

Government of ¹[Khyber Pakhtunkhwa]
Environment Department
Notification

Peshawar, dated the 24.12.2004

No,SO(Tech)ED/V-168/2003/KC . –

In exercise of the powers conferred by sections 98, 99, 100, 101, 102, 103 and 115 of the ²[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (³[Khyber Pakhtunkhwa] Ord. No. XIX of 2002), and in supersession of all previous rules on the subject, the Government of ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:

The ⁵[Khyber Pakhtunkhwa] Joint Forest Management (Community Participation) Rules, 2004.

1. Short Title and Commencement: -

- (1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Joint Forest Management (Community Participation) Rules, 2004.
- (2) They shall apply to such area or areas as Government may, from time to time, specify; provided that in relation to the area or areas where these rules are made applicable the Hazara Management of Wasteland (Guzara Rules), 2004, and the ⁷[Khyber Pakhtunkhwa] management of Protected Forest rules, 2004, shall cease to operate.

2. Definitions: -

In these rules, unless the context otherwise requires, -

- a. "Audit and Monitoring Committee"¹ means an Audit and Monitoring Committee under these rules;
- b. "Beneficiary" means a local person who is entitled to use, or interested in, the forest resources and the right of such use is recognized by law or enforced by courts, customs, convention and include forest owners, all rights holders, concessionists and users of forest resources;
- c. "Citizen Community Board" means the Citizen Community

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

Board setup and registered under the ⁸[Khyber Pakhtunkhwa] Local Government Ordinance, 2001 (⁹[Khyber Pakhtunkhwa] Ord. No. XIV of 2001);

- d. "Community Development Officer" means an officer designated by Government to provide specialized support in social organization and allied services in a forest division;
- e. "Concession" means any benefits granted by Government in a forest with respect to any forest produce or share in sale proceeds in consideration of or for doing something special of economic or social or environmental value for the sustainable development of natural resources;
- f. "Concessionist" means a person to whom concession has been granted under these rules;
- g. "Customary rights" means rights of use of forest produce according to local customs, traditions and usage;”
- h. "Female Forest Extensionist" means a female officer designated by Government to provide specialized support in social organization and allied services in a forest division;
- i. "Forest Management Unit" means a forest area of a village or villages that is socially and geographically determined by ownership and managed by a Joint Forest Management Committee;
- j. "Forest Ranger" means a forest officer incharge of the Forest Range in whose territorial jurisdiction the Forest Management Unit fall;
- k. "Joint Forest Management Committee" means a Committee established under section 102 of the Ordinance;
- l. "Joint Forest Management Plan" means a planning document prepared for a specific Forest Management Unit by the Joint Forestry Management Committee with technical assistance of Forest Department or some other technical expert(s), if any, and in close consultation with the beneficiaries including Women Organization and other stakeholders, for management of forests and other natural resources in the Forest management Unit;
- m. "Ordinance" means the ¹⁰[Khyber Pakhtunkhwa] Ordinance,

⁸ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

2002 (¹¹[Khyber Pakhtunkhwa] Ord. No. XIX of 2002);

- n. "Village" means a Village as recorded in the record of Revenue Department;
- o. "Village Development Committee" means a committee constituted or organized under rule 4 of these rules;
- p. "Village Land Use Planning" means a participatory process by which a Village Plan is prepared to optimize the land use in a village;
- q. "Village "Plan" means a planning document prepared by the Village Development Committee through the Village Land Use Planning process;
- r. "Women Organization" means an elected committee of the women representing all the sections/hamlets or the village;
- s. "Yearly Plan of Operation" means an annual plan jointly elaborated by the Village Development Committee, Women Organization and Joint Forest Management Committee for the implementation of Village Plan and Joint Forest Management Plan on year-to-year basis specifying jobs to be performed by each partner and the required budget.

3. Community Participation:

- (1). The inhabitants of a village may agree to manage land resources falling in the jurisdiction of the village after they have organized themselves in a Village Development Committee and a Women Organization and notified as such by the Divisional Forest Officer concerned.
- (2). The Village Development Committee shall prepare a Village Plan through the process of Village Land Use Planning with the technical assistance of Forestry Department or some other technical experts(s), if any.
- (3). The Village Development Committee shall implement and monitor Village Plan under an agreement signed between the Committee and Forest Department or other stakeholder.
- (4). Divisional Forest Officer, in whose jurisdiction the reserve forests, protected forests, guzara forests, wastelands or other areas are situated, upon the request of inhabitants/beneficiaries or Village Development Committee of the village(s) may

¹¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

transfer the management of those forests when they have organized into a Joint Forest Management Committee and registered in a manner prescribed hereinafter. Normally Joint Forest Management Committee shall be subsidiary Committee of Village Development Committee.

