the conservation and sustainable use of wetlands and their resources;

(ccxlvi) "**Ramsar List**" means List of Wetlands of International Importance. It is a List of Wetlands which have been designated by the Parties to the Ramsar Convention as internationally important according to one or more of the criteria that have been adopted by the Conference of the Parties;

(ccxlvii) "**Ramsar Site**" means Wetlands designated by the Contracting Parties to the Ramsar Convention for inclusion in the Ramsar List because they meet one or more of the Ramsar Criteria;

(ccxlviii) "**Ramsar State**" means a State whose territory is within the natural range of distribution of a species;

(ccxlix) "**Re-export**" means export of any specimen that has previously been imported;

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(ccl) "**Reforestation**" means the direct human-induced conversion of non-forested land to forested land through planting, seeding, and/or human-induced promotion of natural seed sources or regenerating material, on land that was forested but that has been converted to non-forest land;

(ccli) "**Registration**" means registration with the Government under the relevant law of non-government organizations, community based organizations, valley conservation committees, village organizations, women organizations, associations, Private Forest Committees, Joint Forest Management Committees, Private Wildlife Parks, Private Breeding Centres and Facilities, commercial enterprises, taxidermists and other peoples or organization connected with forestry, biodiversity and wildlife related matters;

(cclii) "**Remote sensing**" means the method and art by which characteristics of the object of interest can be identified, classified, measured or analysed without physical contact;

(ccliii) "**Regulations**" means regulations made under this Act;

(ccliv) "**Reserve tree**" means a tree belonging to a specie or species which has been so designated, notified/gazetted under this Act and is given special protection and hence cannot be cut without explicit permission of the competent authority.

(cclv) "**Right holder**" means a person who does not have proprietary right over forest but has rights or privileges or concessions over a Protected Forest or Protected Wasteland as per record of rights admitted at the time of settlement or subsequently admitted as right holder by Government;

(cclvi) "**River**" means a flowing body of water or estuary or a section, portion or tributary thereof and includes any stream, canal, creek, water channel and lake, whether natural or artificial;

(cclvii) "**Royal tree**" means a tree belonging to a species which has been designated, notified/gazetted under this Act to belong to government irrespective of the fact that it is growing on government land or on private land.

(cclviii) "**Rules**" means rules made under this Act;

(cclix) "**Sacred site**" means an area of special spiritual significance to peoples and communities;

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(cclx) "**Sacred natural site**" means an area of land or water having special spiritual significance to peoples and communities;

(cclxi) "**Sale Depot**" means any building, place, premises or enclosures registered with Divisional Forest Officer concerned where timber or forest produce is brought and stored for sale;

(cclxii) "**Sanctuary**" means an area of land or of land and water set aside and maintained by government, community, individual, or private entity for the conservation and protection of one or more species of wildlife;

(cclxiii) "**Satellite**" means an artificial body revolving around the earth at some distance;

(cclxiv) "**Sawing unit**" means a saw mill or a saw machine registered with the Divisional Forest Officer concerned where timber is cut, sawn, or fashioned;

(cclxv) "**Shared governance forests or protected areas**" means government designated forests or protected areas whose decision-making power, responsibility and accountability are shared between the governmental agencies and other stakeholders, in particular the indigenous peoples and local and mobile communities that depend on that area culturally and/or of their livelihoods;

(cclxvi) "**Service**" means the Gilgit-Baltistan Forest Service;

(cclxvii) "**Schedule**" means a Schedule appended to this Act;

(cclxviii) "**Section**" means a section of this Act;

(cclxix) "**Seizure**" means taking into possession of case property of the offender by the forest staff or other competent and authorized entity under section 211 of this Act;

(cclxx) "**Settlement**" means the first regular settlement or subsequent regular settlement of land; provided wherever the rights of Government or the right holder have been alienated or wherever boundaries of forest have been altered during subsequent settlements without written consent of Government and right holders, the rights, concessions or privileges and the boundaries for forests recorded during the first regular settlement shall have precedence over the subsequent settlements;

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(cclxxi) "**Significant biodiversity**" means ecosystems and habitats containing high species diversity, large number of endemic or threatened species, wilderness of social, economic, cultural or scientific importance, or which are unique representative or associated with key evolutionary or other biological processes and includes threatened wild relatives of domesticated or cultivated species of medicinal, agricultural, genetic or other economic value or indicator species of the biological diversity;

(cclxxii) "**Site of Special Scientific Interest**" means an area declared as such under this Act;

(cclxxiii) "**Smuggle**" means to bring into or take out of the province any forest produce in breach of any prohibition or restriction for the time being in force, or take out from any Protected Forest, Private Forest and Wasteland, any produce without lawful authority, or by evading payment of price, forest duties or taxes leviable on forest produce, or to transport, store or sell such produce in violation of this Act or Rules made thereunder;

(cclxxiv) "**Species**" means any species, subspecies or geographically separate population thereof;

(cclxxv) "**Species management area**" means an area of land or water that is subjected to active intervention for management purposes in order to ensure the maintenance of habitat or to meet the requirements of specific species;

(cclxxvi) "**Specimen**" means:—

a. any animal or plant, or a portion of quantity of animal or plant

b. material, whether alive or dead, for use in testing, examination, education, study or research;

c. in the case of an animal: for species included in Appendices I and II of CITES, any readily recognizable part or derivative thereof, and for species included in Appendix III of CITES, any readily recognizable part or derivative thereof specified in Appendix III of CITES;

d. in the case of a plant: for species included in Appendix I of CITES, any readily recognizable part or derivative thereof, and for species included in Appendices II and III of CITES, any recognizable part or derivative thereof specified in Appendices II and III of CITES in relation to the species;

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(cclxxvii) "**Stakeholder**" means an individual or an entity or institution (public or private) interested and involved in a process or related activities;

(cclxxviii) "**Standards"** means qualitative or quantitative standards for discharge of effluents and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the National Environmental Quality Standards, emission standards. And other standards established under the Pakistan Environmental Protection Act, or Gilgit-Baltistan Provincial Environmental Act, or this Act, and their rules and regulations;

(cclxxix) "**Strategic environmental assessment**" means procedure for incorporating environmental considerations into national/provincial policies, plans and programmes;

(cclxxx) "**Strict nature reserve**"means strictly protected areas set aside to protect biodiversity and also possibly geological/ geomorphological features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protection areas can serve as indispensable reference areas for scientific research and monitoring;

(cclxxxi) **"Successor-in-interest**" includes a person who either by inheritance or by transfer by way of sale, lease, mortgage, gift, exchange, assignment or other mode of transfer, happens to succeed to, acquire any share or interest in, benami or otherwise, the business, contract, activity or property or premises for which any charge on account of this Act or rules or regulations made thereunder was or has become due, an ostensible owner of any such business, contract, activity, property or premise, but does not include a person who occupies such premises merely as a tenant;

(cclxxxii) "**Sums due**" means any or all such amount, inclusive of applicable Government taxes, recoverable from a person on account of value of any wildlife and biodiversity product or service, damages, disputes, rentals, fines, penalties, violations charges, and or on account of any other charge, dispute or offence;

(cclxxxiii) **"Survey"** means the act of taking topographic surveying measurements and collection of spatial and non-spatial data for preparing geospatial database, its processing and analysis;

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(cclxxxiv) "**Sustainable development**" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(cclxxxv) **"Sustainable forest management or SFM**" means and is a concept according to which the full range of social, economic and environmental values inherent in forests are managed and sustained. It refers to stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national and global levels, and that does not cause damage to other ecosystems;

(cclxxxvi) **"Sustainable management"** in relation to any renewable natural resource, forests, forest ecosystems, protected areas, wastelands and riverbeds and their biological diversity means management of their resources and services so as to permit only such use of it as constitutes sustainable use;

(cclxxxvii) "**Sustainable use**" means the use of components of forests, forest ecosystems, protected areas, wastelands, riverbeds and their biological diversity or environmental resources in a way and at a rate that does not lead to the long-term decline of their resources, biological diversity and services, thereby maintaining their potential to meet the needs and aspirations of present and future generations;

(cclxxxviii) **"Tampering" or "tamper"** includes breaking the seals, damaging, destructing or in any way changing or interfering in or creating hindrance in the original condition or use of any record, produce, wildlife product, trophy, tool, instrument, or any other material object or intangible property mark, seal or trade mark;

(cclxxxix) "**Tenure**" means the relationship, whether defined legally or customarily, among people with respect to land (including associated buildings and structures), forests, fisheries and other natural resources. The rules of tenure define how access is granted to use and control these resources, as well as associated responsibilities and restraints;

(ccxc) "**Tenure rights**" means the bundle of rights associated with tenure of land or other resources. Tenure rights may include some or the whole bundle of rights, which, inter alia, includes access rights, withdrawal rights, exclusion rights, alienation rights and management rights. Tenure rights may have a time limited or

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perpetual duration and may be subject to extinguishability as per terms and conditions of extinguishability;

(ccxci) "**Threatened ecosystem**" means an ecosystem of high biodiversity value or habitat of endangered or endemic species that is under threat of degradation;

(ccxcii) "**Threatened species**" means any wildlife species specified in Schedule 2 of this Act or declared as such under any other written law or specified in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

(ccxciii) "**Timber**" includes trees when they have fallen, or have been felled, or uprooted, and all wood whether cut up, sawn, split, or fashioned, or hollowed out, or partially processed for any purpose or not;

(ccxciv) "**Topographical data**" means data, which shows detailed information about the shape, size and relationship of all features and abstract information of the earth, including but not limited to natural and man-made objects or features, geographical names, administrative boundaries and information like elevation, hydrology, vegetation, population and others;

(ccxcv) "**Trade**" means export, re-export, import and introduction from another place;

(ccxcvi) "**Trans-frontier/trans-boundary conservation area**" means the area or component of a large ecological region that straddles the boundaries of two or more countries, encompassing one or more protected areas, as well as multiple resource use areas;

(ccxcvii) "**Tree**" includes stumps, bamboos, palms, reeds, cans, woody plants and brushwood specified in this Act and its Schedules, or any other kind which the Chief Conservator of Forests may add to, or delete from, from the Schedules of this Act;

(ccxcviii) "**Trophy**" means any animal alive or dead or dead body or any horn, antler, tooth, tusk, bone, claw, hoof, meat, skin, hair, feather, egg-shell or other durable part of a wild animal whether or not included in a manufactured or processed article, including rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy;

(ccxcix) "**Urban area**" means an area declared as such under any law for the time being in force;

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(ccc) "**Vehicle**" means a vehicle of any description whatsoever and howsoever drawn or propelled, and includes a vessel and an aircraft;

(ccci) "**Vertical datum**" means the surface to which all vertical measurements are referred and mean sea level is taken as vertical datum of a country;

(cccii) "**Vessel**" means a ship, boat, dhow, submarine and every other kind of watercraft used in navigation, either on the sea or in inland waters and includes a seaplane and any amphibious craft;

(ccciii) "**Village Forest Officer**" means any person entrusted by the Divisional Forest Officer after duly recommended by the District Conservation Committee, with any function or charge with regard to forest protection, conservation, rehabilitation, restoration, development, sustainable management, or sustainable development of natural resources;

(ccciv) "**Village organization or VO**" means and includes the group of people representing the custodian community organized with the purpose of biodiversity conservation and sustainable management, and community development related to a particular area. It is more commonly referred to as community based organization, women organization or village or valley conservation committee;

(cccv) "**Village or valley conservation committee or VCC"** means and includes the group of people representing the custodian community organized with the purpose of biodiversity conservation and sustainable management, and community development related to a particular area;

(cccvi) "**Waste**" means any substance or object which has been, is being or is intended to be, discarded or disposed of, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polythene bags and residues from the incineration of all types of wastes;

(cccvii) "**Wasteland**" means all uncultivated or cultivable land which have been declared by Government as wasteland under any land or revenue law or under this Act or the rules made. Wastelands do not include graveyards, sacred places, land recorded at settlement as part of the village site, land shown as 'khali' or 'banjar jadeed' in

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annual records, land in urban areas and land under highways, roads, railway tracks or water bodies.

(cccviii) "**Water bodies**" means public water bodies and include: (a) All natural bodies of water, such as rivers and their tributaries, creeks, brooks, lakes, channels or lagoons, or dug, dredged or blasted canals; (b) Any water impounded by the construction of any lake or dam other impounding device across the channel of a navigable stream; and (c) Flowing water, which are not by law or customs property of any person;

(cccix) "**Weapon**" means any firearm, ammunition, dart-gun, missile, explosive, poison, poisoned bait, spear, bow and arrow, knife, axe, hoe, pick, club, stakes, pitfall, net, gin, trap, snare, or any combination of these and any other device, method, technology whatsoever capable of killing or capturing an animal;

(cccx) "**Wetland**" means an area of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters and includes riparian or coastal zones adjacent to such area, and islands or bodies of marine water deeper than six meters at low tide laying within such areas and includes areas managed as such under this Act or the Gilgit-Baltistan Wildlife Act, 2014;

(cccxi) "**Wetland areas**" means any area managed as a wetland area under this Act or Gilgit-Baltistan Wildlife Act, 2014;

(cccxii) "**Wetland reserve**" means any area managed as a wetland reserve;

(cccxiii) "**WHC**" means UNESCO World Heritage Convention (1972);

(cccxiv) "**Wild animal**" means any vertebrate or invertebrate animal and the young and egg thereof, other than domestic animals and includes animals specified in the different Schedules of Gilgit-Baltistan Wildlife Act. Included in the list are all amphibians, reptiles, birds and mammals and their young, and also includes in the case of reptiles and birds, their eggs and nests;

(cccxv) "**Wildlife**" means and includes any vertebrate or invertebrate wild animal or wild bird and the eggs and young thereof, but does not include a fish, except a fish in a protected area, a domestic animal, or domestic bird, or the eggs or young thereof, or a plant, except a plant in a protected area;

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(cccxvi) "**Wilderness area or Category Ib of IUCN Protected Areas**" means usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition;

(cccxvii) "**Women organization or WO**" means and includes the group of women representing the custodian community organized with the purpose of biodiversity conservation and sustainable management, and community development related to a particular areas;

(cccxviii) "**Working Plan**" is used synonymously with Forest Management Plan and means a written scheme of forest management aiming at continuity of policy and action controlling the treatment of a forest. It is a means of enforcing systematic, obligatory and mandatory regulations for continuous management of a given forest property. It is not confined to silvicultural and management aspects of the forest only, but it also covers other activities such as general administration, grazing, watershed management, biodiversity management, permanent improvement, protection and conservation of environment including climate change regulation, forest production, soil and water conservation and various other functions for which forests are managed. It is thus a complete forest management plan for the next Working Plan period.

(cccxix) "**Working Plan Area**" means the total forest area covered by a particular Working Plan. Since the entire Working Plan Area is usually large and heterogeneous in site conditions and crop composition, different silvicultural systems may have to be given (i.e., different Silvicultural Systems prescribed) in different parts of the Working Plan Area and different working rules, called prescriptions, drawn up for different parts. Such parts are known as the Working Circles.

(cccxx) "**World Heritage Convention or WHC**" means the Convention Concerning the Protection of the World Cultural and Natural Heritage 1972, as ratified by the State of Pakistan and as amended by the Conference of Parties to the Convention in their meetings from time to time;

(cccxxi) "**World Heritage Site**" means and is a designation for places on earth that are of outstanding universal value to humanity and as such, have been included on the World Heritage List to be protected for future generations to appreciate and enjoy, according to the World Heritage Convention;

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(cccxxii) "**Wound**" means any incision or puncture which divides or pierces any exterior membrane of the body and includes maiming of biological organisms;

(2) Words used and not defined in this Act shall carry the same meanings as are assigned to them in the rules made under this Act and the Gilgit-Baltistan Wildlife Act 2017 or any other applicable laws in Gilgit-Baltistan.

3. **Ownership of Forests, Forest Lands, Ecosystem Products and Services of Protected Forests.**—(1) All forests and their lands, alpine and sub-alpine pastures and pasture lands, rangelands, watershed areas, wastelands, glaciers, rivers, river-beds, and wetlands as defined and included in the definition of Forest under this Act or the Rules made thereunder, their biodiversity, vegetation, wild animals, wildlife, geodiversity, landscape features and the ecosystem products and services of such areas and which have either been declared as Protected Forests or over which Government of Gilgit-Baltistan has proprietary rights, found anywhere in Gilgit-Baltistan shall be the property of Government of Gilgit-Baltistan unless otherwise stated hereinafter.

(2) The ownership of such lands and their products and services, unless specified otherwise by Revenue Department, shall be recorded in the name of Forest Department of Gilgit-Baltistan.

(3) Where a person has lawfully taken a forest or other renewable natural resources product, the ownership of such produce shall, subject to the provisions of this Act, vest in the person.

(4) Where a protected wild plant or animal species is lawfully taken under a permit or a license issued or where forest user rights granted or issued under this Act, the ownership of such produce shall, subject to the provisions of this Act and to the terms and conditions of the license, vest in the licensee or right holder.

(5) Where before the commencement of this Act, any forest or renewable natural resource produce has been lawfully vested in any person, such produce shall, subject to the provisions of this Act vest or continue to be vested in that person.

(6) Except in accordance with any license or forest user rights, nothing in this section shall be deemed to transfer to any person the ownership of any forest produce found alive, dead or dying in a Protected Forest.

(7) Where a person unlawfully takes any forest or renewable natural resources produce in contravention of this Act, the ownership of the produce shall not be transferred to that person.

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(8) Government may, by regulation, prescribe measures for the registration and management of floral or faunal specimens used for cultural purposes by any traditional community.

(9) The ownership of Private Forests as defined in this Act or under the Accession Deed of 1952 signed between the Government of Pakistan and the People of Diamer District and the Judgment passed by the Supreme Appellate Court Gilgit-Baltistan in Case No SMC-18/2009, dated 16-04-2011 thereby accepting the ownership rights of the people of Chilas Sub Division of Private Forests in Chilas, shall vest in their respective private owners either individually or jointly as the case may be.

4. **Aims and objectives.—**The aims and objectives of this Act are to—

(a) protect, preserve, conserve, develop and sustainably manage forests which inter alia include all forests, alpine and sub-alpine pastures and pasture lands, rangelands, watershed areas, wastelands, riverbeds and streambeds and wetlands;

(b) sustainably manage all these areas for their various ecosystem products and services including provisioning services, regulating services, supporting services and educational, scientific, cultural, recreational and spiritual services;

(c) develop institutions, strengthen organizations and facilitate administration to effectively manage forests, forest ecosystems, protected areas, wastelands, riverbeds, forest biodiversity, forest wild animals and their habitats;

(d) put in place supportive laws, policies, and institutions at all levels of government and to ensure there are effective linkages between these levels;

(e) facilitate integrated and holistic management of forests, forest ecosystems, protected areas, wastelands, riverbeds and forest biodiversity in a sustainable manner in the best interest of various stakeholder groups including the local communities;

(f) provide and ensure fair and equitable access by different stakeholders to various goods and services produced from forests, forest ecosystems, protected areas, wastelands, riverbeds, forest biodiversity and forest wild animals and their habitats;

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(g) promote and enhance the contribution of forestry and renewable natural resources sector to sustainable development of Gilgit-Baltistan and the conservation, development and sustainable management of forests, forest ecosystems, protected areas, wastelands, riverbeds, wildlife and biodiversity resources for the benefit of present and future generations without any discrimination;

(h) promote and enhance the development of forest ecosystem as well as development of protected areas network to conserve and development biodiversity;

(i) support, strengthen and enlarge the in-situ conservation areas network as the core of conservation activities;

(j) support, strengthen and enlarge the ex-situ conservation area network in support of and as a complement to in-situ conservation;

(k) encourage, promote and facilitate active involvement and participation of local and traditional communities in the conservation, development, management, and sustainable use of forests and other renewable natural resources;

(l) integrate forest conservation and development with local and regional development;

(m) to transfer to the extent possible and where appropriate, management responsibility of different categories of forests, wastelands and other areas under the management control of Department to local communities and ensure that local communities obtain substantial tangible benefits from their conservation and development;

(n) foster sustainable and legal use of forests and other renewable natural resources including all non-timber forest products;

(o) control illegal and unlawful collection, harvesting of forest and other renewable natural resources products services and illegal use and trade of such products and services by taking appropriate measures;

(p) facilitate and promote forests and renewable natural resources related research;

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(q) facilitate greater public awareness of the intrinsic values of forests and forest ecosystems and the different cultural, educational, recreational, economic, social and environmental benefits of forest ecosystems and their resources and services;

(r) facilitate training and capacity building of Department staff and other stakeholders and enhance the recognition of indigenous knowledge systems of forest ecosystems conservation and management;

(s) mitigate human pressures on forests and forest ecosystems wherever they occur;

(t) create an enabling environment for the private sector to invest in different forms of forest conservation, development, management and utilization and to create opportunities for the people of Gilgit-Baltistan to become involved in the forestry and renewable natural resources sector industry;

(u) enable Gilgit-Baltistan to participate in relevant MEAs, international treaties, conventions and agreements to which Pakistan is a party and to promote policies within the framework of such treaties, conventions and agreements;

(v) participate in regional and trans-boundary cooperation measures for forests and forest ecosystems conservation;

(w) ensure linkages and coordination with other sectors and organizations;

(x) provide incentives for forests, forest ecosystems, protected areas, wasteland, riverbeds and forest biodiversity conservation, development and management;

(y) ensure financial and other resources for forests and other renewable natural resources sector and for the conservation, development and management of their resources and assets base;

(z) regulate and govern the affairs in the forests and renewable natural resources sector;

(aa) ensure availability of relevant and authentic information about the status of forests and renewable natural resources;

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(bb) identify and remove or amend policies, laws and regulations that distort markets which contribute to habitat degradation or otherwise generate perverse incentives that undermine conservation and lead to unsustainable use of forests, biodiversity and other renewable natural resources;

(cc) manage all areas under its management responsibility through ecosystems and adaptive management approaches and making use of governance types suited to the local conditions and using principles and criteria of sustainable forest management;

(dd) adopt territorial re-organization of forests and other areas under its management responsibility;

(ee) re-structure and undertake functional re-organization as well as up-gradation of posts and positions so as to make it at par with other Forest Services in nationally, regionally and internationally;

(ff) generate various benefits including income and revenues for the local communities and the Government of Gilgit-Baltistan;

(gg) undertake valuation and assessment of different ecosystem services including climate change mitigation services, biodiversity services, watershed services, recreational services, etc.;

(hh) promote public-private partnerships in the sector;

(ii) promote value chain, forestry enterprises and forward and backward linkages including wood-based corporations; and

(jj) contribute to over-all ecological, environmental and natural resources conservation, development and sustainable management.

5. **Principles.—**(1) A person exercising powers, applying or interpreting this Act shall be guided by human rights and good governance principles.

(2) Guiding principles for the management, protection and use of forests include general principles, management planning principles, conservation principles, sustainable use principles and implementation and law enforcement principles.

(3) The general principles are to—

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(a) be consistent with and have regard for the Forest Policy and Strategy of Gilgit-Baltistan;

(b) adopt an integrated and multi-disciplinary approach;

(c) avoid legislative overreaching;

(d) ensure clarity in the institutional set-up and inter-institutional coordination;

(e) involve local communities and the private sector in forests, ecosystems, protected areas, wasteland and riverbeds protection, conservation, development and sustainable management; and

(f) guarantee public participation in decision-making.

(4) The management planning principles are to —

(a) establish a system for continuous information gathering and monitoring;

(b) require management planning as a prerequisite to formal management;

(c) share management responsibilities between provincial and local authorities and with local communities; and

(d) provide for national, regional and international cooperation where national, regional and multinational decision making and coordination are needed.

(5) The conservation principles are to —

(a) use a species and conservation-based approach;

(b) use an area and ecosystem-based approach; and

(c) involve local stakeholders in forest conservation.

(6) The sustainable use principles are to —

(a) define and regulate different types of forest functions and uses;

(b) accurately identify MAPs, threatened and endangered species;

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(c) provide for an adaptive, science-based determination of timber and other forest produce harvesting quotas;

(d) establish procedural mechanisms flexible and adaptive MAPs collection and forest produce harvesting seasons;

(e) clearly define MAPs, timber and other forest produce collection and harvesting areas;

(f) regulate collection and harvesting and processing methods;

(g) ensure a transparent and effective allocation of forest rights;

(h) involve local communities in the sustainable use of forests; and

(i) provide for the regulation of local, national and international MAPs, timber and other forest produce trade.

(7) The implementation and law enforcement principles are to—

(a) provide incentives for complying with the law;

(b) return financial resources to improved forest management;

(c) strike a balance between service provision and law enforcement mechanisms; and

(d) provide physical tools to aid in monitoring of harvests and trade.

CHAPTER-II

POLICY, STRATEGY AND INSTITUTIONAL ARRANGEMENTS, ORGANIZATION, FUNCTIONS AND ADMINISTRATION

6. **Forest Policy and Strategy.**—(1) The Government shall, subject to sub-section (5), formulate a forest conservation and management policy and strategy at least once every five years in accordance with which forests and other allied renewable natural resources shall be protected, conserved, developed, managed and regulated.

(2) The forest conservation and management policy and strategy shall prescribe principles, objectives, standards, indicators, procedures and incentives for the protection, conservation, development, management and sustainable

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utilization and control of forests and other allied renewable natural resources and shall, in particular, prescribe—

a. measures for the protection conservation, development, management and sustainable use of forest ecosystems, protected areas, wastelands, river beds, biodiversity, wildlife species and their habitats and ecosystems;

b. norms and standards for ecosystem-based conservation and management plans;

c. measures facilitating community-based natural resources management practices in forest ecosystems, protected areas, wastelands and river beds conservation and management;

d. priority areas for forest ecosystems, protected areas, wastelands, and riverbeds conservation and projections on increasing designated conservation areas in the form of various categories of in-situ conservation areas, ex-situ conservation areas, protected areas, forest biosphere reserves, etc.;

e. innovative schemes and incentives to be applied in securing identified critical landscapes, ecologically significant areas, wetlands, wildlife migratory routes, corridors and dispersal areas for sustainable wildlife conservation and management;

f. clear targets indicating projection in terms of specific percentage of landscape and waterscape to be brought under protected areas, conservancies and sanctuaries over the next five years;

g. forests and forestry research;

h. forestry training and capacity building;

i. forestry extension, and awareness creation;

j. forestry surveys, planning, and management;

k. forestry, monitoring, evaluation, and verification mechanisms;

l. building and marketing of Forest Carbon Programs and Projects;

m. building and marketing of Payments for Forest Ecosystem Services Programs and Projects;

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n. the collection and management of data and information regarding the status of forests and other renewable natural resources;

o. geographic information systems;

p. forestry management information systems;

q. measures necessary to ensure equitable sharing of benefits;

r. guidelines for granting and monitoring forest user rights;

s. criteria for listing and measures for protection and management of endangered and threatened species;

t. innovative measures for participatory resources management;

u. framework for enhancing the role of forests and forestry in community development, economic development and environmental protection;

v. measures for forests productivity enhancement, forests health and vitality management and the role of forests in carbon global cycles, biodiversity protection, and watershed protection;

w. adaptation and mitigation measures to avert adverse impacts of climate change on forest resources and ecosystems;

x. reflection on international and regional co-operation and common approaches for enhancing role in implementation of various multilateral environmental agreements;

y. promote private sector in forestry;

z. value addition and promotion of forestry sector enterprises;

aa. promote trade in forest and other renewable natural resources products;

bb. promote linkages and coordination with other government departments, NGOs, civil society and various stakeholder groups;

cc. (promote coordination with donors and various financing agencies;

dd. promote linkages with various international forestry research, training institutions and other relevant agencies such as FAO, etc.;

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ee. promote public-private partnerships and strategic alliances;

ff. development of criteria and indicators for sustainable forest management;

gg. promotion of women and gender development activities in forestry; and

hh. any other matter that the Government considers necessary to enhance protection, conservation and management of forest resources, ecosystems, protected areas, wastelands, and river beds in the province.

(3) The Government shall periodically review the forest conservation and management policy and strategy and may, by notification in the Gazette, publish a revised forest conservation and management policy and strategy.

(4) The Government and all its relevant public bodies shall, when exercising or performing any statutory function, take into account and give effect to the forest conservation and management policy and strategy.

(5) The Government shall, when formulating the forest conservation and management policy and strategy under subsection (1), consult the public.

7. **Forest and Wildlife Service.**—(1) The Government may if deemed necessary, establish a Service with the name of Forest and Wildlife Service to deal with the affairs of forests and forestry sector, biodiversity, and wildlife sector in Gilgit-Baltistan.

(2) The Service shall be a body corporate with perpetual succession and a common seal.

(3) The Service shall in its corporate name be capable of —

(a) suing and being sued;

(b) purchasing, acquiring, holding, charging and disposing of movable and immovable property; and

(c) doing or performing all such other things, activities or acts for the purpose of discharge of its functions under this Act or as may be done by a body corporate.

(4) The Service shall have such designations, roles, functions, duties and job descriptions, job specifications and organizational structure, liaison,

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coordination, linkages and reporting arrangements as may be prescribed by Government from time to time.

(5) The numbers, powers and responsibilities of the members of the Service may be decided by the Government.

8. **Functions of the Forest and Wildlife Service regarding forests and forestry sector.**—The Government may prescribe functions of the Forest and Wildlife Service under this act or rules made therunder.

