



Forestry in the Princely State of Swat and Kalam (North–West Pakistan)

A Historical Perspective on Norms and Practices

Sultan-i-Rome

NCCR North–South Dialogue, no. 9

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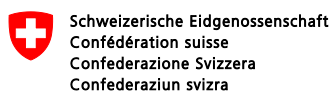
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Cover photo

The Swat Valley with Mingawara and Upper Swat in the background. (Photo by U. Geiser)

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Dedication:

To Abdul Halim, Advocate (Ghaligay, Swat)

Abbreviations

BN	Bundle Number
CC	Chief Commissioner
CCAGG	Chief Commissioner and Agent to the Governor General
CCF	Chief Conservator of Forests
CCOP	Files of the Chief Commissioner's Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar
CNWFDP	Confidential North-West Frontier Provincial [Political] Diary
COP	Files of the Commissioner's Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar
CS	Chief Secretary
DCOP	Files of the Deputy Commissioner's Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar
DCF	Deputy Conservator of Forests
DFO	Divisional Forest Officer
DO	Demi Official
DSC	Dir, Swat and Chitral
FN	File Number
FO	Foreign Office
FPD	Foreign and Political Department
FS	Foreign Secretary
GG	Governor General
Govt	Government
GI	Government of India
GP	Government of Pakistan
IA	Interview by the Author
IGF	Inspector-General of Forests
JS	Joint Secretary
MSFR	Ministry of States and Frontier Regions
NWF	North-West Frontier
NWFP	North-West Frontier Province
NWFP: RBA	The North-West Frontier of Pakistan: Report on the Border Administration
PA	Political Agent
PRFANWFP	Progress Report on Forest Administration in the North-West Frontier Province
PRFA-WF	Progress Report on the Forests in West Pakistan
PS	Political Secretary
RABNWFP	Report on the Administration of the Border of the North-West Frontier Province
RC	Revenue Commissioner
Secy	Secretary
SCC	Secretary to the Chief Commissioner
SDSC	Spedding, Dinga Singh and Company (Timber Merchants and Contractor)
SFRD	States and Frontier Regions Division
S.N.	Serial Number
TARC	Tribal Affairs Research Cell, Home and Tribal Affairs Department, Government of North-West Frontier Province, Peshawar

Glossary

The meanings of local terms are given in the text. This glossary contains only terms that are either used more than once or could not be explained in the text for reasons of space.

- Ajars:** The Ajars are a sub-group of the Gujars. Unlike the majority of Gujars, they practiced nomadism by proceeding to the lowland plains in winter, along with their cattle and belongings, and to the uplands and high pastures (Bandas) in the summer. They possessed cattle, a few ponies (for transporting their belongings and foodstuff), dogs for protection, and small numbers of goats.
- Bacha/Badshah:** A king, emperor, or monarch.
- Banda:** (plural: Banday/Bandajat): Hamlet; a remote pasture in the hills with few dwellings
- Dala:** Party or faction. Traditionally the Swat's Pukhtuns and the other areas that later became part of Swat State, as well as the inhabitants of Swat and Indus Kohistan, were divided into two rival factions or parties, each known as dala. However, "party" and "faction" do not give the real sense of the term dala.
- Dawtar:** also spelled daftar/dafter: The land liable to re-allotment in the traditional wesh system. The owners of dawtar had proportionate shares in all land categories in the village or locality where they had their shares in the dawtar, and other related privileges and obligations as well.
- Garzinda Wesh:** Literally, a moving distribution/allotment, meaning non-permanent; the wesh system under which the dawtar landowners had to shift from one locality/village to another at regular intervals and take shares in the new place for the next period.
- Ghair Qalangi Bandy:** Those bandas whose pastures are not rented but utilised by the owners and concerned right-holders or village members free of rent.
- Gujars (Gujran):** Gujars are a non-Afghan sub-group of the Jat or Rajput group. They did not possess a hereditary share in the land, and remained mere vassals to the dawtar and serai landowners. On the whole, they possessed cattle, i.e. either cows and/or buffalo, and sometimes also one or more goats. They were not necessarily nomads. They are now a powerful group found in all walks of life.

- Hakim, Hakimi:** This was a relatively large administrative unit in Swat State. It consisted either of a few small Tahsils or one Tahsil when the Tahsil consisted of a larger area. In this case the unit was called Hakimi instead of Tahsil. Hakim was the administrative-cum-judicial-cum-executive-cum-financial officer in charge of the Hakimi. A Hakim was superior in rank and status to the Tahsil-dar. When the Hakimi comprised more than one Tahsil, the Hakim was posted in one Tahsil, where he performed the duties of both Tahsildar and Hakim for that Tahsil and was the officer immediately superior to the Tahsils and Tahsil-dars associated with the particular Hakimi. The Hakim appointed over more than one Tahsil was also the appellate court for judgement of the Tahsildars under his jurisdiction.
- Jarga/Jirga/Jargah:** Jarga means consultative assembly; forum; council; council of the tribal chiefs. It has other meanings, composition, functions, and uses in different contexts.
- Khan:** The meaning of the word “Khan” depends on the sense in which it is used on a particular occasion. It is used as a title for a chief; for addressing and showing respect to a landowner; sarcastically for an unworthy person; and is given as a personal name. In this study it refers to the tribal chief.
- Kohistan:** A mountainous county; a hilly tract; a high land.
- Lashkar/Lakhkar:** The tribal force taking the field under the tribal banner at a time of need, without payment and also at its own cost to supply arms and ammunition.
- Malak/Malik:** A tribal chief recognised as head of the whole tribe, or of its major or minor sub-divisions, or a section or sub-section. Among the Swat Yusufzais, Malak was the lesser tribal chief compared to the Khan, and sometimes subordinate to the respective Khan as well.
- Mehtar:** Ruler; title of the ruler of Chitral State.
- Mian (plural: Miangan):** Descendants of past saints and spiritual leaders who acquired wide fame and reputation among many tribes are regarded as Mians.
- Miangul:** The descendants of saints and spiritual leaders of the past who have acquired wide fame and reputation among many tribes are regarded as Mians, but as the Akhund of Swat was yet not ranked in that class his descendants were given the title of Miangul/Miangwalan as a courtesy. This is inferior in a sense to Mian.

Mulan (singular: Mula):	Mulan refers to the priests. They usually perform the duty of Imamat (leading prayers) in the mosques and teach the Holy Qur'an as well as Islamic injunctions to the people. The title is usually hereditary and also applies to descendants of these priests who are not versed in Islamic education and do not perform these functions.
Mundai/Munday:	Denotes fixed boundaries, with no share elsewhere in other land categories or hills in the locality concerned or other shamilat.
Nautor:	An illegal intrusion by encroachment on land in the forest, land newly opened in the forest, or on hillsides.
Nawab:	Ruler; Chief; title of the ruler of Dir State.
Pukhtuns (Pukhtana):	Those who belong to the segmentary Pukhtun group. In the context of the decree of the ruler of Swat State, dated 7 February 1950, quoted in Chapter 3 of this report, Pukhtuns implies only those Pukhtuns who belong to the segmentary Pukhtun group but still possess a share of the dawtar, as well as those who though do not belong to the segmentary Pukhtun group but share in the dawtar.
Qalang/Kalang:	Rent.
Qalangi Banday:	Qalangi banday are those bandas the pastures of which are not used by the owners themselves but are rented to non-owners, with the rent being divided among the concerned landowners according to riwaj or the rule of the area or village or locality, whichever applies in the particular case.
Qaum:	In the context of the present report, a particular tribe; a section of a tribe, or a sub-tribe.
Riwaj:	Custom; fashion; practice; prevalence. In this study it refers to the customary law.
Sahibzadgan	(singular: Sahibzada/Sahibzadah): In Swat the descendants of the Pirs of lesser or local fame and reputation are called Sahibzadgan.
Sayyads/Sayyeds:	Those commonly believed to be descendants of the Prophet Muhammad (PBUH) from his daughter Fatima (RA) and son-in-law Ali (RA).
Serai:	Lands that were under permanent ownership and were not liable to re-allotment in the traditional wesh system. The serai lands on the whole had no proportionate share in other categories of land and shamilat in the village or locality.

However, there are Serai lands that possess *shamilat* and had a share of the forests.

Shamilat:	Land, hill and forests, etc. held in common by the <i>dawtar</i> landowners on the basis of their <i>dawtar</i> shares; wasteland, hillside etc. combined with a piece of land.
Shariat/Sharia/Shara:	The divine code of life; revealed law; statute; ordinance; justice; equity. However, it specifically means Islamic law.
Shpunkis (Shpankyan):	The Shpunkis practice nomadism like the Ajars and a segment of the other Gujars. They consider themselves different from the Gujars and Ajars. They possess no cattle, but only goats or sheep, mostly in herds. They also possess, though not necessarily, a pony or ponies for transporting their belongings and foodstuff, and a dog or dogs for their protection. A number of them now lead a settled life and have given up rearing herds. They are gener-ally erroneously referred to as Ajars by local and non-local writers.
Sipah Salar:	Commander-in-Chief.
Tahsildar:	Tahsil was the smallest administrative unit in Swat State and Tahsildar was its administrative-cum-judicial-cum-executive-cum-financial officer in charge.
Tal:	The segment/group/block of the <i>dawtaris</i> in a village/town etc.
Tapa/Tapah:	Segment; area; locality.
Ushar/Ushr:	A tenth part. According to Islamic law Muslims are required to pay five to ten per cent of the produce from their land to the Islamic State, depending on the nature of the water given to the fields, which is known as <i>ushar</i> . However, the headings under which it will be used and disbursed also have been specified.
Wali:	A prince; a chief; a master; a ruler; a sovereign; the official title of the rulers of Swat State, namely Miangul Abdul Wadud and Miangul Jahanzeb. Wali is inferior in sense and status to <i>Bacha/Badshah</i> , which means a king or em-peror.
Wazir:	Minister.
Wesh:	Distribution. In the context of this study, however, the proper term is allot-ment/re-allotment.
Ziarat:	Shrine.

1 Introduction

The historic Swat Valley in North-West Pakistan (see map on page 18), whose landscape is comparable in beauty to Switzerland, and the adjoining areas which were later incorporated into Swat State, have been rich in forests since early times. These forests remained intact for centuries if not millennia for inherent reasons. The Nineteenth Century proved to be a turning point in respect to the exploitation of these forests when outsiders, mostly the Kaka Khel Mians, began to exploit them through forest operations and export of the timber extracted.

By the beginning of the Twentieth Century, the frontier colonial authorities became alarmed at the would-be consequences and negative impacts of the ruthless cutting of trees in the forests of Swat and adjoining areas and their export to the lowland plains. They tried to put an end or at least a halt to the practice. In the meantime Swat State came into being in 1915, and Miangul Abdul Wadud became its ruler in 1917. Although Miangul Abdul Wadud endeavoured to exploit forests, he also agreed and collaborated with the colonial authorities to exploit and conserve the forests of Swat State according to their prescription. Miangul Jahanzeb succeeded Abdul Wadud in 1949 and ruled until the merging of the State in 1969. In the meantime colonial rule came to an end in India and the two Dominions of India and Pakistan came into being. The Ruler of Swat State acceded to the Dominion of Pakistan and achieved new legal status with respect to the forests and their management and exploitation. The Walis of Swat State managed the forests in collaboration first with the colonial Government and later Pakistan, and also made their own orders and rules.

