

Government of <sup>1</sup>[Khyber Pakhtunkhwa]  
Environment Department

Notification

*Peshawar, dated the 2.11.2004*

**No.SO(Tech)ED/V-105/2003/Vol:VI /10071 -11004.-**

In exercise of the powers conferred by Section 58, 68 and 115 (i) (n) of the <sup>2</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (<sup>3</sup>[Khyber Pakhtunkhwa] Ord. No. XIX of 2002), the Government of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules regulating the transportation of timber, firewood and other forest produce.

<sup>5</sup>[Khyber Pakhtunkhwa]  
Forest Produce Transport Rules, 2004.

**1. Short Title, Extent and Commencement: -**

- (1). These rules may be called the <sup>6</sup>[Khyber Pakhtunkhwa] Forest Produce Transport Rules, 2004.
- (2). They shall come into force at once.

**2. Definitions: -**

- (1). In these rules:
  - (a). "Check Posts" mean any place fixed for checking of timber, firewood or other forest produce, and collection of duty etc. thereon while in transit as determined by the Chief Conservator of Forests from time to time.
  - (b). "Ordinance" means <sup>7</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (<sup>8</sup>[Khyber Pakhtunkhwa] Ord. No. XIX of 2002); and
  - (c). "Timber" includes all articles made of timber.
- (2). All the words used in these rules shall have the same meanings as are assigned to them under section 2 of the <sup>9</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (<sup>10</sup>[Khyber Pakhtunkhwa] Ord. No. XIX of 2002).

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<sup>1</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>2</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
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<sup>6</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>7</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>8</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>9</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>10</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

**3. Prescription of the Authority for Transportation: -**

All timber, firewood or other forest produce sold or obtained from the reserved forest, protected forests, Guzara forests, waste-lands and other places in the areas to which these rules are applicable or brought into the said areas from elsewhere shall be covered by a transport pass issued by a Divisional Forest Officer having jurisdiction in the area and be accompanied by a challan. The transport pass and challan shall be as prescribed and supplied by the Forest Department on payment of such price and in such manner as the Chief Conservator of Forests may determine from time to time, provided that:

- (1). The timber obtained from reserved forest, protected forest, Guzara forests or wastelands by the right holders or concessionists or free grantees for their domestic requirements within the limits of the village in which such forest is situated, shall be exempted from the accompaniment of such transport pass and the challan. In such cases only the free grant permits in original, on which the species and sizes of the out turn obtained along with the pass mark is indicated, shall suffice;
- (2). The timber obtained or purchased from a registered sale depot shall be exempted from the accompaniment of the transport pass but shall be covered by an invoice or challan issued by the depot holders on the form prescribed by the Chief Conservator of Forests;
- (3). The timber harvested departmentally or seized by any authorized Forest Officer and being transported to a departmental depot shall only be accompanied by a damage report, Form D or Challan prescribed by the Forest Department;
- (4). The firewood obtained by the right holders from wastelands and other place and being transported for domestic purpose, from places other than the places of their residence shall be covered or so carried under a transport pass issued without payment of any fee; and
- (5). The timber, firewood and other forest produce brought from Federally Administrated Tribal Areas and covered by permit issued by Political Agent concerned may be considered as if transported with the permission of the Forest Department under these rules.

**4. Restriction on Transportation of Forest Produce in Certain Cases: -**

The forest produce being subject-matter of a compoundable offences under section 110 of the Ordinance shall not be permitted for transportation beyond the limit of the village in which the offence has taken place.

**5. Prohibition of Transport between Sunset and Sunrise: -**

No timber, firewood or other forest produce shall be transported by land or river within the Hazara and Malakand Divisions between the hours of sunset and sunrise.

**6. Form of Transport Pass: -**

- (1). The transport pass shall specify the species, kind, sizes and quantity of timber, firewood or other forest produce, facsimile of hammer mark inscribed on timber, the owners or the person incharge of it, the places from where obtained and the places for which destined and shall authorize transport within a fixed period.
- (2). All such timber, firewood or other forest produce shall be transported only in accordance with the conditions of the transport pass.

**7. Refusal of Transport Pass: -**

The authority empowered to issue transport pass may refuse to issue the same if it has reason to believe that the applicant has not legally obtained the timber, firewood or other forest produce.

**8. Fixation of Property Mark: -**

Unless exempted by rule 9 or by special permission of the authority mentioned in rule 3, and having been affixed with hammer marks specified by the authority issuing the transport pass, no timber shall be transported by land or river within the areas to which these rules are applicable.

**9. Exemption from Fixation of Property Marks: -**

Without prejudice to any liability incurred under the provisions of section 77 of the Ordinance, rule 8 does not apply to articles of wooden furniture, carts, carriage, agricultural, domestic or other implements or pieces thereof.

**10. Establishment of Check Posts: -**

Chief Conservator of Forests may establish Check Posts and barriers to be erected in appropriate places and in an appropriate manner to control the transport of timber, firewood or other forest produce by land and river within the areas to which these rules are applicable. Forest Officer will be incharge of the Check Post however, Village Forest Officer wherever so designated may accompany the Forest Officer.

**11. Inspection and Handling of Forest Produce at Check Posts: -**

- (1). Any person incharge of timber, firewood or other forest produce shall produce the transport pass and the covering challan, if any, for the inspection of the forest officer incharge of the Check Post and shall provide facilities for examination of the consignment in question.
- (2). If such forest officer finds that the timber, firewood or other forest produce is being transported in accordance with these rules, he shall allow it to proceed to its destination. On the other hand, if the Forest Officer finds that the transport is not in conformity with these rules, he shall forbid such transport and seize such timber, firewood or other forest produce along with the vehicle, vessel, animal

and equipment used in such transportation, and proceed into the matter according to the provisions of the Ordinance.

**12. Checking and Inspection of Forest Produce in transit: -**

- (1). Any Forest Officer or Police Officer may stop and examine such timber, firewood or other forest produce in transits in respect of which he has reason to believe that any money is payable to Government on account of the price thereof or on account of any duty, fee, royalty or charge thereof, or for the purpose of checking provided by or required under these rules for comparing with the transport pass and covering challan, if any, with the consignment.
- (2). Any person engaged in the transport of such timber, firewood or other forest produce shall produce such transport and covering challan, if any, and shall provide facilities for such examination.
- (3). Any irregularity if noticed shall be dealt with as provided in sub-rule (2) of rule 11. "

**13. Procedures: -**

Where any difficulty is being felt in the smooth functioning of these rules, the Chief Conservator may issue such instructions or directions not inconsistent with these rules as he may deems fit.

**14. Penalties: -**

- (1). Without prejudice to any liability incurred under the provisions of section 77 of the Ordinance relating to seizure and confiscation, any person who infringes any of the provisions of these rules shall be liable to penalties as prescribed under section 59 thereof in case of transportation through land or, as the case may be, under, section 68 thereof in case of transportation through river.
- (2). The timber, firewood or other forest produce being transported in contravention of these rules and being seized during transportation within the areas to which these rules are applicable shall be presumed to be Government property and so shall also be presumed in respect of any conveyance, vehicle or vessels used in transport of such timber, firewood or other forest produce.
- (3). All drift and waif timber found in areas occupied by rivers or within a direct distance of five kilometers from either bank shall be deemed to be the property of Government until and unless any person has conclusively established his right and title thereto.

**SECRETARY TO GOVT. OF THE  
<sup>11</sup> [Khyber Pakhtunkhwa]  
ENVIRONMENT DEPARTMENT**

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<sup>11</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011