

GOVERNMENT OF THE ¹[Khyber Pakhtunkhwa]
ENVIRONMENT DEPARTMENT
NOTIFICATION.

Dated Peshawar the 23.4.2005.

No. SO (Tech) ED/V-105/2004/Vol: VII: -

In exercise of the powers conferred by section 115 of the ²[Khyber Pakhtunkhwa] Forest Ordinance, 2002 (³[Khyber Pakhtunkhwa] Ordinance No. XIX of 2002) read with section 34 thereof and in supersession of all the previous rules on the subject, the Government of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely;

⁵[Khyber Pakhtunkhwa]
PROTECTED FORESTS MANAGEMENT RULES 2005

1. Short title and commencement—

(1) These rules may be called the ⁶[Khyber Pakhtunkhwa] Protected Forest Management Rules, 2005.

(2) They shall come into force at once.

2. Commercial sales—

(1) Commercial harvesting of timber and extraction of other forest produce from the protected forests shall be regulated in accordance with the approved forest management plans or, in case of roadside plantation for which no forest management plans have been prepared, in accordance with the harvesting cum regeneration schemes.

(2). After deducting legitimate expenditure incurred by the Department, in case of Protected Forests of Painsa Khel, Sultan Khel and Buner including Right Bank of River Indus in Kohistan District eighty per cent, and for rest of the protected forests in Malakand Forest Circle, sixty per cent of the net sale proceeds shall be payable to the concessionists and the balance amount shall be credited to Government Revenue accounts.

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

- (3). The Divisional Forest Officer will issue a cheque in the name of the District Revenue Officer for the amount of share of the concessionists out of the sale proceeds. The amount will be distributed by the District Revenue Officer amongst the concessionists. No payment through proxy or holders of power of attorney shall be permissible. The acquaintance role duly verified by the District Revenue Officer shall be forwarded to the Conservator of Forests on each occasion the payment is made. The acquaintance rolls shall be maintained for audit purposes.
- (4). In case of protected forests other than those in Malakand Forest Circle, including plantations raised along roads, canals and railway tracks in ⁷[Khyber Pakhtunkhwa], entire net sale proceeds after deducting legitimate expenditure incurred by the department, shall be credited to the Government revenue accounts.

3. Grants of trees or timber along roads, canals and railway track etc-

No grant of timber, firewood or any other forest produce shall be permitted from plantation raised along roads, canals and railway tracks.

4. Grants of trees or timber in Hazara and Southern Districts—

- (1) In case of protected forests in Hazara (except those along right bank of River Indus i.e. Swat Kohistan in Kohistan District) and in southern districts of the Province, the grant of trees and other forest produce for meeting bona fide domestic requirements of the residents of the villages within the boundaries of which the protected forests are situated shall be made by the Conservator of Forests or Divisional Forest Officer concerned subject to the following conditions:
- (i). No request for grant of trees shall ordinarily be acceded to, if alternative sources for meeting such demands are available;
 - (ii). Removal of trees shall be subject to their silvicultural availability and up to the limit specified in approved Working Plan;
 - (iii). No trees shall be marked within 300 feet of the outer boundaries of the forests;

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

- (iv). Marking of such trees shall be done by an officer not below the rank of Forest Ranger;
 - (v). No green tree shall be marked if dry and fallen trees are available.
- (2). The grant of trees under this rule shall not be free but shall be subject to payment at a concessional rate to be fixed from time to time by Government and payment of the Development Surcharge as may, for the time being be levied in pursuance of section 104 of the ⁸[Khyber Pakhtunkhwa] Forest Ordinance 2002 (⁹[Khyber Pakhtunkhwa] Ordinance No. XIX of 2002).
- (3). The timber thus granted should be used for the specific purpose for which it is granted. It shall not also be moved outside the specific local area for which it is granted. In case of violation, the timber shall stand confiscated and if utilized, price of the timber along with compensation thereof, if provided by any rule for the time being in force, shall be recovered from the permit holder/offender.