9. **Constitution of the Forest and Wildlife Force.**—The entire Forest and Wildlife Establishment under Government, excluding ministerial staff, for the purpose of this Act is deemed to be a Forest and Wildlife Force and shall be constituted in the prescribed manner by the Government.

10. **Establishment of the Forest and Wildlife Board.**—(1) As soon as may be, after the commencement of this Act, Government shall establish a Board to be called the Gilgit-Baltistan Forest and Wildlife Board.

(2) The Board shall consist of—

(a) a Chairperson; and

(b) such number of official and non-official members as may be determined by Government.

(3) The Chief Minister of Gilgit-Baltistan shall be the Chairperson of the Board.

(4) Government may make rules on the functions and composition of the Board under this act.

CHAPTER-III

FINANCIAL PROVISIONS

11. **Forest and Wildlife Fund.**—There shall be established a Fund to be known as "Forest and Wildlife Fund" vested in the Department. The Fund shall be raised and administered in a manner as may be prescribed.

12. **Sources of Fund.**—(1) The existing Forest Regeneration Fund (FRF) available with the Department and such other seed money as the Government may determine and allocate to the Fund.

(2) The other sources of Fund from forests and forestry sector shall be-

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(a) such sums of money as may be appropriated by Government on yearly basis or from time to time;

(b) donations and funds raised from the national and international organisations;

(c) donations from philanthropists, conservationists, nature lovers;

(d) receipts from visitors and rental of various facilities in all forms of Forest Ecosystems, Protected Areas and Ecotourism activities;

(e) any forest development fund charges obtained on harvesting of various types of forest products in the prescribed proportion as the Government may prescribes;

(f) other resource extraction fee to include cess and licencing fee obtained from sale or auction of any resources extracted from the Forest Ecosystems, Protected Area, wastelands and riverbeds in the prescribed proportion as the Government may prescribes;

(g) sums realized on account of fines imposed by government on authorization of illegal timber or fines imposed by courts in forest offences in the prescribed proportion as the Government may prescribes;

(h) sums realized by government on account of forest royalties in the prescribed proportion as the Government may prescribes;

(i) the proceeds of sale of a weapon, vehicle, vessel and other case property confiscated by court orders in forest offence cases in the prescribed proportion as the Government may prescribes;

(j) sums realized in compounding of forest offence cases in the prescribed proportion as the Government may prescribes;

(k) any other sources as to be notified by the Government.

13. **Management of Fund.—**(1) The Fund shall be managed by a Fund Management Committee.

(2) The Fund Management Committee shall be chaired by the Chief Secretary Gilgit-Baltistan. Other members of the Fund Management Committee shall include —

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a. Secretary Forest, Wildlife and Environment Department, GB Government,

b. Secretary Finance Department, GB Government,

c. Secretary Planning and Development Department, GB Government,

d. Chief Conservator of Forests, GB Government, and

e. All Conservators of Forests and Wildlife in GB

(3) All money credited to the Fund shall be kept in such custody as may be prescribed by the Fund Management Committee.

14. **Uses of Fund.—**The Fund, inter alia, shall be used for—

i. improvement and development of Forests, Forest Ecosystems, Protected Areas, wastelands and river beds;

ii. preparation of forest management plans;

iii. conduct of forest surveys and forest inventories;

iv. preparation of status reports about forests and forestry;

v. building and marketing of Forest Carbon Programmes and Projects;

vi. building and marketing of Payments for Ecosystems Services Programmes and Projects;

vii. training and capacity building of the Department and other stakeholder groups;

viii. forestry extensions, conservation education and awareness about Forests, Forest Ecosystems, Protected Areas, wastelands, riverbeds, biodiversity and wildlife;

ix. research in the sector;

x. meeting of exigencies like forest fire, floods, other natural or man-made disasters, calamities, depredation losses etc. in a manner as may be prescribed;

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xi. incentives or rewards for the Forces and Wildlife Service members and communities for outstanding contribution to conservation and development of forests and other renewable natural resources;

xii. running any project or activity for the uplift of Forests, Forest Ecosystems, Protected Areas, wastelands and river beds in a manner as may be prescribed;

xiii. raising of forest nurseries and afforestation, reforestation and re-vegetation works;

xiv. promotion of natural regeneration;

xv. various in-situ conservation activities;

xvi. various ex-situ conservation activities;

xvii. watershed development activities;

xviii. range development and management activities;

xix. promotion of farm forestry;

xx. acquisition of land and other moveable and immovable property for the purposes of this Act;

xxi. infrastructure development activities of the department;

xxii. allocation of an appropriate yearly amount for collaborative natural resources management activities to be spent in a manner as may be prescribed;

xxiii. rewards for informers, witnesses, facilitators, etc. who help in preventing, detecting, apprehending, etc. of forest and wildlife related offences; and

xxiv. any other activity as may be approved by the Board.

15. **Utilization and Audit of Fund Account.—**(1)The Fund shall be utilized in a manner as may be prescribed by the Fund Management Committee for uses as indicated in section 14 above.

(2) The Fund is non-lapsable.

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(3) The Fund Management Committee shall cause to maintain complete and accurate books of accounts in such form as may be prescribed.

(4) The accounts of the Fund vested in the Fund Management Committee shall be audited by the Auditor General of Pakistan.

16. **Records, Book keeping, Returns and Statements.**—Government may require the Fund Management Committee to keep records and books of account and furnish it with any document, return, statement, estimate, information or report regarding any matter related to the Fund under control of the Committee and the Committee shall comply with every such requisition.

CHAPTER-IV

PROTECTED FORESTS

17. **Power to declare Protected Forests.**—(1) Government may, by notification in the Official Gazette, declare any forest land or wasteland which is the property of Government or over which Government has proprietary rights, or to the whole or any part of the forest produce of which Government is entitled, a Protected Forest.

(2) The situation and limits of such land or forest shall be specified in the notification, as nearly as possible, by roads, rivers, ridges or other well-known or readily intelligible boundaries or geographical coordinates, etc.

(3) The ownership and management of forest or wasteland comprised in the notification issued under sub-section (1) shall vest in Department.

(4) Revenue Department record shall be corrected to transfer and show the ownership of Protected Forests in the name of Department

(5) A notification under sub-section (1) shall not be made unless the nature and extent of rights of Government and of private persons, in or over the forest or wasteland comprised therein, have been inquired into and recorded at a survey or settlement, or in such other manner as Government may consider appropriate.

(6) Every such record shall be presumed to be correct unless the contrary is proved. The rights recorded under this section cannot be interfered with, except in a closed forest or when rights are suspended on account of fire, excessive damage to forest or on account of any act prohibited under section 41.

(7) If, in the case of any forest or wasteland, Government considers that such inquiry and record will occupy such length of time as in the meantime

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to endanger the rights of Government, it 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.

(8) Government may, in the interest of forest conservancy, conduct proper inquiry into the nature and extent of rights of Government and of private persons in or over Protected Forest, as soon as possible, after issuance of notification under sub-section (1) or declaration under sub-section (6) and constitute any such forest or land, a protected forest, in accordance with the procedure laid down in this Act.

18. **Power to declare reserve trees, close forests and prohibit certain acts.—**(1)Government may by notification—

(a) Declare any trees or class of trees or brushwood listed in Schedule-I or any other forest produce in a protected forest to be reserved from a date fixed by notification;

(b) Declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as Government considers fit and that the rights of private person, or village community, if any, over such portion shall be suspended during such term;

(c) When any portion of the forest is closed, it shall be ensured that the remainder of such forest is sufficient and is reasonably convenient for the due exercise of the rights suspended in the portion so closed;

(d) Prohibit, from a date fixed as aforesaid, the quarrying of stones, or the burning of lime or charcoal, or their collection or subjection to any manufacturing process, or removal of any timber or forest produce in any such forests, and the breaking up or clearing of land for cultivation, or for construction of any building, or enclosure, or prohibit or regulate grazing, pasturing or herding of cattle for as long as it is required and deemed necessary,or the extension of any kind of encroachment over such land for any other purpose, or pasturing of cattle, or any other act or acts mentioned in sub-section (1) and sub-section (2) of section41, in any such forest.

(2) All trees on Government lands resumed by Government, or declared protected under this Act, or any of the laws replaced by this Act shall be deemed to be reserved under this section with effect from the commencement of this Act.

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19. **Establishment of Forest Settlement Board.—**(1) Whenever it has been decided to constitute any land as a protected forest, Government shall, by notification in the Official Gazette,—

(a) Declare that it has been decided to constitute such land as a protected forest;

(b) Specify, as nearly as possible, the situation and limit of such land by roads, rivers, streams, ridges or other well-known or readily intelligible boundaries; and

(c) Appoint a Forest Settlement Board hereinafter referred to as "Forest Settlement Board", to enquire into and to 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 forest produce therefrom, and to deal with the same as provided in this Chapter.

(2) The Forest Settlement Board shall consist of the following:—

(a)	Divisional Forest Officer concerned	Chairperson
(b)	Revenue Officer concerned not below the rank of Tehsildar;	Member
(c)	One representative of the community based organization or village based Organization	Member

(3) The representative of the community shall be selected by the concerned community through a written resolution.

(4) All decisions of the Board shall be taken by majority of votes.

(5) Any aggrieved party from a decision of the Forest Settlement Board may make an appeal to the District Collector of the concerned District.

20. **Proclamation by Forest Settlement Board.—**(1)When a notification has been issued under section 19, the Board 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;

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(b) Explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) Fixing a period of not less than three months from the date of such proclamation, and enquiring every person claiming any right in respect thereof either to present to the Board within such period a written notice specifying, or to appear before it and to state, the nature of such right and the amount and particulars of the compensation (if any) so claimed.

(2) After the issuance of notification under section 19, 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 on behalf of 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 Government in this behalf.

21. **Inquiry by Forest Settlement Board.**—The Board shall take down in writing all statements made under section 20, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights referred to in section 20 so far as the same may be ascertainable from the records of government and the evidence of any person likely to be acquainted with the same.

22. **Powers of Forest Settlement Board.**—For the purpose of such inquiry, the Board may exercise the following powers, that is to say:

(a) power to enter or authorize any of its member or any officer to enter upon any land, and to survey, demarcate and make a map of the same; and

(b) the power of a Civil Court in the trial of suits.

23. **Extinction of Rights.**—Rights in respect of which no claim has been preferred under section 20, and of the existence of which no knowledge has been acquired by inquiry under section 21, shall be extinguished, unless, before the notification under section 34 is published, the person claiming them satisfies the Board that he had sufficient cause for not preferring such claim within the period fixed under section 20.

24. **Treatment of claims relating to practice of cultivation.**—(1) In the case of a claim relating to the practice of cultivation, the Board 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 to

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Government together with its opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of statement and opinion, Government or any officer of the Department, duly authorized by it, may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Board 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 locality reasonably convenient for the purposes of the claimants; or

(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 the Board may prescribe.

(4) All arrangements made under sub section (2) shall be subject to the previous sanction of the Government or an officer of the Department duly authorized by it.

(5) The practice of cultivation shall in all cases be deemed privileges subject to control and restriction by Government and may be done away with at any time by it.

25. **Power to acquire land over which right is claimed.**—(1) In case of a claim to a right in or over any land other than a right of a way or right of pasture, or a right to forest produce or a water-course, the Board 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 Board shall either-

(a) exclude such land from the limits of the proposed forest; or

(b) come to an agreement with the owner thereof for the surrender of his rights; or

(c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894 (1 of 1894).

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

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(a) The Board shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 1894);

(b) The claimant shall be deemed to be a person interested and appearing before it in pursuance of a notice given under section 9 of the said Act;

(c) The provisions of the said Act in this behalf shall be deemed to have been complied with; and

(d) The Collector, with the consent of the parties, or the Court as mentioned in section 9 of the said Act with the consent of both parties, may award compensation in land, money or partly in land and partly in money.

26. **Order on claims to rights of pasture or to forest products.**—In the case of a claim to rights of pasture or forest produce, the Board shall pass an order admitting or rejecting the same in whole or in part.

27. **Record to be made by Forest Settlement Board.**—The Board, when passing any order under section 26, 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, area and Khasra Number/ Survey Number of all fields of groups of fields (if any) and all buildings (if any) in respect of which the exercise of such rights is claimed.

28. **Record where the Forest Settlement Board admits claims.**—If the Board admits, in whole or in part, any claim under section 26, it 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 pasture is permitted, the quantity of timber and other forest produce which he is from time to time authorized to take or receive, and such other particulars as the case may require. It shall also record whether the timber or other forest produce obtained by the exercise of the rights claimed may be sold or bartered.

29. **Exercise of rights admitted.**—(1) After making such record the Board shall, to the best of its ability, and having due regard to the maintenance of the protected forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

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(2) For this purpose the Board may—

(a) set out some other forest tract of sufficient extent, and in a locality reasonably convenient, for the purpose of such claimants, and record an order conferring upon them a right of pasture or the forest produce, as the case may be, to the extent so admitted; or

(b) 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 Government.

30. **Commutation of rights.—**In case the Board finds it impossible, having due regard to the maintenance of the protected forest, to make such settlement under section 31 as shall ensure the continued exercise of the said rights to the extent so admitted, it shall, subject to such rules as 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 manners as it considers appropriate.

31. **Appeal from orders passed under section 25, 26, 29 or section 30.—**(1) A person who has made a claim under this Act, or any Forest Officer, or other person generally or specially empowered by Government in this behalf, may, within three months from the date of the order passed on such claim by the Board under section 25, section 26, section29, or section 30, present an appeal from such order to such officer of the Revenue Department, of the rank not lower than that of a Collector, as Government may, by notification in the Official Gazette, appoint to hear appeals from such orders: (hereinafter referred to as "the appellate officer"):

(2) Government may establish a Tribunal (hereinafter called the Forest Tribunal) composed of three persons to be appointed by Government, and, when the Forest Tribunal has been so established, all such appeals shall be presented to it.

32. **Appeal under section 31.—**(1)Every appeal under section 31 shall be made by petition in writing, and may be delivered to the Board, who shall forward it without delay to the authority competent to hear the same.

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(2) If the appeal is made to an appellate officer appointed under section 31, 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 is made to the Forest Tribunal, the Tribunal shall fix a date, time and 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 appeals accordingly.

(4) The order passed on the appeal by such appellate officer or the Forest Tribunal, as the case may be, shall, subject to revision by Government, be final.

33. **Pleaders.**—Government or a person, who has made a claim under this Act, may appoint another person to appear, plead and act on its or his behalf before the Board, or the appellate officer or the Forest Tribunal, in the course of any inquiry or appeal under this Act.

34. **Notification declaring Protected Forests.**—(1) When the following events have occurred, namely:

(a) the period fixed under section 20 for preferring claims has elapsed, and all claims, if any, made under that section or section 23 have been disposed of by the Board;

(b) if any such claims have been made, the period limited by section 31 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 the Forest Tribunal; and

(c) all lands (if any) to be included in the proposed forest, which the Board has under section 25, selected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have been vested in Government under section 16 of that Act;

(d) Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary marks erected or otherwise, the limits of the forest which is to be protected, and declaring the same to be protected from the date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a Protected Forest.

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(3) The management of Protected Forest shall for all intents and purposes be vested in the Forest Officers.

35. **Publication of translation of notification in neighbourhood of forest.—**The Board shall, before the date fixed by notification issued under section 34, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

36. **Power to revise arrangements made under section 29 or section 32.—**Government may, within five years from the publication of a notification under section 34, revise any arrangement made under section 29 or section 32 (4), and may for this purpose rescind or modify any order made under section 29 or section 32 (4), and direct that any one of the proceedings specified in section 31 be taken in lieu of any other of such proceedings, or that the rights admitted under section 26 be commuted under section 30.

37. **No right acquired over Protected Forests except as provided.—** A right of any description shall not be acquired in or over a protected forest, except by succession or under a grant or contract in writing made by or on behalf of Government or some person in whom such right was vested when the notification under section 34 was issued.

38. **Right not to be admitted without sanction.-**—(1)Notwithstanding anything contained in section 37, no right continued under clause (c) of sub-section (2) of section 29 shall be alienated by way of grant, sale, mortgage or otherwise, without the written sanction of Government.

(2) When any such right is appended to any land or house, it may be sold or otherwise alienated with such land or house.

(3) No timber or other forest produce obtained in exercise of such right shall be sold or bartered, except to such extent as may have been admitted in the order recorded under section 30.

39. **Benefit sharing in Protected Forests.—**Government may allow certain benefits to local communities in Protected Forests and devise benefit sharing arrangements for such benefits.

40. **Power to stops ways and water courses in Protected Forests.—** A Forest Officer may, with the previous sanction of Government or of any officer duly authorized by it in this behalf, stop any public or private way or water-course in a protected forest; provided that a substitute for the way or water-course so stopped, which the Government or the officer duly authorized by it deem to be reasonably convenient, already exists or has been provided or constructed by the Forest Officer in lieu thereof.

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41. **Acts prohibited in Protected Forests.—**(1) A person, after the declaration of a forest as protected forest or after issuance of a notification under section34, shall not, in a protected forest,-

(a) encroach upon any land, or cultivate any land or clear or break up, or occupy any land for cultivation, or for any other purpose;

(b) construct or cause to be constructed any building or shed, road or enclosure, or any infrastructure, or alter or enlarge any existing building, road, shed, or any enclosure, or infrastructure;

(c) exercise the right of trespass, graze, browse, pasture or drive cattle, or permit cattle to trespass, or cut grass, or enter into a fenced enclosure or have any other right, except the rights admitted under section 31;

(d) set fire or abet in setting fire, to a protected forest or, in contravention of any rules made in this behalf, kindle any fire or leave any fire burning in such manner as may endanger such forest;

(e) cause any damage by negligence in felling any tree or cutting or dragging any timber;

(f) cut, fell, uproot, girdle, lop, tap, burn any tree or brushwood listed in Schedule 1, or strip off its bark or leaves or collect or extract torch wood and any forest produce from or otherwise damage the same;

(g) quarry stone, burn lime or charcoal, or collect, subject to any manufacturing process, or remove any forest produce;

(h) pollute soil or water by sewerage, sewage, domestic or industrial waste or through any other pollutants or means;

(i) capture, hunt, or shoot any wildlife;

(j) fish, or poison water, or set snares or traps in contravention of any rules made in this behalf by Government;

(k) collect any mushrooms, medicinal or aromatic plants;

(l) collect any nuts or other forest produce;

(m) sell or convey for sale any tree, timber or brushwood listed in Schedule-I, or other forest produce without permission;

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(n) cut, fell, uproot, girdle, lop, or tap for resin or for any other purpose;

(o) set fire to a forest otherwise than as permitted by the Forest Officer as part of Control Burning, or negligently permit any fire to extend thereto;

(p) burn any tree, shrub, brushwood, herbs, grasses, etc., or extract torch wood, or strip off the bark, leaves, or any other part from or otherwise injure any such tree, shrub, brushwood, herb, grass, etc. contrary to any general or special management orders issued under or rules made under this Chapter; or

(q) contravene any general or special management order passed under this Chapter or contravene any rules made under this Chapter;

(2) A person shall not abet in the commission or furtherance of any of the above acts.

42. **Penalties.**—(1) A person who contravenes or fails to comply with any of the provisions of section 41or abets in commission or furtherance of any such acts shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five hundred thousand rupees, or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of the actual damage done to the forest as assessed by the Forest Officer.

(2) Where the value of the forest damage as assessed by the Forest Officer is less than ten thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one month, or with fine which shall not be less than ten thousand rupees, or with both.

(3) Where the value of the forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than three months, or with fine which shall not be less than fifteen thousand rupees, or with both.

(4) Where the value of the forest damage, as assessed by the Forest Officer, exceeds thirty thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine which shall not be less than twenty thousand rupees, or with both.

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(5) Where the value of the forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees the offence shall be punishable with imprisonment which shall not be less than one year, or with fine which shall not be less than fifty thousand rupees, or with both.

(6) In all cases the value of the forest produce shall be assessed at the current market rates.

(7) When an offence is established, then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animal, sawing units, chain saws, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of the Government, in addition to the punishment awarded under this section.

(8) If the offender be a woman, the Magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorized in writing under the signature or thumb-impression of the woman, attested by a respectable person of the area concerned.

(9) When a person who is in-charge of cattle which have trespassed in contravention of clause (c) of sub-section (1) of section 41is a child under the age of eighteen years, the owner of the cattle shall be deemed to be a person who is guilty of an offence within the meaning of that clause.

(10) Nothing in this section shall be deemed to prohibit, -

(a) any act done by permission in writing of the Forest Officer or any rule made by Government; or

(b) the exercise of any right mentioned in section 29 or acquired under section 37 or admissible under section 38.

(11) Whenever fire is caused wilfully or by gross negligence to a protected forest, or excessive damage is caused wilfully or by gross negligence to such forest through girdling, lopping, felling, torch wood extraction, or injuring or killing of trees through artificial means, the Forest Officer not below the rank of Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof the exercise of all or any of the rights, concessions or privileges of the offender, in respect of pasture or forest produce or royalty, concession, fee or timber permit shall be suspended for such period as he may deem appropriate.

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43. **Power to declare forest no longer protected.—**(1) Government may, by notification in the Official Gazette, direct that any protected forest or any portion thereof, shall cease to be a protected forest with effect from the date specified in such notification.

(2) From the date so specified such forest or portion thereof shall cease to be a protected forest but the rights, if any, which have been extinguished therein shall not revive in consequence of such cessation.

44. **Power to declare Protected Forests as Reserved Forest.—** Government may at any time, if deemed necessary, declare a Protected Forest as Reserved Forest through denotification under Section 43 and adapting procedure under rules to be made under this act.

45. **Power to make rules for Protected Forests.—**(1) Government may for the purpose of this Chapter, make rules to prohibit or regulate the following matters, namely —

(a) cutting, felling, sawing, converting, obtaining, storing, selling, transporting, and removal of trees and timber and the collection, manufacture and removal of forest produce from protected forests, and the use of any tools, implements, carriage, boats, vehicles, pack-animals, conveyances, power saw, and sawing units in protected forests;

(b) Granting of licenses or permits to the inhabitants of town and villages and the community-based organisation in the vicinity of protected forests to take trees, timber or other forest produce from forest for their own use, or for the purpose of trade, and the production and return of such licenses or permits by such persons or organisation;

(c) payments, if any, to be made in pursuance of grant of license or permits under clause (b) and the manner in which such payment shall be made, including the manner to cut such trees, or to collect and remove such timber or other forest produce;

(d) other payments, if any, to be made in respect of such trees, timber and produce, and the manner in which such payments shall be made;

(e) examination of forest produce passing it of such forests by Forest Officers;

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(f) protection from fire of timber lying in such forests and trees reserved under section 18;

(g) cutting of grass and pasturing of cattle in such forests;

(h) capturing, hunting, shooting, etc. of wildlife;

(i) fishing, poisoning water, polluting soil or water and setting traps or snares in such forests;

(j) protection, conservation, management and sustainable development of any portion of a forest closed under section 18;

(k) grant, sale, lease and mortgage of timber or any forest produce, or lease or grant of any such land for a specified time, for eco-tourism, research, trade, sustainable development or any purpose not being inconsistent with the objectives of this Act; and

(l) the exercise of rights, if any, determined under section 17.

CHAPTER-V

VILLAGE FORESTS

46. **Formation of Village Forests.**—(1) Government may assign to any village community the rights of Government to or over any land which has been declared as a Protected Forest, and may cancel such assignment. All such lands shall be called village forests.

(2) The situation and limits of such forest or land shall be specified, as nearly as possible, by well-known and permanent boundary pillars and proper map shall be prepared and maintained.

(3) Government may, for the purpose of this chapter, make rules;

(a) for regulating the management of village forests;

(b) prescribing the conditions under which the community to which any assignment is made under this section may be provided with timber and other forest produce;

(c) for grant of permission for pasture;

(d) for assignment of duties and obligations in relation to protection, management and sustainable development of such forests; and

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(e) prescribing joint responsibility and liability of the community for contravention of any of the provisions of this chapter,

(4) In all other matters the provisions of this Act relating to protected forests shall apply to village forests.

CHAPTER-VI

PRIVATE FORESTS

47. **Regulation and Management of Private Forests of Diamer District.**—(1) Forests in Diamer District of Gilgit-Baltistan which are owned by the local people (an individual or individuals, singly or collectively), but regulated and managed by the Gilgit-Baltistan Forest Department in accordance with the Accession Deed of 1952 between the Government of Pakistan and the tribal communities of Darel, Tangir & Chilas Sub-Divisions of Diamer District and the Judgment passed by the Supreme Appellate Court Gilgit-Baltistan in Case No SMC-18/2009, dated 16-04-2011 thereby accepting the ownership rights of the local resident communities of Darel, Tangir & Chilas sub divisions in Private Forests of Diamer District, are Private Forests.

(2) The ownership of such Private Forests shall lie with the local communities but shall continue to be regulated and managed under this Act and any rules made under this Act.

48. **Rights in Private Forests.**—(1) Subject to the rights and powers of Government in respect of different fees, forest conservancy, sustainable development and management as defined in this Act or in the rules made thereunder, and subject also to the provisions of Accession Deed of 1952, all Private Forests are the property, held individually, jointly or severally, as the case may be, of the community of the village or valley in whose boundaries these are situated.

(2) Such Private Forest owners are entitled to use, free of charge, for their own domestic, and agricultural requirements any trees and forest produce found in those Private Forests with the permission of Department, but they shall have no right or power to sell any tree, timber, brushwood or any other forest produce growing on Private Forests, except with the permission of the competent authority as specified by Government and under such terms and conditions as the competent authority may impose.

(3) All such sales shall be subject to payment to Government of timber surcharge, forest development charges, various other fees levied by government, and management charges, which shall be credited to the Government Treasury

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(Gilgit-Baltistan Consolidated Fund) and Forest and Wildlife Fund in the prescribed proportion.

(4) The timber harvesting rights purchased by timber contractors/lessees in the Private Forests of Diamer District under past sale agreements or deeds are hereby subjected to time limit in the interest of equity and forest conservancy and shall remain valid only until the expiry of the current Forest Management Plan for such Private Forests or the year 2025, whichever comes earlier.

(5) All Chinar trees, and endangered trees species found in Gilgit-Baltistan and included in Appendix I of CITES, whether grown on Private Forests, shall be deemed to be reserved and protected and shall not be harvested, except with the permission of the Government.

49. **Management of Private Forests.—**(1)The management and governance of Private Forests shall vest in the Government through the Gilgit-Baltistan Forest Department, which shall devise an effective governance system for the management of such forests and landscapes in consultation with the concerned communities.

(2) Department may opt for any of the different types of management and governance regimes for Private Forests.

(3) The Private Forests shall be managed and regulated by the Department through working plans prepared in consultation with the owners duly approved by the Government.

(4) Government may regulate the use of Private Forests as per prescribed regulations for various ecosystem products and services.

50. **Power to collect royalty, punitive fines and to retain timber and other produce under syndicate and regulatory power in Private Forests.—** (1) Department may collect royalty from and tax the produce obtained from Private Forests at prescribed rates.

(2) Department may also impose and collect punitive fines on certain timber and forest produce.

(3) Department may retain timber and other produce obtained from Private Forests under syndicate and any other government regulatory power.

51. **Benefit sharing in Private Forests.—**(1) The net profit, if any, arising from the Ecosystem Services of Private Forests inter alia Carbon Financing, shall be paid to the local resident communities or owners after

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deducting at source, the essential Service Charges deductable in such cases. The deductions so made shall be credited to the Government Treasury (Gilgit-Baltistan Consolidated Fund) and, Forest and Wildlife Fund in the prescribed proportion.

(2) Government may prescribe rules for benefit sharing arrangements in Private Forests in consultation with owners for such arrangements.

52. **Protection of cultivation by retaining walls and treatment of cultivation on dangerous hill tops in Private Forests.**—(1)In the case of cultivation in dangerous position on hill- slopes the Divisional Forest Officer may require the owner or tenant of the land so cultivated to protect it by a retaining wall or to take such other precautionary measures to ensure the stability of the soil as he may deem necessary.

(2) If the owner or tenant fails to comply with the requisition within a period of thirty days and also persists in cultivating the said land, the Divisional Forest Officer may summarily eject him from so much of the land as may be in danger and deal with it in accordance with the provisions of section 50.

(3) Where the cultivation on hill-slopes is in such a dangerous position and the slope is too steep to admit of the construction of retaining walls, the Divisional Forest Officer may, if he is of the opinion that the prohibition of such cultivation is in the general interest of the village or the public, eject the person cultivating the same and direct that the land shall remain uncultivated in future.

(4) No compensation shall be admissible in respect of any order passed under this section.

53. **Control burning in Private Forests.**—A Forest Officer, not below the rank of Divisional Forest Officer, may issue special order in writing, permitting the controlled burning of Private Forests within such limits and subject to such conditions as the officer may think fit.