In research on present-day forest issues in the North-West Frontier Province, the importance of the past is always recognised. Even today people recall the period under the Walis (Rulers) of Swat State as a golden age and suggest that forest-related rules be made as during the time of the Walis. However, very little is known about the details of forestry during the period of the Princely State of Swat; this is the entry point for the present study. The objective of the study is to show how forests were used in areas of Swat State and Kalam from the Sixteenth Century up to 1947, more precisely:

- How were forests used, and for what?
- What was the relationship between the Walis' rules and regulations regarding forests, and traditional rules and regulations (riwaj).
- What was the relationship between the Wali and the colonial administration, especially the colonial Forest Department?

The study, however, also gives an overview of the period 1947-1969, from the same perspective. The research is related to development in the past for which a traditional historical approach has always proved a suitable methodology. Hence this approach has been followed in the present study. Moreover, the descriptive/analytical method has been used in the present study to provide readers with an analysis and evaluation of developments with respect to forests in the areas comprising the ex-Princely State of Swat and Kalam so as to reach a viable conclusion.

As a scientific study, the present work emphasises archival records in the North-West Frontier Province. Most of the primary and secondary sources are available in either published or unpublished form in the District Record Room, at Gulkada, Swat; Directorate of Archives and Libraries, Peshawar; Tribal Affairs Research Cell, Peshawar; Library of the Pakistan Forest Institute, Peshawar; and the Author's Personal Collection. These sources have been liberally consulted. A number of personnel and functionaries of Swat State, who served in different capacities and important posts, as well as other persons, were also inter-viewed. The author's personal knowledge since early life, gained through rural back-ground, personal observations, discussions and other means, has also given insight into the various dimensions of the management, conservancy and exploitation of forests during the pre-State and State eras.

During the rule of Miangul Abdul Wadud (1917-1949), affairs inside the State, were, on the whole, conducted by word of mouth. There was no use of written orders; records of orders and correspondence, if any, were made internally. Moreover, the Pakistani authorities had not properly kept and preserved the record of Swat State, e.g. files of the correspondence with colonial and later Pakistani authorities, after the merging of the State. As a result, these were either destroyed or stolen by people with vested interests. Hence we found almost nothing in the records of Swat State regarding forests still remaining around the time of the reign of Miangul Abdul Wadud. All that was found about the period in question was what exists in the official record in the Tribal Affairs Research Cell, Peshawar, and in the Directorate of Archives and Libraries, Peshawar. However, some records of the reign of Miangul Jahanzeb still remain in the District Record Room, at Gulkada, Swat, in which references to forest issues can be found. Moreover, the decrees of Miangul Jahanzeb and his rules about the forests were found in original form.

The present report is structured as follows: Chapter 1 comprises the Introduction. Chapter 2 gives an overview of the political history of the area. Chapter 3 examines land ownership in the study area. Chapter 4 evaluates and analyses the era until the beginning of the reign of Miangul Abdul Wadud in 1917. Chapter 5 discusses and evaluates the Walis Period until 1947. Chapter 6 deals with the Gawri tract or Kalam. As the period is not part of the pre-sent study in any detail, Chapter 7 gives only an overview of the Walis Period from 1947 to 1969. Chapter 8 is the Conclusion, and is based on the research findings. The conclusion, however, is limited, as most of the issues have been examined, evaluated and analysed in the main text, with only the main features or points being presented in this final section.

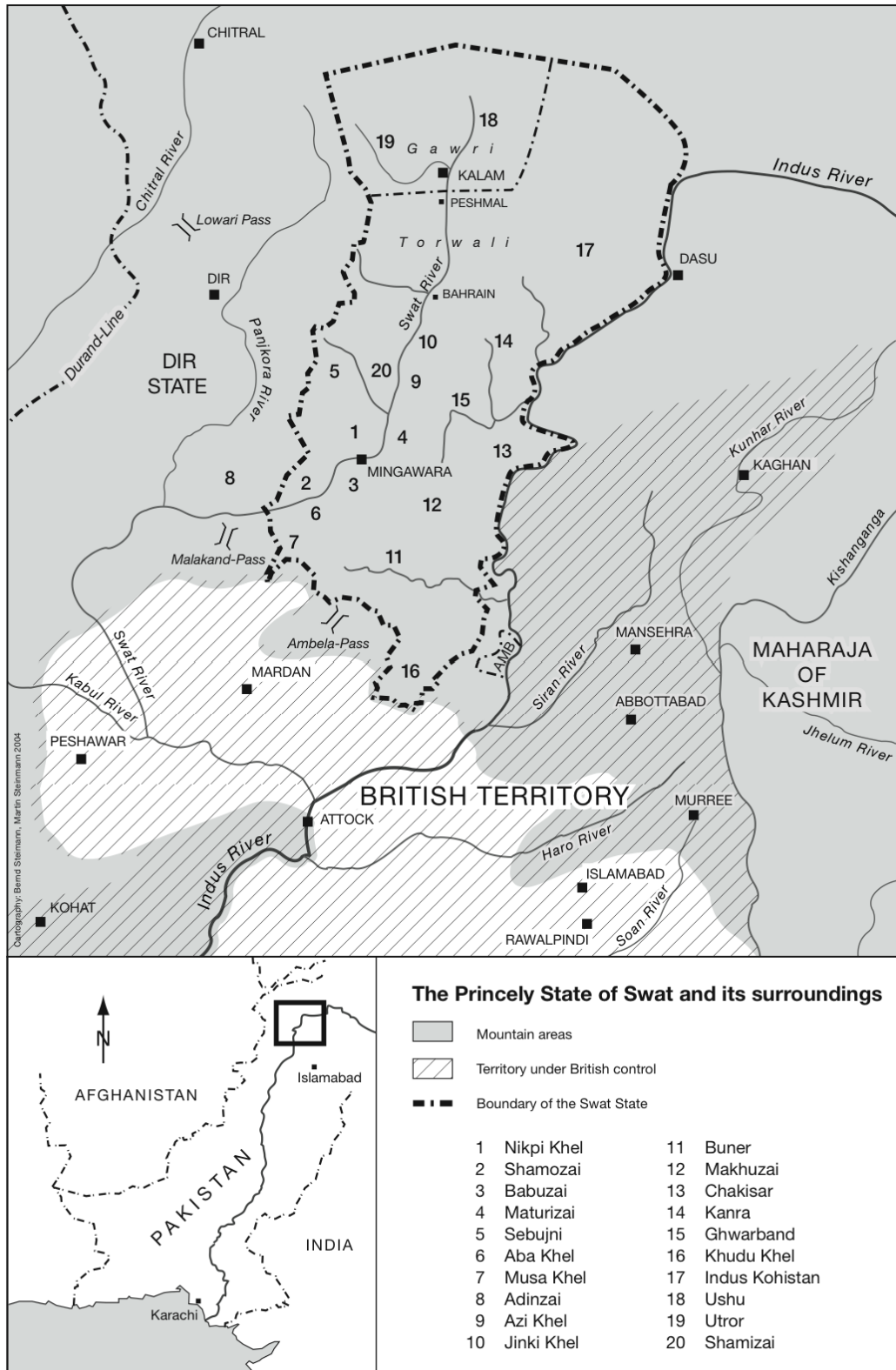


Figure 1: The Princely State of Swat, Kalam, and its surroundings. (Map by Martin Steinmann)

2 Political History

2.1 Geography¹

The historic Swat Valley, once entirely lush and green (but now with mostly barren hills), is situated in the North-West Frontier Province of Pakistan. It lies between 340-40' and 350 North latitude and 720 to 740-6' East longitude.² It starts from an elevation of 2,000 feet above sea level at the junction of the Swat and Panjkora rivers and rapidly rises in height. The former Swat State lies between 340-10' and 350-52' North latitude and 720-06' to 730-20' East longitude.³

Traditionally Swat has been divided into two distinct tracts, namely Swat Kohistan (mountain country on the upper reaches of the Swat River and its tributaries as far south as Ain) and Swat proper. Swat proper has been further subdivided into Bar (Upper) and Kuz (Lower) Swat. The former extends from Ain to Landakay (commonly written as Landakai), while the latter extends from Landakay to Kalangai, a few miles above the junction of the Swat and Panjkora rivers. However, the left (of the Swat River) lower portion of Swat proper, from Kalangai to Landakay, was merged into the Protected Area of the Agency of Dir and Swat (to which Chitral was also added latter on) after the Chitral expedition of 1895, and was loosely administered by the British Indian Government through the Political Agent at Malakand.

After the emergence of Swat State in the Valley, in 1915, to the north-east beyond Landa-kay, the left-hand portion to the west beyond Landakay was not included in the State, as it was already under loose control of the British Indian Government. The right-hand lower parts of the valley, namely the territories of Abazai, Khadakzai and Adinzai, at last permanently went to the Nawab of Dir. Consequently, only the valley to the north-east beyond Landakay and the boundary between Adinzai and Shamozaï, on the left and right sides of the Swat River, respectively, came to be known as Swat. It was further subdivided in such a way that the territory from Landakay north-eastward up to the villages of Charbagh and Ningwalai, on the left and right banks of the Swat River, respectively, became known as Kuz Swat. Beyond that, territory to the north and north-east, to the end of the valley proper, was called Bar Swat. Later, when the boundaries of Swat State were extended to the territories outside the Swat Valley, namely Buner, Khudu Khel, the valleys of Kanra and Ghwar-band and a portion of Abasin (Indus) Kohistan, these territories were also regarded as parts of Swat by the people outside the State. Hence the name Swat was frequently applied to all the areas of Swat State and not to Swat proper alone.

¹ For details and full references for this section, see Sultan-i-Rome, "Swat State Under the Walis (1917–69)" (Ph.D. Dissertation, Department of History, University of Peshawar, 2000), pp. 17–25.

² *Imperial Gazetteer of India, Provincial Series, North-West Frontier Province*, reprint (Lahore: Sang-e-Meel Publications, 1991), p. 216.

³ Population Census of Pakistan 1972, District Census Report Swat (Karachi: Manager of Publications, Government of Pakistan, 1975), p. 3.

Swat State extended for an area of approximately 4,000 square miles and was bounded by Gilgit Agency and Chitral State to the northeast and north respectively, and by Dir State to the west. To its southwest and south were the Protected Areas of the Agency of Dir, Swat and Chitral – commonly called Malakand Agency – and Mardan district, respectively, and on its eastern side was the Hazara district.

Rising in the lofty ranges bordering Chitral, the Swat River “flows south-south-west from its sources to Chakdara, thence south-west to the Malakand, thence north-west to its junction with the Panjkora, thence south-west again till it meets the Ambahar, thence south-east to Abazai in Peshawar District.”⁴ It remained one of the sources of transportation for wood inside Swat and also a principal source of supply and smuggling to the outside.

