

The Private Forests Ordinance, 1959 (East Pakistan Ordinance)

(Ordinance NO. XXXIV OF 1959)

An Ordinance to provide for the conservation of private forests and for the afforestation in certain cases of waste lands in Bangladesh.^{1♣}

WHEREAS it is expedient to provide for conservation of forests and for the afforestation of waste lands in Bangladesh where such forests or lands are not the property of the Government or where the Government have no proprietary right over such forests or lands;

AND in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and having received the previous instructions of the President, the Governor is pleased, in exercise of all powers enabling him in that behalf, to make and promulgate the following Ordinance:-

CHAPTER I PRELIMINARY

Short title, extent and commencement 1. (1) This Ordinance may be called the ²[* * *] Private Forests Ordinance, 1959.

(2) It extends to the whole of Bangladesh.

(3) This section shall come into force at once and the remaining provisions of this Ordinance, in whole or in part, shall come into force in such areas and on such dates as the Government may, by notification, specify and for this purpose different dates may be specified for different provisions of this Ordinance and for different areas.

Definitions 2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(1) "Appellate Committee" means a committee the procedure of which shall be as prescribed, appointed by the Government in respect of a

notified area to hear appeal under this Ordinance consisting of three members of whom the Chairman shall be a Revenue Officer not below the rank of a Collector, one member shall be a Forest Officer not below the rank of a Deputy Conservator of Forests and the other member shall be an owner of a private forest who shall be selected in the prescribed manner from amongst the owners of private forests in such notified area;

(2) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(3) "conservation" used in reference to any forest land or waste land relates to such measures as are necessary in the opinion of the Regional Forest Officer for the prevention and remedying of deterioration of soil and its vegetative cover caused or likely to be caused through erosion, landslide, flood, desiccation, burning, grazing, digging or removal of earth or through any other deteriorating agency and includes measures for improvement through protection, afforestation or any other means;

(4) "Controlled forest" means a private forest, not being vested forest in respect of which sections 2 to 63 of this Ordinance in whole or in part, have come into force;

³[(5) "forest" includes any land recorded as forest in a record-of-rights prepared under Chapter IV of the State Acquisition and Tenancy Act, 1950 (E.B. Act XXVIII of 1951) or such other land containing tree growth as may by notification be declared as forest by the Government;]

(6) "forest-offence" means an offence punishable under this Ordinance or under any rule made thereunder;

(7) "Forest Officer" means any person whom the Government or any officer empowered by the Government in this behalf, may appoint to carry out all or any of the purposes of this Ordinance or to do anything required by this Ordinance or any rule made thereunder to be done by a Forest Officer;

(8) "forest-produce" includes-

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

(i) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolans, and

(ii) wild animals and skins, tusks, horns, bones, silks, cocoons, honey and wax, and all other parts or produce of animals, 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) surface soil and rock (excluding salt rock and mineral rock), and

(iv) fish, tortoise, oysters, shells, sponge, conch, all crustacea and mollusca and all parts or produce of such fauna;

(9) "Forest Settlement Officer" means an officer who shall ordinarily be a Revenue Officer, appointed by the Government to perform the functions of a Forest Settlement Officer under this Ordinance, and includes a Board, the procedure of which shall be as prescribed, appointed by the Government to perform such functions, consisting of not more than three officers of whom at least two shall be Revenue Officers;

(10) "notification" means a notification published in the official Gazette;

(11) "notified area" means an area specified in a notification issued under sub-section (1) of section 3;

(12) "owner" includes any mortgagee in possession, lessee, common manager, receiver appointed by a competent Court and any person holding any property in trust and also includes a Court of Wards in respect of property under the superintendence or charge of such Court;

(13) "prescribed" means prescribed by rules made under this Ordinance;

(14) "private forest" means a forest which is not the property of the Government or over which the Government has no proprietary right;

(15) "Regional Forest Officer" means a Forest Officer appointed as such by a notification for a notified area;

(16) "river" includes any stream, canal, creek or other channel, natural or artificial;

(17) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hallowed out for any purpose or not;

(18) "tree" includes palms, bamboos, stumps, brushwood, canes, grasses, reeds, shrubs, herbs, etc.;

(19) "vested forest" means a forest of which the control has been vested in a Regional Forest Officer by a notification under sub-section (2) of section 6 or under section 7 or under section 11 and includes any forest deemed to be or managed as, a vested forest under this Ordinance;

(20) "waste-land" means any waste-land which is not the property of the Government or over which the Government has no proprietary right;

(21) "working plan" means a written plan prepared in the prescribed manner for the management and treatment of a forest or waste land; and

(22) "year" means a financial year.

CHAPTER II

CONSERVATION OF PRIVATE FORESTS AND AFFORESTATION OF WASTE LANDS

Preparation of, and appeal and revision in respect of, working plans for private forest

3. (1) (a) The Government may, by notification, direct that every owner of a private forest which is not a vested forest, but which is situated within such area as may be specified in the notification, shall prepare in the prescribed manner and submit within the period mentioned in the notification to the Regional Forest Officer a working plan for the conservation of such private forest.

(b) If any person fails to submit the statement mentioned in clause (a) of sub-section (1) within the specified time, he shall be punishable with fine which may extend to five hundred taka:

Provided that no prosecution shall be instituted under this sub-section unless the Regional Forest Officer has served in the prescribed manner a notice on such owner specifying his failure to carry out the above provision within 30 days from the date of service of such notice and unless such owner has failed to comply with such notice.

(2) On the expiry of the period mentioned in the notification under sub-section (1), the Regional Forest Officer shall, after considering each working plan submitted to him under that sub-section, and after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, by an order in writing, accept the working plan or modify it in such manner as he may consider necessary or substitute another working plan for it.

⁴[(3a)] If any owner of such private forest does not submit a working plan within the period specified in the notification issued under sub-section (1), the Regional Forest Officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, prepare a working plan in respect of such forest.

⁵[(3b) The cost of preparing the working plan under sub-section (3a) as estimated by the Regional Forest Officer in consultation with the Conservator of Forests of a circle within which such forest is situated, is recoverable from the owner of the private forest as forest revenue or as an arrear of forest revenue under the Public Demands Recovery Act, 1913.]

(4) When the Regional Forest Officer by an order in writing modifies any working plan under sub-section (2) or substitutes another working plan under that sub-section for the working plan submitted under sub-section (1), he shall cause a copy of such order to be served in the prescribed manner upon the owner of such private forest to which such working plan relates and such owner may, within sixty days of the date of service of