54. **Acts prohibited in Private Forests.**—(1) A person shall not, in a Private Forest —

(a) break up or cultivate or occupy or construct any building or enclosure, or make any other kind of encroachment, or being the owner of the land or a joint owner thereof, permit the breaking up, or cultivation or occupation, or construction of the shed, building or enclosure or any other kind of encroachment in any Private Forest;

(b) contravene any general or special management order passed under this Chapter or contravene any rules made under this chapter;

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(c) sell or convey for sale any tree, timber or brushwood listed in Schedule-I or other forest produce without permission, or cut, fell, uproot, girdle, lop, or tap for resin or for any other purpose, or burn any tree, or brushwood, or extract torch wood, or strip off its bark or leaves from, or otherwise injure any such tree or brushwood contrary to any general or special management orders issued under or rules made under this Chapter; set fire to any Private Forest otherwise than as permitted by the Forest Officer under section 57, or negligently permit any fire to extend thereto;

(d) cause any damage by negligence in felling any tree or cutting or dragging any timber;

(e) quarry stones, burn lime or charcoal, or collect subject to any manufacturing process, or remove any forest produce;

(f) pollute soil or water by sewerage, sewage, domestic or industrial waste or through any other pollutants or means;

(g) capture, hunt, shoot, etc. any wildlife;

(h) fish or poison water, or set snares or traps; or

(i) abet in the commission or furtherance of any of the above acts.

(2) Nothing in this section shall be deemed to prohibit, —

(a) any act done by permission in writing of the Forest Officer or any rule made by Government; or

(b) the exercise of any right mentioned in sections 48 or acquired or admissible under any accession agreement, or rules made by Government for Private Forests.

55. **Protection of Private Forests.**—(1) Subject to sub-section (6), Chief Conservator of Forests may, by Order, declare any Private Forest to be a Protected Landscape with effect from the date specified in the order, when, in his opinion, it becomes necessary to do so for any of the following purposes, namely:

(a) The protection against storms, winds, rolling stones, floods and avalanches, or any other natural calamities;

(b) The conservation or preservation of soil on the ridges and slopes, and in the valleys of hilly tracts, the prevention of land-slips or

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land-slides, or of the formation of ravines and torrents, or the protection against erosion and floods, or the deposit thereon of sand, stones or gravel;

(c) The protection of catchments basins, banks and beds of rivers, streams, torrents and ravines;

(d) The protection, conservation and regeneration of particular types of trees, brushwood or grasses;

(e) The maintenance of water supply in springs, rivers, tanks and reservoirs; and

(f) The protection of lines of communication including telecommunication towers, roads, bridges and railways, and other infrastructure.

(2) The order under sub-section (1) shall clearly define the area declared as Protected Landscape and cause the same to be shown on the village or valley map, besides demarcating on the ground with boundary marks so far as may be necessary.

(3) The following acts shall be prohibited in the Protected Landscape, declared under sub-section (1), that is to say...

(a) The encroachment by breaking up or clearing of land for cultivation or construction of sheds, building, road, enclosure or any other infrastructure, or its occupation as sites for sheds, buildings or enclosures;

(b) Pasturing of cattle;

(c) Burning or clearing of vegetation;

(d) Cutting of particular types of trees listed in Schedule-1or removal of forest produce;

(e) Quarrying of stones, mining of minerals, burning of lime or charcoal;

(f) Capturing, hunting, shooting, etc. of wild animals, and fishing, poisoning of water, or setting of traps and snares; or

(g) Polluting of soil or water by sewerage, sewage, domestic or industrial waste or any other pollutants.

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(4) No order made under sub-section (1) shall be cancelled, or the boundary of the Special Conservation Forest shall be altered without the approval of Chief Conservator of Forests.

(5) Subject to sub-section (6), the Chief Conservator of Forests may, with the approval and at the expense of Government, for any purpose mentioned in sub-section (1), construct or carry out in or upon such Special Conservation Forest such engineering or cultural works as he deems fit.

(6) No order shall be made under sub-section (1) nor shall any work be begun under sub-section (5), until after the issue of a notice by the Conservator of Forests to the owners of such Regulated Landscapes calling on them to show cause, within a reasonable period of time which shall not be less than ninety days, as to why such order should not be made or construction work carried out, as the case may be, and the explanation or objections if any, and any evidence they may produce in support of the same, have been heard, considered and disposed of by the Conservator of Forests.

(7) No compensation shall be claimable by the owners or other right holders of such Private Forest in respect of any order passed under this section.

56. **Penalties.**—(1) A person who contravenes or fails to comply with the provision of section 54, shall be punishable with imprisonment for a term which may extend to one year, or with fine, which may extend to fifty thousand rupees, or with both, in addition to such compensation for the damage done to the Private Forest as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the Private Forestas assessed by the Forest Officer and that all timber and forest produce illicitly obtained or removed and seized shall be restored to the Government:

(2) Where the value of the forest damage, as assessed by the Forest Officer is less than ten thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one month, or with fine which shall not be less than five thousand rupees, or with both.

(3) Where the value of the forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than three months, or with fine which shall not be less than ten thousand rupees, or with both.

(4) Where the value of the forest damage, as assessed by the Forest Officer, exceeds thirty thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment which shall

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not be less than six months, or with fine which shall not be less than twenty thousand rupees, or with both.

(5) Where the value of the forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees the offence shall be punishable with imprisonment which shall not be less than one year, or with fine which shall not be less than fifty thousand rupees, or with both.

(6) In all cases the value of the forest produce shall be assessed at the current market rates.

(7) When an offence is established, then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animal, sawing units, chain saws, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of the Government.

(8) If the offender be a woman, the Magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorized by writing under the signature or thumb-impression of the woman, attested by a respectable person of the village concerned.

(9) Whenever fire is caused wilfully or by gross negligence to a Private Forest valuing fifty thousand or more, as assessed by a Forest Officer, is caused wilfully or by gross negligence to such Private through girdling, lopping, felling, torch wood extraction, or drying of trees through artificial means, the Forest Officer not below the rank of Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof the exercise of all or any of the rights of the offender, concessions or privileges of the offender or offender community, in respect of pasture or forest produce or fees or timber permit shall be suspended for such period as he may deem fit.

57. **Power to make rules for Private Forests.**—Government may make rules for the protection, regulation, sustainable development and management of the following matters in Private Forests namely:—

(a) powers and duties of forest officers;

(b) sale and removal of forest produce;

(c) hunting, shooting, fishing, grazing and herding of cattle in the forest;

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(d) burning of lime, making a charcoal, quarrying of stone or any mineral in the forest;

(e) exercise of rights and privileges of the people on the forest,

(f) conduction and trial of forest offences,

(g) seizure of forest produce with respect of which there is reason to believe that a forest offence has been committed together with all tools and cattle used in committing, such offence; and

(h) generally for carrying out the purposes of this Act.

58. **Power to suspend rights within Private Forests.-**(1) Department may suspend the rights & privileges of any individual or community within a Private Forest as the case may be, for a period not exceeding 02 years if an individual or a community fails to comply with the provisions of Accession Deed of 1952, under which every individual and community is obliged to assist, help and cooperate with the Department in matters relating to forest management.

(2) The Chief Conservator of Forest on the joint recommendation of the Conservator of Forests and Deputy Commissioner Diamer, and after his satisfaction will pass an order in this effect.

(3) The aggrieved individual or community will have the right to appeal before the Secretary Forest Gilgit-Baltistan against the orders passed by the Chief Conservator of Forest. The aggrieved party shall have the right to file 2nd appeal before the Chief Secretary GB against the orders of Secretary Forest GB and the order passed by the Chief Secretary Gilgit-Baltistan shall be final.

(4) The suspension of rights will be in addition to the fines and penalties imposed as per provisions of this Act for the damages done to the forests.

CHAPTER-VII

REGULATED LANDSCAPES AND RESERVED TREES

59. **Regulation and Management of Regulated Landscapes and Royal Trees.—**(1) Government may also regulate and manage any or all natural or planted forests or lands, the latter whether covered with trees or not, including forest lands, rangelands, watershed areas, etc. which are owned by private persons individually or jointly and which is not the property of government or over which the government has no proprietary rights. Such forests and lands are called Regulated Landscapes.

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(2) The Regulated Landscapes may be managed and protected for special purposes and Government may, by notification in the official Gazette, regulate or prohibit in any such forest, plantation or land.

a. the breaking up or clearing of land for cultivation;

b. the pasturing of cattle; or

c. the firing or the clearing of the vegetation.

60. **Chinar Tree.—**(1) Platanus orientalis locally called Chinar Tree is declared as Royal Tree in the jurisdiction of Gilgit-Baltistan.

(2) The cutting, lopping, uprooting or removal of Chinar Tree being a Royal Tree shall be regulated by the Forest Department of Gilgit-Baltistan, even if it is growing on a private land or land belonging to another Government Department/Agency.

(3) A Chinar Tree shall not be cut, lopped, uprooted or removed without the explicit approval of Forest Department. If its removal is necessitated by immediate and eminent threat to human life or property, the Chief Conservator of Forests shall issue orders after due verification and satisfaction.

(4) Government may levy fees and collect royalty and surcharges on the Chinar wood harvested under sub-section (2) above.

(5) Forest Department shall make an inventory of and prepare an Inventory or Assessment Report of Chinar Trees in each district of Gilgit-Baltistan. The Inventory or Assessment Report inter alia shall record the following information about each Tree-

(a) Tree Serial Number,
(b) Tree Marking Number,
(c) Tree Location or Geographical coordinates,
(d) Tree Morphology, and
(e) Tree History.

61. **Chilghoza Tree.—**(1) Chilghoza tree is declared as reserved tree under this act.

(2) The cutting, lopping, uprooting or removal of chilghoza tree shall be regulated by the Forest Department of Gilgit-Baltistan.

(3) A chilghoza tree shall not be cut, lopped, uprooted, removed or transported without the explicit approval of Forest Department. If its removal is

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necessitated by any means, the Chief Conservator of Forests shall issue orders after due verification and satisfaction.

(4) Government may levy fees and collect royalty and surcharges on the chilghoza wood and other produces obtained from it harvested under sub-section (2) above.

62. **Rights in Regulated Landscapes.**—(1)Such Privately owned Forest owners are entitled to use, free of charge, for their own domestic, and agricultural requirements any trees and forest produce found in those Privately owned Forests, but they shall have no right or power to sell any tree, timber, brushwood or any other forest produce growing on Privately owned Forests, except with the permission of the competent authority as specified by Government and under such terms and conditions as the competent authority may impose.

(2) The claims of right holders other than land owners of the village shall be recognized to the extent defined and recorded at settlement, or in case of doubt or dispute, to the extent which may hereafter be defined by the Collector with the sanction of the Board of Revenue, and exercise of such rights shall be subject to the provisions of this Act and the rules made thereunder.

(3) All Chinar Trees, Royal Trees and endangered trees species found in Gilgit-Baltistan and included in Appendix I of CITES, whether grown on Government Forests or Private Forests or Regulated Landscapes, shall be deemed to be reserved and protected and shall not be harvested, except with the permission of the Government.

63. **Protection of Regulated Landscapes.**—(1)Subject to sub-section (6), Chief Conservator of Forests may, by Order, declare any Regulated Landscape to be a Protected Landscape with effect from the date specified in the order, when, in his opinion, it becomes necessary to do so for any of the following purposes, namely:

(a) The protection against storms, winds, rolling stones, floods and avalanches, or any other natural calamities;

(b) The conservation or preservation of soil on the ridges and slopes, and in the valleys of hilly tracts, the prevention of land-slips or land-slides, or of the formation of ravines and torrents, or the protection against erosion and floods, or the deposit thereon of sand, stones or gravel;

(c) The protection of catchments basins, banks and beds of rivers, streams, torrents and ravines;

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(d) The protection, conservation and regeneration of particular types of trees, brushwood or grasses;

(e) The maintenance of water supply in springs, rivers, tanks and reservoirs; and

(f) The protection of lines of communication including telecommunication towers, roads, bridges and railways, and other infrastructure.

(2) The order under sub-section (1) shall clearly define the area declared as Protected Landscape and cause the same to be shown on the village or valley map, besides demarcating on the ground with boundary marks so far as may be necessary.

(3) The following acts shall be prohibited in the Protected Landscape, declared under sub-section (1), that is to say—

(a) The encroachment by breaking up or clearing of land for cultivation or construction of sheds, building, road, enclosure or any other infrastructure, or its occupation as sites for sheds, buildings or enclosures;

(b) Pasturing of cattle;

(c) Burning or clearing of vegetation;

(d) Cutting of particular types of trees listed in Schedule-1or removal of forest produce;

(e) Quarrying of stones, mining of minerals, burning of lime or charcoal;

(f) Capturing, hunting, shooting, etc. of wild animals, and fishing, poisoning of water, or setting of traps and snares; or

(g) Polluting of soil or water by sewerage, sewage, domestic or industrial waste or any other pollutants.

(4) No order made under sub-section (1) shall be cancelled, or the boundary of the Special Conservation Forest shall be altered without the approval of Chief Conservator of Forests.

(5) Subject to sub-section (6), the Chief Conservator of Forests may, with the approval and at the expense of Government, for any purpose mentioned

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in sub-section (1), construct or carry out in or upon such Special Conservation Forest such engineering or cultural works as he deems fit.

(6) No order shall be made under sub-section (1) nor shall any work be begun under sub-section (5), until after the issue of a notice by the Conservator of Forests concerned to the owners of such Regulated Landscapes calling on them to show cause, within a reasonable period of time which shall not be less than ninety days, as to why such order should not be made or construction work carried out, as the case may be, and the explanation or objections if any, and any evidence they may produce in support of the same, have been heard, considered and disposed of by the Conservator of Forests.

(7) No compensation shall be claimable by the owners or other right holders of such Private Forest in respect of any order passed under this section.

64. **Management of Regulated Landscapes and Protected Landscapes.—**(1) The management and governance of Regulated Landscapes and Protected Landscapes , shall vest in the Government through the Gilgit-Baltistan Forest Department, which shall devise an effective governance system for the management of such forests and landscapes in consultant with the concerned communities and land owners.

(2) Department may opt for any of the different types of management and governance regimes for Regulated Landscapes, which inter alia include Government Management, Collaborative or Shared Management, Community Management and Private Management.

(3) Department may, by notification, after giving the Private Forest owners an opportunity of being heard in accordance with the procedure as laid down in sub-section (6) of section 63, assume the management of such Private Forests and Regulated Landscapes and place the same under the control of a Forest Officer, and may declare that all or any of the provisions of this Act or the rules made thereunder relating to Protected Forests shall apply to such Landscapes as the Conservator may deem fit, if-

(a) The owners neglect or wilfully disobey any order under section 63 or rules made under this Chapter; or

(b) The purpose of any work to be constructed or carried out under section 63 (5) so requires.

(3) The Divisional Forest Officer shall demarcate such Regulated Landscape and shall prepare a map thereof or construct boundary pillars around such Regulated Landscape.

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(4) The Conservator of Forests may transfer the management of such Regulated Landscape back to the normal management mechanism as devised and approved by Government for the management of Regulated Landscapes under sub-sections (1) and (2) for sustainable development and management or for any other reason as he deems fit in the circumstances.

(5) Government may regulate the use of Regulated Landscapes and Royal Trees as per prescribed regulations for various ecosystem products and services.

65. **Management of Community owned Forests, Forest Plantations and Lands at the request of owners.**—(1) If the owner of any communally owned forest, forest plantation or land, or if there be more than one owner, the owners of shares therein amounting in the aggregate to at least two-third thereof, with a view to the formation, protection, conservation, management or sustainable development of forests thereon, request in writing to the Conservator of Forests—

(a) That such Forests, Plantations or Lands be set apart and managed on his or their behalf by the Forest Officer or by the Joint Forest Management Committee on such terms as may be mutually agreed upon; or

(b) That all or any of the provisions of this Act or rules made thereunder be applied to such communally owned Forest, Forest Plantation or Land.

(2) The Conservator of Forests may, by notification, apply to such Forests, Plantations or Lands such provisions of this Act or rules made thereunder, with such modifications, as he deems suitable to the circumstances thereof.

(3) The management and protection of such Forests, Plantations or Lands shall be the responsibility of the Forest Officer, the community based organization, the village-based organization or the Joint Forest Management Committee, as the case may be.

(4) The Chief Conservator of Forest may transfer the management of such lands back to the landowner for sustainable development or for any other reason as he deems fit in the circumstances.

66. **Power to collect royalty and punitive fines for Regulated/ Protected Landscapes and Royal Trees.**—(1) Department may collect royalty from and tax the produce obtained from Regulated Landscapes, Protected Landscapes and Royal Trees at prescribed rates.

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(2) Department may also impose and collect punitive fines on certain timber and forest produce.

67. **Benefit sharing in Regulated/Protected Landscapes.—**(1) The net profit, if any, arising from the management of Regulated/Protected Landscapes shall be paid to the said Private Forest owners after deducting at source, the harvesting or any other charges incurred in connection with management of such forest, timber surcharges, other charges/ surcharges, as well as managerial charges on the profit. The deductions so made shall be credited to the Forest and Wildlife Fund

(2) Government may prescribe benefit sharing arrangements with Private Forest owners.

68. **Power to acquire Regulated/Protected Landscapes.—**If Government considers that, in lieu of placing any Private Forest (other than Private Forests of Diamer) under the control of the Forest Officer, the said land should be acquired for public purposes; it may acquire the same under the land Acquisition Act, 1894, and place it under the management of the Forest Officer. All or any of the provisions of this Act, or the rules made thereunder relating to a Protected Forest may be applied to such Forest or separate rules may be made to regulate such Forest.

69. **Control burning in Regulated/Protected Landscapes.—**A Forest Officer, not below the rank of Divisional Forest Officer, may issue special order in writing, permitting the controlled burning of Regulated/Protected Landscapes within such limits and subject to such conditions as the officer may think fit.

70. **Acts prohibited in Private Forests and Protected Landscapes.—**(1) A person shall not, in a Regulated- or Protected Landscape-

(a) break up or cultivate or occupy or construct any building or enclosure, or make any other kind of encroachment, or being the owner of the land or a joint owner thereof, permit the breaking up, or cultivation or occupation, or construction of the shed, building or enclosure or any other kind of encroachment in any Private Forest;

(b) contravene any general or special management order passed under this Chapter or contravene any rules made under this chapter;

(c) sell or convey for sale any tree, timber or brushwood listed in Schedule-I or other forest produce without permission, or cut, fell, uproot, girdle, lop, or tap for resin or for any other purpose, or burn any tree, or brushwood, or extract torch wood, or strip off its bark or leaves from, or otherwise injure any such tree or brushwood

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contrary to any general or special management orders issued under or rules made under this Chapter;

(d) set fire to any Private Forest otherwise than as permitted by the Forest Officer under section 69, or negligently permit any fire to extend thereto;

(e) cause any damage by negligence in felling any tree or cutting or dragging any timber;

(f) quarry stones, burn lime or charcoal, or collect subject to any manufacturing process, or remove any forest produce;

(g) pollute soil or water by sewerage, sewage, domestic or industrial waste or through any other pollutants or means;

(h) capture, hunt, shoot, etc. any wildlife;

(i) fish or poison water, or set snares or traps; or

(j) abet in the commission or furtherance of any of the above acts.

(2) Nothing in this section shall be deemed to prohibit,—

(a) any act done by permission in writing of the Forest Officer or any rule made by Government; or

(b) the exercise of any right mentioned in sections48 or acquired or admissible under any accession agreement, or rules made by Government for Private Forests.

(3) In the case of cultivation in dangerous position on hill slopes in such Landscapes the Divisional Forest Officer may require the owner or tenant of the land so cultivated to protect it by a retaining wall or to take such other precautionary measures to ensure the stability of the soil as he may deem necessary in the same manner as prescribed for Private Forests.

71. **Penalties.**—(1) A person who contravenes or fails to comply with the provision of section 63 or section 70, shall be punishable with imprisonment for a term which may extend to one year, or with fine, which may extend to fifty thousand rupees, or with both, in addition to such compensation for the damage done to the Regulated/Protected Landscape or Chinar Tree as the convicting court may direct to be paid, which shall not be less than the value of actual damage done to the Regulated/Protected Landscape or Chinar Tree or Chilghoza

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wood as assessed by the Forest Officer and that all timber and forest produce illicitly obtained or removed and seized shall be restored to the Government.

(2) Where the value of the forest damage, as assessed by the Forest Officer is less than ten thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one month, or with fine which shall not be less than five thousand rupees, or with both.

(3) Where the value of the forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than three months, or with fine which shall not be less than ten thousand rupees, or with both.

(a) Where the value of the forest damage, as assessed by the Forest Officer, exceeds thirty thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine which shall not be less than twenty thousand rupees, or with both.

(b) Where the value of the forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees the offence shall be punishable with imprisonment which shall not be less than one year, or with fine which shall not be less than fifty thousand rupees, or with both.

(c) In all cases the value of the forest produce shall be assessed at the current market rates.

(d) When an offence is established, then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animal, sawing units, chain saws, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of the Government.

(e) If the offender be a woman, the Magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorized by writing under the signature or thumb-impression of the woman, attested by a respectable person of the village concerned.

(f) Whenever fire is caused wilfully or by gross negligence to a Regulated or Protected Landscape or Chinar Tree, or forest damage

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valuing fifty thousand or more, as assessed by a Forest Officer, is caused wilfully or by gross negligence to such Regulated/Protected Landscape or Chinar Tree through girdling, lopping, felling, torch wood extraction, or drying of trees through artificial means, the Forest Officer not below the rank of Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof the exercise of all or any of the rights of the offender, concessions or privileges of the offender or offender community, in respect of pasture or forest produce or fees or timber permit shall be suspended for such period as he may deem fit.

72. **Power to make rules for Regulated/Protected Landscapes and Royal Trees.—**Government may make rules for the protection, regulation, sustainable development and management of Regulated/Protected Landscapes and Royal Trees and the Conservator of Forests may issue general or special management orders for prohibition of the barking, boring or otherwise injuring of trees or brushwood and for regulating the felling or lopping of trees or brushwood in such land for meeting the domestic and agricultural requirements of the land owners, right holders or the village community.

CHAPTER-VIII

WASTELANDS, RIVERBEDS AND KHALISA LANDS

73. **Wastelands, Riverbeds, Khalisa Lands and Protected Wastelands.—**(1) Wastelands are uncultivated or cultivable lands or other lands which have been declared as wastelands under any Land or Revenue Law of Gilgit-Baltistan or under this Act or the rules made thereunder.

(2) Wastelands do not include graveyards, sacred places, lands recorded at settlement as part of the village site, land shown as 'khali' or 'banjar jadeed' in annual records, land in urban areas and land under highways, roads, railway tracks or water bodies.

(3) Riverbed is the land or channel in which river flows or has flowed and includes the River Banks, Dry bed Land and the Wet bed Land.

(4) Khalisa Lands which have been specified under Land Settlement or in Revenue Record and over which government has proprietary rights and which have been proclaimed to be Protected Forests under Government Proclamation of 1983 are Protected Wastelands.

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(5) The ownership of such Khalisa Lands and Protected Wastelands vests in the Government of Gilgit-Baltistan and shall be managed and regulated by the Department under the provisions of Chapter IV, Protected Forests, under this Act.

74. **Rights in Wastelands and Riverbeds.**—(1) Subject to the proprietary rights of Government thereto and the powers of Government in respect of fees, forest conservancy, sustainable development and management as defined in this Act or in the rules made thereunder, and subject also to the claims of the right-holders not being owners of the land, locals of the village in whose boundaries these are included are entitled to graze their livestock in and use, free of charge, for their own domestic, and agricultural requirements any trees and forest produce found in those wastelands and riverbeds, but they shall have no right or power to sell any tree, timber, brushwood or any other forest produce growing on such lands, except with the permission of the Divisional Forest Officer and under such terms and conditions as the Divisional Forest Officer may impose.

(2) The sale of forest produce authorized by the Divisional Forest Officer from wastelands or riverbeds, shall be subject to payment to Government of timber surcharge, forest development charges, fees, duties and management charges, which shall be credited to Gilgit-Baltistan Consolidated Fund and Gilgit-Baltistan Forest and Wildlife Fund in the prescribed proportion as the Government may prescribes.

(3) The claims of right holders other than land owners of the village shall be recognized to the extent defined and recorded at settlement, or in case of doubt or dispute, to the extent which may hereafter be defined by the Collector after due consultation with and consent of the Forest Department, and exercise of such rights shall be subject to the provisions of this Act and the rules made thereunder.

75. **Protection of wastelands and River beds.**—(1)Subject to sub-section (6), Chief Conservator of Forests may, by Order, with prior approval of Government declare any wasteland to be a protected wasteland with effect from the date specified in the order, when, in his opinion, it becomes necessary to do so for any of the following purposes, namely:

(a) The protection against storms, winds, rolling stones, floods and avalanches, or any other natural calamities;

(b) The conservation or preservation of soil on the ridges and slopes, and in the valleys of hilly tracts, the prevention of land-slips or land-slides, or of the formation of ravines and torrents, or the

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protection against erosion and floods, or the deposit thereon of sand, stones or gravel;

(c) The protection of catchments basins, banks and beds of rivers, streams, torrents and ravines;

(d) The protection, conservation and regeneration of particular types of trees, brushwood or grasses;

(e) The maintenance of water supply in springs, rivers, tanks and reservoirs; and

(f) The protection of lines of communication including roads, bridges and railways, and other infrastructure.

(2) The order under sub-section (1) shall clearly define the area declared as protected wasteland and cause the same to be shown on the valley/village map, besides demarcating on the ground with boundary marks so far as may be necessary.

(3) The following acts shall be prohibited in the protected wasteland, declared under sub-section (1), namely—

(a) The encroachment by breaking up or clearing of land for cultivation or construction of sheds, building, road, enclosure or any other infrastructure, or its occupation as sites for sheds, buildings or enclosures;

(b) Pasturing of cattle;

(c) Burning or clearing of vegetation;

(d) Cutting of particular types of trees listed in Schedule-1or removal of forest produce;

(e) Quarrying of stones, mining of minerals, burning of lime or charcoal;

(f) Capturing, hunting, shooting or injuring of wild animals, fishing, or poisoning of water, or setting of traps and snares; or

(g) Polluting of soil or water by sewerage, sewage, domestic or industrial waste or any other pollutants.

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(4) An order made under sub-section (1) shall not be cancelled, or the boundary of the protected wasteland shall not be altered without the approval of Conservator of Forests.

(5) Subject to sub-section (6), the Conservator of Forests may, with the approval of Government, for any purpose mentioned in sub-section (1), construct or carry out in or upon such protected waste land or riverbed such engineering or cultural works as he deems fit.

(6) An order shall not be made under sub-section (1) nor shall any work be begun under sub-section (5), until after the issue of a notice by the Conservator of Forests concerned to the right holders of villagers of such wasteland calling on them to show cause, within a reasonable period of time which shall not be less than ninety days, as to why such order should not be made or construction work carried out, as the case may be, and the explanation or objections if any, and any evidence they may produce in support of the same, have been heard, considered and disposed of by the Conservator of Forests.

(7) No compensation shall be claimable by villagers or other right holders of such protected wasteland or riverbed in respect of any order passed under this section.

(8) The management of wasteland and of riverbeds to the extent of trees and other forest produce shall vest in the Department.

(9) Department shall promote riparian forestry on riverbeds for upstream and downstream ecosystem services.

76. **Control and removal of encroachments on wastelands and riverbeds.—**(1)Where wasteland, which has been recorded at settlement as "Shamilat" or common land, the Divisional Forest Officer may specially reserve such land as a grazing ground or as a fuel or timber reserve of the village or village community.

(2) Where such land is broken into by cultivation, or is encroached upon for any purpose other than a purpose under sub-section (1), the Divisional Forest Officer, on the application of any right holder in the village or of his own motion, may shall request the District Collector for ejection of the author of the encroachment and forbid its repetition.

(3) Violation of the order passed under sub-section (2) shall constitute a contravention of the provisions of section 80.

77. **Prohibition of sale or mutation of title of land and other such like transactions on wastelands and river beds.—**Sale , mortgaging, leasing or

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mutation of title of land or such other transactions aimed at establishing claim to or transferring property rights in wastelands or riverbeds are prohibited.

78. **Benefit sharing in protected wastelands and river beds.—** Department shall devise a benefit sharing arrangement for protected wastelands and riverbeds areas, if local communities cooperate in their protection, conservation, development and management

79. **Management of wastelands and river beds.—**(1) Wastelands and riverbeds, their forests and other renewable natural resources shall be managed on a sustainable basis for purposes of –

(a) conservation of water, soil and biodiversity;

(b) river line and shoreline protection;

(c) cultural use and heritage;

(d) recreation and tourism;

(e) sustainable production of wood and non-wood products;

(f) carbon sequestration and other environmental services:

(g) education and research purposes.

(h) habitat for wildlife in terrestrial forests and wildlife and fisheries in riverbed forests

(2) In pursuance of sub-section (1), Department may prepare management plans in collaboration with local community of the area and other concerned organization.

(3) Department, with prior approval of the Government may enter into a joint management agreement for the management of any wasteland or riverbed or part thereof with any person, institution, government agency or forest committee or village organization.

(4) A Forest Officer, not below the rank of Divisional Forest Officer, may issue special order in writing, permitting the controlled burning of a wastelands or a riverbed within such limits and subject to such conditions as he may think fit.