A majority of the people of Swat proper belong to the Akozai branch of the Yusufzai Af-ghans (Pukhtuns). The territories of Buner, Ghwarband, Kanra, Puran and Chakisar, parts of Swat State, are also peopled mainly by the Yusufzais. Swat Kohistan is mainly inhabited by Gawris in the north and Torwalis in the south, whereas the Kohistani proper inhabit Indus Kohistan. They are subdivided into two dialect groups who deny any genetic relationship to each other. All of these groups, inhabiting Swat and Indus Kohistan, have been called Dardic, i.e. old Indo-Aryan speaking people. A large number of Gujars is also found throughout most parts of the Swat State area. Some Hindus and Sikhs have also been settled here for several generations. Besides, though fewer in number, Swati Pukhtuns, the Pukhtuns who were the inhabitants of Swat prior to its occupation by the Yusufzais, and people of other Pukhtun tribes, e.g. Khattaks and Tarklanris, are also found. The religious classes are Sayyads (Saidan), Mians (Miagan), Sahibzadas (Sahibzadgan) and Mulas (Mulan). There were also a large number of artisans known as *kasabgar*.

2.2 Early history⁵

The historical record about the background and ancient history of Swat is scanty. However, excavations carried out in Swat by various archaeological missions from 1954 to 1981 exposed many remains to careful study and have added valuable information to the ancient history of the region. The first ever mention of Swat in historical documents is found in the accounts of Arrian, a Greek historian. In his arduous campaign in the East, Alexander invaded Swat but suffered great hardships. He left Swat for his campaign in India. The inhabitants of Swat so detested alien rule that, whilst Alexander was encamped among the rivers of the Punjab, they “threw off fear and renounced allegiance.”⁶

⁴ *Imperial Gazetteer of India, Provincial Series, North-West Frontier Province*, p. 216.

⁵ For details and full references about this section, see Sultan-i-Rome, “Swat State Under the Walis (1917–69)”, pp. 25–35.

⁶ E. J. Rapson, ed., *The Cambridge History of India*, Vol. 1, 1st Indian reprint (Delhi: S. Chand & Co., 1955), p. 331.

It is not known when the Mauryans brought Swat under their control in the course of the expansion of their domain and to what extent and for how long they predominated. However, Hiuen Tsiang reports a stupa called Lu-hi-ta-kia (Rohitaka) built by Ashoka (Asoka) Raja at a distance of *fifty li* or so, in the west, from the town Mungali, which hints at Ashoka's authority or at least influence in the area.

The fertile land of Swat proved fertile for Buddhism as well and emerged as its great centre. Buddhism flourished here, and its attractive remains abound in the region and speak volumes about the Buddhist era.

The Indo-Greek and Indo-Scythian coins found in Swat indicate that either Swat remained directly under the Indo-Greeks (Greek rulers who occupied the seats in India after the downfall of the Mauryans) and the Scythians, or had relations and economic ties with them. Among the Indo-Greeks, Menander occupied the Swat Valley first and later handed it over to a sub-king, Antimachus II. It was later ruled by a number of other persons. Another Scythian tribe, the Sai of the Upper Ili, also reached and occupied Swat and the adjoining area. It was soon after 100 B.C. that Maues, the first known Saka King in India, followed the Indo-Greek rulers into the Swat Valley and Gandhara by overthrowing Apolo-dotus. Kadphises I, leader of the Kushanas, seized vast territories to the south of the Kabul River and established his rule. It is not known whether Swat became an integral part of the Kushana Empire or retained its own independent status during the reign of the Kushana dynasty in the west and south of Swat. It is most probable that Swat or its petty chiefs were tributaries of the Kushanas.

In the course of the extension of the Turki Shahi (also spelled "Turki Sahi") kingdom of Kabul, in the middle of the Seventh Century A.D., Swat was annexed in about the year A.D. 745. The Hindu Shahi (also spelled "Hindu Sahi") dynasty established its rule after the downfall of the Turki Shahis. Information about Swat during the Hindu Shahi reign is also scanty. Nevertheless, "the Bari Kot inscription of the reign of Jayapaladeva, found on a hill to the north of Bari Kot"⁷, hints at Swat being a part of the Hindu Shahi, or at least under their over-lordship at the time. However, the question whether Swat remained an integral part of the Hindu Shahi kingdom or not is not easy to answer.

When Hindu Shahi rule was swept away by the Muslims under Mahmud of Ghazna, Swat was not spared. The Muslims attacked Swat (ca. A.D. 1001-1002), it seems, after the defeat of Raja Jaipal and besieged the castle of the reigning Raja near Udigram and occupied the area. After the occupation of the valley by the Muslims, people from different Afghan tribes settled in Swat. They came to be known as Swati Pukhtuns, establishing a rule that lasted for centuries. They remained independent and out of the sphere of influence of the neighbouring Muslim rulers of Afghanistan and India.

The Sixteenth Century proved a turning point in the history of Swat, as the Yusufzai Afghans occupied the land. At that time Swat was in possession of the Swati Pukhtuns

⁷ Yogendra Mishra, *The Hindu Sahis of Afghanistan and the Punjab, A.D. 865–1026* (Patna: Sm. Sushila Devi, 1972), p. 89.

and Sultan Uwais was its chief ruler. Although the Yusufzais did not make their advance to-wards the mountainous area of the Swat Kohistan, they continued to make inroads in the other bordering areas. They also extended their occupation to the territories of Ghwarband, Puran, Chakisar and Kanra.

While the Yusufzais gained a footing in Swat, Babur made himself master of Kabul. With the intention of attacking the Yusufzais, Babur marched towards Swat and dismounted between the waters of Panjkora and the united waters of Jandol and Bajawar. However, he refrained from advancing into Swat. Instead of arms he employed diplomacy and other tactics and left for Ashnagar (Hashtnagar) from Bajawar. The Yusufzais of Swat retained their independent position during Babur's, Kamran's and Humayun's reigns. Swat re-mained un-penetrated by the Mughals until Akbar's time. In December 1585 Akbar sent an army under the command of Zain Khan Koka into Bajawar and Swat. The Mughal forces faced stiff resistance. Reinforcements were sent but the combined Mughal forces met disaster due to the loss of some 8000 soldiers including Birbal, Akbar's favorite. Although Akbar's forces made another bid under the command of Zain Khan and fought in Bajawar and Swat from 1587 to 1592, this campaign was "without any real or lasting success."⁸ Jahangir and Shah Jahan did not make a bid for Swat. In Aurangzeb's reign the Mughal Commander-in-Chief entered the Swat Valley in retaliation but returned in haste. The Swatis, therefore, retained their freedom throughout the Mughal period and also during the reigns of the Durrans and the Sikhs.

With the annexation of Punjab and occupation of Peshawar by the English in 1849, a new phase in the history of Swat began. Swat remained independent and a centre of anti-British sentiment and activities. Moreover, anxious for their independence, the Swati chiefs be-came alarmed over British power at their doorstep. They held jargas and installed Sayyad Akbar Shah as the king of Swat.

The Swatis had no significant collision with the British until the Ambela campaign in 1863 when the British forces made their advance through the Ambela Pass, in October 1863, to crush the followers of Sayyad Ahmad Shaheed Brailwi, in their colony at Malka. Their advance was blocked and the tribes of Buner and Swat rose en masse. The Imperial Power failed but its diplomacy worked and a truce was concluded. In 1895, political developments once more resulted in a collision and stiff fighting between the Swatis and British forces. The tribesmen, most of whom were unarmed, continued to resist the well-equipped and well-organised masses of British troops with great gallantry. The British, however, succeeded in making the advance and "for the first time since the days of Zain Khan, leader of Akbar's armies, a host from the south entered the green belt of the Swat Valley."⁹ They established garrisons at Malakand

⁸ Olaf Caroe, *The Pathans*, 550 B.C.–A.D. 1957, reprint (Karachi: Oxford University Press, 1976), p. 218.

⁹ *Ibid.*, p. 385.

and Chakdara. The Political Agency of Dir and Swat was also instituted, with its headquarters at Malakand.¹⁰

Upon the flight of Umara Khan of Jandol, the British Indian Government reinstalled Sharif Khan (who assisted and sided with the English Government in the grave situation) as the Khan of Dir. The territories previously occupied by Umara Khan were bestowed upon him and he was raised officially to the status of the Nawab of Dir in 1897. Although the British Indian Government was satisfied with the new arrangements, it was not easy to win the hearts of the people, who considered the presence of the colonial Indian authority as a common danger. Emotions ran high and within barely two years a formidable revolt against the British took place. Heavy fighting continued at Malakand and Chakdara from 26th July 1897 virtually without pause until Malakand was relieved on the 1st of August and Chakdara on the 2nd. During the post-Malakand War years, we come across no significant armed struggle against the British Indian Government in Swat. In 1915 another bid was made, after the formation of Swat State, but without success.

It is to be noted that the areas outside Swat Valley and the parts of Swat State formed later also remained politically independent of the imperial powers prior to their occupation by Swat State.

2.3 Genesis of Swat State¹¹

Swat never came under foreign rule or imperial power, at least after its occupation by the Yusufzais, in the first quarter of the Sixteenth Century, but the Yusufzais themselves failed to establish a state and a government. They lived largely in traditional tribal fashion. However, the British occupation of Peshawar and the plain areas up to the border of Swat, with the annexation of the Punjab in 1849, alarmed the Swatis. They made common cause and installed Sayyad Akbar Shah of Sithana as their King, who ruled Swat until 11 May 1857. With his death Swat was deprived of a ruler.

¹⁰ It is to be noted that at the time of its formation the Agency was known as the Agency of Dir and Swat. Later Chitral was also added to this Agency and hence it became known as the Agency of Dir, Swat and Chitral. There was only one Political Agent for the Agency of Dir, Swat, and Chitral. He was an agent and representative first of the Central Government because at the time of creation of the Agency it was not under the Provincial Government of Punjab but directly under the Central Government. After the formation of the NWFP it was placed under the Provincial Government. The Political Agent was posted at Malakand. It was through him that correspondence, on the whole, took place between the colonial and later Pakistani authorities and the States/tribes in these areas. He was, moreover, in charge of the administration for those areas of the Agency under the direct but loose control of the colonial government and later Pakistan, then known as the Protected Area of the Agency and subsequently as the Malakand Agency.

¹¹ For details and full references about this section, see Sultan-i-Rome, "Swat State Under the Walis (1917–69)", chapters 2–4.

His son Mubarak Shah made a bid for the seat but did not succeed due to the role played by Akhund Abdul Ghafur, alias Saidu Baba,¹² who was the most reverend spiritual figure in Swat at the time. Having no chance of assuming temporal power personally, the Akhund tried twice, in 1871 and 1875, to get his eldest son, Miangul Abdul Hanan, recognised as a ruler but in vain. Miangul Abdul Hanan was ambitious but he failed to become the legitimate ruler of Swat after the death of his father. He and his brother Miangul Abdul Khaliq died in 1889 and 1892 respectively, leaving behind two sons each.

In the post-1877 period, Swat Valley remained a centre of intrigue and factional feuds mainly because of the ambitions of the Khan of Dir, Miangul Abdul Hanan, Sher Dil Khan of Alladand and Umara Khan of Jandol. In 1879 the Khan of Dir occupied territory located on the right bank of the Swat River, and by the end of 1881 the entire right bank of the Swat Valley virtually came under his rule. His further expansion in Swat came to a halt owing to his difficulties with his own son and the Khan of Jandol. Fortune favoured different claimants and contenders at different times. With the fall of Umara Khan of Jandol in 1895, the British restored Sharif Khan as the Khan of Dir, elevated him to the status of Nawab, and recognised his authority over the territory on the right bank of the Swat River.

