

Government of ¹[Khyber Pakhtunkhwa]
Environment Department

Notification
Peshawar, dated the 2.11.2004

No. SO (Tech) ED/V-105/2003/Vol: VI /1003 - 36. -

In exercise of the powers conferred by Section 46 of the ²[Khyber Pakhtunkhwa] Ordinance, 2002 (³[Khyber Pakhtunkhwa] Ord. No.XIX of 2002), read with section 115 thereof, and in supersession of all previous rules on the subject Government ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:

THE ⁵[Khyber Pakhtunkhwa]
GUZARA FOREST RULES. 2004.

- 1. Short title and commencement:-**
 1. These rules shall be called ⁶[Khyber Pakhtunkhwa] Management of Guzara Forest Rules, 2004.
 2. They shall come into force at once.
- 2. Management of Guzara forests: -**

Subject to these rules, the management and administration of Guzara forests shall be carried out under the general supervision and control of the Conservator of Forests concerned (hereinafter referred to as the ‘Conservator’) in accordance with the approved management plan, who shall have the authority to issue instructions and directions, not inconsistent with the provisions of the Ordinance and these rules, as he may consider appropriate for the purpose.
- 3. Duties of the Conservator and his staff: -**

The duties of the Conservator and the staff working under him in respect of management of Guzara Forest shall be the same as provided in respect of reserved forests.
- 4. Utilization of dry wood and brush wood: -**

In all Guzara forests dry wood whether standing or fallen or brush wood may be utilized without restriction for domestic or agricultural purpose by the land owners and resident right-holders within the limits of the village in which it is found and by non-residential right-holders in the limits of the village where they reside and

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

also by the person whether resident or non-resident who are not right holders so long as the right holders raise no objection to their doing so and the Conservator does not think it necessary to interfere in the interest of forest conservancy.

Provided that nothing in this clause shall be deemed to allow without prior sanction of Conservator, the cutting or removal of any tree that has been killed by illicit methods or utilization of any brush wood or dry wood in a Guzara forest that has been burnt without the permission of the Conservator.

5. Sale of dry wood and brushwood: -

- (1) Sale of dry wood and brushwood from any Guzara forests shall be prohibited except under and in accordance with the provision of the approved forest management plans.
- (2) In villages to which permission as in sub-rule (1) has been accorded, the only person entitled to sell firewood shall be the owners. Sale of dead dry wood shall be permitted in head-loads provided that:
 - (a) Majority of the right-holders in that Guzara do not object to it;
 - (b) No wood, green or dry, fallen or standing, obtained from trees which are under contract of sale shall be removed by the right-holder during the currency of such contract; and
 - (c) The sale of any dry wood, which has formed part of the structure of any building, shall in any case be strictly prohibited.

6. Utilization of Green Wood for Agricultural Implements, burial purpose or Charpoys: -

The provision of rule 4 shall also apply to green wood required for manufacture or repair of agricultural implements or for burial purposes, and to the bark of felled or fallen trees, and that of rule 5 to green wood manufactured into support for charpoys.

7. Grant of trees for domestic use for resident right-holders: -

The powers to grant trees or brushwood from the Guzara forest for domestic purpose shall rest with Divisional Forest Officer and will be regulated as under: -

- (1) Applications for such grants, duly certified by the village Patwari as regards the right of applicant in the guzara forest from which trees are required to be felled shall be made to the Range Forest Officer concerned;
- (2) Silvicultural availability of the trees shall be an over riding consideration for free grant and for this purpose Range Forest Officer shall personally visit the forests and give a certificate to this effect on the application of free grant;

- (3) The verification made in respect of free grant of trees or timber needed for construction and re-construction of houses must state that the foundation has been built up to plinth level and in the absence of such certificate no application shall be considered;
- (4) After scrutiny and verification, the Range Forest Officer shall enter the applications in a register to be maintained for the purpose in the form given below, which he shall bring or submit to the Divisional Forest Officer along with the applications in original once in a fortnight or, if immediate orders are not required, once a month and the Divisional Forest Officer shall then record an order in the appropriate column of the register and return the same in original to the Range Forest Officer concerned for further necessary action:

S. No	Application No.	Name and other particulars of the applicant	Date of application	Guzara Forest Compartment No.	Purpose of application	Person if any to whom sent by Range Officer with date
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Report of the Revenue Authority	Khasra No.	Status of silvicultural availability of trees with species.	Report of Range Forest Officer	Signature of Range Forest Officer	Order of Divisional Forest Officer	Additional report of Range Forest Officer
(8)	(9)	(10)	(11)	(12)	(13)	(14)

Other intermediate or final order of DFO	No. of trees granted	Signature of Divisional Forest Officer	Date of marking of trees	Dated of felling	Date of hammer marking of timber and issue of Rahdari	Certificate of utilization by the Forest Ranger	Remarks
(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)

- (5) After receipt of sanction for free grant of timber the Range Forest Officer shall mark the trees, in accordance with the procedure laid down for the Cutting and Removal of trees from Reserved Forests and in doing so dead, dying, diseased and fallen trees will be preferred over green standing trees

- and also no tree shall be marked within 300 feet of the outer boundaries of the forests;
- (6) The out turn from the trees marked shall only be removed after it has been branded with the specified hammer mark and its transport allowed through a Rahdari to be issued by the Range Forest Officer concerned;
 - (7) The grant shall be confined to the volume of timber actually required for the construction of house and not for meeting the total cost of construction through sale of such timber;
 - (8) No grant shall be made to the members of the individual family to whom trees have already been sanctioned unless other members can conclusively prove to the satisfaction of Divisional Forest Officer that they require the timber for construction of a separate house;
 - (9) The number of trees which can be granted to a right-holder for construction/repair shall not exceed, at any one time, the limits that is laid down in the Wajib-ul-Arz of the village, in which the guzara is situated; Provided that-
 - (a) The total number of trees granted in any one year from a particular Guzara forest shall not exceed such limits as prescribed in the approved management plans;
 - (b) The applications may be considered for the grant of trees for the residential purpose with a maximum converted volume of 500 cft, or the actual requirement, whichever is less; and
 - (c) In case of an applicant who has purchased complete holding of land along with all rights through a registered deed after the settlement referred in rule 8 (2), his request for free grant may be entertained once in five years if he is residing in the village.

8. Grant of trees for non-resident right-holders: -

- (1) The non-resident applicant shall only apply if he is a bonafide owner, other than right-holder in the village shamilat, of the land in the village.
- (2) If a non-resident right holder in the village shamilat has acquired rights otherwise than by means of succession, in any Guzara forests since settlement of 1904-05, or in case of Upper Tanawal, Battagram and Allai valley, after the settlement of 1955-56, 1966-67 and 1974-75 respectively, his request for grant of trees shall be refused.
- (3) The Divisional Forest Officer shall, in any case, refuse his consent to the grant of trees in favour of a non-resident right-holder, if the trees in Guzara

forest affected are not more than sufficient to meet the requirement of the resident right holders.

- (4) The procedure for grant of trees to non-resident right-holders shall be the same as prescribed for resident right-holders in rule 4.
- (5) The applicant shall supply the documents of land owned by him and the approved holding plan of the proposed residential structure duly authenticated by the concerned authorities.
- (6) Sanction of the grant of trees by the Chief Conservator of Forests and Conservator of Forests shall be restricted to their respective territorial jurisdictions.

9. **Grant of trees for other uses: -**

- (1) There will be no ban on the gift of timber for community purpose, i.e. mosques, schools and madrassas or other recognized religious or charitable purpose in the form of donations within the concerned Tehsil but it shall be subject to the willingness of the owners as well as right holders of the respective Guzara and the permits issued by the Conservator on such terms and conditions as may be prescribed by Government for time to time.
- (2) The owner may be allowed to utilize the timber from his Guzara forests for the construction of personal commercial building subject to the conditions that the quantity of timber so granted shall be deducted from his share of Guzara forest yield to be marked for sale.
- (3) Gift of timber may be permitted to the maximum extent of 500 cft. within the Tehsil to bonafide family members of the owners of Guzara forest once in ten years, subject to the conditions that the quantity of timber so gifted shall be deducted from his share of Guzara yield to be marked for sale.
- (4) Gift of trees for sale shall be strictly forbidden.