5. Grant of trees or timber in Malakand circle and Indus (Swat) Kohistan—

- (1) In case of protected forests in Malakand and Indus (Swat) Kohistan, grant of trees or timber to the right holders and to other local inhabitants entitled to this privilege shall be subject to the following conditions:
- (i). Removal of trees shall be subject to silvicultural availability and up to the limit specified in the approved Working Plan concerned;
 - (ii). No trees shall be marked within 300 feet of the outer boundaries of the forests;
 - (iii). No green trees shall be marked, if dry and fallen trees are available;
 - (iv). Marking of such trees shall be done by a Forest Officer not below the rank of Forest Ranger;

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

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

- (v). Payment of Developmental Surcharge as may, for the time being, be levied in pursuance of section 104 of the ¹⁰[Khyber Pakhtunkhwa] Forest Ordinance (¹¹[Khyber Pakhtunkhwa] Ordinance No. XIX of 2002);
 - (vi). Standing Deodar trees shall not be granted for domestic use except in Kalam, Upper Indus Kohistan, Dir, Kohistan and Chitral;
 - (vii). Such requirements will preferably be met from the converted timber from Central Depots, in places where such depots have been established.
- (2) The timber granted under sub-rule (1) shall be used for the specific purpose for which it is granted. It shall not be moved outside the specific local area for which it is granted. In case of violation of the rule, the timber shall stand confiscated and if utilized, price of the timber along with compensation thereof, if provided by any rule for the time being in force, shall be recovered from the permit holder/offender.

6. Procedure for grant of trees or timber—

The following procedure shall be followed for grant of trees or timber from Protected Forests:

- a) Every request for grant of timber shall be made to Range Forest Officer, having jurisdiction in the area;
- b) The entitlement to the grant of trees or timber shall be verified by the Tehsildar concerned. For grant of trees to non-residents, the Tehsildar shall first obtain the concurrence of the Chairman of Joint Forest Management Committee of the respective village or the Jirga where there is no Joint Forest Management Committee and shall record certificate to this effect on the application;
- c) After verification of the entitlement the application shall be forwarded to the Range Officer concerned, who will verify the needs and record the timber requirements;
- d) Verification made in respect of free grant of trees or timber needed for construction or re-construction of house must certify inter alia that the

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

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

foundation of house has been built upto plinth level. In the absence of such certificate no application shall be entertained;

- e) The Range Forest Officer shall also give a certificate regarding silvicultural availability of trees, after visiting the forest;
- f) The Range Forest Officer shall enter all applications for free grant of trees, received by him, in a register in the following manner:

S. No.	Application No.	Name and other particulars of the applicant.	Date of application	Compartment No.	Purpose of application	Person if any to whom sent by Range Forest 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 DFO	Date of marking of trees	Date of felling	Date of hammer marking of timber and issue of Rahdari.	Certificate of utilization by the Forest Ranger
(15)	(16)	(17)	(18)	(19)	(20)	(21)
Remarks						
(22)						

- g) The register shall be put up to the Divisional Forest Officer by the Range Forest Officer once a month, preferably during the first week when the Range Forest Officer visits the office of the Divisional Forest Officer;
- h) The trees shall be granted in the diameter range as prescribed in the Forest Management Plan.
- i) Trees shall be marked by the Range Officer himself within two months from the receipt of the orders. The trees shall be cut within two months of the date of marking and shall be utilized for the purposes stated and for no other purpose within six months from the date of cutting, failing which the permit shall be cancelled and the timber shall be confiscated or if utilized, price of timber along with

compensation thereof, if provided by any rule for the time being in force, shall be recovered from the permit holder/offender;

- j) Out-turn from the trees marked shall only be removed after it has been branded with the specified hammer mark and its transport will be authorized through a Rahdari to be issued by the Ranger Officer concerned;
- k) Timber granted for domestic needs shall neither be sold nor given free, to any body else, nor shall be taken out of the specific local area for which it has been granted. The Range Forest Officer shall verify the utilization of timber in a register to be maintained for the purpose. In case of violation the timber shall stand confiscated or if utilized, price of the timber along with compensation thereof, if provided by any rule for the time being in force, shall be recovered from the permit holder/offender;
- l) Neither the person to whom trees have been granted for construction or reconstruction of house in any year, nor a member of his family shall be entitled to the grant in the following ten years, unless proved to the satisfaction of the Divisional Forest Officer concerned that the timber is required for the construction of a separate house or reconstruction of house due to natural-calamity;
- m) In case of Swat and Kalam, the Conservator of Forests, Malakand, may sanction trees of central quota and the Divisional Forest Officer of the area concerned may sanction the trees of local quota as prescribed in the schedule appended to these rules. The procedure followed for the grant of trees from local quota shall also be followed for the central quota grants. For this purpose, the Divisional Forest Officer will maintain two separate registers.