- (5). The Joint Forest Management Committee shall prepare a Joint Forest Management Plan, which shall become part of Village Plan with the technical assistance of Forest Department or some other technical expert(s), if any.
- (6). Joint Forest Management Committee shall implement and monitor the Joint Forest Management Plan under an agreement signed between Joint Forest Management Committee and Forest Department.

4. Establishment of Village Development Committee: -

- (1). Subject to sub-rule (4), the inhabitants of a Village may get organized in to a Village Development Committee representing all social sections and all hamlets of the community as part of Village Land Use Planning process where they have agreed through a written proposal to the Divisional Forest Officer to take active part in the preparation of Village Plan and its implementation.
- (2). The number of inhabitants of a Village, who intends to establish a Village Development Committee shall comprise of more than 50% of the population and their ownership/concessions shall not be less than two third of the area of such Village.
- (3). There shall be a General Body of the Village Development Committee, which shall comprise of all the male inhabitants of the Village.
- (4). The General Body may recognize an existing local village organization, if any, into a Village Development Committee, or elect on their free will a Village Development Committee comprising of 12 to 15 members in which each social section/hamlet of the village or villages, as the case may be, represented.
- (5). The Village Development Committee shall elect a Chairman, Vice Chairman, Secretary and a Treasurer from amongst themselves; provided that the Chairman shall be forest owner in case where Forest Management Unit comprises of guzara forest.

- (6). The Village Development Committee may co-opt representation for other stakeholders as members to help the Village Development Committee in discharging its functions.
- (7). Forest Ranger and Community Development Officer shall verify the written request of the inhabitants/beneficiaries and fix date with their consultation for aforementioned election and facilitate and observe the entire process of election and send the record along with their recommendation to the Divisional Forest Officer.
- (8). Subject to sub-rule (1), the tenure of the Village Development Committee shall be three years from the day of its registration or its assuming office after re-election.
- (9). Vacancy caused due to any reason shall be filled in the same manner and shall last till the remaining tenure of the Village Development Committee.
- (10). The General Body of Village Development Committee may extend tenure of the Village Development Committee for a period of not more than one year and only once.

5. Termination of membership from the Village Development Committee: -

- (1). Membership shall be terminated in the following cases, by majority of the members of the General Body after giving a show-cause notice of 15 days when a member:
 - i. Does not attend three consecutive meetings of the Village Development Committee without any valid reason,
 - ii. Fails to fulfill his obligations, as member of Village Development Committee or his conduct is prejudicial to the Village Plan.
 - iii. Is convicted in a forest offence or wildlife offence case,
 - iv. Works consistently in determinants to the functions of Village Development Committee,
 - v. Ceases to live in the village as a result of permanent migration.
- (2). Upon voluntary resignation from the Village Development Committee, no show-cause notice shall be required.

6. Functions, Duties and Powers of Village Development Committee:

- (1). Village Development Committee, with the technical assistance

of Forest Department, shall be responsible for the preparation of Village Plan for all land uses and its implementation in collaboration with concerned Women Organization.

- (2). It may suggest establishment of sub-committee(s) for implementation of special tasks as given in Village Plan and modification in the Village Plan through a resolution after identifying needs of the inhabitants/beneficiaries.
- (3). It shall ensure a smooth and timely execution of all natural resources related and development works (except in forests where Joint Forest Management Committee is available) and procurement of resources including labor for the activities specified in the Village Plan and shall maintain record on prescribed format.
- (4). It shall identify inhabitants/beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get training.
- (5). It shall carry out afforestation on wastelands and ensure its protection and other allied works as provided in Village Plan and under an agreement with the Forest Department or other stakeholder(s).
- (6). It shall ensure that the labors and inhabitants/beneficiaries receive their wages and share as provided in the Village Plan and agreement signed with the Forest Department or other stakeholder(s).
- (7). It shall maintain and operate joint account in a bank for the purposes specified in Village Plan and the agreement executed with Forest Department or other stakeholder(s).
- (8). It shall resolve conflicts that may arise in the Committee itself or among the inhabitants/beneficiaries and shall try that the issues are not taken to courts.
- (9). It shall keep on motivating the inhabitants/beneficiaries to be persistently involved in all the activities as volunteers or on wages, as the case may be.
- (10). It shall execute agreement, on behalf of the inhabitants/beneficiaries, with Forest Department or other stakeholder(s) for preparation in implementation of Village Plan.

