

**THE BALOCHISTAN FOREST REGULATION,
1890**

(Bala Regulation V of 1890)

CONTENTS

**CHAPTER I
PRELIMINARY**

SECTIONS

1. Title and extent.
2. Definitions.

**CHAPTER II
STATE FORESTS**

3. Constitution of State forests.
4. Demarcation of State forests.
5. Bar of acquisition of rights.
6. Power to close roads and pathway.
7. Penalty for trespass or damage in State forests.
8. Acts prohibited in State forests.
9. Exceptions from prohibitions in section 7 and 8.
10. Power to declare forest to be no longer State forest.

**CHAPTER III
PROTECTION OF CERTAIN TREES**

11. Powers to declare reserved trees.
12. Acts prohibited in regard to reserved trees.
- 12-A Cutting, removal and sale of Juniper wood.

**CHAPTER IV
FOREST PRODUCE IN TRANSIT**

13. Power to establish forest-stations.

14. Power to the prescribe routes for removal of forest-procedure.
15. Forest-produce in transit to be covered by pass.
16. Penalty for breach of section 14 or section 15.
17. Power to exempt from operation of section 14 or section 15.

CHAPTER V
CATTLE-TRESPASS

18. Application of Cattle- trespass Act, 1871.
19. Levy of fines.

CHAPTER VI
PENALTIES AND PROCEDURE

20. Seizure of property liable to confiscation and report thereof to Magistrate.
21. Procedure thereupon.
22. Confiscation of forest produce and tools in case of forest-offence.
23. Disposal, on conclusion of trial for forest offence, of forest-produce in respect of which offence was committed.
24. Procedure when offender is not known or cannot be found.
25. Procedure as to perishable property seized under section 20.
26. Appeal from orders under section 22, 23 and 24.
27. Vesting of confiscated property in Government.
28. Saving of power to release property seized.
29. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks.
30. Power to arrest without warrant.
31. Punishment for wrongful seizure or arrest.
32. Power to the prevent commission of offence.
33. Power to compound offences.
34. Presumption as to ownership of forest produce by Government.

CHAPTER VII
FOREST-OFFICERS

- 35. Conferment of powers on Forest-officers.
- 36. Forest-officers deemed Public Servants.
- 37. Indemnity for acts done in good faith.
- 38. Forest-officers not to trade.

CHAPTER VIII
MISCELLANEOUS

- 39. Additional power to make rules.
- 40. Persons bound to give information and assistance to Forest-officer and Police-officer.
- 41. Recovery of fines and other moneys.
- 42. Lien on forest- Produce for such money.
- 43. Irresponsibility of Government and Its officers for loss of or damage to, certain forest produce.
- 44. Recovery of penalties due under bond.

CHAPTER IX
AMENDMENTS OF THE BALUCHISTAN LAWS
AND CIVIL JUSTICE REGULATIONS. 1890

- 45. [Repealed]
- 46. [Repealed]
- 47. [Repealed]

THE ¹BALUCHISTAN FOREST REGULATION, 1890

(Baln Reg. V of 1890)

[7th June, 1890]

A Regulation to declare the Law relating to forests in ²[Balochistan] and amend the ²[Balochistan] Laws³ and Civil Justice ⁴[Regulation], 1890.

WHEREAS it is expedient to declare the law relating to forests in ²[Balochistan] and amend the ²[Balochistan] Laws³ and Civil Justice ⁴[Regulations], 1890; it is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

- Title and extent. 1. (1) This Regulation may be called the ²[Balochistan] Forest Regulation, 1890; and
- (2) It extends to ⁵[Balochistan]
- Provided that the ⁶[Provincial Government] may, by notification in the ⁷[official Gazette], exempt any place in those territories from the operation of the whole or any part of this Regulation, but not so as to effect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption.
- Definitions. 2. In this Regulation, unless there is something repugnant in the subject or context.
- (1) “Deputy Commissioner” means the chief executive Revenue officer of the district;
- (2) “State forest” means any land which may be constituted a State forest under this Regulation.
- (3) “Forest officer” means any person appointed, by name or as holding an office, by or under the orders of ⁸[* * *] or the ⁹[Provincial Government], to be Chief Forest Officer

¹ Spelling of the word “Baluchistan”, wherever it appears in this regulation, is corrected by insertion of letter “o” instead of “u”, as per Government of Balochistan, S&GAD’s Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

² Subs. for the words “British Balochistan” omitted by the W.P.A.O, 1964, s. 2(1) Sch. Part V.