80. **Acts prohibited on wastelands and river beds.—**(1) A person shall not, in a wasteland or riverbed—

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(a) break up or cultivate or occupy or construct any building or enclosure, or make any other kind of encroachment, or being the owner of the land or a joint owner thereof, permit the breaking up, or cultivation or occupation, or construction of the shed, building or enclosure or any other kind of encroachment in any wasteland;

(b) contravene any general or special management order passed under this Chapter or contravene any rules made under this chapter;

(c) sell or convey for sale any tree, timber or brushwood listed in Schedule-I or other forest produce without permission, or cut, fell, uproot, girdle, lop, or tap for resin or for any other purpose, or burn any tree, or brushwood, or extract torch wood, or strip off its bark or leaves from, or otherwise injure any such tree or brushwood contrary to any general or special management orders issued under or rules made under this Chapter;

(d) set fire to any wasteland or riverbed otherwise than as permitted by the Divisional Forest Officer under section 66, or negligently permit any fire to extend thereto;

(e) cause any damage by negligence in felling any tree or cutting or dragging any timber;

(f) quarry stones, burn lime or charcoal, or collect subject to any manufacturing process, or remove any forest produce;

(g) pollute soil or water by sewerage, sewage, domestic or industrial waste or through any other pollutants or means;

(h) capture, hunt, shoot or injure wild animals, or fish, or poison water, or set snares or traps; or

(i) abet in the commission or furtherance of any of the above acts.

(2) Acts prohibited under Environment Law and Rivers Protection Laws are also prohibited.

81. **Penalties.**—(1)A person who contravenes or fails to comply with the provisions of section 80 shall be punishable with imprisonment for a term which may extend to one year, or with fine, which may extend to fifty thousand rupees, or with both, in addition to such compensation for the damage done to the wasteland or riverbed as the convicting court may direct to be paid.

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(2) The compensation for the damage done shall not be less than the value of actual damage done to the wasteland or riverbed as assessed by the Forest Officer and all timber and forest produce illicitly obtained or removed and seized shall be restored to the Government.

(3) Where the value of the forest damage, as assessed by the Forest Officer is less than ten thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one month, or with fine which shall not be less than five thousand rupees, or with both.

(4) Where the value of the forest damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than three months, or with fine which shall not be less than ten thousand rupees, or with both.

(5) Where the value of the forest damage, as assessed by the Forest Officer, exceeds thirty thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine which shall not be less than twenty thousand rupees, or with both.

(6) Where the value of the forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees the offence shall be punishable with imprisonment which shall not be less than one year, or with fine which shall not be less than fifty thousand rupees, or with both.

(7) The value of the forest produce shall be assessed at the current market rates.

(8) When an offence is established then apart from fines and sentences awarded by the court, all forest produce, tools, implements, carriages, including mechanically propelled vehicles, pack animal, sawing units, chain saws, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of a forest offence shall stand confiscated in favour of the Government.

(9) If the offender be a woman, the Magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorized by writing under the signature or thumb-impression of the woman, attested by a respectable person of the village concerned.

(10) Whenever fire is caused wilfully or by gross negligence to a wasteland, or riverbed, forest damage valuing fifty thousand or more, as assessed by a Forest Officer, is caused wilfully or by gross negligence to such wasteland

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or riverbed through girdling, lopping, felling, torch wood extraction, or drying of trees through artificial means, the Forest Officer not below the rank of Divisional Forest Officer may, notwithstanding that any punishment has been imposed or not for contravention of the provisions of this section, direct that in such forest or any portion thereof the exercise of all or any of the rights of the offender, concessions or privileges of the offender or offender community, in respect of pasture or forest produce or timber permit shall be suspended for such period as he may deem fit.

CHAPTER-IX

FOREST PLANNING AND MANAGEMENT

82. **Forest Management Plans.**—(1) There shall be Forest Managements or Working Plans for Protected Forests, Private Forests, Protected Areas or any other area such as rangeland, watershed area, wetland, glacier, etc. which is under the management responsibility of the Department.

(2) All such forests or areas shall be managed in accordance with a management plan that complies with the requirements prescribed by this Act or the rules made thereunder.

83. **Restrictions on Commercial Harvesting in Certain Cases.**—(1) A forest shall not be subjected to commercial harvesting, except with permission in writing by the Divisional Forest Officer in accordance with approved management plan or regeneration scheme, and subject to such conditions, including payment of fees and duties as Government may, from time to time, notify in the Official Gazette.

(2) The management plan or regeneration scheme mentioned in sub-section (1) shall:

(a) Be supported by proof of availability of adequate funds for implementation purposes from the Forest Conservation, Development and Management Fund or other sources;

(b) Ensure the participation and assistance of communities in the regeneration of cut over areas, particularly owners, right holders, users and women as far as possible;

(c) Include adequate measures and assistance of interested parties for protection against grazing and pasturing, or illicit removal of timber and forest produce;

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(d) Provide for mitigatory measures to alleviate hardship caused from closure of regeneration areas to particular segment of society like women or nomads as a result of such closure.

(3) Where the progress of regeneration in the area set aside for the said purpose is considered unsatisfactory, the Divisional Forest Officer may, after giving the grantee of the permission an opportunity of being heard, withdraw the said permission, whereupon the grantee shall cease the harvesting operations forthwith.

CHAPTER-X

FOREST MANAGEMENT AND MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)

84. **Applicability of MEAs.—**(1) To facilitate compliance with any international treaty, convention or agreement, whether bilateral or multilateral, for which Government has given responsibility and authority, Department may take steps and give directions to its different field formations to ensure compliance with the obligations thereunder.

(2) The relevant provisions of these different Multilateral Environmental Agreements (MEAs) and other treaties to which Pakistan is signatory or has acceded to shall be kept in view while preparing Forest Management Plan and implementing this Act.

(3) Department shall keep a register of all international treaties, agreements or conventions relating to the conservation and management of forests, biodiversity and wildlife to which Pakistan is a party. List of MEAs appears in Schedule 3 of this Act.

(4) Department may take pre-emptive action under an MEA, if deemed necessary.

(5) The list of applicable MEAs may be amended from time to time.

85. **Input into MEAs.**-(1).Department may give input to Government or Federal Government to-

(a) negotiate and establish trans-boundary or trans-frontier forest and wildlife conservation areas for the better management of forests, biodiversity and wildlife resources; and

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(b) promulgate rules and regulations for effective management of trans-boundary or trans-frontier forest, biodiversity and wildlife conservation areas established under this section.

86. **Reporting in connection with MEAs.—**(1) Department shall prepare and submit to the relevant authority implementation status reports in connection with different MEAs for incorporation in the country report

(2) The status report shall follow the prescribed format and shall be submitted as per required time deadlines.

(3) Department shall publish regularly through its annual administration report its achievements with regard to the implementation of different MEAs.

CHAPTER-XI

PARTICIPATION OF TAKEHOLDERS AND COMMUNITIES IN FOREST PLANNING AND MANAGEMENT

87. **Establishment of District Conservation Committees.—**(1) There shall be District Conservation Committee (DCC) in each district of Gilgit-Baltistan

(2) The DCC shall consist of —

(a) a chairperson; and

(b) such number of official and non-official members as may be determined by Department.

(3) The Deputy Commissioner of the concerned district shall be the chairperson of the DCC. The Divisional Forest Officer-in-Charge of the Forest Division having jurisdiction in the district shall be the Secretary of the DCC.

(4) The official members of the DCC shall be the District Heads of relevant Departments and Law Enforcement Agencies, Research Institutes, Academia, etc. as mutually specified by the Department and the Deputy Commissioner.

(5) The non-official members may be from the concerned local communities registered with DCC, business sector, non-government organizations and other interested parties and stakeholder groups. A non-official member shall hold office for a term of three years and may be elected for a second term.

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88. **Village/Valley Land Use Planning and Forest Planning.—**(1) Village/Valley Forest Plans may be made part of Village/Valley Land Use Planning (VLUP), where such planning is being done at village/valley level, so as to integrate different village/valley land uses.

(2) Over-all framework of the Strategic Forest Management Plan or Forest Working Plan shall provide guidance for such village level forest land use planning

89. **Community Participation in Forest Planning and Management.—**Local forest owning and right-holding communities participation shall be facilitated in forest planning and management and if need be their capacity building done in participatory planning, monitoring and evaluation processes so that their rights and privileges are safeguarded in the planning and management processes.

90. **Community Forest Management.—**(1)Conservator of Forest may assign to any village/valley forest community, village/valley organisation, Joint Forest Management Committee constituted in the prescribed manner all or any of its rights of management over any Protected Forest, Protected Area, or protected wasteland under its management responsibility. All forests so assigned shall be called community forests.

(2) The situation and limits of such forest or land be specified, as nearly as possible, by well-known and permanent boundary pillars and proper map shall be prepared and maintained of such forest.

(3) Government may, for the purpose of this section, make rules for regulating the management of community forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest produce or permission to pasture be granted, and their duties, liabilities and obligations for the protection, management and sustainable development of such forests be clearly defined.

(4) The Conservator of Forest may cancel such assignment, or such agreement, as the case may be, if he is of the opinion that such revocation is in the interest of forest conservancy.

(5) No assignment under sub-section (1) shall be cancelled or modified by the Conservator of Forest unless the Village/Valley Forest Committee, or Joint Forest Management Committee concerned has been given an opportunity of being heard. In case there is disagreement, the Conservator of Forest shall record his reasons for cancellation.

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(6) While making rules under sub section (3), Government shall give special preference to the existing customary laws by developing consent of the subject community. Customary rights established under Revenue records shall remain protected.

91. **Joint Forest Management.**—(1) Subject to the provisions of sections 64 and 65, the Divisional Forest Officer may, where he considers appropriate, manage Protected Forests, Private Forests, Regulated/Protected Landscapes, Protected Wastelands, MAPs growing tracts and other forests and areas which are under his management control, with the help and participation of community-based organisations, village-based organizations, village/valley conservation committees or any group of persons representing such organizations, constituted in a prescribed manner, in accordance with such procedure, and on such terms and conditions, as may be deemed fit.

(2) For purposes of sub-section (1), the Divisional Forest Officer may enter into agreements for joint management of the forests mentioned therein, which may provide, among other matters, for establishment of Joint Forest Management Committees comprising representatives of the concerned organizations and staff of the Forest Department.

(3) Divisional Forest Officer may revoke any such management or agreement, as the case may be, if he is of the opinion that such revocation is in the interest of forest conservancy.

(4) No revocation shall be ordered under sub-section (3), unless the concerned organisation is given an opportunity of being heard, and in case of disagreement the Forest Officer shall record his reasons for revocation.

92. **Environmental Rights of Local Communities.**—(1)The environmental rights of local right-holding communities as related to forest lands and other lands under the management control of Department shall be safeguarded.

(2) Department may develop and implement social and environmental rights safeguards in consultation with the concerned communities.

93. **Empowerment and Benefit sharing.**—(1)Department may delegate certain powers to the local communities or other interested parties as it deems fit and necessary.

(2) Department may devise a benefit sharing arrangement with the concerned communities and right holders for the sharing of benefits that may accrue from the management and sustainable use of forests and any other areas under its management control.

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94. **Establishment of Village/Valley Conservation Committees (VCCs)/Women Organizations (WOs)/Forest Management Committees (JFMCs).—**Department may establish and register village/valley conservation committees/Joint Forest Management Committees for the protection, conservation, development, sustainable management and joint management of forests or other areas under its management control and for carrying out any of the purposes of this Act or rules made thereunder.

95. **Appointment of Volunteer Village and Community Forest Officers.—**Department may appoint Volunteer village and community forest officers and may delegate them such powers as it deems fit.

CHAPTER-XII

BUILDING FOREST ECOSYSTEM SERVICES AND CLIMATE CHANGE MITIGATION, ADAPTATION AND FOREST CARBON PROGRAMS AND PROJECTS

96. **Valuation of Forest Ecosystem Services.—**Department may take steps to estimate the total economic value of Forest Ecosystems, Protected Areas, wastelands and riverbeds using internationally accepted valuation techniques for valuing such systems and services.

97. **Building Climate Change Mitigation, Adaptation, Forest Carbon and Ecosystems Programs and Projects.—**Department, in consultation with Government, may build Climate Change Mitigation, Adaptation, Forest Carbon and Ecosystem Services Programs and Projects to mitigate climate change, to adapt to climate change, earn forest carbon credits, conserve biodiversity, combat desertification, enhance ecosystems and watershed values, strengthen forest tenure and benefit sharing arrangements and for socio-economic development of local communities. These Climate Change Mitigation, Adaptation and Forest Carbon and Ecosystem Services Programs and Projects could be under the Clean Development Mechanism (CDM); Land Use, Land Use Change and Forestry (LULUCF), Reducing Emissions from Deforestation and Degradation and the role of Forest Conservation, Sustainable Forest Management and Enhancement of Carbon Stocks (REDD)+, Nationally Appropriate Mitigation Actions (NAMAs), or any other Forest Climate Change Mitigation, Adaptation or Carbon Program or Project under any of the existing systems or any future system and mechanism that will be developed.

98. **Guidance on Climate Change, Forest Carbon and Ecosystem Services Programs and Projects.—**Department will follow a structured process and keep in view the international treaties, agreements, protocols and good practice guidance on building Climate Change Mitigation, Adaptation and other Forest Carbon and Ecosystem Services Programs and Projects.

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99. **Forest Emissions Levels and Forest Reference Levels.—**As part of building Climate Change and Forest Carbon Project, Department shall develop Forest Emissions Levels and Forest Reference Levels.

100. **Forest Carbon Standards.—**Department shall follow an applicable Forest Carbon Standard while building its Forest Carbon Projects.

101. **Guidance on Forest Carbon Stock Assessment.—**Department shall follow internationally accepted Good Practice Guidance and Guidelines for Forest Carbon Stock Assessment.

102. **Guidance on Legal Aspects of Climate Change, Forest Carbon and Ecosystem Services Programs and Projects.—**Department shall keep in view international guidance on legal aspects of Building Climate Change Mitigation, adaption and Forest Carbon and Ecosystem Services Programs and Projects and shall update its laws so as to keep pace with international developments in this regard.

103. **Guidance on Business Aspects of Climate Change, Forest Carbon and Ecosystem Services Programs and Projects.—**To build and market successful Climate Change and Forest Carbon and Ecosystem Services Programs and Projects, Department shall observe and follow the principles that govern business transactions in general, including those having to do with the way buyers and investors in Climate and Forest Carbon and Ecosystem Services Programs and Projects account for and mitigate risk.

104. **Guidance on Social and Environmental Impacts and Safeguards.—**Department while building Climate Change and Forest Carbon and Ecosystem Services Programs and Projects shall keep in view the Social and Environmental Impacts of such programs and projects and shall follow the applicable guidance on their safeguards.

105. **Guidance on Biodiversity Impacts and Safeguards.—**To avoid any negative impacts on biodiversity, Department shall follow the guidance on biodiversity safeguards in the building of Climate, Forest Carbon and Ecosystem Services Programs and Projects.

106. **Marketing of Climate, Forest Carbon and Ecosystem Services Programs and Projects.—**Marketing of Climate, Forest Carbon and Ecosystem Services Programs and Projects shall be done in a manner to ensure highest values for these programs and projects. For this purpose, special attention shall be paid to the general principles of marketing, such as product features, pricing, placement and promotion.

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107. **Guidance on Measurement Reporting and Verification (MRV) Mechanisms.—**(1) The internationally accepted Good Practice Guidance on Monitoring, Reporting and Verification shall be followed. This practice, inter alia, may follow the principles of accuracy, consistency, relevancy, comparability and completeness.

108. **Promotion and Marketing of Water and Watershed Services of Forest Ecosystems.—**Department in consultation with Government shall take steps to promote and market water and watershed services of Forest Ecosystems, Protected Areas, wastelands and riverbeds and may make rules for the purpose.

109. **Bio-prospecting.—**Department shall regulate bio-prospecting in Forest Ecosystems, Protected Areas, wastelands and riverbeds and make rules for the purpose.

110. **Promotion and Marketing of Forest Biodiversity Products.—**Department shall promote and sustainably use and market forest biodiversity products. It may regulate it by making rules for the purpose.

111. **Forest Carbon Rights.—**(1) Forest Carbon Rights in relation to forest land are the exclusive legal right to obtain the benefit (whether present or future) associated with the stored forest carbon and any carbon sequestered in the future, by any existing or future tree or forest on the land. It is thus the right of a person, group or an entity to the legal, commercial, economic or other benefits (whether present or future) from exploiting the forest carbon

(2) Government shall take steps to protect and enforce forest carbon rights.

112. **Forest Rights and Resources.—**(1) Forest rights are related to and linked with forest resources. The protection, conservation, development and sustainable management of forest resources is therefore key to continued enjoyment of forest rights.

(2) Government may make rules for the exercise of forest rights in different categories of forests, protected areas, wastelands and riverbeds.

113. **Benefit Sharing of Ecosystem Services.—**Government shall ensure equitable sharing of forest ecosystem services including forest carbon rights to the forest owning communities and relevant stakeholder groups.

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CHAPTER-XIII

TRADE AND TRAFFIC OF FOREST AND BIODIVERSITY PRODUCTS

114. **Regulation of entrance and exit of forest and renewable natural resources products.—**Government may regulate entrance and exit of forest and renewable natural resource products into Gilgit-Baltistan.

115. **Dealing in forest and renewable natural resources products.—**(1) A person dealing in forest and renewable natural resources products shall register himself with the Department.

(2) Department may grant a dealer licence under the provisions of rules made for the purpose under this Act.

116. **Possession or trade of wild flora and fauna under CITES and CMS.—**Government may prohibit or regulate the import, export, re-export, possession or trade of wild flora and fauna , their parts, products, and derivatives as contained in various Appendices to the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) and the Convention on Migratory Species (CMS also called Bonn Convention).

117. **Transport and holding of forest and renewable natural resources products.—**Government may regulate the transport of forest and renewable natural resource produce by any means of transport and by any route, whether land, river, streams or any other mode of water transportation, or transport by air, aircraft, etc.

CHAPTER-XIV

THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

118. **Power to regulate transit of timber or other produce.—**Department has the power and may regulate the transit of timber, or other forest produce, other renewable natural resources produce, medicinal and aromatic plants (MAPs) and MAPs produce and may make rules for the purpose.

119. **Establishment of Forest Check Posts.—**(1) Chief Conservator of Forests or any officer authorized by him in this behalf may permit, notify and has the power to establish a forest check post or erect a barrier at any place deemed appropriate to inspect, control or check the transit of timber or other produce mentioned in section 2 sub-section (1) clause (cliii) and find out whether or not an offence under this Act has been committed.

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(2) A person crossing the forest check post or barrier, whether on foot or by vehicle or by any other means of travel and transport, shall stop at the check post or barrier and offer himself and his belongings to checking by the check post or barrier officials or any person authorized by Government in this behalf to their satisfaction and in a manner as may be prescribed.

120. **Regulation of timber or other produce in transit.**—(1)The control of all rivers, streams and reservoirs and their banks as regards the floating of timber, as well as the control of all timber and other forest produce , other renewable natural resources produce, Non-Timber Forest Products including MAPs and MAPs produce in transit by land or water, or airways is vested in Government, and it may make rules to regulate the transit of such 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 produce may be imported, exported, transported or moved into, from or within Gilgit-Baltistan, provided that in the case of imported and exported produce the routes shall be the designated Custom Entry or Exit Points under the Custom Act, 1969 (IV of 1969);

(b) prohibit the import, export, transport or moving of timber or other produce without a pass from an officer duly authorized 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 thereof;

(d) provide for the stoppage, reporting, checking or examination and marking of timber or other produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or any other charge due thereon, or to which it is desirable for the purpose of this Act to affix a mark;

(e) provide for the establishment and regulation of transit, road side, river side or other depots and for the establishment of forest check posts or barriers for checking or examination of timber or other produce;

(f) provide for the places and for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for checking or examination, or for the

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payment of such money, or in order that such marks may be affixed to it and the conditions under which timber or other forest produce shall be brought to store at and removed from such depots, barriers or check posts;

(g) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other 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;

(h) 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 necessitate the same;

(i) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber or other produce, the altering, effacing or defacing of any marks of the same, or the possession or carrying of marking hammers or other implements used for marking timber and other produce; and

(j) regulate the use of property marks for timber or other produce, 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) Government may direct that any rules made under this section shall not apply to any specified species or class of timber or other produce or to any specified area.

121. **Penalty for breach of regulations under section 120.**—(1) Contravention of any of the provisions of the rules made under section 120 shall be punishable with imprisonment, which may extend to six months, or with fine, which may extend to thirty thousand rupees, or with both.

(2) Provided that 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 the offender shall render himself liable to double of the penalties mentioned above.

122. **Government and forest officers not liable for damage to forest produce at depot.**—Government shall not be responsible for any loss or damage which may occur in respect of any timber or other produce at a depot established

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under a rule made under section 120, or while detained elsewhere, for the purpose of this Act, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss or damage maliciously or fraudulently.

123. **All persons bound to aid in case of accident at depot.—**(1)In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by Government or by any private 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.

(2) A person who fails to provide the required aid or assistance, without lawful excuse, in contravention of sub-section (1) shall be punishable with imprisonment which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both.

124. **Power to dispose of perishable case property.—**A Forest Officer not below the rank of Conservator of Forests has the power to dispose of perishable case property before the conclusion of the case, if it so deems fit. The sale proceeds so obtained shall be kept in account to be maintained for the purpose and shall go to the party in whose favour the case is decided.

CHAPTER-XV

THE SALE AND SAWING OF TIMBER

125. **Restrictions on establishment of a wood-based industry, sale depot or a sawing unit.—**(1) A wood-based industry, a sale depot or a sawing unit shall not be established, unless the same is registered with the Conservator of Forest concerned in such manner and on payment of such fee as may be prescribed.

(2) A Conservator of Forest may, for reasons to be recorded in writing, refuse to register a wood-based industry, a sale depot or a sawing unit, between the forest and forest check post or forest barrier of the Department, or refuse to register a wood-based industry, a sale depot or a sawing unit elsewhere, or cancel the registration of an existing wood-based industry, a sale depot or a sawing unit.

(3) No order under sub-section (2) shall be made without giving the owner of the wood-based industry, a sale depot or the sawing unit, as the case may be, an opportunity of being heard.

(4) Forest contractors, during the currency of their contract and the Government owned sale depots or sawing units may be exempted from the

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operation of sub-section (2) as may be considered fit by the registering officer in the circumstances.

(5) Where registration of a wood-based industry, a sale depot or a sawing unit is refused or cancelled under sub-section (2), or its validity period has expired, the wood-based industry, the sale depot or the sawing unit, as the case may be, shall cease to function or operate, except in case of expiry of registration, if the owner of the wood-based industry, sale depot or the sawing unit, as the case may be, has, in prescribed manner, applied for renewal of the registration and his request for renewal has not been refused; provided that no request for renewal shall be refused without apprising the owner of the wood-based industry, sale depot or the sawing unit concerned of the reasons for refusal and without giving him an opportunity of being heard.

126. **Maintenance of record.**—(1) Every owner of a wood-based industry, sale depot or a sawing unit shall maintain such record or keep such register as may be prescribed.

(2) The record or register being maintained under sub-section (1) shall be open to inspection by the Forest Officer.

127. **Appeal.**—(1) A person aggrieved by any order passed by Conservator of Forest under section 125 shall have right of appeal before the Chief Conservator of Forests within thirty days of the issuance of such order.

(2) In computing the period of thirty days under sub-section (1) the day on which the order sought to be appealed against was made and the time requisite for obtaining a copy thereof, shall be excluded.

(3) The Chief Conservator of Forests shall not confirm, modify, alter or set aside any order against which an appeal has been made, except after giving the parties an opportunity of being heard.

(4) The decision of the Chief Conservator of Forests on an appeal under sub-section (3) shall be final.

128. **Establishment of Government Forest Depots, Sale Depots and Sawing Units.**—A Forest Officer not below the rank of a Conservator of Forests may authorize the establishment of a Forest Depot, a Sale Depot or a Sawing Unit in his jurisdiction.

129. **Offences and Penalty.**—(1)Contravention of any of the provisions of this Chapter or rules made thereunder shall constitute an offence rendering the offender liable to prosecution and on conviction liable to penalties as given below.

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(2) Contravention of any of the provisions of this Chapter or rules made thereunder shall constitute an offence rendering the offender, on conviction, liable to imprisonment for a term which shall not be less than three months and may extend to two years, or to a fine which shall not be less than five thousand rupees and may extend to one hundred thousand rupees, or with both, and may further entail seizure and confiscation of illicit timber as well as seizure, sealing, dismantling and confiscation of apparatus, machinery, tools, equipment and the sawing unit to the Government.

(3) Where the value of illicitly possessed timber and forest produce, as assessed by the Divisional Forest Officer exceeds thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine, which shall not be less than thirty thousand rupees and may extend to two hundred thousand rupees, or with both, in addition to such compensation for the damage done to the forest as assessed by the Forest Officer which shall not be less than the value of the damage so assessed.

(4) Where the offence is committed after the sunset and before the sunrise or when the offender causes hindrance in the performance of lawful duties of a Forest Officer under this Chapter or rules made thereunder, or has been previously convicted of a like offence, he may be inflicted with double the penalties specified above.

CHAPTER-XVI

THE COLLECTION OF DRIFT AND STRANDED TIMBER

130. **Certain kinds of wood and timber to be deemed the property of Government until the title thereto proved, and may be collected accordingly.—**(1) Timber found adrift, beached, stranded or sunk; all wood and timber bearing marks which have not been registered in accordance with the rules made under this act, or on which marks have been obliterated, altered, effaced or defaced by fire or otherwise, and all un marked wood and timber found in such areas as Government directs, 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 any other person entitled to collect the same by virtue of any rules made under the rules made under this act, and may be brought to any depot which the Divisional Forest officer may notify as depot for the reception of drift timber.

(3) Government may, by notification, exempt any class of timber from the provisions of this section.

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131. **Notice to claimants of drift timber.—**Public notice shall be given by the Range Forest Officer about timber collected under section 133. 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 of not less than two months but not more than four months, from the date of such notice, a written statement of such claim.

132. **Procedure on claim preferred to such timber.—**(1)When any such statement is presented as aforesaid, the Forest Officer not below the rank of Range 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 not below the rank of Range Forest Officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Court of Forest Magistrate, and retain the timber pending the receipt of an order from such Court for its disposal.

(3) A 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 timber claimed by him; but no person shall have right to claim any compensation or costs against Government, or against any Forest Officer, on account of such rejection, or detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) Such timber shall not 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.

133. **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 131, 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 limited by section 132, the ownership of such timber shall vest in Government, or, when such timber has been delivered to another person under section 132, in such other person free from all encumbrances not created by him.

134. **Government and its officers not liable for damage to such timber.—**Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 130, and no Forest Officer shall be responsible for any such loss or damage, unless he causes such loss maliciously or fraudulently.

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135. **Payment to be made by claimant before timber is delivered to him.**—A person shall not 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 this act for the purpose.

136. **Penalties.**—A person who contravenes any of the provisions of this Chapter, or any of the rules made under this section, shall, on conviction, be punishable with imprisonment, which may extend to one year, or fine, which may extend to fifty thousand rupees, or with both.

CHAPTER-XVII

THE DUTY AND FEES ON TIMBER AND OTHER FOREST AND RENEWABLE NATURAL RESOURCES PRODUCE

137. **Duty and forest development charges on timber and other forest produce.**—(1) Government, may, by notification, levy a duty or forest development charges, or both, in such manner, at such places and at such rates as may be prescribed on any timber or other forest produce, other renewable natural resources produce, NTFPs/MAPs and their produce, which is-

(a) produced in Gilgit-Baltistan, or

(b) brought from any place outside Gilgit-Baltistan, or is transported from or through any place within Gilgit-Baltistan, or from beyond the frontier or elsewhere.

(2) In every case in which such duty or forest development charges, or both, are directed to be levied ad valorem, Government may fix, by notification, the value on which such duty or forest development charges, or both, shall be assessed.

(3) All duties on timber or other forest produce listed in Schedule 1 and all forest development charges, or both, which at the time when this Act comes into force, are levied therein under the authority of Government, shall be deemed to have been duly levied under the provisions of this Act.

(4) The fees and forest development charges so levied shall not exceed in any case a fair estimate of twenty five percent of the average market price realizable on the sales.

(5) The fair average market prices estimates shall be revised and notified by the Chief Conservator of Forests on an annual basis.

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(6) The amount realized from duties and forest development charges shall be credited to Gilgit-Baltistan Consolidated Fund and Gilgit-Baltistan Forest and Wildlife Fund in the prescribed proportion as the Government may prescribes.

138. **Permit fees and other cesses.—**(1) In addition to forest duty and forest development charges, government may levy permit fees and other cesses in prescribed manner on timber , other forest produce, or other renewable natural resources produce of MAPs or MAPs produce coming from other provinces or parts of Pakistan or anywhere else from areas outside Pakistan into Gilgit-Baltistan.

(2) The amount realized from such fees and cesses shall be charged to the Gilgit-Baltistan Consolidated Fund and Gilgit-Baltistan Forest and Wildlife Fund in the prescribed proportion as the Government may prescribes.

CHAPTER-XVIII

THE CONTROL OVER NON-TIMBER FOREST PRODUCTS (NTFPs) INCLUDING MEDICINAL AND AROMATIC PLANTS (MAPs)

139. **Protection, preservation, propagation and control of NTFPs/MAPs and products.—**(1)Whenever it appears desirable to provide for better protection, preservation, propagation and control of NTFPs/MAPs and their produce, Government may, by notification in the Official Gazette -

(a) fix the period during which NTFPs/MAPs shall not be cut, collected or transported, including the transportation of its produce;

(b) specify the route by which NTFPs/MAPs or their produce shall be transported during the period not covered by clause (a); and

(c) determine the authority under whose order the means through which and the extent to which NTFPs/MAPs or their produce may be transported.