7. Establishment of Women Organization: -

- (1). The female inhabitants of a village may get organized into a

women organization representing all social sections and all hamlets of a village as part of Village Land Use Planning process where they have agreed through a written proposal to the Divisional Forest Officer to take active part in the preparation of Village Plan and its implementation.

- (2). There shall be a General Body of the Women Organization which shall comprise of all the female inhabitants of the Village.
- (3). The General Body shall elect on their free will a Committee called Women Organization comprising of 8 to 12 members in which each social section and hamlets of the Village(s) shall be represented.
- (4). The Women Organization shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer from amongst themselves.
- (5). The Women Organization may co-opt representation from other stakeholders as member(s) to help the Organization in discharging its functions.
- (6). Result of the election shall be sent to the Divisional Forest Officer by Community Development Officer/Female Forest Extensionist.
- (7). The provisions for registration and tenure of the Women Organization and termination of its membership shall be the same as provided for Village Development Committee.

8. Function, Duties and Powers of Women Organization: -

- (1). Women Organization shall participate in the preparation of the Village Plan as far as the activities relating to female inhabitants/ beneficiaries are concerned.
- (2). It shall nominate female inhabitants/beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get trainings.
- (3). It shall ensure that the laborers and female beneficiaries receive their wages and share as provided in the Village Plan and the agreement signed with the Forest Department or other stakeholder(s).
- (4). It shall resolve conflicts that may arise in the Women Organization itself or among the female beneficiaries.
- (5). It shall keep on motivating the female beneficiaries to be persistently involved in all the activities as volunteers or on

wages; as the case may be.

- (6). It shall execute agreement on behalf of the female beneficiaries with the Forest Department or other stakeholders for preparation and implementation of Village Plan.
- (7). It shall maintain and operate a joint account in a bank for the purposes specified in the Village Plan and the agreement executed with Forest Department or other agency.

9. Preparation of Village Plan: -

A plan shall be prepared by the Village Development Committee with the coordination of Women Organization and with technical assistance of Forest Department or other technical expert(s) if any, for overall land use of the village through the process of Village Land Use Planning for a period of five years. Village Development Committee and Women Organization shall implement and monitor the plan under a partnership arrangement with Forest Department or other stakeholder(s), as the case may be.

10. Meetings:-

- (1). In the context of the functions assigned to Village Development Committee/Women Organization under these rules, there shall be conducted meetings on specific agenda and at a specific venue by the Committee or the Organization, as the case may be, so as to secure the continuous flow of information to enable management of activities to be performed by all the partners of Village Development Committee and Women Organization and to secure ongoing monitoring and evaluation.
- (2). For this purpose there shall be conducted by the Village Development Committee or the Women Organization, as the case may be:
 - (a). An annual General Body meeting in or around the Village concerned.
 - (b). An extra-ordinary General Body meeting when called by at least two third of all the inhabitants/beneficiaries or two third members of Village Development Committee or Women Organization or Joint Forest Management Committee or Forest Department; and
 - (c). Periodical meetings at least six in a year in the village concerned.
- (3). To convene a General Body meeting, at least fourteen days

written notice shall be given by the Secretary of Village Development Committee or Women Organization to the inhabitants and other stakeholders, if any, including representative of Forest Department. The meeting shall be presided by Chairperson of the Village Development Committee or the Women Organization concerned.