³ The British Balochistan Laws Regulation 1890 rep. by the Balochistan Regulation 1913 (2 of 1913).

⁴ The British Balochistan Civil Justice Regulation 1890 rep. by the British Balochistan Civil Justice Regulation 1896 s. 2 Sch. and the latter Regulation rep. by the Balochistan Criminal and Civil Justice and Laws Extension Regulation 1939 s. 4.

⁵ Subs. for the words “the territories for the time being administered by the Provincial Government of British Balochistan” by the W.P. A. O., 1964, s. 3(1), Sch. Part V.

⁶ Subs. for the words “Chief Commissioner” by the A. O., 1937.

⁷ Subs. *ibid*, for the words “Gazette of India”.

or a Deputy Conservator, Assistant Conservator, Sub-Assistant conservator, Forest ranger, Forester or Forest-guard, or to discharge any function of a Forest officer under this Regulation or any rule thereunder.

(4) “Chief Forest officer” means the Chief Forest officer in ¹⁰[Balochistan];

(5) “tree” includes palms, bamboos, stumps brushwood and canes;

(6) “timber” includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not;

(7) “forest produce” includes:-

(a) The following, whether found in, or brought from, a forest or not, that is to say:-

Timber, charcoal, caoutchoue, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers and myrabolams; and

(b) The following when found in or brought from, a forest, that is to say:-

(i) trees and leaves, flowers and fruits and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees including grass, creepers, (reeds and moss), and all parts or produce of such plants.

(iii) wild animals and skins, tusks, horns, bones, silk cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface-soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries).

(8) “forest-offence” means an offence punishable

⁸ The words “the Central Government” which were subs. for the words “Governor General in Council” by the A.O., 1937, omitted by the W.P.A.O. 1964, s. 2(1) Sch. Part V.

⁹ Subs. for the words “Chief Commissioner” by the A. O., 1937.

¹⁰ Subs. for the words “British Balochistan” by the W.P. A.O., 1964, s. 2(1) Sch, Part V.

under this Regulation;

(9) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, bulls, bullocks, cows, heifers, assess, pigs, rams, ewes, sheep, lambs, goats and kids; and (10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the [Provincial Government] to try forest-offences.

CHAPTER II STATE FORESTS

- Constitution of State forests. 3. (1) The ¹¹[Provincial Government] may, by notification in the ¹²[Official Gazette], declare any woodland, permanent grazing-ground or other land which is the property of the Government to be a State forest from the date to be fixed in the notification.
- (2) The notification shall specify as nearly as possible the situation and limits of the land In respect of which the declaration is made, and from the date fixed therein the said land shall be deemed to be a State forest.
- (3) The Deputy Commissioner shall, before that date, cause a translation of the notification in the language of the country to be published in the town and villages in the neighbourhood of the land, and in any other villages of which the residents have been accustomed to graze their flocks in, or in the vicinity of, the land.
- Demarcation of State forests. 4. Whenever a State Forest is not bounded by a road, stream or other existing well-defined boundary mark, it shall be demarcated by clear lines or in such other manner as the ¹³[Provincial Government] may direct.
- Bar of acquisition of rights. 5. No right of any description adverse to the Government shall be acquired in or over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of the Government.
- Power to close roads and pathway. 6. (1) In any State forest the Chief Forest-officer may from time to time, with the previous sanction of the [Provincial Government], determine what roads and pathways shall be authorized for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only.
- (2) The Chief Forest officer shall cause public notice

¹¹ Subs. for the words "Chief Commissioner" by the A.O., 1937.

¹² Subs. for the words "Gazette of India", *ibid.*

¹³ Sub. for the words "Chief Commissioner" by the A.O., 1937.

to be given of the closing of any existing road or pathway.

Penalty for trespass or damage in State forests.