In 1897 the Mianguls, the four grandsons of the Akhund of Swat, also entered the power game. Each one embarked on a policy of consolidating his personal power and position, which led to machinations within the family and brought about the murder of both the sons of Abdul Hanan, namely Abdur Razaq and Abdul Wahid, at the hands of their cousin Miangul Abdul Wadud, in 1903 and 1907 respectively. Abdul Wadud continued the policy of consolidating his position against his brother, Miangul Shirin Jan. He also did his best, from early on in his life, to establish and maintain friendly and cordial relations with the British, and rendered valuable services to them.

The Nawab of Dir, being a protégé of the British, was secure in position and authority, but at the same time he had constant trouble with the right-bank Swatis, and his authority over Swati territories was neither absolute nor unchallenged. Exactions made by the Nawab's collectors and his own tyranny and oppression caused much discontent against him, which ultimately led to the cessation of *ushar* and a severing of allegiance to him in 1907. On the understanding that the British Government would not interfere, the Nawab boldly invaded the lost Upper Swat territories and reoccupied them in 1910-11.

The Nawab of Dir's rule, however, was very unpopular and the right-bank Upper Swatis made attempts to nominate a ruler and establish a State of their own but to no avail. In 1915, the people of Nikpi Khel, Sebuji and Shamizai (Shamizi), however, made common cause on their own under the Sandakai Baba against the Nawab's occupation. The Nawab's forces were defeated in various encounters and his authority over Nikpi Khel, Sebuji and Shamizai came to an end.

¹² For details about the Akhund of Swat, see Sultan-i-Rome, "Abdul Ghaffur (Akhund), Saidu Baba of Swat: Life, Career and Role", *Journal of the Pakistan Historical Society* (Karachi), Vol. 40 (July 1992, Part III), pp. 299-308.

To foil further bids made by the Nawab of Dir for the lost territories and to establish a centralised organisation and State of their own, the said clans carried out a *jarga*, installing Abdul Jabbar Shah as the King of Swat. He formed a government, evolved rudimentary administrative machinery, and conducted affairs relatively smoothly. Miangul Abdul Wadud saw that his apprehensions about not being able to rule were unfounded and realised that he could conveniently rule the area in the same way as Abdul Jabbar Shah. He therefore initiated machinations against Abdul Jabbar Shah. Other developments inside Swat also went against Abdul Jabbar Shah.

As a prospective candidate for rule in Swat, Abdul Wadud won over some of the influential political leaders and the Sandakai Baba. The Chief Commissioner of the North-West Frontier Province also gave his secret consent to this strategy. Finally, the Sandakai Baba and the *jarga* broke relations with Abdul Jabbar Shah and asked him, in September 1917, to relinquish power and leave Swat. With the departure of Abdul Jabbar Shah, a *jarga* of the clans assembled at Kabal in Nikpi Khel and a turban was wrapped round the head of Abdul Wadud as the new *Bacha* (King) of Swat State.

2.4 Expansion of the State¹³

Owing to a number of factors, Abdul Jabbar Shah, the First King of Swat State, did not succeed in consolidating and expanding the State. To consolidate his power and position it was incumbent upon Abdul Wadud and inevitable for him to extend his dominion. More-over, he was an ambitious man with a restless temper and great energy and potential. He was helped by the political situation in the territories adjoining Swat State and by the neighbouring states as well.

Miangul Abdul Wadud was installed and recognised as King only by the Nikpi Khel, Sebu-jni, Shamizai, Babuzai and Maturizai sections of Upper Swat in September 1917. However, he had to turn his attention first of all to the Shamozaï tract and at last took possession of it. This success was followed by the annexation of the Aba Khel and Musa Khel tracts to the State by the concerned *jargas* which Swat State extended to the whole of Upper Swat, save the Azi Khel and Jinki Khel. After consolidating his position in Shamozaï, Miangul Abdul Wadud made a bid for the Adinzai and at last occupied it. After this the *jargas* of Azi Khel and Jinki Khel ceded their respective areas to the State before the end of 1920. With the occupation of Shamozaï, Adinzai, and the accession of Azi Khel and Jinki Khel, the boundaries of Swat State extended to the entire Upper Swat Valley, up to the boundary of Adinzai on the right bank of the Swat River. However, the territories beyond Shamozaï were handed over to the Nawab of Dir, on the intervention of the British, under the so-called Adinzai Agreement of 1922.

The Kohistanis of Chail Valley submitted to Swat State in March 1921. The Commander-in-Chief of Swat State occupied Bahrain in 1922, at a strategic place in Kohistan, and in November 1922 a Swati *lashkar* advanced as far as Peshmal without

¹³ For details and full references on this section, see *ibid.*, chapter 5.

opposition and constructed a post at Chaudgram (now Balakot) in Swat Kohistan. The people of Kalam, however, declined to have any dealings with the Swati ruler.

In April 1923 Buner was successfully invaded by Swati forces in consort with the supporting *dala* of Buner. Meanwhile, the representatives of Makhuzai called on the Swati ruler to request the inclusion of their area in Swat State, whereupon the Makhuzai territory was occupied. Abdul Wadud next turned his attention to Kanra, Ghwarband and Chakisar. He at last got possession of these areas in 1923. In December 1923, a *lashkar* was sent to re-capture Martung from the Basi Khel and Nasrat Khel tribes (Chagharzai). The *lashkar* recaptured Martung and also overran all the country up to the banks of the Indus. In 1930 Swati forces overran the remaining independent small corner of Chagharzai country on the right bank of the Indus and also occupied a portion of the Hansanzai country in defiance of an agreement with the Government of India. The Government of India became alarmed at the Swati forces' activities across the Indus and the Political Agent at Malakand told the *Wazir* of Swat State that "the Government *does not want* to create another Afghanistan on our northern border. You *must* retire, and not cross the Indus."¹⁴ Abdul Wadud "was clearly warned" by the colonial authorities that, "if he tried to cross the Indus, he would find himself opposed by [the colonial] Government."¹⁵ Thus, the Indus River was set as the extreme limit of the Swat State in that direction.

In August 1924 Swati forces advanced into Khudu Khel, Gadun and Amazai and brought these areas under the rule of the Swat State. But the agreement the Swat State's ruler entered into with the Government of India in 1926 stopped further expansion of Swat State in those directions. The occupation of Kanra put the Swati ruler in opposition to the Kohistanis of the Indus Kohistan. In May 1925 he attacked and occupied the base of the Kohistanis in Kormang Valley. In the summer of 1926 the Kohistanis again made trouble and Abdul Wadud dispatched his forces, which occupied Besham and Lahor after heavy fighting. Further expansion was carried out cautiously, employing diplomatic means, and at last Duber, Ranuliya and Bankot were also occupied. Pattan was finally occupied, although with difficulty. Its subjugation led to a voluntary merger with other areas. Seu was the first to join the State and was closely followed by Kandiyia, which was occupied in 1939. Thus, the right bank country of the Indus River became part and parcel of Swat State. The people of Alai (Alayi) and Tangir also applied for annexation to Swat State, but the British Indian Government refused to allow this.

As far as the Gawri tract of Kalam, Ushu and Utror areas, commonly referred to in the official writings as Kalam, are concerned, the attempts of the Swati ruler to incorporate these areas in Swat State did not succeed until 1947 due to the interference of the British Indian Government. However, on the night of 14-15 August 1947, when British rule

¹⁴ Fredrik Barth, *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, reprint (Bangkok: White Orchid Press, 1995), p. 50.

¹⁵ W. R. Hay, (PA, DSC), "History of the Descendants of the Akhund of Swat and of the Formation and Development of Swat State" (Unpublished: [1933]), Personal Collection of the Author, p. 7.

came to an end, the Swati forces were sent in and Kalam was occupied, which resulted in further expansion of Swat State. In Miangul Jahanzeb's words:

By 1947, Swat State had completed its expansion in all directions as far as possible: down the valley to the Malakand Agency, in the west up to the borders of Dir, in the south down to the borders of the administered area of Mardan District, in the east to the banks of the Indus river, and in the north up to the borders of Chitral State and Gilgit Agency. These were the limits set by the Government of British India, whether consisting of areas they administered, States they recognized, or unadministered, chaotic areas which they merely chose to declare out of bounds.¹⁶

2.5 Brief history up to the merging of the State¹⁷

On becoming ruler of the State, Miangul Abdul Wadud was in a comparatively sounder position than Abdul Jabbar Shah. However, the task that fell to him was not easy. He not only had to cope with a number of rivals, both internal and external, but also to establish a well-organised government, to enforce state authority, and to ensure the peace, order and progress of the State. Nevertheless, with his rule the real consolidation of Swat State began

He succeeded in removing his brother – a potential rival and an obstacle in the consolidation both of his own rule and the state – from the scene in 1918. Sandakai Baba, who had the leading role in the formation of Swat State and in deposing Abdul Jabbar Shah and installing Abdul Wadud as the ruler, and who also gained great ascendancy over the people, was forced to flee in April 1925. He also chased out all other religious figures who had political influence over the people and could become a threat to his power.

Abdul Wadud emerged successfully from the critical situation created by the alliance of the rulers of Amb and Dir states and by powerful internal rival traditional leadership. By further strengthening and securing his position, he removed the apprehensions of the British about whether he would maintain himself and the State, and ensured recognition of his rule by the British in 1926, which somewhat confirmed his position and gave him the opportunity to take further steps to consolidate it. By 1930, he succeeded in eliminating powerful elements whose ambitions were suspect, either removing them from the scene or compelling them to leave the State. Others had already been made non-entities by patronizing and supporting their rivals or they were brought to terms.

Abdul Wadud formally proclaimed his eldest son Miangul Jahanzeb his heir apparent in May 1923 and consequently involved him in the government's affairs. It took ten

¹⁶ Barth, *The Last Wali of Swat*, pp. 102–103.

¹⁷ For details and full references about this section, see Sultan-i-Rome, "Swat State Under the Walis (1917–69)", chapters 4, 9.

years more until he succeeded in getting his son recognized as heir apparent by the British Government in May 1933. However, he became jealous of his son's influence, finally not only depriving him of his powers and relieving him of his responsibilities but also refusing to allow him to come to the State. Reconciliation, however, was at last effected between father and son with the help of the Governor of the Province, as a result of which the heir apparent was again entrusted with power. Miangul Jahanzeb attributes the action of his father against him to the machinations of the Wazir brothers, namely Hazrat Ali (the Wazir) and Ahmad Ali (the Commander-in-Chief), but in fact Miangul Abdul Wadud had his own fear and jealousy of the growing powers and influence of the heir apparent. The Wazir brothers made great contributions and played an important role in the consolidation of Ab-dul Wadud's power and expansion of the State, but they also had their own axes to grind. They remained involved in party politics and power, which finally resulted in their relin-quishing the offices and being expelled from Swat in 1943. Nevertheless, in the protracted power game between the ruler and the heir apparent, the son emerged successful. Consequently, Miangul Abdul Wadud abdicated in his favour on 12 December 1949.

