

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

Notification

Dated: Peshawar the 02.11.2004

**No. SO (Tech) ED/V-105/2003/Vol: VI/ 11007 - 40. -**

In exercise of the powers conferred by the section 54 of the <sup>2</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002, (<sup>3</sup>[Khyber Pakhtunkhwa] Ord. No. XIX of 2002), and in supersession of all previous rules on the subject, the Government of the <sup>4</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules to regulate the control and management of Mazri and its products in the <sup>5</sup>[Khyber Pakhtunkhwa].

**1. Short title and commencement: -**

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

**2. Definitions: -**

All words and expressions used in these rules, unless the context otherwise required, shall have the same meanings as are respectively assigned to them in section 2 of the <sup>7</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002,( <sup>8</sup>[Khyber Pakhtunkhwa] Ord. XIX of 2002).

3. No Mazri shall be cut between the period commencing from the 16<sup>th</sup> day of April and ending the 15<sup>th</sup> day of October, except for bonafide requirements of tying crop bundles in fields and with the previous permission in writing of the Range Officer concerned for use as thatching material for the repair of houses or mosques damaged by rains located within the village.
4. No Mazri shall be cut between the period commencing from the 16<sup>th</sup> of October and ending on 15<sup>th</sup> day of April of the following year except: -

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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

<sup>3</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>4</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

<sup>5</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

<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

- (a) By right-holders within the limits of their village for their immediate personal and domestic use;
- (b) By persons under the authority of a permit issued in accordance with these rules.

Explanation: -

For the purpose of clause (a) above, possession of Mazri exceeding five Kgs in weight and/or other unused Mazri produce fifteen Kgs in weight shall be deemed to be an unlawful possession.

- 5. In all cutting operations, the main root of Mazri plant or its leaf, the stalk of which is under ground, shall not be cut and only the mature leaves shall be cut or removed.
- 6. Annual cutting of Mazri shall be governed by the provisions of a regular working plan or a scheme and shall be restricted to such villages or areas as may be indicated in the plan or scheme.
- 7. The crop annually available for cutting shall be disposed of by public auction or by calling competitive tenders to the best advantage of the right-holders. Auction shall be arranged by the Forest Department and held at places to be specified in advance.
- 8. Divisional Forest Officer or any other officer authorized by the Conservator of Forests in this behalf shall issue permit to the successful purchaser at the auction or after execution of a formal agreement in this behalf.
- 9. Each permit shall specify: -
  - (a) The area (s) to which cutting will be confined;
  - (b) The period within which the cutting must be completed; and
  - (c) The total quantity, which may be cut.
- 10. No person other than the purchaser under contract with the Department, or his authorized agents, not exceeding two in number, appointed with the prior approval of the Forest Officer concerned, and to the extent authorized in this behalf by the purchaser shall be allowed to cut or collect Mazri or Mazri produce in the area, in which the purchaser holds a contract, during the currency of such contract.

11. (1) The transport of Mazri or Mazri produce by the purchaser through an auction or tender within the limits of Hangu, Kohat, Karak Districts or any other Mazri producing areas, as may be specified by the Government, or by village right-holder outside the boundaries of his village or by any other person shall not be permissible except under the authority of transit pass issued by the Divisional Forest Officer or another officer authorized by him on his behalf.
  - (2) The transit pass shall be in such form and shall be issued on payment of such fee as may be prescribed by the Conservator of Forests; provided that no fee shall be leviable on the issue of passes to right-holders to cover the movement of Mazri or Mazri produce intended for their bonafide domestic requirements.
12. No Mazri or Mazri produce shall be exported from Hangu, Kohat and Karak Districts or any other Mazri producing areas, as may be specified by the Government except under the authority of an export permit issued by the Divisional Forest Officer or any other officer authorized by him on his behalf.
  - (2) The export permit shall be issued on such conditions as may be prescribed by the Conservator of Forests.
13. For the purpose of rules 14 and 15, the transport within or export outside Hangu, Kohat and Karak Districts or any other Mazri producing areas as may be specified by the Government, by anyone person of the following quantity of Mazri and Mazri produce meant for bonafide domestic use shall deemed to have been exempted.
  - (a) Ban not exceeding five Kgs;
  - (b) Changers not exceeding three numbers;
  - (c) Matting not exceeding hundred sq.ft.in area;
  - (d) Other Mazri produce, e.g. ropes, chaplies, trangers bags, baskets, brooms, fans, etc., not exceeding six Kgs;
  - (e) Mazri produce under the specific orders of Government.
14. Mazri or Mazri produce imported into Hangu, Kohat and Karak Districts or any other Mazri producing areas as specified by the Government shall be

subject to these rules at the moment it enters the District except the Mazri imported from Tribal Territories via Thall shall be exempted from the provision of a transit pass for such time that is in transit to Thall ;

Provided that no Mazri imported from the Tribal Territory shall be allowed to enter Kohat, Hangu and Karak Districts or any other Mazri producing area (s), as may be specified by Government, unless it is authorized under a permit issued by the Political Agent or District Coordination Officer Incharge of the Tribal Area from which it originates.

