

**THE JAMMU & KASHMIR NATIONALISATION OF FOREST
WORKING ACT 1987
ACT NO. VII OF 1987
[20TH APRIL 1987]**

An act to further ensure the completion of the process of Nationalisation of Forest Working in the State in the public interest.

1. Short title:- This Act may be called the Jammu and Kashmir Nationalisation of Forest Working Act, 1987.
2. Definitions:- In this Act, all expressions used but not defined shall have the same meaning as is assigned to them under the Forest, Act, Samvat 1987.
2. The J&K Govt. Gazette, 21st April 87/Ist Bai, 1909[Ne
3. Ban of Forest working by private persons:- Notwithstanding anything to the contrary contained in any law, rule instrument, agreement or contract or in any judgement decree or order of any Court or authority:-
 - (a) as from the commencement of the Jammu & Kashmir Nationalisation of Forest Working Ordinance 1985 (V of 1986), no person shall fell any tree or convert any timber or carry on the feeling of any tree or conversion or removal of any timber in any demarcated Forest of the State.
 - (b) Any lease, contract or authority in existence at the commencement of the Jammu & Kashmir Nationalisation of Forest Working Ordinance, 1986 (V of 1986) for felling of trees or conversion or extraction of timber from such trees or for removal of timber from the demarcated forest shall cease to have effect and right which might have accrued to any person under any such contract agreement or authority shall stand extinguished and shall in the State;

Provided that nothing in clause (b) shall effect the right of the Government to recover any amount payable to it on account of royalty interest compensation penalty or any other sum chargeable from any person by virtue of any lease contact or authority referred to above, in the manner provided for in any such lease, contract or authority.

4. Vesting of timber in the state notwithstanding any thing to the country contained in any, rule, law, instrument, agreement or contract or in any judgment, decree or order of any Court or authority;
 - a) any extinguishment of right, cessation of lease, contract or authority or vesting of any timber in the State of declaration of any timber as the property of the state. Under any law, rule or order or under any agreement, contract, instrument, prior to the commencement of this act, shall be an shall be deemed always to have been validly made or done and all acts done, proceeding taken or orders issued for purposes of an in relation to any such extinguishment of rights, cessation of leases vesting of timber in the state or declaration of timber as the property of the State, shall be and shall always be deemed to be good and valid; and
 - b) any timber already vested in the state or declared to be property of the state under or by virtue of any law, rule, order, lease, agreement, or contract at any time prior to the commencement of this act shall be dispose off by the Government in such manner as it may direct.
5. Right of the Government to recover the amounts:- Nothing shall effect, abridge or take away or be deemed ever to have affected, abridged or taken away the right of the Government to recover any amount payable to it on account of royalty, interest, compensation or any other sum chargeable from any person under any rule, law, agreement, contract or instrument order of any authority, before the commencement of this act and every such right of the government shall continue to be valid and enforceable and shall always be deemed to have been valid and enforceable in always, notwithstanding that such law, rule, agreement, contract or instrument or order of any authority, ceased to have affect at any time before the commencement of this act.

6. Payment and determination of amount;- In respect of timber for which amount is payable under the J&K Nationalization of Forest Working Ordinance, 1986 (V of 1986) and which has not been paid. Their shall be paid an amount to be determined in accordance with the following principal by an authority to be appointed by the Govt. namely;-
 - a) actual expenditure incurred on the felling and conversation of a timber and its transportation.
 - b) Any cost incidental to such felling, conversation and transportation.
 - c) Cost of working capital employed for the above operation to be paid at the rate of 15% per annum.
 - d) Any other cost which in the opinion of the authority has been incurred but is not covered by the above provision to be paid.
 - e) Any royalty already paid to the Government in respect of such a timber to be refunded.
7. Working of Forest by Forest Department and as the Jammu and Kashmir State Forest Corporation saved;- Nothing contained in this act shall prevent or restricted any operation involved in rolling or extraction of any tree, conversion of any timber or forest produce in any demarcated forest or transportation or sale of any timber of Forest Produce by the State Forest Department or the Jammu and Kashmir State Forest Corporation or their authorized agents appointed for all or any one of such operations.
8. Rights of persons entitled to timber on concessional states saved;- Nothing contained in this act shall prejudice the right of a person entitled to obtained timber on concessional rates to fell or convert timber in accordance with the orders issued by competent authority order the provisions of the Jammu and Kashmir Forest Act Samvat 1987 and rules thereunder.
9. Penalty;- Any person who contravenes the provision of this act or abets the contravenes there of shall be punishable with imprisonment for a terms which may extend to five years but shall not be less than 3 years.
10. Powers to makes rules;- The Government may make rules for carrying out the purposes of this act.
11. Repeal and saving;- (I) The Jammu and Kashmir Nationalization of Forest Working Ordinance, 1986 (V of 1986) is hereby repealed.
(2) Notwithstanding such repeal any thing done, any action taken or any saving made including any appointment made or any amount determined or paid or any notification or order issued shall be deemed to have been done, taken or made under the corresponding provisions of this act.