10. **Marking of trees: -**

The Range Forest Officer shall mark in each Guzara Forest a number of trees from time to time and list them serially in a register for grant of right-holders as and when they apply. A note shall be made in this register of the trees granted and also when the trees are felled and removed.

11. **Condition for the utilization of timber: -**

- (1) All trees recorded in register shall on grant be felled and their timber utilized for the purpose applied for and for no other purpose. The timber shall be utilized within one year from the date of issue of the permit, failing

which the permit shall be cancelled and such timber shall stand confiscated or value there of be recovered alongwith compensation.

- (2) Timber granted under rule 7, 8, 9 shall not be removed:
- (i) in the case of a resident right-holder, from the limits of the village where the Guzara forest is situated; or
 - (ii) in the case of non-resident right-holder, to village other than the village where he normally permanently resides; or
 - (iii) in the case of non-resident owner of the land, to a place other than to which he has been authorized by the Conservator or Chief Conservator.
 - (iv) Failing which the timber shall be confiscated or value thereof be recovered alongwith compensation.

12. **Punishment: -**

Where a right holder commits a breach of the provisions of the Ordinance or the rules relating to the felling of trees and utilization of the wood obtained there from, the Conservator (whether any other punishment has been inflicted or not) shall prohibit him from felling any tree in the Guzara forest to which his right is attached, for a period not exceeding 10 years.

13. **Barking of trees: -**

No person shall debark a tree or extract torchwood from a standing tree.

14. **Lopping of trees: -**

Lopping of trees shall be strictly prohibited. Pruning will, however, be permitted to be executed in a scientific manner under the supervision and guidance of Forest Officer. The material thus obtained may be utilized by the right-holders who have participated in the pruning operation.

15. **Commercial sales: -**

Commercial harvesting of timber and extraction of other forest produce from the Guzara forest shall be regulated in accordance with the provisions of the approved forest management plans.

16. **Distribution of sale proceeds: -**

- (1) Eighty percent of the net sale proceeds (after deducting expenditure on harvesting, seigniorage fees and other taxes levied by the Government from time to time) will be payable to the owners. The remaining twenty percent shall be credited to the Forest Development Fund.
- (2) The Divisional Forest Officer shall issue a cheque in the name of District Revenue Officer for the amount of share of the owner out of the net sale proceeds. The amount shall be distributed among the owners by the District Revenue Officer or his representative on the basis of Bachh, prepared by the Revenue Officer concerned. A copy of the paid Bachh duly verified by

the District Revenue Officer shall be forwarded to the Divisional Forest Officer on each occasion the payment is made. The paid Bachh shall be maintained for audit purpose.

17. **Collection and removal of medicinal herbs: -**

The owners and right-holders shall be permitted to collect medicinal plants and other non-timber forest produce in accordance with the procedure prescribed in the approved management plan.

18. **Timber harvesting in Guzara forests outside management plans: -**

Timber harvesting in fragmented Guzara forests, wood lots and plantations falling outside the purview of the approved management plan may be permitted by the Conservator only after formulation of harvesting-cum-regeneration plans by the Divisional Forest Officer concerned and approved by the Chief Conservator of Forests.

19. **Miscellaneous: -**

- (1) The exchange of private land with Guzara forests shall be prohibited, except with the special sanction of Government.
- (2) Breakage of Guzara forest land and clearance of vegetation there from shall be strictly prohibited.
- (3) Subject to the provision of the section 37 of ⁷[Khyber Pakhtunkhwa] Forest Ordinance, 2002, the Divisional Forest Officer with the assistance of District Revenue Officer concerned shall demarcate such waste and shall prepare a map thereof or construct boundary pillars around such land. Such areas shall be clearly shown on the village map and record thereof shall be maintained by the Divisional Forest Officer in the following format.

S. No	Name of Guzara	Field No. Included in the demarcated area	Area of each forest compartment No. and total demarcated area	Addition/ Alteration	Authority with date sanctioning the change	Total demarcated area up to date	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

20. **Procedures for the implementation of the rule: -**

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

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 deem fit.

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

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