During his rule (1917-1949) Miangul Abdul Wadud had initiated development projects such as the construction of roads, schools and hospitals. He ensured peace and order, provided a greater measure of justice, and evolved governmental structure and machinery.¹⁸ He took steps and initiated policies that aimed to bring drastic changes in the social organization of Swat State. However, he retained the feudal structure of the society in which the landowning class, on the whole, was held in high esteem, and in which the Khans, Malaks and the influential *Stanadars* – meaning the traditional leadership, both temporal and religious – were the dominant political force and the privileged group, because he was well aware of the intricacy of the social setup.

On taking charge of the affairs of the State as a ruler, Miangul Jahanzeb “started, in 1951, to break this feudal system.”¹⁹ Already aggrieved at the loss of a decisive role, status and position, and finding themselves in the clutches of an autocratic ruler under Miangul Abdul Wadud, a section of the feudal class resented Jahanzeb's attempt to completely do away with their dominance and to shatter the feudal structure at its roots. Hence an attempt was made to undo his rule and to bring a change in the policy and mode of ruling in Swat State. The scheme, though, did not succeed, but annoyed the young generation in this class.

Although benevolent, the State was completely autocratic. The ruler signed the Supplementary Instrument of Accession and also the Interim Constitution for the State, in

¹⁸ It is to be noted that there was no permanent administrative setup or structure in Swat State. However, the Wali at the centre as rulers and the Hakims and Tahsildars at the lower level were permanently established from the early days until the merging of the State. In-between were a variety of persons/officers such as the Wali Ahad (Heir Apparent), the Sipah Salar (Commander-in-Chief), the Wazirs (ministers), Mashers (advisors) and Secretaries, all of whom had their offices in the capital, Saidu Sharif.

In the administrative division of the State there was only the State headed by the Wali, then Hakimis (also known as termed districts) headed by Hakims, and Tahsils at the lower level headed by Tahsildars. There were no administrative units on the village level or below the Tahsils.

¹⁹ Barth, *The Last Wali of Swat*, p. 107.

1954, which also aimed to introduce reforms and consultative rule in the State, but practically no concrete change came about until the merging of the State. However, the benevolent and liberal policy of the Wali in providing equal schooling opportunities to all sections of the population did create a new generation of educated people in the unprivileged class. These people expected a share in State services, but the Wali could not afford this for fear of the privileged class. Hence, common cause was made between the two classes regarding civil and political rights and a change from autocracy to democracy. A number of other issues and factors also had an effect. These finally culminated in the announcement of the merger of the Swat State on 28 July 1969 and its formal merger with the State of Pakistan on 15 August 1969.

3 Land Ownership in the Pre- and Swat State Periods

The Sixteenth Century proved to be a turning point in the history of Swat and the adjoining areas – not only from a political standpoint but also from the perspective of land ownership and tenure – as the Yusufzai Afghans occupied the land.

Land not only remained the basis of subsistence and prosperity in the agrarian and tribal society of Swat and the adjoining areas but “the main source of economic and political power”²⁰ and “the vehicle of a political identity and involvement.”²¹ The issues of forestry and related complexities in Swat and adjoining areas originated in land ownership. Consequently, dealing with the issue of land ownership in historical perspective is also pivotal in the context of this study.

When the Yusufzais and Mandanr migrated from the neighbourhood of Kabul in the last quarter of the Fifteenth Century AD and gradually occupied the territories in the present-day North-West Frontier Province of Pakistan, including Swat, in the Sixteenth Century, they became masters of the land they occupied as conquerors, although internecine warfare broke out between them over the distribution of the occupied areas.

the cession of Chamla, Khado Khel [Khudu Khel] and certain other districts up to the Kabul River to the Mandanrs brought about peace. [And] the Yusufzais extended their domin-ion over Puran, Chakisar, Kanra, Ghorband [Ghwarband] . . . and other dependencies of Swat [State].²²

3.1 The traditional wesh system

The conquered territories were distributed among various sections of the Yusufzai tribe by their saintly leader Shaikh Mali, but the allotment was not permanent because the land varied in composition, location, fertility, availability of water, accessibility, etc. To ensure that all the stakeholders shared land benefits and losses equally, a system of land tenure known as wesh was adopted. Wesh means “distribution,” but in this context the proper term is “allotment.”

²⁰ Fredrik Barth, *Political Leadership among Swat Pathans* (London: The Athlone Press, 1959), p. 24.

²¹ Michael E. Meeker, “The Twilight of a South Asian Heroic Age: A Rereading of Barth’s Study of Swat,” *Man*, Vol. 15 (London, December 1980), p. 692.

²² Officer on Special Duty, Settlement Swat, to Secretary, Board of Revenue, NWFP, 29th December 1986, “First Settlement Report, District Swat, 31st December 1986,” District/Sadar Qanungu Office, at Gulkada, Swat.

Under this system the land allotted to the main branches of the tribes was re-allotted every ten, seven or five years²³ among the sub-branches of the main branches of the tribe, by drawing lots known as khasanray. For every re-allotment, all stakeholders with a share in the land subject to re-allotment moved and settled in the villages designated for them for their next tenure, in order to allocate the houses and land in those villages among them-selves according to their individual shares. The land within the villages was also classified into different categories, with each category divided among all stakeholders so that benefits and losses would be shared. This wesh system was called Garzinda Wesh (moving distribution/allotment, i.e. non-permanent).

It is believed that Shaikh Mali kept records of his arrangements and the shares of the different lineages in his famous book *Daftar-e-Shaikh Mali*. No copy of his *Daftar*, however, has survived. Khushal Khan Khattak too made a reference to the *Daftar* in Seventeenth Century in a verse:²⁴

دوہ کاره دی په سوات کینے که خفی دی که جلی
مخزن د درویزه دے یا دفتر د شیخ ملی

The meaning of this verse is: Two works are reputed in Swat both in private and public, they are the *Makhzan* of (Akhund) Darwizah and the *Daftar* of Shaikh Mali

The verse, however, was also written as:

‘Pa Swat ki di da dwa Kufra Jalli
Eo Magzan [sic] da Darwaza [sic]—de
Bal daftar da Sheikh Mali.’²⁵

This means: There are two visible infidelities in Swat, one is the *Makhzan* of Darwiza and another one is the *Daftar* of Shaikh Mali (author’s translation).

It should be noted that the Qandahari (Resident of Qandahar) – who was sent by Major Raverty in A.D. 1858 to Swat to search for a copy of *Daftar-e-Shaikh Mali* – did not succeed in finding a copy, although he toured the entire Swat Valley.²⁶

²³ Muhammad Asif Khan, *Tarikh Riyasat-e-Swat wa Sawanih Hayat Bani Riyasat-e-Swat Hazrat Miangul Gul Shahzada Abdul Wadud Khan Bacha Sahib with Dibacha, Hisa Awal and Hisa Swam* by Muhammad Asif Khan (Pashto) (Printed by Ferozsons Ltd., Peshawar [1958]), p. 312.

²⁴ Khushal Khan Khattak, *Kulyat-e-Khushal Khan Khattak*, Vol. 2, *Qasaid, Rubaiyat, Qitaat au Mutafaraqat* (Peshawar: Azeem Publishing House, n.d.), p. 349; idem, *Kulyat-e-Khushal Khan Khattak, sara da Muqaddamey au Hashyey da Dost Muhammad Khan Kamil* (Peshawar: Idara Ishaat-e-Sarhad, 1960), p. 925.

²⁵ *Confidential, Gazetteer of the North-West Frontier: From Bajaur and the Indus Kohistan on the North to the Mari Hills on the South*, Vol. 4, compiled for Political and Military Reference in the Intelligence Branch of the Quarter Master General’s Department in India, completed and edited by A. L’e. Holmes (Simla: Printed at the Government Central Branch Press, 1887), p. 1860.

The meaning of the verse given in the said Gazetteer is: “the Kafirs of Swat hold two things in respect—one the mandate of Akhund Darwaza [sic.], and the other distribution of lands as ordained by Sheikh Mali,” *ibid.*, which is somewhat erroneous.

²⁶ See H. G. Raverty, “An account of Upper and Lower Suwat, and the Kohistan, to the Source of the Suwat River; with an Account of the Tribes Inhabiting those Valleys,” *Journal of the Asiatic Society*, Vol. 31 (Calcutta, 1862), pp. 227–81.

Serai lands were allotted to the holy families and persons, i.e. Sayyads, Mians, Mulas and Sahibzadas, in the allotment of Shaikh Mali. The tribes later frequently allotted such lands at the times of the new *wesh*. The owners of *serai* lands were generally called *Stanadar*. *Serai* were also allocated to the mosques and in some cases to the *Imam* (prayer leader) of the mosque as well, which remained in his possession as long as he remained the *Imam*.

Nevertheless, most of the Khans and Malaks also held *serai* lands, which were excluded from the *wesh* by different names, e.g. *Da Khanai Serai* (*Serai* of Khanship), *Da Daday Serai* (*Serai* for serving guests with maize cobs), *Da Melma Serai* (*Serai* for serving guests), *Da Telu Serai* (*Serai* for oil for burning in the *hujra*). Although in principle the seat of Khanship and Malakship depended on the will of the people of the tribe, for practical purposes the seat became more or less hereditary. The families of the Khans and Malaks hence appropriated to themselves the above-mentioned *serai* lands as their personal property. Since these *serai* lands were by their very nature exempted from periodic *wesh*, the Khans and Malaks also enjoyed these huge pieces of land in addition to their *dawtar* shares permanently.

The *serai* lands were *mundai* but there were exceptions whereby the *serai* lands had the status of *dawtar*. Examples include the *serai* lands held by the Akhund Khel²⁷ Miangan in the Marghuzar Valley, in the territory between the Jinki Khel and Swat Kohistan limits, and in Indus Kohistan. These areas were also subject to re-allotment among the concerned families according to the *dawtar* pattern. They also held their share and proprietary rights in the hills and the forests thereupon, attached to their *serai-dawtar*. The Sayyads of Sar-Sardaray (who are generally referred to as Miangan) and the Jambil Valley also held hills besides other *serai* lands.

It should be noted that in traditional society *riwaj* (customary law) was the rule of the day in respect to land ownership in Swat proper, Buner, Shangla and Khudu Khel, according to which only males could own and hold land and other immobile property and females had no right to own, hold or inherit land or other immobile property. The land and immobile property passed only to the patrilineal male heirs or the near agnates when there was no son. The Islamic right of women to own or inherit land was not recognized.

During the Swat State era the traditional practice, namely *riwaj*, also remained the law of inheritance, according to which females were not entitled to inherit.²⁸ Miangul Jahanzeb (commonly known and referred to in Swat as Wali Sahib) himself stated during the proceedings of the Dir-Swat Land Disputes Enquiry Commission that he had not been able to enforce inheritance by *Shariat* generally. Miangul Abdul Wadud (Com-

²⁷ Descendants of Mian Karim Dad who was the son of Akhund Darwizah (both were famous religious figures in the Frontier in the Sixteenth and Seventeenth centuries) are known as Akhund Khel. A majority of them lived in the Marghuzar Valley, in the territory in-between the present limits of Swat Kohistan and Yusufzais-held Swati territory, and also in Indus Kohistan.