- (4). The Secretary of the Village Development Committee or Women Organization or Joint Forest Management Committee may convene an extra-ordinary General Body meeting in case of any emergency on not less than 7 days notice to be attended by more than 50% inhabitants/beneficiaries, more than 2/3rd members of Village Development Committee or Women Organization and the Divisional Forest Officer concerned. The meeting shall be presided by the Chairperson of the Village Development Committee or Women Organization, as the case may be. An extra-ordinary General Body meeting shall not be a replacement for the annual General Body meeting and shall concentrate only on issue for which it has been convened.
- (5). The Village Development Committee and the Women Organization shall conduct regular periodic meetings at least six times a year at a given venue in such a manner and at such notice as the Committee or the Organization may decide. The participation of at least two-third members of the Village Development Committee or the Women Organization, as the case may be and the representative of other stakeholders is necessary to conduct the business.
- (6). A representative nominated by Joint Forest Management Committee shall attend the meeting of Village Development Committee as observer.

11. Business to be discussed in the General Body Meeting: -

- (1). The following shall be business to be conducted in the General Body meeting:
 - (a). Discussion on activities of Village Development Committee/ Women Organization/Joint Forest Management Committee as provided in Village Plan/Joint Forest Management Plan and Yearly Plan of Operation of previous year;
 - (b). Presentation, discussion and approval of annual reports, Yearly Plan of Operation as presented by the Chairperson

of the Village Development Committee/ Women Organization/ Joint Forest Management Committee and report of the Audit and Monitoring Committee;

- (c). Establishing Joint Forest Management Committee in a manner prescribed in rule 13;
 - (d). Establishing Audit and Monitoring Committee;
 - (e). Review arrangements for protection of forests and distribution of concessions amongst beneficiaries;
 - (f). Termination of agreement with Forest Department or other stakeholder(s);
 - (g). Extension of tenure of Village Development Committee, Women Organization/ Joint Forest Management Committee; and
 - (h). Any other matter of general concern.
- (2). All matters, except sub-rule (1) (f), shall be decided by simple majority of votes while the matter of sub-rule (1) (f) shall be decided by two-third majority in the General Body meeting. In case of equality of votes, the Chairperson shall have a second or casting vote.
- (3). All matters discussed in a meeting of the General Body shall be recorded in the proceeding book to be maintained for the purpose and shall be countersigned by the Chairperson and a copy of which shall be supplied to the Divisional Forest Officer concerned.

12. Business to be discussed in Periodic Meetings: -

Village Development Committee or the Women Organization, as the case may be, in its periodic meetings, shall conduct all or any of the following business:

- (1). To review progress on all developmental and other activities as given in the Village Plan (except forests where Joint Forest M Committee is available), previous resolutions/decisions and events in light of the reports presented by the committee/ Organization or other stakeholder(s);
- (2). To define and arrange detailed activities relating to management of rangelands, farmlands, wildlife, fisheries, infrastructure, village development interventions, human development as provided in the Village Plan and the agreement signed with other stakeholder(s);

- (3) To identify other interested parties for provision of technical and financial assistance required for the implementation of the Village Plan;
- (4) To review the progress of the Audit & Monitoring Committee and make necessary adjustments in the functions and working schedule;
- (5) To discuss and resolve any other matter presented by the members including proposals and resolving conflicts arising amongst the inhabitants/beneficiaries with village Development Committee or the Women Organization, as the case may be, or other stakeholders;
- (6) To discuss and decide any financial matter presented by Audit and Monitoring Committee, or raised by the members;
- (7) The Secretary of Village Development Committee or the Women Organization, as the case may be, shall record minutes of the meeting in the shape of a resolution in a register signed by the members and copy sent to the Divisional Forest Officer and representative of other stakeholders, if any.

13. Establishment of Joint Forest Management Committee: -

- (1). The General Body referred to in sub-rule (4), in consultation with the Village Development Committee and Organization of a Village, may constitute Joint Forest Management Committee for the management of a Forest Management Unit falling in the jurisdiction of the Village through a written resolution expressing their interest and commitment.
- (2). The number of beneficiaries of Village, who intend to establish a Joint Forest Management Committee, shall be more than 50% and their ownership/concessions shall not be less than two third of the forest area of such Village.
- (3) The Village Development Committee may also act as Joint Forest Management Committee depending on the quantum of Forest Management unit and the planed activities therein.
- (4) There shall be a General Body of the Joint Forest Management Committee, which shall comprise of all the beneficiaries of the Village.
- (5) The Joint Forest Management Committee shall comprise of 12 to 15 member to be elected by the General Body, in the manner specified in sub-rule (1) except the members specified at

clauses (c), (d), (e) and (f), who shall be nominated by Divisional Forest Officer concerned;