(2) Except specifically permitted by such authority as determined by Government, a person shall not possess NTFPs/MAPs produce at one time in excess of the quantity fixed by general or special order of the Chief Conservator of Forest.

140. **NTFPs/MAPs to be protected.—**NTFPs/MAPs shall be protected plants wherever it is so declared by the Chief Conservator of Forests and except as provided by this Act, or rules made thereunder, the cutting of their leaves, shoots, roots, stem, bark, flowers, fruits or seed, etc. shall be prohibited.

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141. **Management of NTFPs/MAPs growing tracts.—**(1)The management of NTFPs/MAPs growing tracts including tracts which have been denuded of NTFPs/MAPs shall vest in the Department.

(2) For the purpose of protection, conservation, regeneration and sustainable development of NTFPs/MAPs, the Department may, in the prescribed manner:

(a) prohibit the breaking up or clearing for cultivation of NTFPs/MAPs growing tract or its occupation as sites for sheds, buildings or enclosures in such land;

(b) specify the mode in which NTFPs/MAPs and their produce may be transported; and

(c) control the export, import and sale of NTFPs/MAPs and their produce.

(3) The Conservator of Forests may issue orders prohibiting such breaking up or occupation and defining the area to which such prohibition shall extend and may cause the limits of such area to be shown on village map and to be demarcated on the ground with the boundary marks so far as may be necessary.

(4) The Conservator of Forests may, in a similar manner, revise such orders from time to time by altering the boundary of the protected land so as to exclude any particular plot, which is not necessary to be protected any longer.

(5) The Conservator of Forests may cause to summarily eject a person cultivating land or committing any other act in contravention of an order passed under the fore going sub-sections and may direct that any breaking up or occupation of land shall be removed or crop grown in contravention of such order shall be confiscated in favour of Government.

142. **Control of NTFPs/MAPs.—**(1)Subject to the overall control of the Department, the Divisional Forest officer or any other Forest Officer authorized by the Chief Conservator of Forests shall have power to control and regulate the sale and export of any of the NTFPs/MAPs and their produce within, from or through jurisdictions, and shall also have power to appoint and control markets for their sale within the jurisdiction, and to restrict such sale to such markets.

(2) NTFPs/MAPs or their produce shall not be allowed to be brought into Gilgit-Baltistan unless it is covered by a permit issued by competent authority concerned or any other officer authorized by Government and brought through the routes prescribed by the Department for the purpose.

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(3) Subject to rights defined and recorded at the latest settlement or other relevant legal provisions, the NTFPs/MAPs and their produce income accruing from Government owned land shall be credited to the Government as forest revenue.

(4) Subject to rights defined and recorded at the latest settlement or other customary law provisions, the net income from NTFPs/MAPs and their produce accruing from Private Forests and community lands shall be paid to the right holders according to their shares through the Revenue Collector after deduction of such departmental expenditure incurred on harvesting at source and the managerial charges, and other fees or charges of the Department.

143. **Management Orders.—**(1)Subject to the approval of Government, the Divisional Forest Officer, may by a general or special order prohibit the cutting or injuring or wounding of NTFPs/MAPs and regulate the cutting and transporting of NTFPs/MAPs and their produce for the domestic requirement s of right holders.

(2) In case of contravention of any order issued under sub-section (1) the Divisional Forest officer may direct that no NTFP/MAP or their produce shall be cut in any area to which the provisions of this Act apply or are made applicable, without his previous permission in writing or of such officer as may be authorized by him in this behalf.

144. **Power to search.—**(1) Any Forest officer, not below the rank of Forester or Police Officer not below the rank of Sub-Inspector of Police, may search any house, room, tent, enclosure, place, vehicles, vessels, horse or mule or donkey or any other animal loads, baggage, etc. where he has reason to believe that NTFPs/MAPs or their produce is placed in contravention of any provisions of this Act or of any order, rule or direction made thereunder and may seize any such NTFPs/MAPs or their produce.

(2) Search under this section shall be made in accordance with the provisions contained in section 102 and 103 of the Criminal Procedure Code, 1898 (V of 1898).

145. **Offences.—**A person who contravenes any of the provisions of this Chapter or rules made thereunder shall, on conviction ,be liable for all or any of the penalties mentioned in section 146.

146. **Penalty.—**(1) A person who commits a breach of any of the provisions under this Chapter or orders or rules made thereunder shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both, in addition to the confiscation of the NTFPs/MAPs or their produce in

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respect of which the offence has been committed and such compensation as the convicting court may direct to be paid, which shall not be less than the value of the damage done to the MAPs as assessed by the Forest Officer.

(2) Where the value of the damage done to the NTFPs/MAPs, as assessed by the Forest Officer, exceeds fifteen thousand rupees, the sentence of imprisonment shall not be less than three months.

(3) If the offender is a woman, the court shall, except for reason to be recorded in writing, dispense with her presence and permit her to appear by an agent authorized in writing under the signature or thumb impression of the woman, attested by a respectable person of the village concerned.

CHAPTER-XIX

PROMOTION OF PRIVATE SECTOR

147. **Promotion of Public-Private Partnerships in Forestry and other renewable natural resources.—**(1) Government shall take steps for the promotion of public-private partnerships in forestry and other renewable natural resources.

(2) If need be, it may devise different incentives for the above purpose.

148. **Promotion of Farm Forestry.-**(1) Government shall take steps to promote farm forestry.

(2) It may give incentives for the purpose, if deemed necessary.

CHAPTER-XX

SUSTAINABLE USE OF FOREST AND OTHER RENEWABLE NATURAL RESOURCE PRODUCTS

149. **Sustainable utilization and exploitation.—**(1) Utilization and exploitation of forests, biodiversity and wildlife resources by any person whether individual land owner or in a conservation area, and wherever else shall be practised in a manner that is sustainable and in accordance with rules made under this Act.

(2) The manner, form, nature and style of the practice under subsection (1) shall be in conformity with the provisions of the relevant laws, including land use management and planning.

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150. **Right to reasonable access.—**(1) Every person has the right to reasonable access to forest, biodiversity and wildlife resources and shall been titled to enjoy the benefits accruing therefrom without undue hindrance.

(2) The right set out in subsection (1) shall be exercised with due regard to the rights and privileges of other stakeholders.

151. **Incentives and benefit sharing.—**(1) Every person has the right to practice forest, biodiversity and wildlife conservation and management as a form of gainful land use.

(2) The right specified in subsection (1) shall require the party to invest resources for that practice.

(3) The party shall ensure that the forests, biodiversity or wildlife is maintained in a healthy, natural, and secure state:

Provided that this practice shall be carried out where the land is suitable for such practice, subject to the terms and conditions of the licence issued by Department.

(4) Any benefits accrued as a result of above arrangements, may be shared among relevant parties on a case by case basis and as per legal rights of the persons or parties involved.

152. **Harvesting of trees and other forest and renewable natural resources produce.—**Government may regulate harvesting of trees and other forest and renewable natural resources to minimize adverse environmental effects, or to minimize soil erosion, or to minimize damage to other standing trees or forest regeneration etc.

153. **Restrictions on harvesting.—**Government may restrict or otherwise regulate harvesting and may require low-impact logging or initial environmental examination or environmental impact assessment of harvesting operations.

154. **Grant of harvesting licenses.—**(1) A person, legal entity or community that intends to harvest timber or any other forest produce, biodiversity produce or renewable natural resources produce must request for and apply for grant of license by the Department in prescribed manner.

(2) Department has the power to grant license for harvesting of timber, any other forest produce, biodiversity produce or renewable natural resources produce.

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(3) Department shall keep in view the prescriptions of the forest working plan when granting such license.

155. **Grant of harvesting permits.**—(1) A local right holding person and community may request and apply for a permit for domestic use of timber, any other forest produce, biodiversity produce or renewable natural resources produce in a prescribed manner.

(2) Department has the power to grant such permits.

(3) Department shall keep in view the rights and privileges of individual persons and communities as well as the prescriptions of the forest working plans when granting such permits.

156. **No harvesting without license or permit.**—(1)Harvesting of timber, or any other forest produce, biodiversity produce or renewable natural resources produce without a permit or license is not permitted.

(2) The provisions of sub-section (1) does not apply to the exercise of those rights, privileges and the harvesting of those produce and products to which persons or local communities are entitled in light of the concessions and privileges granted to the owners of Private Forests in Chilas Sub-Division, Darel and Tangir as per Accession Deed of 1952 of Government of Pakistan with the people of Diamer District.

(3) A person, legal entity or community contravening the provisions of sub-sections (1) and (2) is committing an offence and on conviction shall be liable to a fine to the extent of fifty thousand rupees, or imprisonment for a term extending to one year, or to both such fine and imprisonment.

(4) The penalties given in sub-section (3) are in addition to the confiscation of the concerned timber or produce and any tools, equipment, vehicles, machinery or any other object used in the commission of the offence, and in case the timber or produce is not available, then the value of the timber or the produce as assessed by the Forest Officer, which shall be at least double the current market value.

157. **Girdling, lopping or otherwise wounding or damaging trees.**—(1) Girdling, lopping or otherwise wounding or damaging reserved trees or threatened and endangered species is prohibited.

(2) A person contravening the provisions of sub-section (1) is committing an offence and on conviction is liable to fine which may extend to ten thousand rupees or imprisonment which may extend to three months, to both such fine and imprisonment.

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158. **Access to forests by right holding communities and concessionists.—**(1) Department shall recognize the rights and privileges of and allow access to forests and other lands under its management control by the right holding communities and concessionists to ensure exercise of their traditional rights and privileges for the purpose of domestic use, traditional customs, beliefs, religion or living as allowed for and granted under the rules, regulations, agreements, orders, notifications, etc. granting such rights.

(2) Government may make rules for the exercise of traditional usage rights and privileges.

159. **Non-consumptive uses of forests and landscapes.—**Government may allow and encourage non-consumptive uses of forests and landscapes under its management control.

160. **Licenses and permits not transferable.—**(1)A person shall not transfer or assign to any other person any license, permit or other written authority granted to him under this Act or rules made thereunder.

(2) A person who contravenes the provisions of sub-section (1) commits an offence and shall be liable on conviction to a fine not less than fifty thousand rupees or to imprisonment for a term not less than one year but not exceeding three years or to both.

161. **Criteria and Indicators for sustainable use.—**Department may develop criteria and indicators for sustainable forest management and sustainable use of forests, biodiversity and other renewable natural resources products.

162. **Penalties.—**person who contravenes the provisions of section 161 is committing an offence and on conviction is liable to fine which may extend to one hundred thousand rupees or imprisonment which may extend to three years, or to both such fine and imprisonment.

CHAPTER-XXI

IN-SITU CONSERVATION OF FOREST GENETIC RESOURCES

163. **Conservation of Forest Genetic Resources.—**(1) Department may take various measures to ensure the conservation, sustainable use and development of forest genetic resources.

(2) For purposes of sub-section (1), it may establish various categories of Protected Areas or other in-situ conservation areas and may develop, from time to time a plan of action.

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(3) The plan of action, in line with Global Plan of Action, may focus on four key areas, namely—

(a) improving the availability of, and access to, information on forest;

(b) genetic resources;

(c) conservation of forest genetic resources, in-situ and ex-situ;

(d) sustainable use, development and management of forest genetic resources; and

(e) policies, institutions and capacity building for forest genetic resources.

164. **Improving the availability of and access to information of forest genetic resources.**—(1) Department may establish and strengthen a system for forest genetic resources assessment, characterization, and monitoring.

(2) Department may take steps to strengthen traditional and community knowledge on forest genetic resources.

165. **Establishment of Protected Areas Categories System.**—In line with IUCN categories of Protected Areas System, Government may declare certain areas to be strict nature reserves, wilderness areas, national parks, natural monuments or features, habitat or species management areas, protected landscapes or waterscapes, or protected areas with sustainable use of natural resources.

166. **Strict Nature Reserves.**—(1) Government may, by notification in the official Gazette, declare any Forest and adjoining area to be a strict Nature Reserve to protect ecosystems diversity, species diversity, genetic diversity or geodiversity.

(2) Government may set aside such area and may demarcate it in a prescribed manner.

(2) Human visitation, use and impacts are strictly controlled and limited for protection of the conservation values.

(3) Government may allow use of such areas for scientific research and monitoring.

(4) Government may allow the use of such areas for scientific search and monitoring.

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167. **Wilderness Areas.—**(1) Government may, by notification in the official Gazette, declare any Forest and adjoining area of land to protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity, free of modern infrastructure and where natural forces and processes predominate so that the current and future generations have the opportunity to experience such areas.

(2) Government may set aside such area and may demarcate it in a prescribed manner.

(3) Government may allow public access at levels and of type which will maintain the wilderness qualities of the area for present and future generations.

(4) Government may permit indigenous communities to maintain their traditional wilderness-based lifestyle and customs, living at low density and using the available resources in ways compatible with the conservation objectives of the wilderness area.

(5) Government may allow for low-impact minimally invasive educational and scientific research activities, when such activities cannot be conducted outside the wilderness area.

168. **National Parks.—**(1) To protect and preserve scenery, flora, fauna, geological features of special significance and biological diversity in the natural state, Government may, by notification in the official Gazette, declare any Forest and adjoining area to be a National Park and may demarcate it in such a manner as may be prescribed.

(2) Government may manage the National Park area in order to perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources and unimpaired natural processes.

(3) The area may be managed to maintain viable and ecological functional population and assemblages of native species at densities sufficient to conserve ecosystem integrity and resilience in the long term.

(4) It may be further managed to contribute in particular to conservation of wide-ranging species, regional ecological processes and migration routes.

(5) Government may permit visitor use for inspirational, educational, research, cultural and recreational purposes at a level which will not cause significant biological or ecological degradation to the natural resources.

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(6) Access to and visitor use of National Park may be subject to such terms and conditions, and such restrictions and such access fee as Government may prescribe from time to time.

(7) Government may take into account the needs of indigenous people and local communities, including subsistence resource use, and local economy support through tourism in so far as these will not adversely affect the primary management objective.

(8) Provision for access roads to and construction of rest houses, and other buildings in the National Park along with amenities for public may be so made as not to impair the object of the establishment of the National Park and without jeopardising the physical environment.

(9) Any access to and facility provided under sub-sections (5), (6), (7) and (8) shall be in conformity with the recommendations of the environmental impact assessment or initial environmental examination within the meaning of Gilgit-Baltistan Environmental Protection Act, 2015.

(10) Government may, for scientific purpose or betterment of the National Park, or for providing incentives and concessions to the communities for participatory management, authorize doing of one or more of the afore-mentioned acts on an explicit written request made by the Chief Conservator Forests, justifying the need for such an action and certifying that it does not impair the object of establishment of the National Park.

169. **Natural Monument or Feature.**—(1) Government may, by notification in the official Gazette, set aside any Forest and adjoining area to protect a specific natural monument, which can be a landform, water mount, submarine cavern, geological feature, cave, or a living entity such as an ancient grove or a tree to protect outstanding natural features and their associated biodiversity and habitats.

(2) Government may manage the Natural Monument to protect and conserve traditional spiritual and cultural values of the site where these also have biodiversity values.

170. **Habitat or Species Management Area.**—(1) Government may, by notification in the official Gazette, set aside and declare any Forest and adjoining area to protect particular habitat or for species management to maintain, conserve and restore habitats and species.

(2) Government may manage the area to protect vegetation patterns or other biological features through traditional management approaches.

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(3) It may be further managed to protect fragments of habitats as components of landscape waterscape-scale conservation strategies.

(4) Government may permit visitation to the area to develop public education and appreciation of the species and habitat concerned.

(5) The area may be further used as a means by which the urban residents may obtain regular contact with nature.

171. **Protected Landscape or Waterscape.**—(1) Government may, by notification in the official Gazette, set aside and declare any Forest and adjoining area to protect and sustain important landscape or waterscape and the associated nature conservation and other values created by interaction with humans through a mosaic of management approaches.

(2) The area is managed to contribute broad-scale conservation by maintaining species associated with cultural landscapes and by providing conservation opportunities in heavily used landscapes.

(3) It may be managed to act as a buffer zone around a core zone of one or more strictly protected areas to help to ensure that land and water-use activities do not threaten their integrity.

(4) The area may also act as linking habitat between several other protected areas.

(5) Government may permit opportunities for enjoyment, well-being and socio-economic activity through recreation and tourism and to provide natural products and environmental services.

172. **Protected Area with Sustainable Natural Resource Use.**—(1) Government may, by notification in the official Gazette, set aside and declare any Forest and adjoining area to protect natural ecosystems and use natural resources sustainably, when conservation and sustainable use can be mutually beneficial.

(2) The area is managed to promote sustainable use of natural resources, considering ecological, economic and social dimensions.

(3) It may be managed to contribute to developing and maintaining a more balanced relationship between humans and the rest of nature.

(4) The area may be further managed to promote social and economic benefits to local communities where relevant.

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(5) Government may permit and facilitate scientific research and environmental monitoring, mainly related to the conservation and sustainable use of natural resources.

173. **Site of Special Scientific Significance and Interest.**—With a view to protect species of flora and fauna or habitat or landscape having special scientific importance or for mitigating the effects of climate change, Government may, by notification in the official Gazette, declare any Forest and adjoining area to be a Site of Special Scientific Interest and prohibit therein every act deemed against the scientific interest of the site.

174. **Man and Biosphere Reserves.**—When a Forest or adjoining area has a potential for promoting solutions to reconcile the conservation of biodiversity with its sustainable use, Government may, by notification in the official gazette, declare such area to be a Biosphere Reserve, comprising of a core zone, a buffer zone and multiple-use zone, and manage it in the prescribed manner.

175. **National Natural Heritage Site.**—To protect natural, physical and biological formations or groups of such formations, which are of outstanding national or global value from the aesthetic or scientific point of view, Government may declare any Forest and adjoining area to be a National Natural Heritage Site and regulate its management in the prescribed manner.

176. **Wetland Area.**—(1) Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl, Government may, by notification in the official Gazette, designate and declare suitable wetlands in its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8 of the Ramsar Convention.

(2) The boundaries of each wetland shall be precisely described and also delimited on a map.

(3) Government shall select wetlands for inclusion in the List on account of their significance in terms of ecology, botany, zoology, limnology or hydrology, and in the first instance wetlands of international importance to waterfowl at any season shall be included.

(4) Government may add to the List further wetlands situated within its boundary, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent interests, delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time,

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inform the organization or government responsible for the continuing bureau duties specified in Article 8 of the Ramsar Convention of any such changes.

177. **Migratory routes.—**Department may establish migratory routes for migratory wildlife species in forests and other areas under the management control of Department.

178. **Corridors.—**Department may establish corridors for wildlife species in forests or other areas under its management control.

179. **Restrictions and Prohibitions of certain Acts in Protected Areas System, Sites of Special Scientific Interest, Man and Biosphere Reserves, National Natural Heritage Sites, Wetland Areas, Migratory Routes or Corridors.—**(1)The following acts may be restricted or prohibited in Protected Areas System, Sites of Special Scientific Interest, Man and Biosphere Reserves, National Natural Heritage Sites, Protected Area with Sustainable Use of Natural Resources and Wetlands—

(a) harvesting, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree;

(b) harvesting and collection of medicinal and aromatic plants and other forest produce;

(c) hunting, shooting, trapping, killing or capturing of any wild animal;

(d) carrying of arms, pet animals, livestock, firing any gun or doing any other act which may disturb any wild animal or doing any act which interferes with the serenity and tranquillity of the park and breeding places of wild animals;

(e) grazing of livestock;

(f) fishing;

(g) clearing or breaking up any land for cultivation; mining or quarrying of stones or for any other purpose;

(h) polluting or poisoning water flowing in and through the National Park;

(i) littering and dumping of wastes;

(j) writing, inscribing, carving, disfiguring, defacing, painting, chalking, advertising;

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(k) use of vehicular transport, except on recognized roads and routes;

(l) blowing of pressure horns within one kilometre radius of the park boundary; and

(m) play back music, using radios, players or any other audio-video equipment, or making noise:

(2) Government may permit certain acts in certain categories while keeping in view the requirements of the category when making such relaxation.

180. **In-situ conservation of forest genetic resources.**—(1) Department may strengthen the role of Protected Forests, Protected Areas, Forest Biosphere Reserves, Sites of Special Scientific Importance and other in-situ conservation areas for the conservation of forest genetic resources.

(2) Department may support and develop sustainable management and conservation of forest genetic resources on wastelands, farm lands, and other non-forest areas.

(3) Department may support and strengthen the role of forests managed by indigenous and local communities in the sustainable management and conservation of forest genetic resources.

(4) Department may identify priority species for action.

(5) Department may pay special attention to threatened and endangered species.

(6) Department may support and strengthen regional collaboration through participating in eco-regional networks and collaboration mechanisms.

181. **Sustainable use, development and management of forest genetic resources.**—(1) Department may develop and reinforce seed programmes to ensure the availability of genetically appropriate tree seeds in the quantities and of the (certified) quality needed for plantation programmes.

(2) Department may promote restoration and rehabilitation of ecosystems using genetically appropriate material.

(3) Department may support climate change adaptation and mitigation through proper management and use of forest genetic resources.

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(4) Department may promote appropriate use of emerging technology to support the conservation, development and sustainable use of forest genetic resources.

(5) Department may develop and reinforce research programmes on tree breeding, domestication and bio-prospecting in order to unlock the full potential of forest genetic resources.

(6) Department may develop and promote networking and collaboration with concerned organizations, agencies and communities to combat invasive species of animals, plants and micro organisms affecting forest genetic resources.

182. **Policies, institutions and capacity building for forest genetic resources.**—(1) Department may develop strategies for in-situ and ex-situ conservation of forest genetic resources and their sustainable use.

(2) Department may update forest genetic resource conservation and management needs and integrate them into wider policies, programmes and frameworks of action at national, regional and global levels.

(3) Department may develop collaboration and promote coordination with national institutions and programmes related to forest genetic resources.

(4) Department may establish and strengthen educational and research capacities on forest genetic resources to ensure adequate technical support to related development programmes.

(5) Department may promote the participation of indigenous and local communities in forest genetic resources management in the context of decentralization and devolution.

(6) Department may support and strengthen capacity building for forest genetic resources conservation.

(7) Department may strengthen efforts to mobilize the necessary resources, including financing, or the conservation, sustainable use and development of forest genetic resources.

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CHAPTER-XXII

EX-SITU CONSERVATION OF FORESTS

183. **Ex-situ conservation.**—(1) Department may take measures to promote ex-situ conservation of various floral species for conservation, education, research and recreation purposes.

(2) It may encourage private sector for the establishment of ex-situ conservation areas.

184. **Botanical Gardens.**—Department may establish or promote private sector to establish botanical gardens as an ex-situ conservation measure.

185. **Herbariums and Arboreta.**—Department may establish or promote private sector to establish herbariums and Arboreta in different ecological zones as an ex-situ conservation measure.

186. **Breeding facilities, centres and seed orchards.**—Department may establish or promote private sector to establish breeding facilities, centres and seed orchards for the propagation and multiplication of various plant species.

CHAPTER-XXIII

FOREST PROTECTION AND GENERAL RESTRICTIONS

187. **Forest Protection and General Restrictions.**—(1) Certain general restrictions shall apply in each category of Forest, Protected Area, In-situ Conservation Areas, Ex-situ Conservation Area, wasteland, riverbed and wetland. The following acts shall be prohibited in such areas:

(a) hunting, shooting, trapping, killing or capturing of any wild animal;

(b) carrying of arms, pet animals, livestock, firing any gun or doing any other act which may disturb any wild animal or doing any act which interferes with the serenity and tranquillity of the park and breeding places of wild animals;

(c) logging, felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree;

(d) grazing of livestock;

(e) fishing;

(f) clearing or breaking up any land for cultivation; mining or quarrying of stones or for any other purpose;

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(g) polluting or poisoning water flowing in and through the National Park;

(h) littering and dumping of wastes;

(i) writing, inscribing, carving, disfiguring, defacing, painting, chalking, advertising;

(j) use of vehicular transport, except on recognized roads and routes;

(k) blowing of pressure horns within one kilometre radius of the park boundary; and

(l) play back music, using radios, players or any other audio-video equipment, or making noise:

(2) A person shall not within any Forest Area, Protected Area, In-situ Conservation Area, Ex-situ Conservation Area, wasteland, riverbed or wetlands-

(a) dig, lay, or construct any pitfall, net, trap, snare or use other device whatsoever, capable of killing, capturing or wounding any animal;

(b) carry or have in his possession or under his control any weapon in respect of which he fails to satisfy the Forest Officer that it was intended to be used for a purpose other than hunting, killing, wounding or capturing of an animal; or

(c) conduct crop cultivation.

(3) Department may relax the enforcement of some of the restrictions given in sub-sections (1) and (2) above in wastelands, khalsa areas and river beds, if so warranted by the prevailing circumstances.

(4) A person shall not collect sand, stones, prospect or mine in any type of Forest, In-situ Conservation Area, Ex-situ Conservation Area, wasteland, riverbed, wetland, or any Protected Area which is within the management responsibility of the Department.

(5) The Mines, Minerals and Industries Department shall not issue or grant any type of license or lease to anybody in any area which is under the management responsibility of Forest Department without prior No Objection Certificate (NOC) and approval by the Forest Department.

(6) The formulation and revision of any laws, rules, regulations, etc. of the Mines, Minerals and Industries which in any way impact any area which is under the management responsibility of the Forest Department shall require prior consent and NOC of Forest Department.

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(7) Notwithstanding the provisions of subsection (4), a person may, with the prior permission of the competent authority and as may be prescribed, prospect or mine in such areas which are under the management control of the Department if the undertaking involves or is intended for prospecting or mining of the following—

(a) oil;

(b) gas; or

(c) uranium;

Provided that —

(i) Environmental Impact Assessment has been conducted in accordance with the Gilgit-Baltistan Environment Act 2015;

(ii) protection cost has been paid by the investor as shall be prescribed in the rules;

(iii) concession fee, royalty and other fees, as levied by government, have been paid in accordance with the rules made by Government; and

(iv) the Government is the initiator of such undertaking.

(8) A person who contravenes this section commits an offence and on conviction shall be liable to a fine of not less than ten thousand rupees but not exceeding one million rupees or to imprisonment for a term of not less than six months but not exceeding three years or to both.

(9) The provisions of this Act may be applied in a pre-emptive manner, if deemed necessary.

188. **Notification of Boundaries of Protected Forests and certain Protected Areas.—**(1) Within two years of the declaration and notification in the official Gazette of a Protected Forest or a Protected Area, Government shall cause the boundaries of such an area to be so marked and defined as to be clearly visible at all times.

(2) The Forest Officer so designated shall cause a map of each such area to be prepared and it shall be made available to the public for inspection.

189. **Variation of Boundaries or de-notification of Protected Forests and Protected Areas.—**(1)Department may publish a notice of variation of boundaries or change of status of Protected Forests or Protected Areas.

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(2) A notice under sub-section (1), which proposes to —

(a) vary the boundaries of a Protected Forest or a Protected Area; or

(b) change the status of a Protected Forest or a Protected Area shall only be published subject to the provisions of sub-section (3) and after approval by the Government.

(3) There shall be no variation of boundaries of change of status of Protected Forests or Protected Areas unless—

(a) it is satisfied that such variation of boundary or cessation of Protected Forest or a Protected Area proposed by the notice—

(i) shall not endanger any rare, threatened or endangered species;

(ii) shall not interfere with the migration and critical habitat of wildlife;

(iii) does not adversely affect the value of ecosystem in provision of various ecosystem services and goods; and

(iv) does not prejudice biodiversity conservation, cultural or natural site protection, or its use for educational, ecotourism, recreational, health and research purposes;

(b) the proposal has been subjected to an environmental impact assessment in accordance with the provisions of Gilgit-Baltistan Environmental Protection Act, 2015;

(c) public consultation in prescribed manner has been undertaken in relation to the proposed variation or cessation.

190. **Damages to Structures in Protected Forests or Protected Areas.**—(1)A person shall not, cause damage to any structures in a Protected Forest or a Protected Area.

(2) A person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than fifty thousand rupees but not exceeding five hundred thousand rupees or imprisonment or a term of not less than six months but not exceeding three years, or to both.

(3) These fines and penalties are imposed in addition to the recovery of the value of the damaged structure, which shall be assessed by the Divisional Forest Officer on current market rates or booked value, whichever is greater.

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191. **Restrictions on grazing livestock in Protected Forests and Protected Areas.—**(1) A person shall not, save with the written permission of the Divisional Forest Officer previously sought and obtained, graze any livestock in any regeneration area or in an area otherwise closed for grazing or in a Protected Area.

(2) A person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than ten thousand rupees but not exceeding one hundred thousand rupees or imprisonment for a term of not less than six months but not exceeding one year, or to both.

192. **Seizure of cattle found trespassing.—**(1) A Forest Officer or a Police Officer may seize and impound any cattle found trespassing in a regeneration area, in a Protected Area or in an otherwise lawfully closed for grazing.

(2) When a cattle under sub-section (1) is impounded, it shall , subject to sub-section (3), be governed by the provisions of Gilgit-Baltistan Cattle Trespass Act, 1976.

