

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

NOTIFICATION

DATED PESHAWAR THE, 4th OCTOBER, 2016

No: SO (Tech)/ED/VIII- 22/2012/PC/Vol: II In exercise of the powers conferred by Section-69 of the Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No: I of 2015), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

“The Khyber Pakhtunkhwa Wildlife and Biodiversity Board Rules, 2016”

1. **Short title, extent and commencement.-** (1) These rules may be called the Khyber Pakhtunkhwa Wildlife and Biodiversity Board Rules, 2016.

(2) These rules shall come into force at once.

2. **Definitions.-** (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings, that is to say-

- (a) “Act” means the Khyber Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015 (Khyber Pakhtunkhwa Act No: 1 of 2015); and
- (b) “Year” means a calendar year starting from 1st January and ending on 31st December.

(2) All the terms used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. **Chairman of the Board.** The Chief Minister Khyber Pakhtunkhwa shall be the Chairman of the Board, who shall preside over the meeting of the Board.

4. **Constitution of the Board.-** (1) The Board shall consist of sixteen (16) members, having equal membership from official and non-official members.

(2) Official members of the Board shall include-

- (a) the Minister to Government, Forestry, Environment & Wildlife Department;
- (b) the Chief Secretary to Government;
- (c) the Additional Chief Secretary to Government;
- (d) the Secretary to Government, Forestry, Environment & Wildlife Department;
- (e) the Secretary to Government, Finance Department or his nominee, not below the rank of Additional Secretary;
- (f) the Secretary to Government, Law, Parliamentary Affairs and Human Rights Department or his nominee, not below the rank of Additional Secretary;
- (g) the Chief Conservator of Forests; and
- (h) the Chief Conservator Wildlife.

5. **Criteria for selection of non-official members.-** (1) The non official members, shall be selected by Government keeping in view the following qualification:

- (a) having Knowledge of wildlife and biodiversity of flora and fauna;
- (b) having practical experience in managing wildlife and biodiversity of flora and fauna;
- (c) having experience in participatory management of natural resources;
- (d) having good reputation of progressive conservationist and environmentalist;
- (e) ability and willingness to attend meetings of the Board; and
- (f) should be bonafide residents of the Province.

(2) At least one non-official member shall be selected from each civil division of the Province.

(3) No member of the Board appointed by virtue of his official position, continue to be member if he ceases to hold that office.

(4) Government may remove any non-official member of the Board without assigning any reason thereof.

6. **Meeting of the Board.-** (1) The Secretary of the Board with prior concurrence of the Chairman may convene meeting of the Board at such time and place as the Chairman may direct and shall be communicated to the members at least a week before the Scheduled meeting.

(2) All decisions in the meeting shall be taken by majority of votes and the Chairman shall have casting vote in case of equality of votes.

(3) The meeting of the Board shall be held twice a year at such time and place as considered appropriate by the Chairman and in such manner as may be determined by the Board.

(4) Ordinary meeting shall be convened with advance notice of at least one week to the members.

7. **Tenure of non-official member.-** (1) A non-official member of the Board shall, unless he sooner resigns or is removed by Government, shall hold office for a term not exceeding three years and may be elected for a second term.

(2) Any vacancy caused due to death, resignation or removal of a non-official member, shall be filled in by Government within two months time, through appointment of another person fulfilling the requirements prescribed in sub-rule (1) of rule-5 and such appointee shall hold such office for the unexpired term of his predecessor.

8. **Attendance on special invitation.-** The Chairman, if needed, may invite any relevant person to participate in meeting as an observer.

9. **Quorum of the Board.-** The Chairman alongwith six (6) notified members including at least four (4) official members shall constitute the quorum of the Board.

10. **Honoraria for non-official member.-** The honoraria for the non-official member shall be based on mileage of travel or air ticket, daily allowance and accommodation (in case of overnight stay) and shall be equal to the authorization of BPS-20 officer, under the prevailing Traveling Allowance Rules, of the Province.

11. **Functions and Powers of the Board.-**(1) The Board shall perform such functions and exercise such powers as provided under sections-5, 6 and 7 of the Act.

(2) The Board shall assign tasks to various Committees constituted under sub-section (7) of section 5 of the Act, keeping in view the experience and expertise of members in different fields of biodiversity and conservation.

12. **Management of the Fund.-** (1) The Biodiversity and Wildlife Fund with the approval of the Board shall be administered by the Fund Management Committee with the following composition, namely:

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| (a) Secretary to Government, Forestry,
Environment and Wildlife Department; | Chairman |
| (b) a representative of the Finance Department,
not below the rank of Deputy Secretary; | Member |
| (c) a Deputy Secretary of the Forestry,
Environment and Wildlife Department; | Member |
| (d) Director Budget & Accounts, Forestry,
Environment and Wildlife Department; | Member |
| (e) Chief Conservator Forests, Southern
Central Region-I, Peshawar; and | Member |
| (f) Chief Conservator Wildlife. | Member/
Secretary |

(2) The committee constituted under sub-rule (1) shall open and operate bank account in any Scheduled Bank working in the Province.

(3) The Bank account shall be operated with the signatures of both the Chairman and Secretary of the committee.

13. **Utilization of Biodiversity and Wildlife Fund.-** (1) The Biodiversity and Wildlife Fund shall be utilized for the purposes mentioned in sub-section (7) of Section-7 of the Act.

(2) The Fund Management Committee shall be authorized to approve the expenditure relating to clause (d) of sub-section (7) of section-7 of the Act, in addition to hiring of Community Watchers, cleanliness of the parks and other facilities, improvement and repair of item relating to tourist facilities, such as drinking water facilities, access of road or path, safety railing, inspection of huts, parking areas, cafeteria, dust bin etc. While rest of the activities shall be subject to specific approval of the Board.

(3) The Secretary of the committee shall submit work plans to the Fund Management Committee for approval under clause (d), sub-section (7) of section-7 of the Act or for consideration and the Fund Management Committee, if deem appropriate, may submit the work plans to the Board for approval.

(4) The amount allocated by the Board under clauses (g) and (i) of sub-section (7), of Section-7 of the Act, shall be spent in a National Park or a Protected Area, on the following activities, namely:

- (a) hiring of Community Watchers;
- (b) conducting habitat improvement;
- (c) community infrastructure scheme;
- (d) development, maintenance and improvement of accessibility and tourist facilities, such as drinking water facilities, access of road or path, safety railing, inspection hut, parking area, cafeteria, dust bin etc; and
- (e) any other activity as approved by the Government.

14. **Keeping Record of the Accounts:** The Secretary of the Fund Management Committee shall maintain complete and accurate books of accounts relating to receipts, disbursement, assets, grants, contracts, etc; on the already determined format of the Accounting System of the Department as approved by the Government, particularly the following, namely:

- (a) cash book;
- (b) register of assets or stock register;
- (c) complete file of vouchers;
- (d) files relating to execution of various contracts; and
- (e) other relevant record of the Board.

15. **Audit of Accounts.-** The accounts of the Board shall be audited by the Auditor-General of Pakistan and copies of the audit reports shall be sent to Government with the approval and comments of the Board.

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Secretary to Government of Khyber Pakhtunkhwa,
5436-46 Forestry, Environment & Wildlife Department

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