7. Any person who in a State forest:-
- (a) trespasses, or pastures cattle or permits cattle to trespass, off any road or pathway authorized for public traffic, or
 - (b) causes any damage by negligence in felling any tree, or cutting or dragging any timber, or
 - (c) lops, notches, strips off the leaves from, or otherwise damages, any tree or
 - (d) hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

8. Any person who:-
- (a) sets fire to a State forest, or
 - (b) in contravention of any rule made by the ¹⁴[Provincial Government], kindles any fire or leaves any fire burning in such manner as to endanger a State forest, or who in a State forest-
 - (c) kindles, keeps or carries any fire except at such seasons, and in such manner, as a Forest officer specially empowered in this behalf may from time to time notify, or
 - (d) fells, girdles, marks, taps, strips off the bark from, or uproots or bums any tree, or
 - (e) quarries stone, burns lime or charcoal, or collects, subject to any manufacturing process or removes any forest-produce, or
 - (f) clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Magistrate may direct.

Exceptions from prohibitions in section 7 and 8.

9. (1) Nothing in section 7 or section 8 shall be deemed to prohibit any act done:-
- (a) With the permission of the Forest officer

¹⁴ Subs. for the words "Chief Commissioner" by the A.O., 1937.

specially empowered to give such permission, or

- (b) in pursuance of any permission granted by the ¹⁵[Provincial Government], or
- (c) in accordance with any rule made by the ¹[Provincial Government] ¹⁶[* * * *]

(2) The permission of Forest officer referred to in sub-section (1), clause (a), shall be in writing, and shall only authorize the doing of some particular act on some particular occasion.

(3) The permission referred to in sub-section (1) clause (b), may by a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family but not for the purpose of trade.

(4) The rules referred to in sub-section (1), clause (c), may be applied by the ¹[Provincial Government], by notification in the ¹⁷[official Gazette], to all or any State forests, or to any part of a State forest, and may, with respect thereto-

- (i) regulate the cutting, swing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest-produce;
- (ii) regulate the quarrying of stone, the prospecting for, and extracting of, oil, the boiling of cutch, and the burning of lime or charcoal;
- (iii) regulate hunting, shooting, setting traps or snares;
- (iv) prescribe, or authorize any Forest officer to prescribe, subject to the control of the ¹⁸[Provincial Government], the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

(5) In making any such rule the ²[Provincial Government] may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach with a further fine which may

¹⁵ Subs. for the words "Chief Commissioner" by A.O., 1937.

¹⁶ The words "[subject to the control] of the [Central Government]" omitted by the W.P.A.O., 1964, s.2 (1) Sch. Part V. The words with brackets were respectively subs. for the words "with the previous sanction" and "Governor General in Council" by Reg. 5 of 1912 and the A.O., 1937.

¹⁷ Subs. for the words, "Gazette of India," by the A.O., 1937.

¹⁸ Subs. for the words "Chief Commissioner", by the A.O., 1937.

extend to five rupees for every day after the first during which the breach continues.

(6) The ¹⁹[Provincial Government] may cancel any permission given by a Forest officer or withdraw any permission granted by ²⁰[itself], and may, by notification in the ²¹[official Gazette,] cancel or modify, ²²[* * * *] all or any rules made under this section.

Power to declare forest to be no longer State forest.

10. (1) The ¹[Provincial Government] ⁴[* * * *] may, by notification in the ³[official Gazette], direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest.

(2) From the date so fixed such forest or portion shall cease to be a State forest.

CHAPTER III

PROTECTION OF CERAIN TREES

Powers to declare reserved trees.

11. The ¹[Provincial Government], by notification in the ³[official Gazette], -

- (a) may declare that any trees or any specified class or classes of trees standing on any land at the disposal of the Government shall, from a date to be fixed by such notification, be reserved trees, and
- (b) may vary or cancel any such notification.

Acts prohibited in regard to reserved trees.

12. (1) No person shall fell, girdle, mark, lop, tap or injure by fire or otherwise any reserved tree, except as provided by rules made by the ²³[Provincial Government] in this behalf or with the permission in writing of a Forest officer specially empowered to grant such permission.

(2) Whoever fells, girdles, marks, lops, taps or injures by fire or otherwise any reserved tree in contravention of sub-section (1) shall be punished with fine which may extend to twenty rupees or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

Cutting, removal and

²⁴[12-A. (1) It shall be unlawful –

¹⁹ Subs. For the words "Chief Commissioner" by the A.O., 1937.

²⁰ Subs. for the word "himself" *ibid*.

²¹ Subs. for the words "Gazette of India" by the A.O., 1937.