- (a). Five to seven members representing all the social sections/hamlets, of the beneficiaries of the Village;
 - (b). Two non-owner/non-concessionist users;
 - (c). One local member of a Council constituted under the ¹²[Khyber Pakhtunkhwa] Local Government Ordinance, 2001.
 - (d). One representative of Village Development Committee/Women Organization;
 - (e). Two Forest Officers; and
 - (f). One or two representative(s) of other stakeholder(s).
- (6) The members as in clause (a), (b), (c) and (d) shall elect from among themselves a Chairperson, Vice-Chairperson, Secretary and Treasurer while the rest shall work as members of Joint Forest Management Committee,
 - (7) The Joint Forest Management Committee shall be subsidiary committee of Village Development Committee but in most of the forest related issues the Committee should take decisions independently.
 - (8) The Joint Forest Management Committee shall be registered with Divisional Forest Officer of the Forest Division concerned and shall be effective from the date of its registration.
 - (9) Normal tenure of Joint Forest Management Committee shall be three years reckoning from the date of its registration or assuming office after re-election.
 - (10) The General Body may extend the tenure of Joint Forest Management Committee up to one year but only once.

14. Termination of membership of the Joint Forest Management Committee:

Membership of the Joint Forest Management Committee shall be terminated in the following cases by majority of the members of the General Body or Joint Forest Management Committee after giving a show-cause notice of 15 days when a member:

¹² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

- (a). Does not attend three consecutive meetings of the Joint Forest Management Committee without any valid reason; or
- (b). Fails to fulfill his obligation, as member of Joint Forest Management Committee, or his conduct is prejudicial to the Village Plan; or
- (c). Is convicted in a forest offence or wildlife offence case; or
- (d). Works consistently in detriment to the functions of the Committee; or
- (e). Ceases to live in the village as result of permanent migration; or
- (f). Upon voluntary resignation, for which no show-cause notice shall be required.

15. Functions, Duties and Powers of the Joint Forest Management Committee: -

- (1). Joint Forest Management Committee, with the technical assistance of Forest Department or other expert(s), if any, shall be responsible for the preparation of Joint Forest Management Plan and its implementation.
- (2). It may suggest modification in the Joint Forest Management Plan through a resolution after identifying needs of the Village(s) Community.
- (3). It shall ensure smooth and timely execution of all forestry works and procurement of resources for the activities specified in the Joint Forest Management Plan including plantation, harvesting etc. and shall maintain record on prescribed format.
- (4). It shall identify beneficiaries through a resolution of its meeting for carrying out certain activities, services or to get trainings.
- (5). It may carry out afforestation on wastelands outside the forests and ensure its protection and other allied works as provided in Village Plan or Joint Forest Management Plan and under an agreement with the Forest Department or concerned Village Development Committee.
- (6). It shall ensure that the beneficiaries receive their share and concession entitlement in forest produce as provided in the Joint Forest Management Plan and the agreement signed with the Forest Department and shall take measures to prevent misuse of the concessions by the beneficiaries.
- (7). It shall perform the duties of forest officer particularly

protection of forests as provided in the Ordinance, 2002 and assigned to it from time to time jointly by the Village Development Committee/ Women Organization and Forest Department including erection of forest check posts and ejection of encroachment, etc.

- (8). It shall also be the responsibility of a Joint Forest Management Committee to produce witnesses in the court of competent jurisdiction against forest offenders as and when required.
- (9). It shall maintain and operate a joint account in a bank for the purposes specified in Joint Forest Management Plan and agreement executed with Forest Department.
- (10). It shall resolve conflicts that may arise in the Committee itself or among the beneficiaries and will try that the issues are not taken to court.
- (11). It shall execute agreement, on behalf of the beneficiaries, with Forest Department or any other stakeholder(s) for preparation of Joint Forest Management Plan.
- (12). It shall keep on motivating the beneficiaries to be persistently involved in all the activities as volunteers or on wages, as the case may be.