15. The Department shall set-up check posts where necessary in order to enforce the provision of these rules.
16. In order to regulate trade in Mazri, the Conservator of Forests may prescribe that no Mazri or Mazri produce shall be allowed to be bought or sold or kept for sale, except at places to be specified by him.
17. (1) No person shall purchase, sell or in any other manners deal in Mazri, except in accordance with a license issued by the Divisional Forest Officer in such manner and on such condition as may be specified in the forms prescribed for the purpose.
- (2) Any person wishing to obtain a license for purchase and sale of Mazri and Mazri products shall make an application to Divisional Forest Officer concerned who may in respect of such license, requires an applicant to furnish such details as to source and origin of Mazri and Mazri products.
- (3) The Divisional Forest Officer concerned while making an order for issuance of license, shall specify the source of the Mazri and Mazri products.
- (4) Persons who are involved in purchase or sale of the Mazri or the Mazri products on the date of coming into force of these rules shall within sixty days of a notice in written by Divisional Forest Officer concerned, obtain license(s) under these rules if they do not already have a license(s).
- (5) The Divisional Forest Officer concerned may, for reasons to be recorded in writing refuse to issue or renew a license or cancel the license of the dealer, if he is satisfied that;

- (a) Such license dealer is violating these rules; or
  - (b) There is imminent danger of such license(s) becoming a cause of destruction or damage to Mazri crop growing in Reserved Forests, Protected Forests, Waste Land or any other forests; provided that no such order shall be made unless the license holder is given an opportunity of being heard.
- (6) Any person aggrieved by an order made under sub-rule (5) may, within thirty days of such order, prefer an appeal to the Conservator of Forests.

Explanation: -

In computing the period of limitation the days on which the order sought to be appealed against was made and the time required for obtaining a copy thereof shall be excluded.

- (7) The Conservator of Forests shall, as soon as possible but not later than sixty days, modify, alter or set-a-side any order appealed against, after giving the parties an opportunity of being heard.
  - (8) The decision of Conservator of Forests on appeal shall be final.
  - (9) If no appeal is preferred within thirty days, as provided for in sub-rule (6) above, the order of Divisional Forest Officer shall become final.
18. (1) Each license shall be assigned a registration number by Divisional Forest Officer concerned.
- (2) The registration fee of a license and annual renewal fee (non-refundable) shall be charged at such rate as may be notified by the Government from time to time.
- (3) The fee shall be credited to Government account as Forest Revenue under the relevant head.
19. The purchaser through an auction or tender of Mazri or Mazri produce and licensed dealer should maintain a proper account of all quantities of Mazri or Mazri produce received, purchased, sold or otherwise disposed of by them from time to time. This account shall be in such form as may be prescribed by the Divisional Forest Officer and shall be opened to inspection by the Divisional Forest Officer or by any other officer authorized by him not below the rank of Forest Ranger.

20. The purchaser through an auction or tender or permit-holder who sells his Mazri produce to a licensed dealer shall furnish him with a certificate showing his own name, the name of the licensed dealer, the quantity sold and source of the stocks of Mazri sold.
21. A licensed dealer before he collects or sells Mazri produce for export from Hangu, Kohat and Karak Districts or any other Mazri producing areas as may be specified by Government shall produce the certificate, obtained by him under rule 20 from purchaser through an auction/tender or permit-holder before the Divisional Forest Officer or the concerned Forest Officer along with his application for the grant of an export permit.
22. No Station Master of Pakistan Railways in Kohat District shall book for export Mazri or Mazri produce unless it is authorized under a valid export permit issued by Divisional Forest Officer, Kohat Forest Division.
23. When booking a consignment, the Station Master shall endorse on the permit the weight of the Mazri booked and the date on which it was booked under his signature. When the full quantity of the Mazri has been exported he shall return the permit to the Divisional Forest Officer, Kohat Forest Division.
24. Subject to the rights as defined and recorded at settlement, the Mazri income accruing from Government owned land shall be credited to Government as Forest revenue under the relevant head.
25. Income accruing from compensation cases or sale of confiscated Mazri produce shall be credited to Government as Forest revenue.
26. (1) Subject to the rights as defined and recorded at settlement, income derived from sale of Mazri growing on private wastelands shall be distributed amongst right-holders according to their share through the Revenue Department after deduction of such departmental expenditure incurred on harvesting at source and managerial charges amounting twenty percent of the net profit.  
  
(2) Twenty percent of the managerial charges shall be credited to Forest Development Fund.

27. (1) Any Forest Officer or Police Officer, not below the rank of Range Forest Officer or Inspector of Police, may search any house, room, tent, enclosure, vehicles, vessels, receptacles, or place where he has reason to believe that Mazri or Mazri produce is placed in contravention of any provisions of Forest Ordinance 2002 or of these rules or any order or direction made there under and may seize any such Mazri or Mazri produce.
- (2) Search under sub-rule (1) above shall be made in accordance with the provisions contained in section 102 and 103 of the Code of Criminal Procedure, 1898 (V of 1898).
28. The Divisional Forest Officer may sanction the payment of reward to informers and helper assisting in the detection of offences against these rules not exceeding one half of the price of the Mazri or Mazri produce detected and confiscated or not exceeding one half of its value as assessed in compensation cases.
29. Chief Conservator of Forests may elaborate procedures for smooth implementation of these rules, as and when necessary, which shall not be inconsistent with the provisions of the <sup>9</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002, these rules or any other rules, made there under.
30. Any person infringing any provision of these rules shall be punishable as provided in section 53 of the <sup>10</sup>[Khyber Pakhtunkhwa] Forest Ordinance, 2002.

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

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<sup>9</sup> Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

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