

AZAD JAMMU AND KASHMIR GOVERNMENT
BAITULMAL TREES PROTECTION ACT, 1949

(CABINET RESOLUTION NO 239/49)

Whereas it is expedient to protect trees standing on Baitutmal

land it is hereby enacted as follows :-

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This Act may be called "The Baitulmal Trees Protection Act of 1949".

It shall extend to the territories which are or may hereafter come under the Azad Jammu and Kashmir Government and shall come into force immediately.

In this Act, unless there is anything repugnant in the subject or context :-

(a) 'Baitulmal Trees' shall mean and include trees and timber of all kinds standing or lying upon or cut from Baitulmal land.

(b) 'Baitutmal Land' shall mean landed Baitulmal property whether assessed to land revenue or not within the meaning of the expression 'Baitulmal Property' as given in Section 3 of the Baitulmal Property Act of 1948.

(c) "Timber" shall mean Timber as defined in the Forest Act in force in Azad Jammu and Kashmir.

The management and protection of the Baituimat trees shall vest in the Forest Department of the Azad Jammu and Kashmir Government.

No person shall cut, remove or otherwise damage Baitulmal trees except under the orders of the Chief Conservator of Forests or officer authorised by him in this behalf.

Whenever any person is required by a Forest Officer to produce or to place any Baitulmal Trees at the disposal of the Forest Department, he shall comply with the order according to the directions given therein.

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If any person has any claim to such Baitulmal trees he shall file a petition of objections before the Divisional Forest Officer for the release of the same. The Divisional Forest Officer shall, if satisfied after proper enquiry release the same but an order of release under this Section shall not be final unless it is confirmed by the Chief Conservator of Forests.

No person shall refuse to produce or to place at the disposal of the Forest Department any trees or timber claimed by the Forest Department as Baitulmal Trees merely on the ground that he intends to file or has actually filed a petition of objections under section 7 of this Act.

The possession of Baitulmal trees by any person after an order to produce, or to place the same at the disposal of the Forest Department under section 6 of this Act, shall be deemed to be unauthorised if such person fails to comply with such order or the direction given thereunder.

All the Baitulmal trees shall be the property of the Government and shall be utilised or otherwise disposed of in accordance with the instructions of the Chief Conservator of Forests Who will treat these trees as if they were in demarcated Government forests.

Whoever contravenes the provisions of Section 5 or an order issued under section 6 of this Act shall, on conviction before a first or 2nd class Magistrate, be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

Whoever contravenes the provisions of Section 8 or is in unauthorized possession of Baitulmal Trees shall on conviction before a first Class or Second Class Magistrate be punished with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

A case instituted under this Act may be withdrawn by a Gazetted

Forest Officer of the area where the offence was committed.

No Forest Officer exercising the powers of a Magistrate shall be competent to hear a case under this Act.

All offences under this Act shall be cognisable and bailable.

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Notwithstanding anything contained in the Code of Criminal Procedure or any other law for the time being in force all offences under this Act shall be tried according to the procedure prescribed, for the trial of summons cases.

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