16. Preparation of Joint Forest Management Plan: -

The Joint Forest Management Committee shall prepare a plan for a period of five years on the approved pattern with the coordination of Women Organization and with assistance of Forest Department or other technical expert(s), if any for management of the Forest Management Unit falling in the jurisdiction of the Village(s). The plan so prepared shall be part of the Village Plan. Joint Forest Management Committee and Women Organization shall implement and monitor the Joint Forest Management Plan under a partnership arrangement with Forest Department and other stakeholder(s).

17. Meeting and Business to be Discussed in the Joint Forest Management Committee Meeting: -

- (1). The Joint Forest Management Committee shall conduct regular periodic meetings at least six times in a year at a given venue in such a manner at such notice as the Committee may decide. The participation of at least two-third of the Joint Forest Management Committee members and the representative of Forest Department and other stakeholders in necessary to conduct the business. A Joint Forest Management Committee,

in its periodic meetings, shall conduct all or any of the following business relating to Forest Management Unit and as provided in Joint Forest Management Plan:

- (a). To review progress on all forest development and other activities as given in the Joint Forest Management Plan, previous resolutions/ decisions and events in light of the reports presented by the Committee, Forest Department or other stakeholder;
 - (b). To define and arrange detailed activities with regard to collection, storage and distribution of forest products, such as fuel wood, construction timber, grazing, grass cutting, harvest of medicinal plants, etc. as provided in the Joint Forest Management Plan and Village Plan;
 - (c). To define and arrange activities with regard to protection, patrol scheduling, establishment of forest check posts and other strategies including review of fine and other punishment/ sanctions to stop and apprehend forest offences;
 - (d). To make necessary adjustments in its functions and working schedule based on the report of Audit and Monitoring Committee;
 - (e). To discuss and resolve any other matter presented by the members including proposals and conflicts arising amongst the beneficiaries with Joint Forest Management Committee or the Forest Department; and
 - (f). To discuss and decide any financial matter presented by Audit and Monitoring Committee, or members.
- (2). The Secretary shall record minutes of the meeting in the shape of a resolution in a register signed by the members and copy sent to the concerned Divisional Forest Officer and other stakeholder, if any.

18. Establishment and function of the Audit and Monitoring Committee: -

- (1). An Audit and Monitoring Committee shall be established by the General Body concerned which shall consist of not more than five members elected or nominated from beneficiaries, including representative of Forest Department and other stakeholders, if any.

- (2). The Audit and Monitoring Committee shall be responsible to carry out the following functions according to a schedule:
 - (a). It shall carry out physical inspection and qualitative analysis of all activities mandated to Village Development Committee, Women Organization or as the case may be, Joint Forest Management Committee under Village Development Plan/ Joint Forest Management Plan including agreement signed between Village Development Committee, Women Organization, Joint Forest Management Committee and other partner(s);
 - (b). It shall monitor the progress on implementation of activities as elaborated in Yearly Plan of Operation;
 - (c). It shall monitor utilization of funds, cash expenditure and returns and to ensure those commensurate with physical works and other services;
 - (d). It shall check the provision and distribution of concession, other shares and shall also check the proper utilization of any forest produce provided to the beneficiaries; and
 - (e). It shall check that due wages have been made over to labourers and providers in time and according to the agreement.
- (3). The Audit and Monitoring Committee shall submit its report in the meeting of Village Development Committee, Women Organization or, as the case may be, Joint Forest Management Committee also in the meeting of the General Body concerned.

19. Functions, Duties and Powers of the General Body: -

- (1). The General Body may call extra-ordinary emergency meeting when necessary.
- (2). The General Body of a village/hamlet shall have the power to remove their representative from the membership for not carrying out his/ her duties satisfactorily in the Village Development Committee/ Women Organization/ Joint Forest Management Committee/, as the case may be, and the concerned hamlet shall elect/nominate another member.
- (3). The General Body shall assist the Village Development Committee/ Women Organization/ Joint Forest Management Committee and other sub-committees in discharging their duties

relating to all conservation and developmental works, forest management and protection strategies as contained in Village Plan/ Joint Forest Management Plan and per the terms and conditions decided in the Village Development Committee or Joint Forest Management Committee meeting.

- (4). The General Body have the right to terminate the agreement executed in pursuance of rules 6(10) and 15(12), if two-third majority wish to do so in a meeting of the General Body pursuant to clause (e) of sub-rule (1) of rule 11.