²² The words "[subject to the central Control] of the [Central Government]" omitted by the W.P.A.O., 1964, S.2 (1), Sch. Part V. The words within brackets were respectively subs. for the words "With the previous sanction" and "Governor General in Council" by Reg.5 of 1912 and the A.O., 1037.

²³ Subs. for the words "Chief Commissioner" by the A.O., 1937.

²⁴ Sec. 12-A Inserted by Balochistan Act XIII of 1974.

sale of Juniper wood.

- (i) to fell or girdle a Juniper tree;
- (ii) to lop, tap, burn, strip off the bark from, or in any other way damage, a Juniper tree whether standing, fallen or felled;
- (iii) to remove any felled or fallen Juniper tree, or its firewood, or any part thereof, for sale;
- (iv) to possess and stock Juniper firewood or timber for the purpose of sale:

Provided that nothing shall be deemed to be an offence under this section when done with the permission in writing of the prescribed authority or in accordance with rules framed or in force under the Forest Act, 1927.

(2) Any Forest Officer, Police Officer, Risaldar of the Levies, or an Incharge of a Levies Post may search any means of transport used for the offence; he may also search firewood stalls, or any other place where he has reason to believe that Juniper wood is placed in contravention of the provisions of this section, and may seize any such wood.

Search under this sub-section shall be made in accordance with the provisions of section 102 and 103 of the Code of Criminal Procedure, 1898.

(3) Any person who commits a breach of the provisions of this section shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure 1898, an offence punishable under this section shall be cognizable and non-bailable within the meaning of the said Code.]

CHAPTER IV

FOREST PRODUCE IN TRANSIT

Power to establish forest-stations.

13. The Chief Forest-officer may, subject to the control of the ²⁵[Provincial Government], establish stations, within or outside any State forest for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same.

Power to the prescribe routes for removal of forest-

14. (1) No timber or other forest produce shall be taken out of any State forest except by a route on which such a station has been established, or of which the use for the removal of

²⁵ Subs. for the words "Chief Commissioner" by the A.O., 1937.

procedure. timber or other forest-produce has been specially authorized by the Chief Forest-officer.

(2) A full description of every such route shall be fixed up by the Forest-officer in charge of the forest division in the towns and villages in the neighborhood of the forest served by the same.

Forest-produce in transit to be covered by pass. 15. (1) No timber or other forest-produce, whether the produce of a State forest or of other land, shall be taken along any route authorized for the removal of timber or other forest-produce under section 14 unless covered by a pass issued by a Forest officer whom the Chief Forest officer has duly authorized in that behalf or by the owner of the land, as the case may be.

(2) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

Penalty for breach of section 14 or section 15. 16. Any person who contravenes the provisions of section 14 or section 15 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to exempt from operation of section 14 or section 15. 17. A general exemption from the operation of section 14 or section 15 or both sections, -

(a) with respect to any class of timber or other forest-produce, or

(b) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a Forest-officer specially empowered in this behalf.

CHAPTER V

CATTLE-TRESPASS

Application of Cattle- trespass Act, I of 1871. 18. Cattle trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of section II of the Cattle-trespass Act, I of 1871,²⁶ and may be seized and impounded as such by any Forest officer or Police officer specially authorized in this behalf by the Deputy Commissioner:

Provided that it shall be optional with the forest officer to proceed against the owner of such cattle under section 7 of this Regulation.

²⁶ Central Acts, Vol. I, p.463.

Levy of fines.

19. The ²⁷[Provincial Government] may, by notification in the ²⁸[Official Gazette], direct that there shall be levied for each head of cattle impounded such fines as ²⁹[it] thinks fit, but not exceeding the following, that is to say:-

	Rs.	P.
For each elephant	10	0
For each camel or buffalo	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	0	8

CHAPTER VI

PENALTIES AND PROCEDURE

Seizure of property liable to confiscation and report thereof to Magistrate.

20. (1) When there is reason to believe that a forest offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any Forest officer or Police officer.

(2) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, 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:

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official, superior.

Procedure thereupon.

21. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Confiscation of forest produce and tools in case of forest-offence.

22. (1) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts, cattle and other things used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for the offence.

²⁷ Subs. for the words "Chief Commissioner" by the A.O., 1937.

²⁸ Subs. For the words "Gazette of India", *ibid.*

²⁹ Subs. for the word "he" *ibid.*

Disposal, on conclusion of trial for forest offence, of forest produce in respect of which offence was committed.