(3) Government may by notification direct that in lieu of the fines fixed under sections 11 and 11a of the Gilgit-Baltistan Cattle Trespass Act, 1976, there shall be levied for each head of cattle impounded under sub-section (1) such fines as considers fit, but the fine shall not exceed one-tenth of the fair market average sale value of each head of cattle.

193. **Protection of vegetation and restrictions on damages to vegetation.—**(1)A person shall not wilfully or negligently cause any bush or grass fire, or fell, cut, burn, injure or remove any standing tree, shrub, bush, grass, sapling, seedling or any part thereof in a Protected Forest or a Protected Area except in accordance with the written permission of the competent authority previously sought and obtained.

(2) A person who contravenes subsection (1) commits an offence and on conviction shall be liable to a fine of not less than fifty thousand rupees but not exceeding five hundred thousand rupees or to imprisonment for a term of not less than six months but not exceeding three years or to both.

194. **Protection of threatened and endangered species.—**(1). Department shall take measures to protect threatened and endangered species.

(2) List of the threatened and endangered species is given in Schedule 2 of this Act.

(3) Protection measures for threatened and endangered species may inter alia include their protection, conservation and propagation in various in-situ and ex-situ conservation measures.

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195. **Establishment of Buffer Zones.—**Department may, in consultation with relevant local communities and by official notification in the Gazette, designate buffer zones around Protected Forests or Protected Areas.

196. **Restrictions relating to Buffer Zones.—**(1) Department may, after consultation with the relevant local communities, prescribe for regulations in the official Gazette to govern the management of buffer zones.

(2) Rules made by the Department under subsection (1) of this section shall declare rights of communities that are compatible with conservation.

197. **Designation of Species Management Areas.—**(1) Government may, by notification in the official Gazette, declare any area to be a species management area.

(2) A species management area shall be established for purposes of protecting any rare, threatened species or plant or class of plants, animals or class of animals or their habitat.

198. **Protection of and restrictions relating to species management areas.—**(1) A person shall not cut, burn, injure or wound or kill a protected species of plant or animal.

(2) who without the permission of the competent authority previously sought and obtained, cuts or burns vegetation, hunts, captures, wounds, injures, molest or kill any protected species in species management area, commits an offence and on conviction shall be liable —

(a) in the case of a conviction for cutting, burning of protected plant species or hunting, capturing or killing of a protected animal, to imprisonment for a term of not less than six months but not exceeding two years or to payment of a fine of not less than twice the value of the plant cut, burned or killed or animal hunted, killed or captured or to both.

(b) in any other case, to a fine of not less than fifty thousand rupees but not exceeding two hundred thousand rupees or to imprisonment for a term of not less than three months but not exceeding one year.

199. **Declaration of closed season for collection and harvesting of MAPs and other forest produce and animals.—**Government may, by order or notification in the official Gazette, prohibit, restrict or regulate the collection and harvesting of MAPs or other forest or renewable natural resources produce, or hunting, killing or capture of any animal or class of animals in any area during such period as it may specify in such order or notification and such period so specified is hereinafter referred to as "closed season.

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200. **Restrictions relating to closed season.**—(1) Where an order has been made under section 199 in respect of any area, a person shall not, during the closed season collect or harvest MAPs, or forest or renewable natural resources produce, or hunt, kill, capture or wound within such area any animal to which such order applies except by and in accordance with the written permit issued by the competent authority as prescribed in the rules.

(2) Department shall not issue a written permit under subsection (1)of this section without approval the Government in respect of rare, threatened, endangered or protected species.

(3) A person who contravenes the provisions of this section or condition attached to any permission granted under sub-section (1) commits an offence and on conviction shall be liable —

(a) in any case where the conviction relates to the cutting, collection, or harvesting of a rare, threatened, endangered or protected plant species or hunting, capture or killing of a provincial game, or a rare, threatened, endangered or protected animal species to a fine not less than twice the value of the plant extracted or animal hunted, killed or captured or to imprisonment for a term not less than one year but not exceeding three years, or both fine and imprisonment;

(b) in the case where the conviction relates to the hunting, capture, or killing of an animal specified in Part II of the First Schedule of Gilgit-Baltistan Wildlife Act2018, to imprisonment for a term of not less than two years but not exceeding three years, the court may in addition thereto, impose a fine of an amount not less than twice the value of the animal hunted, captured or killed, or both fine and imprisonment;

(c) in the case where the conviction relates to other plant or animal species, to imprisonment for a term of not less than one year but not exceeding three years and in addition thereto, the court may impose a fine of an amount not less than twice the value of the plant extracted or animal hunted, captured or killed, or both fine and imprisonment.

201. **Alien species.**—An alien Species is a species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities. Alien species are not necessarily invasive species.

202. **Restrictions relating to Alien species.**—Government may prohibit or regulate the entry into Gilgit-Baltistan of an alien species or prohibit or regulate its release into the wild.

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203. **Invasive species.—**Invasive species" means a non-indigenous species translocated to or introduced into a place or a habitat outside its natural occurrence or outside its natural range where it dominates and outgrows the native and indigenous species or takes over the habitat or reaches a level where it could become a weed or a pest.

204. **Restrictions relating to Invasive species.—**Government may prohibit or regulate the entry into Gilgit-Baltistan of an invasive species or prohibit or regulate its release into the wild.

205. **Restrictions relating to GMOs.—**Government may prohibit or regulate the entry into Gilgit-Baltistan of a Genetically Modified Organisms (GMO) or prohibit or regulate its release into the wild.

206. **Counterfeiting or effacing or defacing marks on trees or timber or other produce and altering boundary marks.—**(1)A person shall not, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Pakistan Penal Code,—

(a) knowingly counterfeit upon any timber or standing tree or other produce a mark used by Forest Officers to indicate that such timber or tree or produce is the property of Government or of some person, or that it may lawfully be cut or removed by some person, or that it is designated for scientific, educational or other purposes; or

(b) alter, deface or obliterate any such mark placed on a tree, or on timber, or other produce under the authority of a Forest Officer; or alter, move, destroy or deface any boundary mark or boundary pillar of any Protected Forest, Protected Area, wasteland, river bed, village forest or any other forest made by or under the authority of a Forest Officer.

(2) A person who contravenes or fails to comply with any of the provisions of this section or abets in commission or furtherance of any such acts shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifty thousand rupees, or with both, in addition to such compensation as the convicting court may direct to be paid, which shall not be less than the value of the actual damage done to the forest as assessed by the Forest Officer.

(3) Where the value of the forest or property damage as assessed by the Forest Officer is less than ten thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one month, or with fine which shall not be less than five thousand rupees, or with both.

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(4) Where the value of the forest or property damage, as assessed by the Forest Officer, exceeds ten thousand rupees but does not exceed thirty thousand rupees, the offence shall be punishable with imprisonment which shall not be less than three months, or with fine, which shall not be less than ten thousand rupees, or with both.

(5) Where the value of the forest or property damage, as assessed by the Forest Officer, exceeds thirty thousand rupees but does not exceed one hundred thousand rupees, the offence shall be punishable with imprisonment which shall not be less than six months, or with fine, which shall not be less than twenty thousand rupees, or with both.

(6) Where the value of the forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees, the offence shall be punishable with imprisonment which shall not be less than one year, or with fine, which shall not be less than fifty thousand rupees, or with both.

(7) If the offender be a woman, the magistrate shall, except for reasons to be recorded in writing, dispense with her presence and permit her to appear by an agent, authorised by writing under the signature or thumb impression of the woman attested by a respectable person of the area concerned.

(8) 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, in such cases all the produce in question, tools, implements, carriages, including mechanically propelled vehicles, pack animals, sawing unit, chain saw, arms, ammunitions and other equipment and conveyances used in the commission or furtherance of the offence shall stand confiscated in favour of Government, in addition to the punishment awarded under this section.

207. **Removal of encroachments etc. from Protected Forests, Private Forests, Protected/Regulated Landscapes, Wastelands, River Beds and Protected Areas.**—(1)A court convicting an accused person of an offence under section 42, section 71 section81 and section 190 shall direct the accused on conviction, 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, or as the Court may fix in this behalf, to the Forest Officer, and to remove within the said period any encroachments which the accused may have put up or erected on such land.

(2) An accused and convicted person directed by a Court under sub-section (1) to deliver possession of land of a Protected Forest, Protected Area, wasteland or river bed to the Forest Officer or to remove therefrom any encroachment made by him, who fails to deliver the land or to remove the encroachment, within the period specified by the court—

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(a) may, by order of the Court, be ejected from such land, and any encroachment made by him on such land, may be removed or demolished with such force as may be necessary; or in such manner as may be prescribed, or ordered; and

(b) shall also be liable to a fine which shall not be less than five hundred rupees and may extend to one thousand rupees per kanal, for every day, or imprisonment which shall not be less than five days, and may extend to ten days for every day of illegal occupation, or both, after the period fixed by the Court under the provisions of sub-section (1) has expired, that he remains in possession or occupation of the land in respect of which he has been convicted or fails to demolish or remove the encroachment on such land; and

(c) the cost of demolition or removal of structure shall be recovered as arrears of land revenue from the person from whose possession the encroachment of the encroached area has been vacated or in default shall be punishable with imprisonment which shall not be less than one month and may extend to six months.

208. **Powers to demolish and remove any encroachments or unauthorized building or structure.—**The Chief Conservator of Forests, Conservators of Forests, Divisional Forest Officers, Sub-Divisional Forest Officers, Range Forest Officers and Block Officers in Gilgit-Baltistan and all Police Officers of the rank of Sub-Inspector of Police and above within their respective jurisdictions are authorized to enter upon Government land, Protected Forest, Protected Area, wasteland, river bed or any other forest land or area or any Government building or structure in charge of, or under control of the Forest Department which the lessee, licensee, encroacher, or unauthorized occupant, as the case may be, has failed or refused to vacate, either by order of the court or by order of the Forest Officer competent to issue such order, and to recover the possession of such land or building or structure by evicting the lessee, licensee, encroacher, or unauthorized occupant, as the case may be, and to demolish or remove any structure illegally and unlawfully erected or built on such land by the lessee, licensee, or un-authorized occupant by using such force as may be necessary in the circumstances.

209. **Power of arrest without warrant.—**(1)A Forest Officer or a Police Officer may, without orders from a magistrate and without a warrant, can arrest any person against whom a reasonable suspicion exists of his having been involved in any forest offence punishable with imprisonment for one month or more.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond,

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take or send the person arrested before the magistrate having jurisdiction or to the officer in charge of the nearest police station within twenty four hours of such arrest.

210. **Power of release on a bond a person arrested.**—A Forest Officer not below the rank of a Forest Ranger or Police Officer not below the rank of a Sub-Inspector, who or whose subordinate, has arrested a person under the provisions of section209, may release such person on his executing a bond to appear, if and when so required, before the magistrate having jurisdiction in the case, or before the officer in charge of the nearest police station.

211. **Power of seizure of property liable to confiscation.**—(1)A Forest Officer or a Police Officer may seize—

(a) timber or any other forest or renewable natural resources produce or NTFPs/MAPs or their produce which he has reason to believe has been obtained, stored, possessed or is being transported contrary to any provisions of this Act, or of any rules or orders made thereunder; and

(b) All implements, tools, equipment, carts, carriages, wagons, pick up, lorry, truck, boat or launch, van, motor car, bus or any other mechanically propelled vehicles, sawing unit, chain saw, power saw, pack animals, arms and ammunition or any other kind of conveyances used in the commission, abetment or furtherance of the offence under this Act, rules or orders.

(2) Every officer seizing any timber, or forest or renewable natural resources produce or NTFPs/MAPs or their produce or 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.

(3) When the timber or forest or renewable natural resources produce, or NTFPs/MAPs or their produce with respect to which such offence is believed to have been committed is the property of Government, or the offender is not known, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to the Divisional Forest Officer who shall appropriate it in favour of Government.

(4) The Police Officer making the seizure shall inform the Forest Officer not below the rank of Range Forest Officer about such seizure and deliver the produce and the case property to the Forest Officer on immediate basis.

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(5) The timber, forest or renewable natural resources produce or NTFPs/MAPs or their produce and any case property seized under sub-section (1) may be placed in the custody or possession of a custodian and shall not be removed, transferred, damaged, altered or disposed of in any manner except with the previous permission of the Forest Officer.

(6) When the offender is not known or cannot be found, the magistrate shall, if he is satisfied that an offence has been committed, direct that the case property seized under subsection (1) is confiscated in favour of Government.

(7) No such order shall be made until the expiration of ten days 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.

212. **Power to release property seized under section 211 and procedure thereon.**—(1) A Forest Officer not below the rank of a Range Forest Officer, or Police Officer not below the rank of a Sub-Inspector, who, or whose subordinate, has seized any tools, equipment, conveyances, etc., mentioned in clause (ii) of sub-section (1) of section 211, may release the same, on the execution by the owner thereof, of a bond for the production of the property so released, if and when so required, before the magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(2) Upon the receipt of any report or case challan, the magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

213. **Disposal on conclusion of trial for forest offence of produce in respect of which an offence has been committed.**—When the trial of any forest offence is concluded, timber or any other forest or renewable natural resources produce or NTFPs/MAPs or their 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 not below the rank of a Range Forest Officer.

214. **Procedure as to perishable properties seized under section 211.**—(1)The magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 211 if he is of the opinion that its sale would be for the benefit of the Department or owner or when the forest produce so seized is subject to speedy and natural decay, and may deal with the sale proceeds in accordance with the decision of the Court, as and when arrived.

(2) If the person entitled to possession of any perishable property is unknown or cannot be found, the magistrate shall, if he is satisfied that an

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offence has been committed, direct the sale of such property seized under section 211, and the sale proceeds so realized shall be credited to Government treasury.

(3) The sale of such produce shall be done by Forest Department and as per procedure of Forest Department in vogue for the forest produce in question.

(4) The competent authority for setting the reserve rates and approval of the rates received shall be the concerned Divisional Forest Officer or Conservator of Forests or Chief Conservator of Forests as given in the Financial Powers of Government of Gilgit-Baltistan.

215. **Appeals from orders under sections 213 and 214.**—The officer who made the seizure under section 214, 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 216 or section 217, appeal to the Court to which orders made by such magistrate are ordinarily appealable, and the orders passed on such appeals shall be final.

216. **Property when to vest in Government.**—When an order for the confiscation of any property has been passed under section 213 or section 214, as the case may be, and the period limited by section 215 from such order has elapsed, and no 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 Forest Department free from all encumbrances

217. **Punishment for wrongful seizure.**—A Forest Officer or a Police Officer who vexatiously seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

218. **Five or more persons conjointly committing or attempting to commit a forest offence by putting a lawful authority in fear of any injury or causing hurt.**—(1)When five or more persons conjointly commit or attempt to commit a forest offence, valuing rupees thirty thousand or more, as assessed by the Forest officer, by putting a lawful authority in fear of any injury or during the commission of any offence, whoever causes hurt or grievous hurt or assaults or threatens lawful authority or wrongfully restrains or uses criminal force or commits criminal intimidation against a Forest Officer or a Police Officer (these words shall be deemed to have the meaning respectively attributed to them by Pakistan Penal code, Act No. XLV of 1860), or whoever abets in commission or furtherance of such offence, shall be punishable with imprisonment which shall not be less than six months and may extend to three years, or with fine, which shall not be less than twenty thousand rupees and may extend to one hundred thousand rupees, or with both, and that all tools and implements, mechanically

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propelled vehicles, pack animals, equipment, sawing unit, power saw, arms and ammunition or any other kind of conveyances used in the commission, abetment or furtherance of the offence adjudicated shall be confiscated in favour of Government and that all forest produce illicitly obtained or removed shall be restored to Government.

(2) All the offences mentioned in sub-section (1) and those involving damaging of Forest Check Posts shall be non-bail able and non-compoundable.

219. **Persons bound to inform and assist forest officers, etc.—**(1)A person having any right in a Protected Forest, Protected Area, Private Forest, Regulated or Protected Landscape, wasteland, or any forest land which has been placed under the management of a Forest Officer, every person employed by such person therein, and every person in any village contiguous thereto who is employed by Government, shall be bound—

(a) to furnish without unnecessary delay to the nearest Forest Officer, Police Officer or Village Forest Officer, or concerned community-based organisation, village-based organisation or Joint Forest Management Committee, any information he may possess regarding the commission of, or intention to commit, any forest offence;

(b) to forthwith take steps,—

(i) to extinguish any fire occurring in a Protected Forest, Private Forest, Protected Area, or wasteland;

(ii) to prevent any fire in the vicinity of such forest or wasteland from spreading thereto;

(c) to assist a Forest Officer, a Police Officer, a Village Forest Officer, community-based organisation, village-based organisation or Joint Forest Management Committee—

(i) in preventing the commission of any forest offence therein;

(ii) in discovering and arresting the offender when there is reason to believe that a forest offence has been committed and in apprehending the timber, or forest or renewable natural resources produce or MAPs or MAPs produce or case property and in taking into possession the same under *superdnama*.

(2) A person who, being bound so to do, without lawful excuse fails:

(a) to furnish without unnecessary delay any information as required by clause (a) of sub-section (1);

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(b) to take steps as required by clause (b) of sub-section (1); or

(c) to assist as required by clause (c) of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

220. **Penalties and Procedure.**—(1) Notwithstanding anything contained in any law for the time being in force, the offences under section 41, section 54, section 70, section 80, section 120, section 129, section 145, section 179, sections 190, 206, section 211 and section 283 shall be non-bail able:

(a) where the value of forest damage, as assessed by the Forest Officer, exceeds one hundred thousand rupees;

(b) where an accused has been previously convicted of an offence valuing fifty thousand rupees or more; and

(c) where an accused puts a lawful authority in fear of any injury or causes hurt, or grievous hurt, or assaults, or threatens lawful authority or uses criminal force or commits criminal intimidation against a Forest Officer or a Police Officer.

(2) The Forest Magistrate shall, in passing sentence thereunder—

(a) take into account the extent and duration of the contravention or failure constituting the offence, and the attendant circumstances; provided that where the value of the forest damage, timber or forest or other renewable natural resources produce or MAPs or MAPs produce in respect of which the offence has been committed exceeds ten thousand rupees, as assessed by the Forest Officer, the sentence imposed shall be imprisonment of not less than three months or fine of not less than ten thousand rupees, or both;

(b) order confiscation and restoration of the Government of all timber, or any other produce in respect of which the offence has been committed;

(c) order confiscation, in favour of Government of all implements, tools, equipment, carts, carriages, wagons, mechanically propelled vehicles, pack animals, sawing units, power saws, chain saws, arms and ammunitions, or vessels, or any other kind of conveyances used in the commission, abetment or furtherance of the offence adjudicated and seized under section 81 where the values of forest damage, timber or produce as assessed by the Forest Officer exceeds thirty thousand rupees.

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(3) When the offender is not known or cannot be found, the Forest 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 by the Forest Officer.

(4) No such order shall be passed until the expiration of one month from the date of seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which such person may produce in support of the claim—

(a) where he is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, order the offender to pay an additional fine, which shall not be less than the amount of monetary benefits that have accrued to the offender;

(b) order the offender, where practicable to repair the damage to the Protected Forest, Private Forest, Protected Area or wasteland or any other movable and immovable property of the Department caused by him by restoring it to the conditions existing prior to the commission of the offence, or as close to such condition existing prior to the commission of the offence, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Forest Officer;

(c) order, where appropriate, that out of the fines paid by the offender, any amount by way of compensation be paid to any person who has suffered damages to his person or property as a result of the act of offender in commission of the offence, or any amount by way of reward not exceeding half of the amount of fine so realized by the court to be paid to any person who has seized the case property or has in any way assisted in furnishing information and apprehending the offender, or property, or detecting the offence within the meaning of section235 and Chapter XXIII (Prevention, Detection, Suppression, Investigation and Prosecution of Offences) leading to conviction of the offender;

(d) order an offender who has been convicted for clearing or breaking up for cultivation or any other purpose any land in a Protected Forest or Protected Area, to deliver the possession of the same to the Forest Officer and to remove encroachment thereon within thirty days, failing which he may be ordered to be ejected therefrom and the encroachment removed or demolished with such force as may be necessary, and in such manner as may be prescribed or ordered; provided that if such forest is being managed by the community-based organization or a village-based organization under section 88 or a Joint Forest Management Committee under

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section 89, possession will be delivered to the said organization or Committee and encroachment removed and demolished with such force as may be necessary.

(5) An offender under this section who is found to have been previously convicted under this Act or rules made thereunder or the enactments repealed under this Act shall be punished with imprisonment which may extend to three years and a fine which may extend to fifty thousand rupees, or with both, in addition to any other punishment which may be awarded under this Act.

(6) In all cases of illicit cultivation in any Protected Forest, Protected Area, protected wasteland, or any other protected areas irrespective of the fact whether any punishment has been awarded to the offender or not, the Forest Officer may demarcate the land so cultivated and may suspend the exercise of all rights in such land for a period as may be necessary for the reproduction of any tree or turf that may have been destroyed.

(7) Where the offence under this section is committed after the sunset and before the sun-rise or when offender causes hindrance in the performance of lawful duties or to lawful authority or threatens lawful authority during enforcement of this Act or rules made thereunder or has been previously convicted of like offence, he may be inflected with double the penalty specified above.

CHAPTER-XXIV

PREVENTION, DETECTION, SUPPRESSION, INVESTIGATION AND PROSECUTION OF OFFENCES

221. **Suppression of offences.—**(1). Government may suppress forest offences by taking measures in this regard.

(2) Forest offence suppression steps may include different measures, namely—

(a) increased prevention;

(b) increased detection;

(c) making it increasingly difficult for offenders to commit an offence;

(d) improving investigation and increasing the risk of getting caught;

(e) strengthening prosecution and increasing the risk of getting punished;

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(f) reducing the motives of and getting monetary or other benefits from forest offences;

(g) rationalizing penalties for offences;

(h) strengthening the role of and mobilizing local communities and Interested parties in forest protection and prosecution;

(i) strengthening the role of and mobilizing other law enforcement agencies in support of suppressing forest crimes; and

(j) strengthening forest offences trial and adjudication mechanisms.

222. **Investigation of offences.—**(1) Government may take steps to strengthen investigation of forest crimes.

(2) Investigation strengthening measures inter alia may include—

(a) strengthening investigation planning and management;

(b) adequacy in legal knowledge of forest law enforcement personnel;

(c) strengthening the role of and capacity building of witnesses;

(d) witnesses protection; and

(e) plea bargaining with forest offenders in exchange for information and evidence.

223. **Liability to inform.—**(1).Every citizen of Gilgit-Baltistan or a functionary of any Government Department, Corporation, etc. is bound to and liable to inform a Forest Officer or a Police Officer about a forest offence happening or likely to happen.

(2) Government may strengthen information provision under sub-section (1) by keeping confidential the identity of informers and providing suitable incentives for information provision.

(3) Whoever contravenes the provisions of sub-section (1) is committing an offence and on conviction is liable to fine which may extend to twenty thousand rupees or imprisonment which may extend to three months or to both such fine and imprisonment.

224. **Prosecution of offences.—**(1)Government may strengthen the prosecution of forest offence cases through various measures.

(2) These measures, inter alia, may include—

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(a) strengthening the chain of evidence;

(b) improving the quality and completeness of statements and witnesses;

(c) general awareness creation about forest offence cases;

(d) launching capacity building programmes for magistrates and prosecutors knowledge of forest, forest related laws and offences; and

(e) strengthening the roles of prosecutors, independence of prosecutors and prosecutorial discretion.

(3) When an accused does not request for compounding of a forest offence, or the Forest Officer refuses to compound an offence, the Range Forest Officer shall prepare a challan as prescribed and submit the same to the Divisional Forest Officer, who after scrutiny, if considers fit, will forward the case to the concerned court for trial.

225. **Confiscation and forfeiture of case property.**—(1)Government may strengthen the confiscation and forfeiture of case property through supporting the seizure and recovery of case property, supporting processes for addressing forest related money laundering, and taking measures for and making provisions for strengthening patrolling and protection of vulnerable forests

(2) Government may give fiscal and other incentives for enhancing the confiscation and forfeiture of stolen property.

226. **Abetment of an offence.**—A person legal entity or community who abets in the commission of an offence under this Act or the rules made thereunder is committing an offence and on conviction is liable for the same fine, imprisonment and other penalties as the one who commits the offence.

227. **Interference in duty.**—(1) Whoever interferes in duty of a Forest Officer under this Act or rules made thereunder or while performing a duty/function in fulfilment of the mandate given to the Department, is committing a non-bailable offence.

(2) On conviction the offender is liable to fine which may extend to one hundred thousand rupees, or imprisonment which extend to three years, or to both such fine and imprisonment.

228. **Lodging of complaint.**—All complaints about a forest offence are to be lodged in the prescribed manner

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229. **Competent court.**—All complaints and suits about a forest offence case are to be instituted in the Court of Forest Magistrate.

230. **Summary trial.**—Forest offence cases shall be tried through summary trials in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

231. **Acting in defence.**—A Forest Officer may act in self-defence while implementing this Act or rules made thereunder.

232. **Burden of proof.**—(1) In any proceedings for a forest offence under different provisions of this Act or the rules made thereunder, the burden of proof lies on the accused that the forest produce in question has been legally obtained by him pursuant to, and in accordance with the terms of a licence issued, permit or any other authority given under this Act.

(2) Where in any proceedings for an offence under sections 117, 144, and 156 it is proved to the satisfaction of the court —

a. that the forest produce which is the subject matter of the charge was found in any building, premises or vessel, or any part of any building, premises or vessel occupied by the accused or his dependant, whether or not the accused was physically present when the forest produce was found; or

b. that such produce was found in any vehicle, baggage, package or parcel in possession of or owned by the accused or over which the accused had control at the time when the produce was found, unless the contrary is proved, the court shall presume that such produce was in the possession of the accused.

(3) In any proceedings for an offence under sections 117, 144, and 156 the burden of proof that—

(a) the possession of the forest produce was lawful;

(b) the sale, purchase or other transaction relating to the forest produce was lawful;

(c) the accused had assumed possession of the produce in order to comply with the requirements of this Act; or

(d) the forest produce does not belong to Government, shall lie on the person charged.

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233. **Forest Officers to be public servants.**—A Forest Officer is deemed public servant within the meaning of section 21 of Pakistan Penal Code, 1860 (Act XLV of 1860).

234. **Protection of action by Forest Officers.**—(1) Actions taken by Forest Officers to implement this Act or the rules made thereunder are protected.

(2) No suit, prosecution or other legal proceedings shall lie against a Forest Officer for any action which is done or intended to be done in good faith under this Act or the rules made thereunder.

235. **Disposal of produce during proceedings.**—(1) Subject to sub-section (2), at any stage of the proceedings under this Act, the court may on its own motion or on an application made by the prosecution in that behalf order that any forest produce, weapon, vehicle, vessel or other article which has been tendered or put in evidence before it and which is subject to speedy decay, destruction or depreciation be placed at the disposal of the Forest Officer.

(2) Where the article in respect of which an order under sub section(1) is made is not perishable forest produce, or an animal or trophy, the court may, if it is satisfied that it would be just to do so, attach to the order a condition that the Forest Officer shall not dispose of that article until the expiration of three months from the date of the making of that order.

(3) Notwithstanding the provisions of any written law to the contrary, on the expiration of three months from the making of an order under sub-section (1) to which the condition under subsection (2) was attached, the order of the court shall be final and shall operate as a bar to any claim by or on behalf of any person claiming ownership of, or any interest in the article by virtue of any title arising before the order was made.

236. **Where produce and other property belong to another person.**—(1) In any proceedings for an offence under this Act for charge of unlawful possession of, or unlawfully having in control or custody, any forest produce, any person being prosecuted may, with leave of the court, have any person to whom the forest produce belong or to whose act or default he alleges that the contravention of the relevant provisions was due, brought before the court in the proceedings, and where after the contravention was due to the act or default of that other person, that other person maybe convicted of the offence, and where the original accused person proves that he had used all due diligence to ensure that the relevant provisions were complied with, he shall be acquitted of the offence.

(2) Without prejudice to subsection (1), in any such proceedings under this Act, an accused person shall not allege that the forest produce belongs, or that the contravention of the relevant provisions was due to some other person

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unless, before the end of two days from the commencement of the first hearing of the case he gives to the prosecution notice of his intention to do so.

(3) Every notice given under subsection (2) shall be deemed to be void and of no effect unless it contains—

(a) the name and address of that other person or, where the name or address is not known to the accused person at the time he gives the notice, any information in his possession which might be of material assistance in finding that other person;

(b) where the name and address is not included in that notice, the court is satisfied that the accused person, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;

(c) where the name or address is not included in that notice, but the accused person subsequently discovers the name or address or receives other information which might be of material assistance in finding the other person, he immediately gives notice of the name, address or other information, as the case may be; and

(d) where the accused person is notified by or on behalf of the prosecution that other person has not been traced by the name or at the address given, he immediately gives notice of any such information which is then in his possession, or, on subsequently receiving any such information immediately gives notice of it.

(4) For the purposes of this section, the fact that an accused person has not been admitted to bail shall not be a defence for his failure to provide to the prosecution the correct name or address of that other person or any information which may be of material assistance in finding that other person.

(5) Where an accused person seeks to avail himself of subsection (1)—

(a) and where the person he complains against or to whom he alleges the forest produce belong is not present at the time appointed for the hearing the court shall proceed with the hearing of the case against the accused person in the absence of that other person;

(b) the prosecution, as well as the person to whom the accuse person alleges the forest produce belong or whom he charges with the offence, may cross examine him, if he gives evidence, and any witness called by him in support of the plea, may rebut his evidence.