20. Role of Forest Department: -

- (1). The Forest Department shall:
 - (a). Assist the Village Development Committee, Women Organization and Joint Forest Management Committee in preparation and revision of Village Plan/ Joint Forest Management Plan and in providing extension services and other technical support required in matters relating to planning, organization, management and preparation of Yearly Plan of Operation and other reports;
 - (b). Assist the Village Development Committee, Women Organization and Joint Forest Management Committee in implementation of Village Plan, Joint Forest Management Plan and Yearly Plan of Operation and monitoring of such works;
 - (c). Make payment to the Village Development Committee, Women Organization and Joint Forest Management Committee well in time for works and services carried out by them or their share in sale proceeds of forest produce according to the terms and conditions of the agreement;
 - (d). Assist the Village Development Committee, Women Organization and Joint Forest Management Committee in linking with other governmental and non-governmental organizations and financial institutions;
 - (e). Assist in prompt disposal of other issues/matters; and
 - (f). Execute agreements with the Committee concerned where necessary.
- (2). The Community Development Officer and Range Forest Officer shall attend the meeting of the Village Development

Committee, Women Organization, and Joint Forest Management Committee, shall negotiate with them, if possible, settle and resolve matters arising amongst the Village Development Committee, Women Organization and Joint Forest Management Committee and other partners and shall forward a written report to the Divisional Forest Officer.

- (3). The Divisional Forest Officer shall invariably attend extraordinary meeting and at least two regular meetings of the Village Development Committee, Women Organization and Joint Forest Management Committee in a year and provide all required technical and financial support.

21. Role of other Stakeholders: -

Other stakeholders shall provide assistance in the fields of their speciality particularly community organization, capacity building, financial capital formation, institutional strengthening, monitoring and evaluation under an agreement executed between Village Development Committee, Women Organization and Joint Forest Management Committee and stakeholder to be witnessed by Forest Department. Activities of the stakeholder shall be reflected in the Village Plan/ Joint Forest Management Plan and Yearly Plan of Operation.

22. Procedure for cancellation of agreement and dissolution or restoration of the Village Development Committee/ Women Organization /Joint Forest Management Committee: -

- (1). If Forest Department finds the implementation of Village Plan/ Joint Forest Management Plan or, as the case may be, agreements unsatisfactory, the Divisional Forest Officer concerned shall make all efforts to resolve the issues. If no settlement is reached, the Divisional Forest Officer shall convene an extra-ordinary meeting of the General Body to discuss and resolve the matter.
- (2). If the matter under sub-rule (1) cannot be resolved, the Divisional Forest Officer shall serve a notice of not less than 30 days on the Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may be, to show cause as to why it should not be dissolved, clearly describing the reasons therefore.
- (3). If the Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may be,

fails to respond within the stipulated period or its reply is not satisfactory, the Divisional Forest Officer shall dissolve Committee concerned or the Women Organization, as the case may be, and the agreement executed by it shall also stand cancelled.

- (4). The Village Development Committee, Women Organization and Joint Forest Management Committee, as the case may, may prefer an appeal against the order of the Divisional Forest Officer under sub-rule (3) to the Conservator of Forests within sixty days of the said order.
- (5). The Conservator of Forests shall decide the matter in sixty days and his decision shall be final. In case of no-restoration of committee and assets and liabilities shall be handed over to the committee succeeding the committee so dissolved.
- (6). In case a committee is not restored, the General Body shall re-elect the committee concerned with 45 days of the decision of the Conservator of Forests.

23. Extent of Benefits: -

- (1). Beneficiaries are entitled to exercise their rights and receive their share as prescribed in Joint Forest Management Plan. They are particularly allowed to collect and market non-timber forest produce like herbs, seeds, spices, grasses, mushrooms, medicinal plants from the forest, subject to management, resolution or restriction provided in the Joint Forest Management Plan and under other terms and conditions of the agreement executed between Forest Department and Joint Forest Management Committee.
- (2). Beneficiaries shall not be entitled to collect trees for any purpose that has been killed artificially through girding, fire or by any other means.
- (3). Forest Department or other organization shall deposit an amount in the joint account of Joint Forest Management Committee on account of sale/ harvesting of trees or other forest produce from a forest worked under Joint Forest Management Plan. This amount shall be ascertained as per tree or per volume basis jointly by Forest Department and Joint Forest Management Committee and incorporated in the agreement executed.