7. Concessional grants—

- (1) Trees shall be granted on concessional rates in Madyan, Bahrain, Fatehpur, Matta, Khabbal, Babozai, Charbagh of Swat District, Alpuri, Lilowni, Kana, Puran, and Chakasar Tehsils of Alpuri District and Buner District in the following cases:
 - (a) For the domestic requirements of the local inhabitants; who either do not have the forests or the required timber/trees therein; and

- (b) For the construction of commercial building by the local inhabitants, such as shops, hotels and residential accommodations meant for rent within the village.
- 2. Concessional rates shall be fixed and reviewed from time to time by the Government in accordance with the stumpage value of the trees in that area.
- 3. Conservator of Forests concerned may grant on concessional rates, up to maximum of 500 trees annually. The trees shall not be marked unless price is realized in full. All other formalities, procedure and restrictions shall be the same as are prescribed for the grant of timber for domestic use to right holders.
- 4. Sale proceeds on concessional rates shall be distributed among the concessionists and the Govt. as per procedure laid down in rule 2 (2).

8. Central timber depots—

The Central Timber Depots may on the recommendation of Chief Conservator of Forests, be established with the approval of Government and registered by Divisional Forest Officer concerned. In these depots, the timber obtained from conversion of dry and fallen trees as well as the confiscated timber shall be stored for subsequent distribution as concessional grants, or against local or central quota. The timber available after meeting the requirements under concessional grants and local or central quota will be disposed of through open auction.

9. Lopping and pruning—

Lopping of trees shall be strictly prohibited however; pruning will be permitted to be executed in a scientific manner under the supervision and guidance of the Forest Officer. The material thus obtained shall be utilized by the concessionists who have participated in the pruning operations.

10. Participatory management of linear plantations—

Plantations along roadsides, canals and railway tracks may be raised in collaboration with the neighboring farmers on the following terms and conditions:

- a) Owners-cultivators of the land contiguous to the stretch of land on which the plantation is being raised may participate in raising plantation;

- b) Chief Conservator of Forests will elaborate procedure for participatory management including planting, its protection, maintenance and incentive, if any, for collaborating farmers; and
- c) Partnership deed on this account will be authenticated by concerned Conservator of Forests.

11. Duties and power of forest officers—

Duties and powers of the Forest Officers in relation to the affairs of the protected forests not provided for specifically in these rule shall be the same as in case of the reserve forests.

12. Procedure—

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

Schedule
[See rule 7(m)]

ANNUAL QUOTA OF TREE FOR DOMESTIC NEEDS OF THE LOCAL
POPULATION IN SWAT, ALPURI, BUNER AND RIGHT BANK OF KOHISTAN
DISTRICT.

S. No.	Tehsil	No. of Trees	
		Central quota	Local quota
1.	Babuzai-Mangiwar Area	50	150
2.	Babuzai-Jambil Area	50	150
3.	Charbagh Maturizai Area	20	180
4.	Azar Khel Area	30	270
5.	Janki Khel Area	20	180
6.	Madyan Area	30	270
7.	Bahrain Area	40	360
8.	Shamizai (Bar Swat) Area	40	360
9.	Si-Boojnai (Bar Swat) Area	40	360
10.	Kabal Area	40	360
11.	Barikot	30	270
12.	Baba Zai (Buner) Area	40	360
13.	Salarzai (Buner) Area	40	360
14.	Daggar (Buner) Area	60	540
15.	Caggara (Buner) Area	60	540
16.	Chamla (Buner)	50	450
17.	Chagharzai (Buner) Area	60	540
18.	Amazai (Buner) Area	40	360
19.	Khadu Khel Totali Area	60	540
20.	Alpuri Area	40	360
21.	Kana (Shapur) Area	40	360
22.	Lilowni Area	20	180
23.	Chakesar Area	40	360
24.	Puran Area	40	360
25.	Martung Area	30	270
26.	Bisham Area	20	180
27.	Seo Area	20	180
28.	Pattan Area	30	270
29.	Dodar Area	20	180
30.	Ranolia Area	20	180
31.	Karan Area	10	90
32.	Jajshuai Area	10	90
33.	Kalam Area	50	100
34.	Ushu Area	30	70
35.	Utror Area	30	70

SECRETARY TO GOVT. OF THE
¹²[Khyber Pakhtunkhwa]
ENVIRONMENT DEPARTMENT

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