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(6) Any evidence tendered by the prosecution to rebut the allegations of the accused made pursuant to subsection (1) may, subject to any direction by the court as to the time it is to be given, be given before or after evidence is given in support of the allegation.

237. **Possession of weapons etc. in certain circumstances to be an offence.**—A person who is found in possession of any weapon or any other object in circumstances which raise a reasonable presumption that he has used or intends or is about to use the same for the purpose of the commission of an offence under this Act, shall, unless he shows lawful cause for such possession, commits an offence, and shall be liable on conviction to a fine of not less than ten thousand rupees but not exceeding fifty thousand rupees or to imprisonment for a term of not less than one month but not exceeding six months or to both.

238. **Licences and permits, etc.**—(1) A person having in his possession, control, custody or care of—

(a) any licence, permit, certificate, licence book, permit book certificate book or other official document granted or issued under, or used for the purposes of this Act;

(b) official mark, stamp or ink used for or in connection with the administration of this Act;

(c) any official uniform or badge approved for use; or

(d) any forest produce which is required by any provision of this Act to be delivered to a Forest Officer or which is in his possession by virtue of his holding any public office,

shall take all reasonable precautions to prevent the same from falling in to the hands or custody of any person not authorised to be in possession and if such person fails to take such reasonable precautions commits an offence and shall be liable on conviction to a fine of not less than fifty thousand rupees and not exceeding one hundred thousand rupees or to imprisonment for a term of not less than one month but not exceeding one year or to both.

(2) In any proceedings against a person for an offence under sub-section (1)—

(a) the burden to prove that reasonable precautions were taken to prevent any article or thing to which that sub-section applies from falling into the hands of an unauthorised person shall lie on the person charged; and

(b) where any such article or thing is shown to have been lost or stolen the court shall, unless it is satisfied to the contrary, presume that it has fallen into the hands of an unauthorised person.

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CHAPTER-XXV

ADJUDICATION OF FOREST OFFENCE CASES

239. **Prosecution of forest offence cases.**—When an accused does not request for compounding an offence or the Forest Officer refuses to compound an offence, the Range Forest Officer or the Sub-Divisional Forest Officer shall prepare a challan as prescribed and forward and submit the same to the Court of Forest Magistrate for trial or prosecution, as the case may be.

240. **Courts competent to take cognizance.**—All offence cases punishable under this Act and rules made thereunder shall be adjudicated and trials done exclusively by a Forest Magistrate.

241. **Magisterial powers to forest officers.**—(1) Government may empower a Forest Officer not below the rank of a Divisional Forest Officer to perform functions and powers of a Forest Magistrate under this Act.

(2) The Forest Officer appointed as Forest Magistrate shall be vested with all the requisite magisterial powers as are given to any Judicial Magistrate including the powers to ensure production of accused persons and witnesses by Police Officers.

242. **Bar of jurisdiction.**—No Civil Court shall exercise jurisdiction over any of the matters relating to the implementation of this Act or rules made thereunder.

243. **Power to try offences Summarily and as Special Cases.**—(1) Offences under this Act or rules made thereunder which can be tried summarily in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898) shall be tried summarily.

(2) A Court taking cognizance of an offence under this Act or rules made thereunder, may direct a Forest Officer of the area to serve summons on the accused person to appear before the Court on a given date. In case of refusal or non-compliance by the accused, the Court shall direct the police of the concerned police station to serve a warrant on the accused and produce him before the Court on the given date.

(3) All forest offence cases shall be treated as Special Cases and their trial done accordingly.

244. **Burden of proof as to lawful authority.**—When a person is alleged to have committed an offence under this Act and any question arises whether he did any act or was in possession of anything with lawful authority or under a permit, license or other document prescribed by or under any law for the

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time being in force, the burden of proving that he had such authority, permit, license or other document shall lie on him.

245. **Appeals from orders of Magistrates.**—A convicted person or the Department aggrieved by an acquittal order or sentence passed by the Forest Magistrate under this Act or the rules made thereunder may, within thirty days of communication of such order or sentence, appeal to the Secretary Forests Gilgit-Baltistan, who will decide the appeal within three months from the date of submission/institution of the appeal,

(2) The appeal against the decision of the Secretary Forests shall lie with the Chief Court of Gilgit-Baltistan having jurisdiction and final appeal shall be made before the Supreme Appellate Court of Gilgit-Baltistan.

246. **Strengthening of legal services.**—(1) Government may appoint as many legal advisors and lawyers as Forest Standing Counsels as may be deemed fit for effective defence and pleading of the civil suits, criminal cases and appeals of civil and criminal cases filed by the Department or against the Department or any Forest Officer

(2) Government shall make appropriate budgetary provisions for purposes of sub-section (1).

CHAPTER-XXVI

INFORMATION GATHERING, SURVEYS, MONITORING AND EVALUATION

247. **Information Gathering.**—(1).Department may gather any spatial or non-spatial data or information which is necessary for its proper functioning and the realization of its mandate.

(2) Data and information gathered may be stored, archived, retrieved, or processed in any manner deemed fit and necessary.

248. **Surveys.**—(1).Department may carry out Forest surveys, socio-economic or any other types of surveys

(2) For any spatial surveys, department may use datum of Survey of Pakistan—geodetic datum, gravimetric datum or vertical datum.

249. **Procurement of Topographic and Other Maps.**—Department may procure Topographic Maps and other maps from Survey of Pakistan, Government of Pakistan.

250. **Procurement of Imageries and Aerial Photos.**—Department may procure aerial photos, satellite or radar imageries or any other types of remote sensing imageries or photos from any source.

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251. **Preparation of Forest Maps.—**Department may prepare Forest Maps of different forest areas.

252. **Use and promotion of Survey and Measurement Systems, Methods, Techniques Tools, etc.—**Department may use and promote any survey and measurement systems, methods, techniques, tools, etc. including global positioning system, photogrammetry, LIDAR, or any other technique that is currently available or will become available in future.

253. **Monitoring and evaluation.—**Department may establish a Monitoring and Evaluation (M&E) System and develop a system of Criteria and Indicators for the M&E System.

254. **Establishment of Forests and Forestry Database Management Information System and Geographic Information of Lab.—**Department may establish a Forests and Forestry Database Management System, Information Management System and a Geographic Information System.

CHAPTER-XXVII

RESEARCH, TRAINING AND EDUCATION

255. **Establishment of Research Institutions.—**(1)Government may establish research institutions or centres to conduct research on forestry, wildlife and other renewable natural resources issues specific to Gilgit-Baltistan and which is not done by the Pakistan Forest Institute or other relevant research institutions.

(2) Department may, by regulations in the Gazette, provide for the administration and management of research institutions and centres established under this section.

(3) The administration and management of research institutions established under subsection (1) of this section shall be under the management of Chief Conservator of Forests.

(4) Department may enhance the capacity of different cadres of Forest and Wildlife Service by providing professional and in-service training.

256. **Extension, Education and Awareness Creation.—**Department may initiate, implement and support public awareness creation and education programmes on forestry, wildlife and renewable natural resources issues in order to enhance awareness and build capacity in protection, conservation, development, sustainable utilization and management of forest ecosystems and biodiversity resources.

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CHAPTER-XXVIII

POWERS, DUTIES AND OBLIGATIONS OF FOREST OFFICERS

257. **Conferment of certain powers on Forest Officers.**—(1) Government may invest any Forest Officer, with all or any of the following powers—

a. power to enter upon any land and to survey, demarcate and make its map;

b. power to hold inquiry into forest offences, and in the course of such inquiry, to receive and record statements and put up challans;

c. power of a civil court;

d. power to issue a search warrant under the Code of Criminal Procedure 1898; and

e. power to use force as may be necessary in the circumstances to check and examine any timber or forest produce, to apprehend and seize unlawfully obtained or removed timber or forest produce, or to apprehend any person, vessel, conveyance use in the commission or furtherance of forest offence, or to remove encroachment from government property or demolish any unauthorized structure or building erected on government land.

(2) Any statement recorded under clause (b) of sub-section (1) shall be admissible in any subsequent trial before a Forest Magistrate or Court provided that it has been taken in the presence of the accused person.

(3) The Forest Officer not below the rank of Divisional Forest Officer, for the purpose of this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

(a) summoning and enforcing the attendance of persons and examining him on oath;

(b) compelling the production of documents and material objects;

(c) receiving evidence on affidavits; and

(d) issuing commission for examination of witnesses.

258. **Power to search and arrest without warrant.**—(1) Any officer or any other person, authorized by Government in this behalf, may search any person, premises, vessel, vehicle, animal package, receptacle or covering,

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without warrant, so as to satisfy himself as to whether or not an offence under this Act has been committed and arrest the offender without warrant.

(2) The person arrested under sub-section (1) shall be produced, in the absence of any unavoidable circumstances, to the nearest police station within 24 hours, for further proceedings under the law for the time being in force.

259. **Power to grant licenses, permits, and no objection certificates (NOC).—**Any Forest Officer authorized by the Chief Conservator of Forests in this behalf, may issue a licence or permit for timber or other forest produce and renewable natural resource produce, or a NOC for regulating, harvesting, collection, hunting, possession, dealing, display and transportation as may be prescribed.

260. **Cancellation of licenses, permits, and no objection Certificates.—**Any Forest Officer authorized by the Chief Conservator of Forests in this behalf, may cancel a license, permit or NOC issued under section 259 of this Act in a manner as may be prescribed.

261. **Seizure and confiscation of case property.—**(1) Any officer or any person authorized by Government in this behalf may—

(a) seize and confiscate any timber or other forest produce, wild animal, dead or alive, which has been acquired otherwise than in accordance with the provisions of this Act; and

(b) seize any vehicle, vessel, conveyance, equipment, tools, fire-arm, net, trap, snare, bow, arrow or anything else what-so-ever used or suspected to have been used in the commission of an offence under this Act.

(2) produce, things and articles so seized shall be liable to confiscation.

262. **Disposal of case property.—**Notwithstanding any other provision of this Act, Divisional Forest Officer may sell or dispose of any produce or property seized or confiscated under section 261, or set free in the wild any animal if seized alive, and may, subject to the determination of the rights thereto, deal with the proceeds in such manner as may be prescribed.

263. **Prevention of commission of offence.—**A Forest Officer, or any other person authorized by Government in this behalf, shall be competent to prevent by all lawful means the commission of any offence under this Act.

264. **Compounding of offence.—**(1) A Forest Officer not below the rank of Divisional Forest Officer shall have the power,—

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(a) to accept from any person against whom reasonable proof for committing an offence under this Act exists, a sum of money by way of compensation for such offence as may be prescribed by the rules made under this Act; and

(b) to release the property, which has been seized as liable to confiscation, on receipt of the value and fine thereof, as estimated by an officer authorized in this behalf.

(2) On the receipt of compensation or such value and fine of property or both under sub-section (1), as the case may be, the suspected person, if in custody, shall be discharged and the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

(3) Compounding of forest offence cases is subject to the following-

(a) the accused is not a habitual forest offender;

(b) the produce in question shall be used for domestic use and not for commercial gains; and

(c) the produce is not walnut bark or some other CITES banned species.

265. **Assessment of value of timber or other forest produce.—**The sum of money accepted as compensation under clause (a) of sub-section (1) of section 264, shall be assessed by the Range Forest Officer and can be upto double the market value of the produce at the time.

266. **Delegation of Powers.—**Government may, by notification in the official Gazette, delegate all or any of the powers conferred upon it under the provisions of this Act to , Forest Officer and any officer subordinate to it.

267. **Grant of Exemption.—**Notwithstanding anything contained in this Act, Government may, upon request by the officer authorized in this behalf, allow, by notification in the official Gazette, harvesting, collection and transportation of timber or other forest produce or renewable natural resource produce, or hunting, killing and capturing of such wild animals in such places and by such means as may be specified in the notification, in the interest of any scientific or public purpose.

268. **Revision of Schedules, period and fee.—**Government or an officer authorized in this behalf may, by notification in the official Gazette, in respect to any specified area,—

(a) add to or exclude from the Schedules any tree species, shrub, bush, medicinal and aromatic plant, herb, grass or wild animals, subject to such conditions as it may impose in each case;

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(b) fix or alter the period during which any such produce may be harvested, collected or wild animal may be hunted;

(c) open or close any area to harvesting, collection of produce, grazing of domestic animals, or hunting of wild animals; and

(d) revise the fee for various types of licences or permits prescribed under this Act or the Management Plan.

269. **Power to prosecute.**—A Forest Officer not below the rank of Forester has the power to prosecute any forest offence committed under this Act or the rules made thereunder.

270. **Power to be witness.**—A Forest Officers can become witnesses in any forest offence case under this Act or rules made thereunder.

271. **Indemnity for acts done in good faith.**—No suit, prosecution or other legal proceedings shall lie against Government, Department, Board Members, Forest Officers, members of the Service and other employees, experts, advisors, committees or consultants of the Department, Forest Magistrate or any other person for anything which is done or intended to be done in good faith under this Act or rules made thereunder.

272. **Duties of Forest Officers.**—(1).Subject to law, it shall be the duty of every Forest Officer to—

a. implement and enforce this Act and rules made thereunder;

b. implement forest and other renewable natural resources policies, forest working plans, other plans, programmes and projects of the Government;

c. preserve, protect, conserve, develop and sustainable manage forests, biodiversity and other renewable natural resources of Gilgit-Baltistan;

d. protect other moveable and immoveable property and assets of the Department;

e. ensure that the rights and privileges of local communities as provided in this Act, rules made thereunder, and those recognized under Accession Deed of 1952 of Government of Pakistan with the people of Darel and Tangir regarding their forests, the Judgment passed by the Supreme Appellate Court Gilgit-Baltistan in Case No SMC-18/2009, dated 16-04-2011 thereby accepting the ownership rights of the people of Chilas Sub Division of Private Forests in Chilas or any other relevant laws and acts remain protected;

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f. prevent the commission of forest offence cases and any public nuisance with regard to forest offences;

g. collect and communicate intelligence affecting the commission of forest offences and over-all implementation and enforcement of this Act and rules made thereunder;

h. take charge of and collect any unclaimed timber, or other forest, biodiversity and other renewable natural resources produce and to prepare its inventory;

i. detect and bring forest offenders to justice;

j. apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist;

k. ensure that the information about the arrest of a person or seizure of timber, and other forest produce, biodiversity produce or other renewable natural resources produce is promptly communicated to the authority to which it needs to be communicated;

l. enter and inspect without a warrant on reliable information any public place, building or structure where any activity against the provisions of this Act or rules made thereunder is occurring is likely to occur;

m. obey and promptly execute all lawful orders;

n. perform other duties and exercise powers as are conferred by this Act, or rules made thereunder, the Forest Code or any other relevant law for the time being in force;

o. aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire or natural calamities;

p. assist local communities and other stakeholder groups in implementation and enforcement of this Act and rules made thereunder;

q. assist in other activities for which it is legally bound as citizen of the country and Gilgit-Baltistan.

(2) It shall be the duty of a Forest Officer to lay information before a competent court for trial of offences under this Act or rules made thereunder and to apply for a summons, warrant, search warrant or such other legal process as may, by law, be issued against any person accused of committing a forest offence.

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273. **Obligations of Forest Officers.—**(1).All Forest Officers have an obligation and duty to function according to the Code of Ethics and Rules of Business of Government of Gilgit-Baltistan, and democratic aspirations of the people of Gilgit-Baltistan.

(2) All Forest Officers are to assist in activities for which it is legally bound as citizen of Gilgit-Baltistan.

CHAPTER-XXIX

RIGHTS, DUTIES AND OBLIGATIONS OF LOCAL COMMUNITIES

274. **Rights of communities.—**(1).Rights of communities as recognized under Accession Deed of 1952 of Government of Pakistan with the people of Darel and Tangir regarding their forests, the Judgment passed by the Supreme Appellate Court Gilgit-Baltistan in Case No SMC-18/2009, dated 16-04-2011 thereby accepting the ownership rights of the people of Chilas Sub Division of Private Forests in Chilas or any other relevant laws and acts shall remain intact.

275. **Duties of communities.—**(1) Community members are duty bound to assist Forest Officers in implementation and enforcement of this Act or rules made thereunder.

(2) Community members are also duty bound to act as custodians or "superdars" and to keep in their custody or "superdari" timber or any other forest produce if so asked by a Forest Officer and furnish proper custody letter "superdnama" in this regard to the Forest Officer.

(3) They are further duty bound to assist in prevention and control of forest fires or other natural and human made calamities affecting forests.

(4) Community members are to act as witnesses in forest offence case if they have witnessed the commission of a forest offence.

276. **Obligations of communities.—**(1) Community members have an obligation to comply with and not contravene an order given by a Forest Officer for the purposes of this Act or rules made thereunder or for achieving the mandate assigned to the Department.

(2) If any individual community member, group of community members or the whole community fails to comply with and contravene any order given by a Forest Officer for the purposes of this Act or rules made thereunder, all or part of their rights, concessions given to them under this Act or any Forest Rules can be suspended till such time as deemed fit by the Conservator of Forests.

(3) In case of continued violation, their rights or concessions may be withdrawn permanently by the Chief Conservator of Forests.

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(4) On issuance of such orders by the Chief Conservator of Forests, the Deputy Commissioner of the concerned district shall impose Section 144 under the Criminal Procedure Code for implementation of the decision of the Chief Conservator of Forests.

CHAPTER-XXX

DUTIES AND OBLIGATIONS OF OTHER GOVERNMENT FUNCTIONARIES

277. **Duties of other Government Departments and Functionaries.—** Other Government Departments and Functionaries of Government of Gilgit-Baltistan including Police Department, Para Military Forces, and Administration and Revenue Department shall assist the Forest Department in implementation and enforcement of this Act or rules made thereunder and any policies, orders, notifications and measures meant for achieving mandate of the Forest Department.

278. **Obligation of other Government Departments and Functionaries.—**(1) It is the obligation of all Government Departments and Functionaries of Government of Gilgit-Baltistan as mentioned in Section 277to provide any assistance when asked for by a Forest Officer.

(2) The Police Department, Administration and other law enforcing agencies as the case may be, of the concerned district is bound to abide by and comply the orders of Forest Magistrate in the proceedings and disposal of forest offence cases and in implementation of this Act.

(3) In case of non-compliance or non-cooperation, the Forest Officer shall report the matter to the high-ups of the concerned officials for initiation of disciplinary proceedings against such defaulting officers.

(4) If found guilty by a Fact Finding Committee, such defaulting officers will be proceeded against the Efficiency and Discipline Rules of the Government of Gilgit-Baltistan or the concerned Para Military Force.

CHAPTER-XXXI

OFFENCES AND PENALTIES

279. **Offences relating to management plans.—**(1) A person who—

(a) Wilfully and without reasonable cause contravenes an approved forest working plan/management plan; or

(b) fraudulently alters the approved working plan/management plan under this Act, commits an offence.

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(2) A person who commits an offence with respect to this section shall be liable upon conviction to-

(a) a fine of not less than one hundred thousand rupees or to imprisonment of not less than one year or to both such fine and imprisonment, where the offence is committed with respect to a Protected Forest or Private Forest, strict nature reserve, wilderness area, national monument, national park, or biosphere reserve;

(b) a fine of not less than fifty thousand rupees in any other case.

280. **Offences relating to pollution.—**(1) A person who—

(a) discharges any hazardous substances or waste or oil into a Protected Forest or Private Forest or in-situ conservation areas or ex-situ conservation area contrary to the provisions of this Act and any other written law;

(b) pollutes forest ecosystems, wastelands or river beds;

(c) discharges any pollutant detrimental to forest health, vitality, productivity, biodiversity, watershed protection values or forest carbon management potential contrary to the provisions of this Act or any other written law, commits an offence and shall be liable upon conviction to a fine of not less than one hundred thousand rupees or to imprisonment of not less than one year or to both such fine and imprisonment.

(2) In addition to any sentence that the court may impose upon a polluter under subsection (1) of this section, the court may direct that person to—

(a) pay the full cost of cleaning up the polluted forest and of removing the pollution; and

(b) clean up the polluted habitats and ecosystems and remove the effects of pollution to the satisfaction of the Service.

(3) Without prejudice to the provisions of subsections (1) and (2) of this section, the court may direct the polluter to contribute to a forest conservation activity as compensation, restoration and restitution.

281. **Offences relating to conservation orders and easements.—** A person who—

(a) fails, neglects or refuses to comply with a forest conservation order made under this Act;

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(b) fails, neglects or refuses to comply with an easement issued under this Act, commits an offence and shall be liable upon conviction to a fine of not less than one hundred thousand rupees or to imprisonment of not less than one year or to both such fine and imprisonment.

282. **Offences relating to licenses and permits.—**A person who, for the purpose of obtaining, whether for himself or for another person, the issue of a license or permit—

(a) knowingly or recklessly makes a statement or representation which is false in a material particular; or

(b) knowingly or recklessly furnishes a document or information which is false in a material particular; or

(c) for any purpose in connection with this Act, knowingly or recklessly uses or furnishes a false, falsified or invalid license or permit or one is altered without authorization; or

(d) knowingly contravenes any condition or requirement of a licence or permit,

commits an offence and shall be liable upon conviction, to a fine of not less than one hundred thousand rupees or to imprisonment of not less than one year or to both such fine and imprisonment.

283. **Offences relating to endangered and threatened species.—**A person who commits an offence in respect of an endangered or threatened species or in respect of any trophy of that endangered or threatened species shall be liable upon conviction to a fine of not less than two hundred thousand rupees or imprisonment upto three years but not less than two years, or to both such fine and imprisonment.

284. **Offences relating to invasive species.—**A person who—

(a) knowingly introduces an invasive species into a forest ecosystem an invasive species; or

(b) fails to comply with the measures prescribed by the Government set out under this Act, commits an offence and shall be liable upon conviction to a fine of not less than one hundred thousand rupees or to imprisonment of not less than one year or to both such fine and imprisonment.

285. **Offences relating to flying aircraft in wildlife concentration areas.—**(1) Except as may be necessitated by sudden emergency endangering the

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safety of any aircraft or persons carrying out an evacuation, the proof of which shall lay on the pilot thereof, an aircraft —

(a) shall not land in a forest area which is also a wildlife protected area other than at a designated landing area and in accordance with the Protected Areas rules;

(b) shall not, except for the purpose of landing at or taking off from a designated landing site, be flown at a height over a forest which is also a wildlife protected area set by the Forest and Wildlife Service in consultation with the Civil Aviation Authority:

(2) Nothing in this section shall apply to the operation of any aircraft which is, at the time of the contravention, being used for any purpose of the Forest and Wildlife Service or any other operations authorized by the National Security Agencies or Disaster Management Authorities.

286. **Offences relating to trophies and trophy dealings.—**(1) A person who keeps or is found in possession of a Big Animal wildlife trophy or deals in a Big Animal wildlife trophy, or manufactures any item from a Big Animal trophy without a permit issued under this Act or Gilgit-Baltistan Wildlife Act or exempted in accordance with any other provision of this Act or Gilgit-Baltistan Wildlife Act 2017, commits an offence and shall be liable upon conviction to a fine of not less than two hundred thousand rupees or imprisonment for a term of not less than two years or to both such imprisonment and fine.

(2) If the above said violations pertain to Small Animals, the fines and imprisonment shall be half of the ones proposed in sub-section (1) for Big Animals.

287. **Offences relating to sport hunting.—**(1)A person who engages in sport hunting or any other recreational hunting of a protected wildlife species in an area under the management control of Department commits an offence and shall be liable, on conviction, to—

(a) a fine of not less than three hundred thousand rupees or imprisonment for a term of not less than three years;

(b) a fine of two hundred thousand rupees or imprisonment of upto three years or to both such fine and imprisonment;

(c) a fine of one hundred thousand rupees or imprisonment of two years or to both such fine and imprisonment.

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(2) The categories of wildlife referred to in subsection (1) shall be those set out in the Protected Species Schedule under Gilgit-Baltistan Wildlife Act.

288. **Offences relating to subsistence hunting.**—A person who engages in hunting for the purposes of subsistence in an area under the management control of Department commits an offence and shall be liable on conviction to a fine of not less than ten thousand rupees or imprisonment for a term of not less than one month or to both such fine and imprisonment.

289. **Offences relating to hunting for bush meat or any other wildlife produce.**—A person who engages in hunting for bush meat trade, or is in possession of or is dealing in any meat of any wildlife species in an area under the management control of Department commits an offence and shall be liable on conviction to a fine of not less than ten thousand rupees or to imprisonment for a term not less than three months or to both such fine and imprisonment.

290. **Offences relating to forest produce or ecosystem service not specifically mentioned.** —A person who engages in an illegal activity relating to any forest produce or ecosystem service not specifically mentioned or listed commits an offence and on conviction shall be liable to a fine of not less than twenty thousand rupees or to imprisonment of a term not less than three months or to both such fine and imprisonment.

291. **Offences relating to import and export.**—(1) A person shall not trade in, import, export, re-export or introduce any specimen of a forest plant or wild animal species into or from Gilgit-Baltistan without a permit issued by the Department under this Act.

(2) Without prejudice to the generality of the foregoing, a person shall not—

(a) import any such plant or animal species into, or export any such species from Gilgit-Baltistan;

(b) take any such species within Gilgit-Baltistan or Gilgit-Baltistan's territorial waters;

(c) take any such species upon the air space;

(d) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of paragraphs (b) and (c);

(e) deliver, receive, carry, transport, or ship in commerce, by any means whatsoever and in the course of a commercial activity, any such species;

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(f) sell or offer for sale in commercial transaction within or outside Gilgit-Baltistan any such species;

(g) products of listed threatened and endangered species; or

(h) violate any rules and regulations pertaining to such listed species.

(3) A person who contravenes any provisions of this section commits an offence and shall be liable upon conviction for threatened or endangered species to a fine of not less than one hundred thousand rupees or to imprisonment for not less than two years and for other forest plants or wild animals categories to a fine of not less than fifty thousand rupees or to imprisonment of not less than one year or to both such imprisonment and fine.

292. **Offences relating to compensation.**—A person who makes a false claim or makes a false statement to a Forest Officer or the Department in respect of a forest damage or compensation claim commits an offence and is liable upon conviction to a fine of not less than fifty thousand rupees or to imprisonment for not less than three months or both such fine and imprisonment.

293. **Offences relating to failure to comply with a lawful order.**—A person who—

(i) fails to comply with a lawful requirement or demand made or given by an authorized officer;

(ii) obstructs a person in the execution of his powers or duties under this Act.

commits an offence and is liable on conviction to a fine of not less than one hundred thousand rupees or to imprisonment of not less than six months or to both such fine and imprisonment.

294. **Offences relating to breach of protected areas, in-situ conservation areas or ex-situ conservation regulations.**—(1) A person who—

(a) enters and resides in a forest area, protected area, in-situ conservation area, or ex-situ conservation area otherwise than under licence, permit or in the course of his duty as authorized officer or a person lawfully employed, as the case may be;

(b) sets fire to any vegetation in any such area or allows any fire lighted by himself or his servants to enter such area;

(c) carries out logging in such an area or wildlife management area;

(d) clears and cultivates any land in such an area or wildlife management area;

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(e) wilfully damages any object of geological, prehistoric, archaeological, historic, marine or other scientific interest within such an area or wildlife management area, or knowingly removes or attempts to remove any such object or any portion than in the course of his duty thereof from such areas;

(f) conveys into such an area or is found within such an area in possession of any firearm, ammunition, arrow, spear, snare, trap or similar device without authorization;

(g) undertakes any extractive activity in a wetland or other aquatic protected areas; or,

(h) undertakes any related activity in such areas contrary to the provisions of this Act:

commits an offence and is liable on conviction to a fine of not less than two hundred thousand rupees or to imprisonment of not less than two years or to both such fine and imprisonment.

(2) A person shall not enter into a protected area, in-situ conservation area, ex-situ conservation or regeneration area with any livestock for any purpose without authorization.

(3) A person who contravenes subsection (2) commits an offence and is liable upon conviction to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding six months.

(4) Department shall make guidelines in consultation with local communities regarding access to protected areas, in-situ conservation areas or other forest areas for purposes of grazing and watering of livestock in times of drought and other natural disasters.

295. **Offences relating to bodies corporate.**—(1) When an offence against this Act, is committed by a body corporate, the body corporate and every director or officer of the body corporate who had knowledge or ought to have known of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.

(2) Where an offence against this Act is committed under this Act by a partnership, every partner or officer of the partnership who had knowledge or ought to have known of the commission of the offence and who did not exercise due diligence, efficiency and economy to ensure compliance with this Act, commits an offence.

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(3) A person shall be personally liable for an offence against this Act, whether committed by him on his own account or as an agent or servant of another person.

(4) An employer or principal shall be liable for an offence committed by an employee or agent against this Act, unless the employer or principal proves that the offence was committed against his express or standing directions

296. **Offences relating to permits, licenses, etc.**—(1) A person who—

(a) fraudulently forges, alters or defaces any licence, permit, permit book, written permission or authority granted or purporting to have been granted under this Act;

(b) fraudulently presents any such forged licence, permit, permit book, permission or authority; or

(c) obtains any licence, permit, permission or authority by fraud misrepresentation of a material fact or by false pretence, commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand rupees or to imprisonment for a term of not less than one year but not exceeding three years or to both.

