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PART IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 16th January, 1995

No. PAS/Legis-B-25/94.—The Forest Act (Sindh Amendment) Bill, 1994 having been passed by Provincial Assembly of Sindh on 5th October, 1994 and assented to by the Governor of Sindh on 27th December, 1994 is hereby published as an Act of the Legislature of Sindh.

THE FOREST ACT (SINDH AMENDMENT) ACT, 1994.

SINDH ACT NO. XXX OF 1994

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 16th January, 1995.)

AN

ACT

to amend the Forest Act, 1927, in its application to the Province of Sindh.

WHEREAS it is expedient to amend the Forest Act, 1927, in its application to the Province of Sindh, in the manner hereinafter appearing; Preamble

It is hereby enacted as follows:—

Short title
and Commence-
ment

1. (1) This Act may be called the Forest Act (Sindh Amendment) Act, 1994.

(2) It shall come into force at once

Amendment
of Section.
26 of Act,
XVI of 1927

2. In the Forest Act, 1927, in its application to the Province of Sindh, hereinafter referred to as the said Act, in section 26—

(i) in sub-section (1), the full stop at the end shall be replaced by colon and thereafter the following shall be added:—

“Provided that any person who commits any offence in respect of reserved forest, timber, tree or forest produce the value of which exceeds ten thousand rupees shall be punishable with imprisonment for a term which may extend to four years and with fine which may extend to twenty thousand rupees or with both:

Provided further that where the damage of property in respect of which offence is committed—

(a) does not exceed ten thousand rupees, the term of imprisonment shall not be less than six months and fine shall not be less than three thousand rupees;

(b) exceeds ten thousand rupees but does not exceed twenty five thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than ten thousand rupees;

(c) exceeds twenty five thousand rupees, the term of imprisonment shall not be less than one year and the fine shall not be less than fifteen thousand rupees:

Provided also that the penalties which are double of the above penalties may be inflicted where the offence is committed after sun-set and before sun-rise or where the offender has been previously convicted of a like offence.”

(ii) after sub-section (3), the following shall be added:—

“(4) All timber, tree or forest produce in respect of which an offence is committed together with any tool, carriage, wagon cart or other vehicle or thing used in committing any such offence, shall be liable to confiscation;

(5) The Court shall have powers to sanction reward out of the fine realized, to any person providing information in respect of an offence or help in apprehending the offender;

(6) The expenditure incurred by Government on removal or demolishing of encroachment or structure, if any, involved in the offence shall be recovered from the convicted person as arrears of land revenue."

3. In the said Act, in section 33—

Amendment
of section 33
of Act XVI
of 1927

(i) in sub-section (1), the full stop at the end shall be replaced by colon and thereafter the following shall be added:—

"Provided that any person who commits any offence in respect of protected forest, timber, tree or forest produce the value of which exceeds ten thousand rupees shall be punishable with imprisonment for a term which may extend to four years and with fine which may extend to twenty thousand rupees or with both:

Provided further that where the damage of property in respect of which offence is committed—

(a) does not exceed ten thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than three thousand rupees;

(b) exceeds ten thousand rupees but does not exceed twenty five thousand rupees, the term of imprisonment shall not be less than six months and the fine shall not be less than ten thousand rupees;

(c) exceeds twenty five thousand rupees, the term of imprisonment shall not be less than one year and the fine shall not be less than fifteen thousand rupees:

Provided also that the penalties which are double of the above penalties may be inflicted where the offence is committed after sun-set and before sun-rise or where the offender has been previously convicted of a like offence."

(ii) after sub-section (2), the following shall be added:—

"(3) All timber, tree or forest produce, in respect of which an offence is committed together with any tool, carriage, wagon, cart or other vehicle or thing used in committing any such offence shall be liable to confiscation.

- (4) The Court shall have powers to sanction reward out of the fine realized, to any person providing information in respect of an offence or help in apprehending the offender.
- (5) The expenditure incurred by Government on removal or demolishing of encroachment or structure, if any, involved in the offence shall be recovered from the convicted person, as arrears of Land revenue.”.

Amendment
of section 42
of Act XVI
of 1927.

4. In the said Act in section 42—

- (a) in sub-section (1) the full-stop at the end shall be replaced by a semi colon and thereafter the following shall be added:—

“Provided that contravention of rule relating to timber or forest produce the value of which exceeds ten thousand rupees shall be punishable with imprisonment for a term which may extend to four years and fine which may extend to twenty thousand rupees but the term of imprisonment shall not be less than six months and fine shall not be less than ten thousand rupees.”.

- (b) after sub-section (1), the following shall be added:—

“(1-A) All timber, tree or forest produce, in respect of which an offence is committed together with any tool carriage, wagon, cart or other vehicle or thing used in committing such offence shall be liable to confiscation.”.

Amendment
of section 63
of Act XV
of 1927

5. In the said Act, in section 63, for the para below clause (c), the following shall be substituted:—

“shall be punishable with imprisonment for a term which may extend to four years or with fine which may extend to twenty thousand rupees but the term of imprisonment shall not be less than six months and the fine shall not be less than five thousand rupees, in addition to such compensation for damage done to the forest, forest produce or timber as the court may direct to be paid:

Provided that the penalties which are double of the above penalties may be inflicted where the offence is committed after sun-set and before sun-rise or where the offender has been previously convicted of a like offence.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

ZAKIR HUSSAIN K. MIRZA
Secretary,
Provincial Assembly of Sindh.

Ext-iv-2

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