²⁸ *Supplementary Report of Dir-Swat Land Disputes Enquiry Commission*, Part II, (Swat), Vol. 3, (Peshawar: Govt. of the N.W.F.P., Home, Tribal Affairs and Local Government Department, n.d.), p. 2.

monly known and referred to in Swat as Bacha Sahib) also stated that women were not entitled to any share.²⁹

Moreover, immobile property was not freely disposable and it was necessary to obtain the approval of the concerned Khan or Malak before the sale of *dawtar* land to a non-Pukhtun – meaning those who were not regarded as Pukhtun in the social set-up – was considered valid. However, in case of purchase by a Pukhtun there was no such restriction.

3.2 Abolition of the traditional *wesh* system

Though adopted in good faith, the periodical *wesh* practice had considerable drawbacks. A. H. McMahon and A. D. G. Ramsay observe that:

However remarkable this system may be as an instance of tribal and communal discipline, and however pleasing it may be to a Pathan tribe, as affording a never-failing source of dis-pute, and consequent blood-letting, it is, as far as progress in civilization is concerned, one of the most pernicious systems of land tenure that could possibly be conceived. It is worth no man's while to do more than squeeze as much out of his land as he can during his tenure of it. Why should he strive to enrich the land, to plant a tree, or even preserve a standing tree or still less plant an orchard for some one else to enjoy? To build anything but a temporary shanty of mud and wattles as his dwelling place or do more than keep the outer walls of his house or village bullet-proof would be considered crass folly. One sees the evil results of the system everywhere: no orchards, no gardens, few, if any, trees except in the sacred precincts of a Ziarat; even the Masjids [mosques] are a mere roof of mud or thatch-ing, whichever comes cheaper, resting on three sides on a rough mud or stone wall, which also encloses the court-yard or *ghole* [*gholay*] on the fourth side. Lands that have been irrigated from the beginning, long before Pathan days by water channels from the rivers and streams, thus remain irrigated. All other lands depend on rain for their crops, although large tracts could be easily brought under irrigation with but little united labour. Why, however, should a community labour for the good of those coming after them? ³⁰

²⁹ Ibid., pp. 2–3.

³⁰ A. H. McMahon and A. D. G. Ramsay, *Report on the Tribes of the Malakand Political Agency (Exclusive of Chitral)*, revised by R. L. Kennion (Peshawar: Government Press, North-West Frontier Province, 1916) p. 19; idem, *Report on the Tribes of Dir, Swat and Bajour together with the Utman-Khel and Sam Ranizai*, reprint with an Introduction and ed. by R. O. Christensen (Peshawar: Saeed Book Bank, 1981), p. 46.

Khushal Khan Khattak, who visited Swat in the Seventeenth Century, also mentioned the drawbacks of the wesh system and its negative impacts. He despised the Yusufzais for the practice and says that they lost their property due to drawing lots year to year and invasion without the use of force.³¹

Besides, the people not only lived a sort of nomadic life but frequent conflicts took place when strong and powerful holders of more desirable land were not ready to give up what they possessed.³² Even during the Swat State era, fighting ensued between the two sections of the Babuzai, where the State capital itself was situated. Because the wesh “was fixed some eight months ago, but was objected to by the Aba Khel section on 8 February 1919, the Barat Khel section, with the assistance of a Nikpi Khel *lashkar*, seized the villages in question and evicted the Aba Khel.”³³ Miangul Abdul Wadud’s (Swat State’s ruler) alternate siding with each of the opposing factions alienated both to some extent.³⁴ Thus the system became a source of anxiety for Abdul Wadud himself as well.

Hence after consolidating his position somewhat, Abdul Wadud set out to abolish the wesh system, which he considered a barrier to progress and development³⁵. It appears that he did this also to rid himself of future trouble: “to further consolidate the support of loyalist Khans he [Abdul Wadud] implemented numerous ‘reforms’ such as the abolition of the custom of ‘wesh’, whereby his enemies were permanently deprived of their lands and his allies permanently obligated”³⁶. Akbar S. Ahmed had thus confessed that the motives behind the reforms were vested interests and that disfavour had been done and favours had been conferred in the Permanent Settlement – a commonly known fact that was largely denied by Abdul Wadud’s adherents in their interviews with the author. However, despite the favours and disfavours, all ‘his enemies’ were never ‘permanently deprived.’

The account attributed to Miangul Abdul Wadud states that:

The prevalent system was a curse. So long as it lasted it pricked in my side as a thorn; I was convinced that the time-worn system of temporary settlement of land was the cause of most evils, and that my mentally immature and ignorant people could not march ahead until they were rid of it.³⁷

³¹ See Khushal Khan Khattak, *Swat Namah of Khushal Khan Khattak*, Edited and translated into English by Shakeel Ahmad, with a Preface by Raj Wali Shah Khattak (Peshawar: Pashto Academy, n.d.), pp. 2–5; idem, *Swat Nama da Khushal Khan Khattak*, With “*Muqadimah, Tahqiq au Samun*” by Hamesh Khalil (Akora Khattak: Markazi Khushal Adabi wa Saqafati Jargah, 1976), pp. 48–50.

³² R. O. Christensen, “Introduction” to *Report on the Tribes of Dir, Swat and Bajour together with the Utman-Khel and Sam Ranizai*, by A. H. McMahon and A. D. G. Ramsay, p. 13.

³³ CNWFPD No. 7 for week ending 15th February 1919, DCOP, B.N. 5, S.N. 56.

³⁴ Ibid.

³⁵ Muhammad Asif Khan, *The Story of Swat as told by the Founder Miangul Abdul Wadud Badshah Sahib to Muhammad Asif Khan* with Preface, Introduction and Appendices by Muhammad Asif Khan, trans. With a Preface and trans. by Ashruf Altaf Husain (Printed by Ferozsons Ltd., Peshawar, 1963), p. 90.

³⁶ Akbar S. Ahmed, *Millennium and Charisma among Pathans: A Critical Essay in Social Anthropology* (London: Routledge and Kegan Paul, 1976), p. 117.

³⁷ Khan, *The Story of Swat*, p. 90.

It should be noted that the Pukhtu edition did not contain such a statement.³⁸ The account further states that “aware of my burdensome responsibilities, I wasted no time in directing my energies to the problem of the settlement of land. As soon as wars allowed me space to breathe, I chalked out a programme of introducing land reforms.”³⁹ In an account of the problems and difficulties it was stated that:

To accomplish the stupendous project I had undertaken, I had to undergo much hardship. After covering long distances in the day I held *jirgas*, delivered speeches explaining the system and its benefits, held out the hope of a bright and prosperous future, and then passed the night with others on the floor; worked day and night like a horse, listening to the complaints of the people and removing their causes; and touring the whole of the State on foot.⁴⁰

Abdul Wadud’s account attributes to him, alone, the cumbersome work and the arduous task of accomplishing the Permanent Settlement.⁴¹ However, it is a known fact that the Wazir brothers (Hazrat Ali: the Wazir; and Ahmad Ali: the Commander-in-Chief) did much in this respect, which was also endorsed in Miangul Jahanzeb’s account.⁴² The process of the Permanent Settlement took five long years to complete throughout the State. Miangul Abdul Wadud states that:

Altogether it took me five long years to complete the settlement work. Without exaggeration, it proved a more formidable and laborious affair than the military exploits, because it involved displeasure and vexation of others. Paying no heed to the obstacles in the way, I undertook to deliver my compatriots from the necessity of leading nomadic lives and put them on the road to progress and prosperity. I achieved success finally, and sincere efforts directed at ameliorating the lot of my people at last bore fruit.⁴³

Besides other things the Permanent Settlement became a source of peace, progress and beautiful buildings.⁴⁴

³⁸ See Khan, *Tarikh Riyasat-e-Swat*, pp. 312–14.

³⁹ Khan, *The Story of Swat*, p. 91.

⁴⁰ Ibid. Also see idem, *Tarikh Riyasat-e-Swat*, p. 313.

⁴¹ See Khan, *The Story of Swat*, pp. 89–92; idem, *Tarikh Riyasat-e-Swat*, pp. 313–14.

⁴² See Fredrik Barth, *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, p. 73.

⁴³ Khan, *The Story of Swat*, pp. 91–92; idem, *Tarikh Riyasat-e-Swat*, p. 313. For Miangul Jahanzeb’s version and some details about the traditional Wesh System and its work, etc. and the Permanent Settlement, see Barth, *The Last Wali of Swat*, pp. 24–25, 69–73.

⁴⁴ Taj Muhammad Khan Zebsar, *Uruj-e-Afghan* (Pashto, verse), Vol. 2 (Riyasat-e-Swat, [1361 A.H.]), p. 98.

3.3 When did permanent settlement take place?

Miangul Abdul Wadud's and Miangul Jahanzeb's accounts give different dates in respect to the Permanent Settlement. Jahanzeb refers to the years "about 1930-31"⁴⁵ and "from 1928 to 1932"⁴⁶; whereas in Abdul Wadud's account the dates 1925-1929 can be inferred.⁴⁷

Aurel Stein's statement, in March 1926, that he "was told that the Badshah [Miangul Abdul Wadud] was trying hard to wean his subjects from this custom [the frequent shifting under the Wesh system]"⁴⁸ also hints that the work of the Permanent Settlement was begun before 1926 but yet not completed. The Confidential North-West Frontier Provincial Diary (Political) states that:

The Miangul has summoned the leading elders of all the Upper Swat tribes to meet him at Nal for a general discussion and settlement of outstanding matters.

The Azi Khel elders were reported recently to have approached the Nawab of Dir secretly at Chakdarra with an assurance of loyalty to him. The Miangul has, however, since won over these elders by means of large rewards and *they have agreed to permanent settlement of tribal lands* [italics mine].⁴⁹

This statement too hints that the process was initiated in 1925 and so confirms the dates given in Abdul Wadud's account, i.e. 1925–1929. Georg Morgenstrie, while comparing Swat and Dir states, speaks of the prevalence of the *wesh* system, in April 1929, in Dir alone.⁵⁰ This also indicates that in Swat the process of Permanent Settlement had already been started; hence the last Wali erred in stating the years of the Permanent Settlement, as he also did in respect of many other things.

In light of the above discussion, the statements of Inam-ur-Rahim and Alain Viaro, in which they give the cause and dates of the Permanent Settlement, does not withstand scrutiny. In the discussion of the abolition of the *wesh* system they state that:

The residents of Adinzai, who routinely used to exchange their land with their sister clan of Shamizai (present Matta Tehsil) were not able to do so due to growing tension between the states of Dir and Swat. *Consequently* Bacha Saib froze down the circulatory *Wesh* system in *1920–1926* [italics mine](Barth 1985).⁵¹

⁴⁵ Barth, *The Last Wali of Swat*, p. 69.

⁴⁶ *Ibid.*, p. 73.

⁴⁷ See Khan, *The Story of Swat*, pp. 89–91; *idem*, *Tarikh Riyasat-e-Swat*, pp. 312–13.