(2) Any license, permit, permission or written authority, which has been forged or obtained by fraud, misrepresentation of a material fact orby false pretence shall be void abinitio.

297. **Offences relating to firearms.**—A person who is in possession of firearms in a Protected Forest, Private Forests, wastelands and riverbeds, Protected Areas, in-situ conservation areas, ex-situ conservation, or any other areas under the management control of Department, without authorization is committing an offence and shall be liable on conviction to a fine of not less than ten thousand rupees or to imprisonment for a term not less than six months but not exceeding three years or to both.

298. **Offences relating to quarrying and mining.**—A person, body, lessee, party or organization who does quarrying and or mining in a Protected Forest, Private Forests, Regulated/Protected Landscape, wastelands and riverbeds, Protected Areas, in-situ conservation areas, ex-situ conservation, or any other areas under the management control of Department, without authorization is committing an offence and shall be liable on conviction to a fine of not less than one hundred thousand rupees or to imprisonment for a term not less than one year but not exceeding three years or to both

299. **Offences relating to counterfeiting and alteration of boundaries and damaging property.**—A person who counterfeits or alters the boundaries of a Protected Forest, Private Forests, wastelands and riverbeds, Protected Areas,

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in-situ conservation areas, ex-situ conservation, or any other areas under the management control of Department or causes wilful damage to Forest Check Posts, or Forest Buildings or Other Forest Infrastructure, Machinery and Equipment, etc.is committing an offence and shall be liable on conviction to a fine of not less than one hundred thousand rupees or to imprisonment for a term not less than one year but not exceeding three years or to both.

300. **General provisions.**—Without prejudice to the generality of the forgoing, nothing in this Act shall stop the arrest, prosecution and conviction of an offender under the provisions of any other written law.

301. **Forfeiture.**—(1) The court before which a person is charged for an offence under this Act or any rules or regulations made there-under may, in addition to any other order -

(a) upon the conviction of the accused; or

(b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of an offence, order that the timber and other forest produce, wildlife trophy, motor vehicle, equipment and appliance, livestock or other thing by means whereof the offence concerned was committed or which was used in the commission of the offence be forfeited to the Service and be disposed of as the court may direct.

(2) In making the order of forfeiture under subsection (1) the court may also order that the cost of disposing of the substance, motor vehicle, equipment, appliance, livestock or any other thing provided for in that sub-section be borne by the person convicted thereunder.

(3) The court may further order that any license, permit or any authorization given under this Act, and to which the offence relates, be cancelled.

302. **Commission of offences in the conduct of duty.**—(1) An officer shall be personally liable for an offence committed by that officer against the provisions of this Act whether committed by that officer on their own account or as agent or employee:

Provided that no offense will have been committed where such person was acting in a lawful manner was discharging their functions in the course of duty.

(2) A person who has reason to believe that the provisions of this Act have been, are being, or are about to be violated, may petition the Chief Court Gilgit-Baltistan for-

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(a) a declaration that the provisions of this Act are being, have been, or are about to be contravened;

(b) an injunction restraining any specified person from carrying out the contravention;

(c) the writ of mandamus against an officer or a person who has failed to perform a duty imposed by or under this Act; or any remedy at law or equity for preventing or enforcing the provisions of this Act.

303. **Penalties for offences not mentioned.**—A person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred thousand rupees, or with both

CHAPTER-XXXII

ENFORCEMENT AND COMPLIANCE

304. **Authorized officer.**—(1) A Forest Officer may—

(a) demand from any person the production of an authority or licence for any act done or committed by that person in a Protected Forest, Protected Area, Private Forest. Regulated/Protected Landscapes, wasteland, or riverbed or any land in relation to any forest produce for which a licence is required under this Act or under any rules made thereunder;

(b) require any person found within or outside a Protected Forest, Protected Area, Private Forest, Regulated/Protected Landscapes, wasteland, riverbed or anywhere else who has in his possession any forest produce suspected to have come from such forests, to give an account of the manner in which he became possessed thereof, and, where the account given is not satisfactory, arrest and take such person before a Forest Magistrate;

(c) search any person suspected of having committed an offence under this Act or rules made thereunder or of being in possession of any forest produce in respect of which an offence has been committed, and arrest the person, seize and detain any baggage, package, parcel, conveyance, tent, hut or building under the control of that person or his agent or servant;

(2) A person shall not be arrested under sub-section (1). unless the officer has reasonable cause to believe that the person may fail to appear to

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answer a summons, or unless that person refuses to give his name and address or gives a name and address which there is reasonable cause to believe is false;

(3) A Forest Officer may search any vehicle or vessel and seize and detain any forest produce in respect of which there is reason to believe that an offence has been committed, together with any tools, equipment, vessels, vehicles or livestock used in the Commission of the offence.

(4) The officer seizing such property shall within twenty-four hours of such seizure report the seizure to the Forest Magistrate having jurisdiction over the area where the offence takes place.

(5) A Forest Officer may seize and detain any livestock found in a Protected Forest or Protected Area, or any other forest land which has been closed to grazing.

(6) A Forest Officer may confiscate any equipment or receptacle placed without authority in a Protected Forest, Protected Area or any other forest land, wasteland or riverbed.

(7) A Forest Officer may enter any Private Forest, wasteland, riverbed, Protected Areas or any other Forest and land in order to assess the condition thereof or to perform any such other act which he considers necessary in the circumstances or for the purposes of this Act.

(8) A Forest Officer may enter any premises, other than a dwelling house, to inspect any forest produce placed or found within the premises to satisfy himself that the forest produce complies with the provisions of a permit or licence issued under this Act.

(9) During such inspection due regard shall be given to the rights of the proprietor.

(10) A Forest Officer may take all reasonable steps to prevent the commission of an offence under this Act or rules made thereunder.

(11) A Forest Officer may administer oaths and take sworn testimony for the purposes of an investigation conducted under this Act or rules made thereunder.

(12) In enforcing this Act or rules made thereunder, a Forest Officer who is of or above the rank of a Range Forest Officer shall have the same powers conferred to relevant officers under the Criminal Procedure Code and the Police Service Act.

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305. **Erection of a temporary barrier.**—A Forest Officer may erect a temporary barrier for enforcement of this Act at a place , and at a time and in a manner deemed necessary and appropriate by him.

306. **Use of firearms.**—(1) Government may make available to the Forest and Wildlife Service such firearms as may be necessary for the Service to carry out its functions under this Act.

(2) A Forest Officer may use fire arms for the following purposes-

(a) in the course of law enforcement against any person charged with an offence punishable under this Act, when that person is escaping or attempting to escape from lawful custody;

(b) a person who, by force, removes or attempts to remove any other person from lawful custody;

(c) a person who, by force, attempts to prevent the lawful arrest of himself or any other person; or

(d) a person unlawfully cutting or damaging threatened and endangered plant species in a Protected Forest or Protected Area;

(e) unlawfully hunting any protected wild animal within a Protected Forest or Protected Area;

(f) for the protection of people and property against any animal causing destruction to human life or property or crops;

(g) in the course of animal population control or the control of an invasive species; and

(h) in cases of unlawful and forceful attempts by offenders to cross or damage forest check posts/barriers while attempting to smuggle any forest produce.

(3) Notwithstanding the foregoing, a Forest Officer shall not resort to the use of firearms under sub-section (2), unless the officer concerned has reasonable grounds to believe that he cannot otherwise prevent the escape, and unless he has given ample warning to such person that he is about to use a firearm against him, and the warning is unheeded, or unless the officer concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm, or that he cannot otherwise prevent the removal, or, as the case may be, effect the arrest.

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CHAPTER-XXXIII

CONSERVATION ORDERS, EASEMENTS AND INCENTIVES

307. **Conservation orders and easements.—**(1) Forests, biodiversity and wildlife conservation easements maybe created by voluntary private arrangement or upon appropriate application to the Department.

(2) A private party may enter into an agreement with a forest or landowner for a forest, biodiversity and wildlife conservation easement to be created on that person's land, subject to that agreement being legally registered and recognized.

(3) Department may grant a forest, biodiversity and conservation order or easement subject to the provisions of this Act.

(4) Without prejudice to the generality of sub-section(1), a forests, biodiversity and wildlife conservation order or easement may be created so as to—

(a) further the principles of sustainable forests, biodiversity and wildlife conservation, development and management;

(b) protect, conserve and sustainably manage flora and fauna;

(c) conserve and protect genetic resources;

(d) build and implement a forest carbon project or programme;

(e) build and implement a payment for ecosystems project or programme;

(f) preserve the quality and flow of water in a dam, lake, river or aquifer;

(g) create or maintain migration corridors and dispersal areas for wildlife

(h) preserve any outstanding geological, physiographical, ecological, archaeological, cultural or historical features;

(i) preserve scenic views, topographical features and landscapes;

(j) prevent or restrict the scope of any mining or mineral or aggregate workings that would adversely affect forest, biodiversity or wildlife conservation;

(k) prevent or restrict the scope of agricultural or other land use activities that would adversely affect forest, biodiversity or wildlife conservation; and

(l) prevent or restrict the scope of infrastructural activities that would adversely affect forest, biodiversity or wildlife conservation.

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(5) A forest, biodiversity or wildlife conservation order or easement shall be attached to the land in perpetuity or for a term of years or for an equivalent interest under customary law as agreed to by the parties to a private agreement or as determined by the Department.

(6) An order or easement may exist in gross; that is to say, the validity and enforceability of the order or easement shall not be dependent on the existence on a plot of land in the vicinity of the burdened land which can be benefited or, of a person with an interest in that plot of land who can be benefitted by the order or easement.

308. **Application for conservation orders and easements.**—(1) A person or a group of persons may make an application to the Department for the grant of one or more forest, biodiversity or wildlife conservation orders or easements

(2) Department may impose such conditions on the grant of a forest, biodiversity or wildlife conservation order or easement as it considers to be best calculated to advance the cause of such order or easement:

(3) Department may engage the service of a consultant or appoint any persons with special skills or knowledge on forest, biodiversity or wildlife conservation orders or easements to prepare a technical report for proper determination of the matter.

309. **Proceedings to enforce conservation orders and easements.**—(1) Proceedings to enforce an order or easement may be commenced only by the person or the Department in whose name the order or easement has been issued.

(2) Proceedings to enforce an easement may request the Department to:

(a) order the enforcement of the conservation order and easement in its letter and spirit;

(b) grant any remedy available under the law relating to easements in respect of land.

(3) Parties to the easement agreement may through mutual agreement adapt, adjust or modify the provisions of the agreement.

(4) Department shall have discretion to adapt, adjust or modify so far as seems necessary to it, a conservation order and to suggest and amend the law and procedures relating to the enforcement of the requirements of an order or easement.

310. **Registration of conservation orders and easements.**—(1) Where an order or easement is created on land the title of which is registered under a

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particular system of land registration, the easement shall be registered in accordance with the provisions of the customary law or of the Act applicable to that particular system of registration.

(2) Where an order or easement is created on any land other than land referred to in subsection (1), the registration of the order or easement shall be done in accordance with law pertaining to the registration of deeds and shall be entered in a register maintained for that purpose.

(3) In addition to any matter which may be required by any law relating to the registration of orders and easements in respect of land, the registration of a conservation easement shall include the name of the applicant for the easement or beneficiary of the easement as the person in whose name the easement is registered.

311. **Compensation for conservation orders and easements.**—(1) Parties to a voluntary easement may negotiate appropriate compensation as a rent value for or for any loss or diminishment of production from or value of land due to the creation of the easement.

(2) Where a conservation order or easement is imposed by an order of Government or court on land on which any person has, at the time of creating the order or easement, any existing right or interest in the land and that such order or easement will restrict the right or interest, there shall be paid to that person, by the applicant for the order or easement such compensation as may be determined in accordance with this section.

(3) Any person who has a legal interest in the land which is the subject of an order or easement imposed by Government or court, shall be entitled to compensation commensurate with the lost value of the use of the land.

(4) A person described in subsection (3) may apply to the Department or court that granted the order or easement for compensation stating the nature of the legal interest in the burdened land and the compensation sought.

(5) Department or the court may require the applicant for the order or easement to bear the cost of compensating the person described in subsection (3).

(6) Department or the court may, if satisfied that the order or easement sought is of national importance, order that the Government compensates the person described in Sub-section (3).

312. **Tax and fiscal incentives for conservation orders and easements.**—Government may offer tax and fiscal incentives for encouraging conservation orders and easements.

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CHAPTER-XXXIV

OFFENDERS

313. **Rewards.—**(1) Where in the proceedings under this Act a conviction is obtained, the Conservator of Forests may, on the recommendation in writing by the Divisional Forest Officer, award a sum of money to any person who gave information leading to the conviction:

(2) Provided that —

(a) the sum of money awarded as a reward to any person or the aggregate of such sums awarded to more than one person in anyone case shall not exceed —

(i) ten percent of the fine or the aggregate of the fine imposed in that case; or

(ii) ten percent of the value of the forest produce forfeited for the Government consequent upon such conviction; or

(iii) twenty-five thousand rupees, whichever is the least;

(b) the reward shall not be paid until after the expiry of the period within which the convicted person may appeal against the conviction; or

(c) notwithstanding the provisions of paragraph (b), the reward may be paid as soon as possible in each case where an order under this Act has been made by the Forest Magistrate placing the articles concerned at the disposal of the Divisional Forest Officer.

(3) The Conservator of Forests may authorize the payment of rewards to persons giving information leading to recovery of forest produce, arrests or convictions for offences under this Act.

(4) The Chief Conservator of Forests shall have the power to announce special rewards not in contravention of subsection (2) in recognition of gallantry services offered by the members of the Service.

(5) Subject to the provisions of subsection (2), Government may make rules to regulate the amount and the payment of rewards.

314. **Protection of persons providing information.—**(1) An authorized officer and a person called upon to give information leading to the recovery of forest produce, arrest or conviction of a person accused for contravention of the provision of this Act shall be indemnified against criminal or civil liability arising from information given by such authorized officer or person.

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(2) Without prejudice to sub-section (l), an authorized officer or a person called as a witness shall, subject to other written law, not be compelled to disclose the identity of a person who is the source of information leading to recovery of forest produce, arrest or conviction of an accused person.

315. **Registration of past offenders.**—(1) Department may prescribe appropriate procedure for the registration of persons previously convicted of offences against this Act.

(2) After such procedure has been developed under sub-section (1), Chief Conservator of Forests shall cause the name of every person who has been convicted of any of the offences, to be registered under this Act together with the particulars required for registration in respect of each of those persons.

316. **Continuous registration of offenders.**—(1) Where a person is convicted of an offence under this Act, consisting of-

(a) illegal breaking up for cultivation and encroachment of forest lands;

(b) altering boundaries of forest lands;

(c) tempering with or defacing marks on trees or other forest produce;

(d) counterfeiting any permits, licences or other forest books, records, etc;

(e) committing an a serious offence in a Protected Forest, Protected Area, protected wasteland, or riverbed;

(f) committing an offence with respect to protected, threatened or endangered floral or faunal species;

(g) hunting, capturing or killing a protected animal without lawful permission;

(h) hunting a specified animal or scheduled animal without a licence or a permit granted under Wildlife Act;

(i) being in unlawful possession of forest produce, or unlawfully having under his control, custody a forest produce or trophy,

and the person is sentenced to imprisonment for a term of two or more years, the Chief Conservator of Forests shall obtain and cause to be registered in respect of that person—

(a) his name;

(b) his passport size photograph taken within a month prior to the conviction;

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(c) his finger prints;

(d) his address, if any, or his place of domicile within Gilgit-Baltistan or any other part of Pakistan or elsewhere outside Pakistan;

(e) the type of weapon he used in the commission of the offence, if any;

(f) the nature of the offence he committed; and

(g) the fine, forfeiture or other penalty imposed on him.

(2) Every person leading the prosecution of a person who is convicted of any of the offences, and sentenced to the extent specified in subsection (1) shall, as soon as practicable after that conviction, notify the Chief Conservator of Forests or his representative of that conviction and of that particulars as Department may prescribe, after consultation with Government and by order in the Gazette.

(3) The Chief Conservator of Forests shall cause to be kept and maintained a register in which there shall be recorded the name of every person convicted of any of the offences, and sentenced to the extent, specified in subsection (1), together with the particulars required to be registered under this section in respect of such person.

(4) Notwithstanding the provisions of written law to the contrary, the Minister Environment may propose, to the concerned Federal Government Department, to cause a person convicted of any of the offences, and sentenced to the extent, specified in Sub-section (1) and who is not a citizen of Pakistan to be declared a prohibited immigrant and to be deported immediately.

CHAPTER-XXXV

DUES RECOVERABLE AND RECOVERY

317. **Dues recoverable as arrears of land revenue.**—All monies payable to government under this Act or the rules made thereunder, or on account of the price of any timber or forest produce, or of expenses incurred in the execution of this Act in respect of such timber or forest produce, or on any other account may, if not paid when due, shall be recoverable as arrears of land revenue.

318. **Lien on forest produce for such money.**—(1) When any money is payable for or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such timber or forest produce, and such timber of forest produce may be taken possession of by a Forest Officer until such amount has been paid.

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(2) If such amount is not paid when due, the Conservator of Forests may direct to sell such timber or forest produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) Surplus, if any, not claimed within two months from the date of such sale shall be forfeited to government.

319. **Recovery of penalties due under bond.**—When a person, in accordance with any provision of this Act, or in compliance with any rules made thereunder binds himself by any bond or instrument to perform any duty or act, or covenant 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, be recovered from him in case of such breach as if it were an arrears of land revenue.

CHAPTER-XXXVI

ACQUISITION OF LAND AND OTHER PROPERTY AND APPOINTMENT OF EXPERTS

320. **Acquisition of Land.**—(1)Wherever it appears to Department that any land is required for any purposes of this Act or for its proper function and the realization of its mandate, the Department may acquire such land.

(2) Such land shall be deemed to be needed for public purpose within the meaning of section 4 of the Land Acquisition Act, 1894.

321. **Acquisition of other Property.**—Department may acquire any moveable or immovable property that it considers important for implementation of this Act or for its proper functioning and the fulfilment of its mandate.

322. **Public interest litigation.**—Department, after consultation with Law Department, may go in public interest litigation in respect of matters that are important for the purposes of this Act or important for its working or the realization of mandate assigned to it.

323. **Appointment of experts.**—(1) Department may appoint one or more experts to assist it.

(2) The qualifications, eligibility, terms and conditions of service of experts shall be prescribed by the Department.

CHAPTER-XXXVII

GENERAL AND MISCELLANEOUS PROVISIONS

324. **The common seal.**—The common seal of the Service shall be kept in such custody as the Government may direct and prescribe, and shall be used in the prescribed manner.

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325. **Protection from personal liability.**—A matter or thing done by a member of the Forest Service, or any officer, employee, or agent of the Service, shall not render the member, officer, employee, agent or any person acting on his directions personally liable to any action, claim, or demand whatsoever, if the matter or thing is done bona fide for executing the functions, powers, or duties of the Service.

326. **Liability for damage.**—The provisions of section 325 shall not relieve the Service of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of the powers conferred upon the Service by this Act or by any other written law or by the failure, whether wholly or partially, or any works.

327. **Disputes and disputes resolution.**—(1) Any matter that may arise in respect of forests or other renewable natural resources and MAPs protection, conservation, development or management, shall in the first instance be referred to the appropriate level in the structure of the Service for resolution administratively, including the traditional resolution mechanisms.

(2) Any matter that may remain un-resolved in the manner prescribed above, shall in appropriate cases be referred to the relevant Courts which have jurisdiction over the matter.

328. **Application of service in defence of the public.**—(1) The uniformed force of the Forest Service shall form part of Civil Armed Forces.

(2) Government may employ uniformed members of Service in defence of the public in case of war or other emergency.

(3) Government may, in consultation with relevant Authorities, direct that the uniformed members of the Service undergo such training for such period of time as it may deem necessary.

CHAPTER-XXXVIII

REPEAL, SAVINGS, REMOVAL OF DIFFICULTIES AND TRANSITIONAL PROVISIONS

329. **Repeal.**—Following acts, rules and regulations as applicable in Gilgit-Baltistan, are hereby repealed-

(1) The Pakistan Forest Act 1927 and the amendments made therein in its application to Gilgit-Baltistan and the rules made thereunder.

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(2) Gilgit Private Forest Regulations 1970 and the rules made thereunder

(3) All rules and notifications made from time to time in respect of Protected Forests and Private Forests before the commencement of this Act

330. **Savings.**—(1) Notwithstanding the repeal of the said Acts, Regulations and Rules, any of the following or other actions taken, be deemed to have been respectively taken, prescribed, made , conferred, consented, given, issued, passed, served, arrested, detained, discharged, forfeited and incurred-

(a) all orders, directions, notices, notifications, or other administrative acts made, issued or undertaken in Protected Forests or Private Forests;

(b) any enactment or document referring to any of the said provisions of the said Act shall, as far as may be, construed to refer to this Act or the corresponding provision thereof

(c) all appointments made, persons seconded, deputed, or persons authorized, jurisdiction or powers conferred, orders made or passed;

(d) all consent, licence or permit given or issued;

(e) all summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under the said Act or rules made thereunder;

(f) any action taken, obligation, liability, penalty or punishment incurred, inquiry or proceedings commenced;

(2) Notwithstanding the repeal of the said Act, the repeal shall not -

(a) affect the validity, invalidity, effect or consequences of anything duly done or suffered under the said Act;

(b) affect any right, privilege, obligation or liability acquired, accrued

(c) or incurred under the said Act;

(d) affect any penalty forfeiture or punishment incurred, inflicted in respect of any act or offence committed against the said Act;

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(e) affect any investigation, legal proceedings, inquiry or remedy in respect of any such rights, privileges, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the said Act has not been repealed; and

(f) affect any proceeding pending in any court or before any authority under the said Act, and in any such proceeding and any appeal or revision arising out of such proceeding shall be continued, instituted or disposed of, as if the said Act had not been repealed.

CHAPTER-XXXIX

RULES MAKING AND OVERRIDING EFFECT

331. **Power to make rules.—**Government may make rules to carry out the purpose of this Act.

332. **Overriding effect.—**Provisions of this Act shall override the provisions of all other Acts, which partially or fully, address matters related to protection, preservation, conservation and management of forests, wastelands, riverbeds, in-situ conservation of forest genetic resources, ex-situ conservation of forest genetic resources in Gilgit-Baltistan.

333. **Removal of difficulties and transitional provisions.—**If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such orders, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing such difficulty, disposal of pending cases, constitution of Special Courts, or any other transitional provisions.

SCHEDULE 1

LIST OF PROTECTED TREES WHEN FOUND IN PROTECTED FORESTS, PRIVATE FORESTS, AND PROTECTED WASTELANDS AND FOR LEVY OF ROYALTY, DUTY, ETC.

Scientific Name	Local Name	English Name
A		
Abies pindrow	Paludar, achar	Himalayan silver fir.
Acacia modesta	Phula, Phulah, or Phulai	Acacia
Acer caesium, Acer cultratum	Trikan, Tarkana, or Tarkan	Maple
Aesculus indica	Bankhor	Indian horse chestnut.

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Alnus nitida	Sharol	Alder
B		
Bauhinia variegata	Kachnar	
Betula utilis	Bhurj	Birch
C		
Cedrela serrata	Drawa	Hill toon
Cedrela toona	Drawa	Toon
Cedrus deodara, Cedrus lebani	Diar	Deodar
Celtis australis	Batkar, Batkarar	Nettle tree
Cornus macrophylla	Kandar	
D		
Dalbergia sissoo	Tali, Shawa	Shisham
Diospyros lotus	Amlok	European date palm
E		
Eucalyptus spp.	Gond ,Lachi	
F		
Ficus bengalensis	Bor, Barh	Banyan tree
Ficus religiosa	Pipal	Pipal
Ficus roxburghii	Barh, Hurmul	
Fraxinus excelsior, Fraxinus floribunda	Sum	Ash
Fraxinus xanthoxyloides	Hanuz	Quetta Ash
G		
Grewia oppositifolia	Dhaman	
J		
Juglans regia	Akhrot, Akhor	Walnut
M		
Morus alba	Tut, Tutli	White mulberry
Morus nigra	Kala Tut	Black Mulberry
N		
Nannorrhops ritchiena	Mazri	Dwarf Palm
O		
Olea ferruginea,Olea cuspidate	Kao	Indian Olive
Olea glandulifera	Bankao	

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P		
Picea smithiana, Picea morinda	Kachal	Himalayan spruce
Pinus excelsa,Pinus wallachiana	Biar, Nakhtar	Blue pine
Pinus gerardiana	Chilghoza	Chilghoza Nut Pine
Pinus roxburghii	Chir	Long-leaved pine
Populus alba, Populus eur-americana, Populuas deltoids	Sofeda, Sofedar	White poplar, Hybrid poplar
Phoebe lanceolat	Chan	
Pistachia integerrima	Sheenai, Kangar	Wild pistachio
Populus ciliate	Palach	Himalayan poplar
Populus nigra	Sofeda, sofedar	Black poplar
Palatanus orientalis	Chenar	Plane
Prunus padus	Kalakat	Bird Cherry
Prunus amygdalus	Jangli Badam	Wild Almond
Pyrus pashia	Batangi	Wild pear
Q		
Quercus dilatata	Barungi	White oak
Quercus ilex	Rhin	Holm oak
Quercus incana	Rhin	White oak
Quercus glauca	Barin	Oak
Quercus semicarpifolia	Barh barungi	Oak
R		
Rhododendron arboreum	Rantol, Chan	Rhododendron
S		
Salix tetrasperma, Salix spp.	Bins, Bis Valla	Willow, English willow
T		
Tamarix articulate	Rukh, Farash	Tmarisk
Taxux baccata	Barmi, Thuni	Yew
U		
Ulmus wallichiana	Kain	Larged leave elm
Ulmus villosa	Mannu	Smakk leaved elm

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SCHEDULE-2

LIST OF THREATENED AND ENDANGERED SPECIES

Scientific Name
Acer caesium
Aconitum heterophyllum Wall. Ex. Royle
Aesculus indica
Bergenia ciliate
Bistorta amplexicaulis
Caltha alba Camb.
Colchicum luteum
Cotoneaster affinis
Crataegus songarica
Daphne mucronata
Dioscoria deltoies Wall ex-Kunth
Ephedra gerardian Wall.
Juniperus communis L
Juniperus excels
Paeonia emodi Wall. Ex. Royle
Plantango depressa Willd.
Plantango major Willd.
Podophyllum hexandrum
Polygonatum verticulatum
Populus alba
Taxus wallichiana Zucc.
Thymus linearis Berth.
Viola biflora

SCHEDULE 3

SELECTED LIST OF MEAs AND THEIR PROTOCOLS

1. International Plant Protection Convention, Rome, 1951.
2. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963.
4. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.

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5. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), 1972.

6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973.

7. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.

8. Convention on the Law of the Sea, Montego Bay, 1982.

9. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.

10. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto.

11. Agreement on the Network of Agriculture Centres in Asia and the Pacific, Bangkok, 1988.

12. Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.

13. United Nations Convention on Biological Diversity, Rio de Janeiro, 1992.

14. United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992.

15. United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. Paris, 1994.

16. Kyoto Protocol to the United Nations Framework Convention on Climate Change.

17. Nagoya Protocol to the United Nations Convention on Biological Diversity, Nagoya, 2010. (Access to Genetic Resources.)

18. Cartagena Protocol to the United Nations Convention on Biological Diversity, Nagoya, 2010.(Biosafety Protocol).

19. Convention on Migratory Species of Wild Animals (1979) ratified by the Government of Pakistan, inclusive of its Articles and Appendices as are amended by the Conference of Parties to the Convention in their meetings from time to time.

20. Basel Protocol on Liability and Compensation to the Basel Convention on Hazardous Wastes.

21. Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization.

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22. Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

23. Alpine Convention on the Protection of Alps.

24. Awke Kon Guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.

SCHEDULE 4

RATES OF FOREST ROYALTY CHARGES ON DIFFERENT SPECIES

S.No.	Name of Species	Rate of Royalty per cubic foot
1.	Juniper Species-All Junipers	Rs. 100/- per cubic foot
2.	Taxus Species-All Taxus Species	Rs. 100/- per cubic foot
3.	Pinus gerardiana-Chilghoza Pine	Rs. 120/- per cubic foot
4.	Cedrus deodara-Deodar	Rs. 120/- per cubic foot
5.	Pinus wallachiana-Blue Pine or Kail	Rs. 80/- per cubic foot
6.	Abies pindrow-Silver Fir	Rs. 60/- per cubic foot
7.	Picea smithiana-Spruce	Rs. 60/- per cubic foot
8.	Pinus roxburghii-Chir Pine	Rs. 60/- per cubic foot
9.	Other Coniferous Species except protected coniferous species	Rs. 40/- per cubic foot
10.	Juglans regia-Walnut	Rs. 60/- per cubic foot
12.	Dalbergia sissoo-Shisham	Rs. 30.- per cubic foot
13.	Other Hardwood Species except protected Hardwood Species	Rs. 20/- per cubic foot
14.	Protected Hardwood Species	Rs. 60/- per cubic foot

FIDA MUHAMMAD NASHAD,
Speaker
Gilgit-Baltistan Assembly.

———

RAJA JALAL HUSSAIN MAQPOON,
Governor
Gilgit-Baltistan.

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