23. When the trial of any forest-offence is concluded, any timber or their forest-produce in respect of which such offence has been committed shall, if it is the property of the Government, or has been confiscated, be taken possession of by a Forest officer specially empowered in offence this behalf, and may in any other case, be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

24. (1) When the offender is not known or cannot be found, the Magistrate inquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest-officer specially empowered in this behalf, or to be made over to such Forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made till the expiration of one month from the date of the seizure of such property, or without giving the person (if any) claiming any right thereto an opportunity of being heard and hearing the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

Procedure as to perishable property seized under section 20.

25. The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 20 which is subject to speedy and natural decay and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

Appeal from orders under section 22, 23 and 24.

26. Any person claiming to be interested in property seized under section 20 may, within one month from the date of any order passed by a Magistrate under section 22, section 23 or section 24, present an appeal there from to the Court to which orders made by such Magistrate are ordinarily appealable, and

the order passed on such appeal shall be final.

Vesting of
confiscated property
in Government.

27. When an order for the confiscation of property has been passed under section 22 or section 24, and no appeal from such order has been presented within the period prescribed by section 26, or when on an appeal being presented, the appellate Court confirms such order in respect of the whole or a portion, of the property, such property or portion, as the case may be, shall vest in the [Provincial Government] free from ³⁰[Provincial Government] all incumbrances.

Saving of power to
release property
seized.

28. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 20 and the withdrawal of any charge made in respect of such property.

Penalty for
counterfeiting or
defacing marks on
trees and timber and
for altering
boundary-marks.

29. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the ³¹[Indian] Penal Code 1860:-

- (a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officer to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or
- (b) unlawfully affixes to any timber or standing tree a mark used by Forest-officers, or
- (c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer, or
- (d) alters, moves, destroys or defaces any boundary mark of any State forest,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

³⁰ Subs. for the word "Government" by the W.P.A.O., 1964 s.2 (1) Sch. Part.

³¹ Now the Pakistan Penal Code (Act XIV of 1860).

Power to arrest
without warrant.

30. (1) Any Forest-officer or Police-officer may, without order from a Magistrate and without a warrant, any person reasonably suspected of having been concerned in any forest-offence, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (1) shall without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station.

Punishment for
wrongful seizure or
arrest.

31. (1) Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Regulation, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

(2) Any fine so imposed or any portion thereof shall, if the convicting Magistrate so directs and the fine or portion is recovered be given, subject to the direction in the last paragraph of section 545 of the Code of Criminal Procedure, 1882,³² as compensation to the person aggrieved by such seizure or arrest.

Power to the prevent
commission of
offence.

32. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to compound
offences.

(2) On the payment of such sum of money, or such value, or both as the case may be, to such officer, the suspected person if in custody shall be discharged, the property, if any, seized shall be released, and no further proceeding shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that

³² See now the Code of Criminal Procedure, 1898 (Act V of 1898) s. 545 (2). The Code was extended to Balochistan by the Balochistan Laws Regulation 1913 (2 of 1913) *infra*. p. 215.

³³ Subs. for the words "Chief Commissioner" by the A.O., 1937.

³⁴ Subs. for the words "Gazette of India" *ibid*.

of a Forest-ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees.

Presumption as to ownership of forest produce by Government.

34. When, in any proceedings taken under this Regulation, or in consequence of anything taken under this Regulation a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property, of the Government until the contrary is proved.

CHAPTER VII FOREST-OFFICERS

Conferment of powers on Forest-officers.

35. (1) The ³⁵[Provincial Government] may invest any Forest Officer by name or as holding an office, with all or any of the following powers, that is to say:-

- (a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
- (b) power to issue search-warrants under the Code of Criminal Procedure, 1882;³⁶
- (c) power to hold inquiries into forest offences, and in the course of such inquiries to receive and record evidence;
- (d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;
- (e) power to give the permission referred to in section 9, sub-section (1), clause (a);
- (f) power to grant general exemption under section 17;
- (g) power to take possession of property under sections 23, 24 and 42;
- (h) power to direct the release of property

³⁵ Subs. for the words "Chief Commissioner" by the A.O., 1937.

³⁶ See now the Code of Criminal Procedure 1898 (Act V of 1898) Central Acts. Vol. IV, p. 9.

and withdrawal of charges under section 28;

and may withdraw any powers so conferred.

