

**THE ¹[KHYBER PAKHTUNKHWA] PROTECTION OF TREES AND
BRUSHWOOD ACT, 1949.**

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PREAMBLE

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¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

**THE ¹[KHYBER PAKHTUNKHWA] PROTECTION OF TREES AND
BRUSHWOOD ACT, 1949.**

(Act No. VII of 1949)

**AN
ACT**

*to protect the trees and brushwood belonging to the Government and Local
Bodies*

WHEREAS it is expedient to provide for the protection of the trees and brushwood; It is hereby enacted as follows:- Preamble.

1. (1) This Act may be called the ²[Khyber Pakhtunkhwa] Protection of Trees and Brushwood Act, 1949. Short title, extent and commencement.

(2) It extends to the whole of the Province of the ³[Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. In this act unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say.— Definitions.

⁴[a * * * *]

(a) "Local Bodies" means Municipal Committees, Notified Area Committees, Cantonments and District Boards, in the ⁵[Khyber Pakhtunkhwa];

(b) "Trees" means trees of all kinds, belonging to the Government or Local Bodies.

(c) "Brushwood" includes all woody plants, fruit trees, bushes, shrubs and small trees belonging to the Government or Local Bodies.

(d) "An offence under this Act" means—

(1) felling or girdling a tree or a brushwood;

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Clause "(a)" omitted by W. P. Laws (Adaptation) Order, 1964, s 2 (1) Sch. Part-III.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(2) lopping, tapping, stripping off the barks of leaves from, setting fire to, kindling any fire or leaving any fire burning in the vicinity of, keeping or carrying any fire in such a way as to endanger, permitting cattle to damage or otherwise in any way damaging any tree or brushwood whether, standing, fallen or felled;

(3) removing any. felled or fallen-tree or brushwood or any part thereof;

(4) infringing any rules made under this Act:

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

3. (1) Every person ordinarily residing in any village or occupying or owning any land, in the vicinity of any tree or brushwood, and every landowner or occupant of any land in the vicinity of any tree or brushwood, shall be bound to furnish without unnecessary delay to the nearest Police Officer or Magistrate any information he may possess respecting the commission of, or intention to commit an offence under this Act, shall further be bound to prevent the commission of such an offence.

Liability to prevent offences under this act.

(2) Every person who neglects any duty imposed on him by this Section shall be punishable with imprisonment which may extend to three years or fine or both.

4. (1) Without prejudice to the other provisions of this Act and in addition to any other penalty, provided for by this Act, the Provincial Government may impose a fine on all persons ordinarily residing in the villages as a whole or any particular village or any land owner or occupant of land, in the vicinity of any tree or brushwood in respect of which an offence under this Act has been committed irrespective of the fact whether the person committing the offence is known or not.

Joint liability of villagers.

(2) The Provincial Government may in their discretion give an opportunity to show cause why the fine be not imposed before imposing a fine under sub-section (1) of this Section to the representatives of the villagers, land owners or occupants of land upon whom the fine is intended to be imposed.

(3) The fine when imposed shall be recovered as if it was an arrear of land revenue.

5. Any person who commits an offence under this Act shall be punished with imprisonment for a term which may extend to three years or fine or both.

Punishment.

6. No order passed under Section 4 of this Act shall; be called in question

Bar of

in any Court.

Jurisdiction.

7. (1) The Provincial Government may frame rules to carry out the purposes of this Act.

Power of the Provincial Government to make Rules.

(2) In particular and with out prejudice to the generality of the foregoing powers, such rules may provide for any of the following matters:—

- (a) Prescribing the authorities entitled to grant permission to any persons to do any act which is an offence under this Act.
- (b) Providing for the preservation and disposal of any tree or brush-wood whether standing, fallen or felled.
- (c) Prescribing the authority before whom the representatives of any village landowners or occupants of land can show cause why the fine should not be imposed upon the villagers, landowners or occupants of land under this Act.