

# THE PUNJAB FOREST (AMENDMENT) ACT 2016

(XIV OF 2016)

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## TEXT

### <sup>1</sup>THE PUNJAB FOREST (AMENDMENT) ACT 2016

(XIV of 2016)

[29 February 2016]

An

Act

*further to amend the Forest Act, 1927.*

Certain further amendments in the Forest Act, 1927 (*XVI of 1927*) are required for better utilization of wasteland through establishment of forest companies and for ancillary matters;

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title and commencement.**— (1) This Act may be cited as the Punjab Forest (Amendment) Act 2016.

(2) It shall come into force at once.

**2. Amendment in section 2 of Act XVI of 1927.**— In the Forest Act, 1927 (*XVI of 1927*), for brevity cited as the said Act, in section 2, after clause (c), the following clause (ca) shall be inserted:

“(ca) “forest company” means a company established under the Act;”

**3. Insertion of Chapter XII-A to Act XVI of 1927.**— In the said Act, after Chapter XII, the following Chapter XII-A shall be inserted:

#### “CHAPTER XII-A

#### FOREST COMPANY

**78-A. Forest company.**— (1) The Government may establish a forest company under the Companies Ordinance, 1984 (*XLVII of 1984*) to oversee the implementation of public private partnership on assigned forest land or wasteland.

(2) The Government may, by notification in the official Gazette, assign a blank forest land or wasteland owned by the Government to a forest company.

(3) The Government shall not notify a forest land or wasteland under subsection (2) unless the nature and extent of the rights of the Government and of private persons in or over the forest land or wasteland

<sup>1</sup>This Act was passed by the Provincial Assembly of the Punjab on 24 February 2016; assented to by the Governor of the Punjab on 26 February 2016; and, was published in the Punjab Gazette (Extraordinary), dated: 29 February 2016, pp. 4045-4047.

have been inquired into and recorded at a survey or settlement or in such other manner as the Government deems appropriate.

(4) Subject to the Companies Ordinance, 1984 (*XLVII of 1984*), the Government may constitute the Board of Directors of a forest company with equal representation from public and private sectors to manage functioning of the forest company.

(5) The forest company shall, in addition to its Articles of Association and Memorandum of Association, comply with the provisions of this Act and the rules.

**78-B. Procedure for partnership.**— (1) The forest company shall invite applications of eligible persons through a public notice, published in at least two national daily newspapers, for public private partnership for the development of forest on the forest land or wasteland.

(2) The eligibility criteria for an applicant shall include:

- (a) availability of required technical and other human resource to undertake the project;
- (b) financial capacity; and
- (c) relevant experience.

(3) The forest company shall execute the afforestation plan in accordance with the Agreement signed with the successful applicant that shall not exceed fifteen years but it may contain provision for extension of the Agreement for one more term of fifteen years subject to satisfactory performance by the applicant.

(4) The forest company and the person occupying a forest land or wasteland under public private partnership shall protect:

- (a) the forest land or wasteland from any type of encroachment or use other than the permitted or permissible use under the Agreement, this Act or the rules; and
- (b) the forest produce from illegal removal, illegal cultivation or other incidents such as forest fire, insect attack and diseases.

(5) The forest company shall deposit the profit with the Government.

(6) The forest company shall maintain record of forest produce and shall annually submit the record of the forest produce to the Government.

(7) The Government may notify a monitoring committee to monitor and evaluate the afforestation plan of the forest company.

(8) The forest company and the occupant shall rectify any violations to the afforestation plan specified by the monitoring committee within sixty days.

(9) The Government may conduct third party validation to evaluate performance of the forest company or any public private partnership project under the Act.”

**4. Amendment in section 80-A of Act XVI of 1927.**— In the said Act, for section 80-A, the following shall be substituted:

**“80-A. Public private partnership.**— (1) Subject to the Punjab Public Private Partnership Act 2014 (IX of 2014) and any other law for the time being in force, the Government may itself or through a forest company invite proposals for the development of a forest land or wasteland.

(2) The Government may itself or through a forest company enter into public private partnership for the development, preservation and conservation of a forest land or wasteland.

(3) Subject to the provisions of this Act, the Government may itself or through a forest company permit any person to use a blank forest land or wasteland for increase in the productivity of the forest.

(4) The Government shall not permit use of forest land or wasteland assigned to a forest company for:

- (a) construction of any permanent structure; or
- (b) change of land use for the purpose other than the development of forest or forest related activities.

(5) Subject to the Punjab Public Private Partnership Act 2014 (*IX of 2014*) and any other law for the time being in force, the Government or forest company shall enter into a detailed contractual arrangement with any person in accordance with the provision of this section.

(6) If, in the opinion of the Government or forest company, the person has violated any provision of the Act or the contractual arrangement, the Government may, in addition to any other penalty prescribed under the Act, recover possession of the forest land or wasteland from the occupant.

(7) Nothing in this section shall be construed to allow the Government or forest company or any other occupant of the forestland or wasteland to permit or to do an act, which is prohibited or punishable under the Act.”

**5. Validation.**— Notwithstanding the repeal of the Punjab Forest (Amendment) Ordinance 2015 (XVIII of 2015), any action of the Government or of a forest company taken from the date of repeal of the said Ordinance and till the date of commencement of this Act shall be deemed to have been taken under the Forest Act, 1927 (XVI of 1927).