(2) Evidence recorded under clause (e) of subsection (1) shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that it has been taken in the presence of the accused person and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure, 1882.³⁷

Forest-officers deemed Public Servants.

36. All Forest-officer shall be deemed to be public servants within the meaning of the ³⁸Indian Penal Code.

Indemnity for Acts done in good faith.

37. No suit or criminal prosecution shall lie against public servant for anything done or omitted by him in good faith under this Regulation.

Forest-officers not to trade.

38. Except with the permission in writing of the ³⁹[Provincial Government] no Forest officer shall as principal or agent, trade in timber or other forest-produce, or be or become interest in any lease or mortgage of any forest, or in any contract for working any forest, whether in ⁴⁰[Pakistan or in any].

CHAPTER VIII MISCELLANEOUS

³⁷ See now the Code of Criminal Procedure 1898 (Act V of 1898) Central Acts, Vol. IV, p. 9.

³⁸ Now the Pakistan Penal Code (XLV of 1860), Central Act, Vol. I, p. 125.

³⁹ Subs. for the words "Chief Commissioner" by the A.O., 1937.

⁴⁰ Subs. for the words "British or" by the W.P.A.O., 1964, s. 2(1) Sch, Part.

Additional power to make rules.

39. The ³[Provincial Government] may make rules consistent with this Regulation –

- (a) to declare by what Forest-officers or class of Forest officers the powers or duties conferred or imposed by or under this Regulation on a Forest officer shall be exercised or performed.
- (b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Regulation or from the public treasury, and
- (c) generally, to carry out the provisions of this Regulation.

Persons bound to give information and assistance to Forest-officer and Police-officer.

40. Every person who is permitted by a Forest-officer, or to whom permission has been granted by the ⁴¹[Provincial Government], to pasture cattle in, or to collect remove any forest-produce, from a State forest, and

every person who is employed by any such person in such a forest, and

every person in any village contiguous to such a forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest Forest-officer or Police-officer any information which he may possess respecting the occurrence of a fire in or near such a forest, or the commission of, or intention to commit, any forest-offence and shall assist any Forest-officer or Police-officer demanding his aid-

- (a) in extinguishing any fire occurring in such a forest,
- (b) in preventing any fire which may occur in the vicinity, of such a forest, from spreading to such a forest,
- (c) in preventing the commission in such a forest of any forest offence, and
- (d) when there is reason to believe that any such offence has been committed in such a forest, in discovering and arresting the offender.

Recovery of fines

41. All money, other than fines, payable to the Government

⁴¹ Subs. for the words "Chief Commissioner" by the A.O., 1937.

- and other moneys. under this regulation or under any rule thereunder, or on account of the price of any timber or other forest-produce or of expenses incurred in the execution of this Regulation in respect of such timber or produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.
- Lien on forest-Produce for such money. 42. (1) When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and the produce may be taken possession of by a Forest-officer specially empowered in this behalf and may be retained by him until the amount has been paid.
- (2) If the amount is not paid when due, the Forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.
- (3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the ⁴²[Provincial Government].
- Irresponsibility of Government and its officers for loss of or damage to, certain forest produce. 43. The ¹[Provincial Government] shall be not responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 13, or while detained elsewhere for the purpose of this Regulation, and no Forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.
- Recovery of penalties due under bond. 44. When any person, in compliance with any rule under this Regulation, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the ⁴³[Indian Contract Act, 1872], be recovered from him in case of such breach as if it were an arrear of land revenue.

CHAPTER IX

AMENDMENTS OF THE BALOCHISTAN LAWS AND CIVIL JUSTICE REGULATIONS. 1890

- I of 1890. 45. *Amendment of s. 4 of the British Balochistan Laws Regulation, 1890. [Rep. Balochistan Laws Regulation, 1913.*
46. *Repeal of words in s.7 of the British Balochistan Laws*

⁴² Subs. for the word "Government" by W.P. A.O., 1964. s.2(1) Sch. Part V.

⁴³ Now the Contract Act, 1872 (Act II of 1872).

Regulation, 1890, [Rep. Balochistan Laws Regulation, 1913 (2 of 1913).]

47. *Substitution of new section for section 71 of Regulation III of 1890, [Rep. British Balochistan Civil Justice Regulation 9 of 1896, s.2.]*
