

GOVERNMENT of ¹[Khyber Pakhtunkhwa]

Environment Department

Notification

*Peshawar, dated the 2.11.2004***No.SO(Tech)Env/V-105/2003/Vol:VI/10037 - 70.-**

In exercise of the powers conferred by Section 115 of the ²[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (³[Khyber Pakhtunkhwa] Ord. No. XIX of 2002), read with section 107 thereof, and in supersession of the ⁴[Khyber Pakhtunkhwa] Forest Officers (Powers, Duties and Reward) Rules, 1973, the Government of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules, namely;

The ⁶[Khyber Pakhtunkhwa]
Forest Officers (Powers, Duties and Reward) Rules, 2004.

1. Short Title and Commencement: -

- (1). These rules may be called the ⁷[Khyber Pakhtunkhwa] Forest Officers (Powers, Duties and Reward) Rules, 2004.
- (2). They shall come into force at once.

2. Definition: -

- (1). In these rules unless the context otherwise requires:
 - (i). "Appendix" means the Appendix appended to these rules; and
 - (ii). "Ordinance" means the ⁸[Khyber Pakhtunkhwa] Forest Ordinance, 2002(⁹[Khyber Pakhtunkhwa] Ord. No. XIX of 2002).
- (2). Other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them under the Ordinance, or any other law for the time being in force.

3. Powers of Forest Officers: -

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

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

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

The Forest Officers mentioned in column 2 of the Schedule to these rules shall exercise and perform the duties in respect of the matter specified against each in columns 3 and 4 of the said Schedule, respectively.

4. **Special Powers of the Chief Conservator of Forests and Conservators of Forests: -**
Notwithstanding the provisions of the rule 3, the Chief Conservator of Forests and Conservator of Forests may exercise all or any of the powers conferred on various categories of the Forest Officers under these rules.

5. **Reward: -**

- (1). Upon conviction of the offender or on directing the confiscation of property under section 79 of the Ordinance, the Court concerned may order payment of a reward not exceeding three-fourth in value of the penalty imposed to the person, who contribute in detection of the case.

Provided that no reward shall be admissible to the Revenue Officers of and above the rank of Tehsildar, all police officers above the rank of Inspector and all Forest Officers of and above the rank of Assistant Chief Conservator of Forests.

Provided further that where the number of persons, responsible for the detection of a case is more than one, the reward admissible under this rule shall be distributed amongst the persons concerned equally.

- (2). If after payment of the reward the conviction is reversed in appeal, the amount paid away in reward, shall not be recovered unless it appears that the person or persons receiving the reward have acted fraudulently in the case.
- (3). In cases where, under section 110 of the Ordinance, a Forest Officer has accepted a sum of money as compensation for any damage, which may have been committed, the Conservator of Forests concerned or any other officer empowered in this behalf may authorize the payment of a portion of the amount realized not exceeding three-fourth as reward to any person as mentioned in sub-rule (1), who have contributed to the detection of offence or in seizure of case property.

Schedule
(Rule 3)
Powers of Forest Officers

S. No.	Forest Officer Empowered	Brief Description of the Powers	Section of the Ordinance
(1)	(2)	(3)	(4)
1.	All Divisional Forest Officers incharge of Forest Divisions.	To publish translation of notification of protected forests.	31
2.	Chief Conservator of Forests and all Conservator of Forests.	To stop ways and watercourses in reserved forests.	25
3.	All Divisional Forest Officers incharge of Forest Divisions.	To notify season during which the controlled burning is permitted.	26(d), 43
4.	All Deputy Conservators, Assistant Conservators, Forest Rangers, Deputy Rangers and Foresters when specially authorized in that behalf by the Chief Conservator of Forests, or Conservator of Forests.	To permit acts otherwise prohibited in reserved forests.	26
5.	All deputy Conservator of Forests, Assistant Conservator of Forests, Forest Rangers and Foresters when specially authorized in that behalf by the Chief Conservator of Forests or	To permit acts otherwise prohibited in protected forests.	37(7)
6.	All Deputy Conservator of Forests, Assistant Conservator of Forests and Forest Rangers.	To search house, room, tent, enclosure, vehicle, vessel etc. for Mazri and Mazri produce.	52
7.	All Divisional Forest Officers when incharge of Forest Divisions.	To notify depots for drift timber etc.	62

8.	All Divisional Forest Officers incharge of Forest Divisions.	To issue notice to claimants of drift timber etc.	63
9.	All Divisional Forest Officers incharge of Forest Divisions.	To decide claims to drift timber etc.	64
10.	All Divisional Forest Officers incharge of Forest Divisions.	To receive payment on account of drift timber etc.	67
11.	All Divisional Forest Officers incharge of Forest Divisions.	To register and deregister or refuse to register sale depot or sawing unit between the forest and check/forest barrier of Forest Department or elsewhere.	69
12.	Conservator of Forests and all Divisional Forest Officers provided that such jobs are held by officers not lower in rank than Assistant Conservator of Forests.	Powers of Civil Court to compel attendance of witnesses and production of documents etc.	74(7), 107(c)
13.	Conservator of Forests, Deputy Conservator of Forests and Assistant Conservator of Forests, who have passed the Departmental Examination in Forest Law.	Powers to issue search warrant under the Code of Criminal Procedure.	74(8), 107(d)
14.	Conservator of Forests, Deputy Conservator of Forests, Assistant Conservator of Forests Forest Ranger.	Power to hold an inquiry into Forest Offences and in the course of such inquiry to receive and record evidence.	74(6), 107(b)
15.	All Deputy Conservators, Assistant Conservators, Forest Rangers, Deputy Rangers, Foresters and Forest Guards.	Powers to arrest without warrant a person involved in a forest offence.	75, 108
16.	All Deputy Conservators, Assistant Conservators and Forest Rangers.	To direct release of property seized.	78&110(2)(b)
17.	All Forest Officers and Village Forest Officers.	All Forest Officers and Village Forest Officers.	89

18.	Deputy Conservators, Assistant Conservators of Forests, Forest Rangers, Deputy Rangers, Foresters and Forest Guards.	To seize and impound cattle found trespassing in Reserved Forest, Protected Forests, Protected Wasteland or any other forest area closed for grazing.	91
19.	All Divisional Forest Officers incharge of Forest Divisions.	a. Registration/deregistration of Village Development Committees (VDCs), Village Organizations (VOs), Women Organizations (WOs) and Joint Forest Management Committees (JFMCs). b. Execution and cancellation of agreements for management of reserved forest, Guzara forest and protected wasteland through VDC / Village Organization, / Women Organization and JFMCs.	101& 102
20.	All Divisional Forest Officers incharge of Forest Divisions.	Appointment of Village Forest Officers and issue of management orders.	103
21.	All Divisional Forest Officers who seize illicit forest produce.	To compound forest offence.	110
22.	All Forest Officers, not below the rank of Range Forest Officer.	To accept compensation.	110
23.	All Divisional Forest Officers incharge of Forest Departments.	a. To take possession of forest produce on which any money is payable to Government and sell the same by public auction, b. The surplus, if any, not claimed within two months from the date of such sale shall be forfeited to Government.	117

SECRETARY TO GOVT. OF THE
¹⁰[Khyber Pakhtunkhwa]
ENVIRONMENT DEPARTMENT

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