⁴⁸ Aurel Stein, *On Alexander's Track to the Indus: Personal Narrative of Explorations on the North-West Frontier of India*, reprint (Karachi: Indus Publications, 1995), p. 52.

⁴⁹ CNWFPD No. 21 for week ending 30th May 1925, DCOP, B.N. 5, S.N. 62.

⁵⁰ See Georg Morgenstrie, *Report on a Linguistic Mission to North-Western India*, reprint (Karachi: Indus Publications, n. d.), pp. 26–27.

⁵¹ See: Inam-ur-Rahim, and Alain Viaro, *Swat: An Afghan Society in Pakistan, Urbanisation and Change in a Tribal Environment* (Karachi: City Press, 2002), p. 132.

They quoted “(Barth 1985)” but neither gives a page number nor lists “Barth 1985” in the bibliography. If the reference is to the 1985 edition of *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, that year was also not given in the bibliography, where only the year 1995 appears.

We have already presented and analysed the dates given in *The Last Wali of Swat*, which are different than those quoted by Inam-ur-Rahim and Viaro. As far as their reason for abolition of the *wesh* system is concerned, the causes and factors that induced Miangul Abdul Wadud to effect the Permanent Settlement have also been evaluated.

The Permanent Settlement was made, but the *wesh* system was not done away with altogether throughout the State. However, the houses and some lands near or adjoining the villages were permanently allotted for the sake of construction, planting orchards, gardening, and so forth. Permanent allotment totally within the villages took place afterwards in different localities at different times. In some sections the *wesh* system continued within the villages throughout the State era and the permanent allotment thus took place entirely in the post-merger time, mostly in the 1970s. However, in a few villages it came to an end in the 1990s.

3.4 Misconceptions about the *wesh* system and the Permanent Settlement

Some writers have misunderstood and thus erroneously presented the Permanent Settlement. They assert that Abdul Wadud annulled the *wesh* system, and the occupants of the land at the time, everywhere in Swat State, were recognised as owners of the land⁵²; and that he “declared the existing allotments to be final.”⁵³ The version of Sher Afzal Khan Barikoti about the re-allotment of the traditional *wesh* system and the Permanent Settlement made everyone a landowner and gave a share of land to each and every person by Abdul Wadud.⁵⁴ Things as described by these writers were neither practiced nor took place in Swat. Akbar S. Ahmed too claims that:

“Wesh” was frozen and therefore, by confirming the possession of land held at that moment in time, the State left the Khan in a vulnerable position as he could no longer claim land as his lineage right based on belonging to a segmentary Pu-

⁵² Nasrullah Khan Nasar, “*Riyasatayn*” in *Attock key us Paar* (Urdu), eds. Farigh Bukhari and Raza Hamdani (Facts of Publication has been torned), p. 516; Sayyad Bahadar Shah Zafar Kaka Khel, *Pukhtana da Tarikh pah Ranra Kay* (Pashto) (Peshawar: University Book Agency, n.d.), p. 1053; Fazl-e-Rabi Rahi, *Swat: Tarikh kay Aayenay mayn* (Urdu), 2nd edn. (Mingawara, Swat: Shoaib Sons Publishers, Booksellers, 1997), p. 54; idem, *Riyasat-e-Swat: Tarikh ka Aik Warq* (Urdu) (Mingawara, Swat: Shoaib Sons Publishers & Booksellers, 2000), p. 43.

⁵³ Talal Asad, “Market Model, Class Structure and Consent: A Reconsideration of Swat Political Organization,” *Man*, Vol. 7 (London, March 1972), p. 76.

⁵⁴ See Sher Afzal Khan Barikoti, *Taaruf-e-Swat* (Urdu) (Karachi: By the author, 75/4 League House, 1955), pp. 120–21.

khtun group . . . Freezing of rights in landed property struck at the roots of Yusufzai Pukhtun mystification regarding inherent rights to the land.⁵⁵

The facts, however, are different. At the time of the Permanent Settlement, “possession of land held at that moment in time” had never been confirmed if the statement means possession by the landowners in the villages that were in their respective possession at the moment. In fact, whether fair or unfair, lots were drawn and shifting took place to the new villages assigned under the new lots. And if the statement means that possession of those personal shares which the individuals held at the moment of the Settlement was confirmed, then it was the case previously as well. Moreover, with the Permanent Settlement, “rights in landed property” never froze the “inherent rights to the land.”

The inherent rights still persisted and were confirmed and further strengthened by the State. A unique⁵⁶ decree issued by the Last Wali of the State in the name of Hakim Babuzai in 1950 proclaims that it was the *Bacha Sahib's and my order* that the Gujars possess no personal *dawtar* or *serai* [land in Swat State]. With respect to their claim, they had to produce a court-written *Tamasuk* [legal valid deed of the transaction of the land] or twenty notable elder persons in order to prove the claim. Land held by the professionals such as *Ingars* (black smiths), *Duruzgars* (carpenters), *Nishanchi* (standard bearers), *Jalawan* (ferryman), etc. is the *dawtar* of the *Pukhtuns*.⁵⁷ Hence the status of land as “lineage rights based on belonging to a segmentary Pukhtun group” still persisted and was strengthened and protected by the State itself. However, the non-Pukhtuns or those who did not belong to a segmentary Pukhtun group could purchase land, but with the consent of the concerned Khan and Malak, a practice which was prevalent in the pre-State era as well.

Inam-ur-Rahim and Alain Viaro claim that:

After abolition of the circulatory Wesh system, each shareholder was now able to sell out his Dautar (cultivated land and share in communal land or shamilat) throughout the valley, but only to the landowner sections (Pukhtun, Sayyed and Miangan). This led to the evolution of big landlords, with the due support of the State.⁵⁸

We have already stated that prior to the Permanent Settlement each shareholder was free to sell his whole share or a part of it. Moreover, not only the “Pukhtun, Sayyed and Miangan” were entitled to purchase the land but also other sections of the society,

⁵⁵ Ahmed, *Millennium and Charisma among Pathans*, pp. 123–24.

⁵⁶ The decree is unique in the sense that herein the last Wali had stated that it is Bacha Sahib's (his father and predecessor on the seat) and my order. As far as we know, he had stated in each of his decrees that ‘It is my order that . . .’ or ‘My order is that . . .’ We did not come across in his decrees elsewhere any statement that it is Bacha Sahib's and my order.

⁵⁷ Decree of Hukamran Riyasat-e-Swat, 7th February 1950, Personal Collection of the Author; and District Record Room at Gulkada, Swat, B.N. nil, F.N. nil. Also *Riwaj Nama-e-Swat* (Urdu) Compiled by Ghulam Habib Khan, Superintendent, Deputy Commissioner Office, Swat (n.p., n.d.), p. 520.

It is to be noted that the Urdu translation of the decree given in the *Riwaj Nama-e-Swat* contains errors.

⁵⁸ Inam-ur-Rahim and Alain Viaro, *Swat: An Afghan Society in Pakistan*, p. 132.

however mostly with the consent or approval of the concerned Khan or Malak. To avoid detailed analysis, the following extracts from the aforementioned book by the authors themselves are sufficient to negate their aforesaid contention.

During the early days of the State the Paracha[s] purchased part of Dautar from Aka Maruf and Bamikhel, and they became the owners of 40 Brakha in the Dautar of Mingora village containing 20 Brakha of Aka Maruf and 20 Brakha in the Dautar of Bamikhel. After some time, the Bamikhel refused to admit the shares of Paracha[s] and redistributed the 20 brakha among them from the Dautar given to Paracha[s]. The Paracha[s] being weaker politically were not able to re-establish their claim. The Aka-Maruf however did not follow their brothers and admitted the claim.

. . . . Later on Paracha[s] and some of the high-ranking officials in the Bacha Saib cabinet also purchased landed estates from the Babozai section in the surrounding of Mingora. The Paracha[s] mostly purchased the shares in Dautar; while the State officials purchased particular land sites.⁵⁹

Sabt-e-Hasan misconceived the traditional wesh system in a different sense. He had deemed it the redistribution of land among all the members of the tribe equally and so had tried to justify holding the land as the common property of the masses, under the State, in Communism.⁶⁰ It should be mentioned that Sabt-e-Hasan speaks about the North-West Frontier Province, but this is generally believed and said to be Swat.

It is pertinent to dispel the notion that under the traditional wesh system the land was redistributed or re-allotted among all the members of the tribe/clan/family equally. Although in the traditional wesh system the dawtar was liable to frequent re-allotment, it had never been re-allotted equally among all the members of the tribe/clan/family either every ten years or whenever the duration of the tenure in the particular area was. In fact, every shareholder received only the share he possessed prior to the new wesh, i.e. re-allotment. Even the weak and poor shareholders sometimes were deprived of their shares in the new re-allotment. A person who lost his whole share, i.e. by selling, by coercion of some powerful person, or by any other means, received nothing afterwards; and if he lost a portion of it, he received afterwards only his remaining share.

Moreover, a person was entitled to the name Pukhtun as long as he had retained his dawtar. If he lost it somehow, he did not receive any share, whether equal or unequal, in the re-allotment. He might have moved and shifted with his clan/sub-clan/family to the new allotted place, but he/his offspring not only lost their identity as Pukhtun as well as membership in the tribe/clan/sub-clan/family after a generation or two, but their voice in the respective jargas as well.

⁵⁹ Ibid., p. 136.

⁶⁰ See Sabt-e-Hasan, *Musa sey Marx Tak* (Urdu), 8th Impression (Karachi: *Maktaba-e-Danyal*, 1986), p. 24. Also see Mian Manzurul Haque, *Around Khyber: A Brochure on the Physical, Economic, Agricultural, Industrial, Social and Cultural Aspects of the North-West Frontier Province, the Frontier States & the Tribal Areas* (n.p.: A Pie Publication, n. d.), p. 23; Aurel Stein, "From Swat to the Gorges of the Indus," *The Geographical Journal*, Vol. 100 (August 1942), p. 51.

It has already been stated that at the time of the Permanent Settlement neither the existing allotments were declared permanent nor was the land redistributed among all the inhabitants of the State. This statement in *The Story of Swat* that “last of all, charged with distribution of land equitably among individuals so that each received an equal share of both fertile and barren land”⁶¹ is also misleading and is not to be found in the Pukhtu version of the book.⁶² (*The Story of Swat* is full of such statements, which the Pukhtu version of Abdul Wadud’s account does not have).

It should be noted that all the dimensions and aspects mentioned apply to all other territories of Swat State – whether Swat proper, Buner, Shangla and Khudu Khel – save the territories of both Swat and Indus Kohistan, which are dealt with below.