- (4). Following procedure shall be adopted for grant of trees for domestic use:
- (a). A person shall submit an application to the Joint Forest Management Committee through the member of his/ her village/ hamlet specifying the purpose, location and the quantity of timber required. Concerned member shall certify genuineness of the application;
 - (b). The Joint Forest Management Committee shall verify the contents of the application and satisfy itself that building has been completed up to plinth level in case timber for construction is required.
 - (c). The Joint Forest Management Committee shall record all the relevant particulars in a register and submit it along with applications and recommendations to the Range Forest Officer at the end of each month and shall limit the timber as permissible in Joint Forest Management Plan for a given year by making judicious prioritization of applicants.
 - (d). The Range Forest Officer shall forward the applications to the Divisional Forest Officer along with his recommendation after he verifies silvicultural availability of tress or timber;
 - (e). The Divisional Forest Officer shall accord approval or otherwise, quoting the reason(s), within 15 days of the receipt of applications;
 - (f). The Range Forest Officer shall issue the permits after receipt of approval and mark the trees, details of which shall be entered in the register of permits and permit number shall be carved on the stumps;
 - (g). In case of availability of naturally dead or fallen trees, green tress shall not be marked for grant on permits;
 - (h). In case of emergency like natural calamity, Range Forest Officer concerned shall issue permit within seven days of receipt of application and shall get approval of Divisional Forest Officer in due course of time;
 - (i). Gift or donation of timber or part thereof obtained on permit by any beneficiary is strictly prohibited. In case of violation, Joint Forest Management Committee shall recover the price of timber misused at scheduled rates of

the Forest Department prevalent at that time, beside any other punishment that Joint Forest Management Committee may like to inflict upon the violating beneficiary.

- (k). Timber permit once granted shall not be allowed within the next five years or ten years to resident and non-resident concessionists respectively;
- (l). The timber grantee shall pay for each permit to the Joint Forest Management Committee, a sum to be fixed jointly by the Joint Forest Management Committee and Forest Department to be deposited in the joint account and utilized as per rule 24 (1) (e).

24. Field Operations and Joint Account: -

- (1). After signing of the agreement with Forest Department or other stakeholder, the Village Development Committee, Women Organization or Joint Forest Management Committee, as the case may be, shall be responsible to execute the works and provide services according to terms and conditions of the agreement. The Village Development Committee, Women Organization or Joint Forest Management Committee, as the case may be, keep and operate a joint account in the name of Chairperson and Treasurer concerned in a local commercial bank and also maintains a record on prescribed pattern with regard to all cash inflow and outflow. Following shall be the guidelines for financial transaction:
 - (a). The Village Development Committee, Women Organization or the Joint Forest Management Committee shall submit a bill on prescribed format to the Forest Department or other stakeholder for the works and services performed by it;
 - (b). The Forest Department or other stakeholder shall make payment within 15 days after receipt of bill from Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be;
 - (c). All the cheques for activities and services carried out by Village Development Committee, Women Organization and Joint Forest Management Committee shall be issued in its name and deposited in its joint account for which

entries shall be made accordingly in the record;

- (d). The Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be, shall make payment on the bills submitted by the concerned individuals including labourers within 15 days from the receipt of cheques from the issuing authority. Payment of more than Rs. 5,000 shall be made through cheques to an individual;
 - (e). Village Development Committee, the Women Organization or Joint Forest Management Committee, as the case may be, shall deduct an agreed amount from the bills which shall be deposited in the joint account and be spent on activities reflected in Village Development Plan, Joint Forest Management Plan and Yearly Plan of Operation or identified through a resolution of the meeting of Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be;
 - (f). The amount received as in pursuance of rule 23 (3) shall be distributed amongst the beneficiaries within 15 days of its receipt after deducting an agreed amount to be utilized as in para (1) (e).
- (2). The Village Development Committee, the Women Organization or the Joint Forest Management Committee, as the case may be, shall produce all the record to Audit and Monitoring Committee for auditing purpose.

25. Procedure: -

If any difficulty is felt in the smooth functioning of these rules, the Chief Conservator of Forests may issue such orders and directions not inconsistent with these rules, as deem necessary.

Secretary to Govt. of the
¹³[Khyber Pakhtunkhwa]
 Environment Department

¹³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011