3.5 Land ownership in Indus and Swat Kohistan

Land ownership in Indus Kohistan also resembled the system mentioned above in respect of Swat proper. Land had also been allotted to the holy families permanently (as serai lands) and the lands owned by the Kohistanis themselves. The lands owned by the Kohistanis were subject to the wesh system and liable to re-allotment among the concerned segmentary patrilineal block or, in other words, between the lineal groups. This system of re-allotment was also brought to an end by the ruler of Swat State in 1948 by effecting Permanent Settlement along the lines that existed in other parts of the State. In Indus Kohistan too, when a person lost all or some of his share in the dawtar, the same rule was in vogue at the time of the subsequent weshes as in the Yusufzai-dominated areas discussed above. Meaning that, even though he may belong to a Kohistani lineage, when a person lost his share in the land by selling or any other means, he received no share afterwards in the subsequent weshes, if he lost his entire share. And if he lost a portion of his share, he received only the remaining share.⁶³

Similarly, like the other territories that comprised Swat State, customary law (riwaj) was the law of the land in Indus Kohistan with respect to immovable property, under which only men held immovable property. Only the male heirs inherited the land and other immovable property. The Islamic rights of women to inherit and hold land and other movable property were not recognised. Moreover, immovable property (land, houses) was not freely disposable. There was also a requirement to seek approval of the village council (Jarga) before the sale of land to an outsider could become valid.⁶⁴

In Swat Kohistan too, land was classified in the same two categories, i.e. dawtar and serai. Both the dawtar and the serai lands had the same status as in Swat proper. However, there was no wesh system as in the Indus Kohistan and the Yusufzai-dominated areas of the Swat Valley, Buner, Shangla, etc. In Swat Kohistan the dawtar had been

⁶¹ Khan, *The Story of Swat*, p. 91.

⁶² See Khan, *Tarikh Riyasat-e-Swat*, p. 313.

⁶³ For somewhat detail see Fredrik Barth, *Indus and Swat Kohistan: An Ethnographic Survey* (Oslo: Forenede Trykkerier, 1956), pp. 24–34.

⁶⁴ *Ibid.*, p. 44.

permanently distributed and allotted in early times. Similarly, the bandajat, which is of two kinds, namely qalangi banda and ghair qalangi banda, also remained permanently distributed on the basis of qaum.

In the Gawri (as it is known locally although referred to by some writers as “Garwi”) tract of Swat Kohistan, although each plowed field was regarded as the private property of the concerned individual, the extent of his rights to alienate his land was obscure. The following first-hand information collected by Fredrik Barth illustrates the situation well. He states that:

Agricultural land is held individually; each plowed field is regarded as the private property of a particular (male) individual. The extent of his rights to alienate this land is obscure – some informants insisted that he has full freedom, but that it was a ‘shame’ for him to sell; others referred to the limitations imposed by the Shariat. These limitations are, however, not systematically imposed; but an implicit limitation is imposed by virtue of the local conception of rights to land: though the land is owned individually, a specific individual can only exercise his rights to land *qua* member of a recognized, locally resident section. Fields are thus private property, and can freely be transferred within the community (where rights by kinship, and by actual contiguity of property, defined by Shariat, are not recognized); but only recognized members of the community can hold land at all.⁶⁵

In the Torwali section of Swat Kohistan, agricultural land was held as individual property, as in the Gawri. Moreover, the owner was free to sell his land to the extent that he could sell it to any fellow villager and to any fellow Torwali from other villages. Although by rule he could not sell his land to strangers and total outsiders,⁶⁶ rare cases to the contrary can also be observed.

Like the Indus Kohistan, proper Swat Valley, Buner, and Shangla, etc., the rule that governed the ownership of land in Swat Kohistan was *riwaj*, according to which immovable property was owned and held only by the males. Hence only the sons, or the nearest patrilineal male relatives in case a person had no son, inherited the land. Females had no right to inherit or hold land or other immovable property.⁶⁷

A remarkable difference, however, in respect of land ownership in both Indus and Swat Kohistan, as compared to the non-Kohistan areas of Swat State, was that among the Kohistanis the bulk of the population was made up of landowner farmers, but in the other areas the landowners constituted a small category of families with unquestioned high status.⁶⁸

⁶⁵ Ibid., pp. 59–60.

⁶⁶ Ibid., p. 69.

⁶⁷ Also see *ibid.*, p. 75.

⁶⁸ Ibid., p. 41.

The point of note in respect of the discussion about land ownership and the *wesh* system is that the ownership of the forests is directly related to these aspects and hence to all the dimensions of the forests in the areas that comprised the former Swat State. In other words, forestry issues are directly related to and depend upon this aspect.⁶⁹

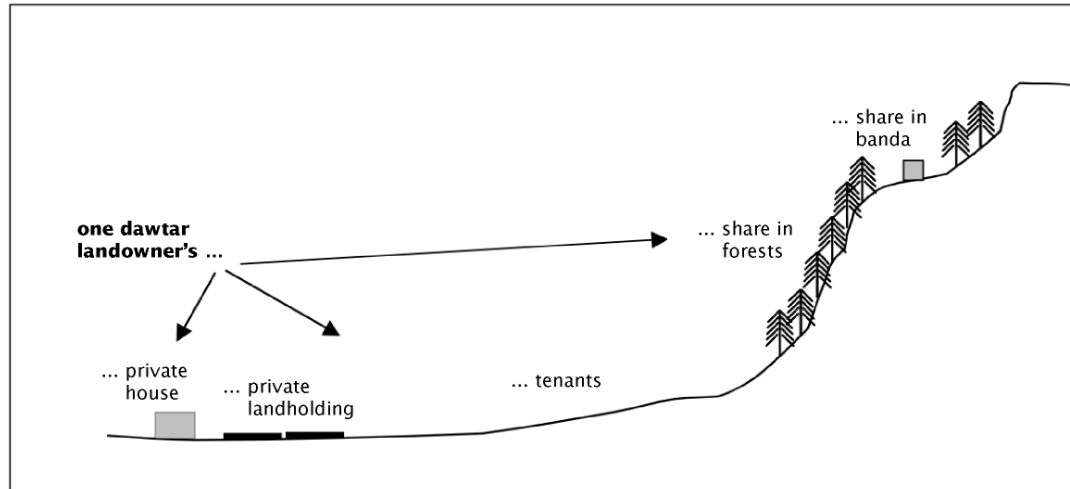


Figure 2: The principle of early land ownership in Swat.

Not every landowner necessarily had tenants because smallholders or minor shareholders cultivated all their land themselves. However, on the whole, this was the case.

Another aspect is that ownership of the forests, with respect to forests related to the *dawtar* lands, was established to the extent that they were owned, on the whole, by the *dawtar* landowners. But ownership of particular forests changed frequently among the particular sub-branches for the specific periods as a result of each *wesh*, because the respective lands became part of the lots of other sub-branches due to transfer or shifts to areas for the next tenure. An important effect of these frequent shifts and rotating changes of hand on the conservancy of the forests was that, as the particular forests were not permanently possessed by a particular sub-branch, the owners at the moment, or rotating owners, had no real concern for the protection or conservation of the forests. Moreover, they disregarded the would-be negative effects and consequences of unplanned exploitation and ruthless cutting and misuse.

Ownership, conservancy, and distribution of shares in the sale proceeds of the respective forests in the post-Permanent Settlement period are also related to certain issues that had links to or had been linked with the Permanent Settlement effected by Miangul

⁶⁹ In Swat proper almost all the villages have a share in the adjacent hills. Presuming that at the time of the occupation of the Valley by the Yusufzais and the adoption of the *wesh* system all the hills were forested, all the agricultural land had some forestland linked to it. However, when the lower or easily accessible hills were slowly and gradually deforested or denuded, the agricultural land to which these forests – or perhaps more accurately hills – was linked continued to consist of these hills and what they contained, e.g. grass, brush, trees. But they did not have a share of the existing forests linked with the agricultural land in other villages. Therefore, with the deforestation and denudation of the hills, the agricultural land to which these deforested hills was linked (and continues to be linked) possessed no forests. This arrangement continued during the Walis period, i.e. forests, *bandas* and alpine pastures were always linked to agricultural land (see Fig. 1).

Abdul Wadud. Accordingly, these are also dealt with. Moreover, thorough knowledge and understanding of land ownership and the system is a must for proper understanding of the issues related to forests, forest exploitation, management and conservancy.

4 Forest Use in the Pre– Swat State Period

The former Swat State areas always remained rich in natural resources. The area of Swat, on the whole, has remained thickly forested since early times, which is also evident in the statement of Hiuen Tsiang, who came here in AD 629, when he states that “the forests are thick and shady, the fruits and flowers abundant.”⁷⁰ Whereas according to (*Confidential*) *Central Asia*, published in AD 1873, “Swat is famous for its timber, rice, and honey, all of which are exported to Peshawar . . .”⁷¹

4.1 Ownership and privileges

The ownership of forests in non-Kohistan Swat State areas was traditionally claimed and exercised by concerned *dawtar* landowners after the occupation of the areas by the Yusufzais in the 16th Century AD, and in some cases also by the *serai* landowners, where they held hills or hillside lands, as in the examples in the previous chapter, or in the case of the Miangan of Lilaunrai and other areas in Shangla and Buner.

In Swat Kohistan Torwali area the forests were neither demarcated nor protected in any other way. Every villager had free access to the forests of the concerned village for the purpose of grazing cattle and flocks, for cutting timber for household purposes, for manufacturing agricultural implements, and for the provision of fuel and grass. However, the right to sell trees for export was vested in certain clans, e.g. Torwalis, Narer, Drey Khel. The Gujars and other smaller communities, or in other words those who had no share in the land, had no share in the ownership of the forests and also in the revenue accruing from the sale of trees.⁷² Nevertheless, every villager, as well as outsiders, could collect minor forest products such as mushrooms and medicinal herbs.

The same rules or *riwaj* were also applicable in other parts of Swat State in the traditional society, meaning that forests were neither demarcated nor protected in any other proper way. Similarly, every villager had free access to the forests in the concerned village or locality for the purpose of grazing cattle and flocks, for cutting timber for household purposes, for manufacturing agricultural implements, and for the provision of fuel and grass. Miangul Jahanzeb, the Last Wali of Swat State, also refers to this in a discussion of land tenure and the *wesh* system. He states that “the hill area was not allotted to *shareholders*, but was held jointly [by the shareholders]. So there was no

⁷⁰ Hiuen Tsiang, *Chinese Accounts of India: Translated from the Chinese of Hiuen Tsiang*, trans. by Samuel Beal, Vol. 2, new edn. (Calcutta: Susil Gupta (India) Limited, 1958), p. 166.

⁷¹ (*Confidential*) *Central Asia, Part I, A Contribution towards the Better Knowledge of the Topography, Ethnography, Statistics, & History of the North-West Frontier of British India*, compiled for Military and Political Reference by C. M. MacGregor, Vol. 3 (Calcutta: Office of the Superintendent of Government Printing, 1873), p. 151.

⁷² Khan Sahib Malik Allah Yar Khan, *Report on the Swat Valley Kohistan Forests* (Peshawar: North-West Frontier Province Government Printing and Stationary Office, 1926), p. 5.

value put on the forest – *every man could go and cut a tree in his own tribe's forest* [italics mine].⁷³ And as in the Swat Kohistan area, every villager, as well as outsiders, could collect minor forest products such as mushrooms and medicinal herbs.

The right to sell trees for export, however, was vested in certain clans, namely those who held the proprietary rights to the land in the concerned villages, area, or sub-tribe. So the Gujars and other communities and professionals, or in other words those who possessed no share in the *dawtar*, held no ownership or proprietary rights in the forests and hence did not share in the revenue accruing from the sale of trees. However, as previously mentioned, in some cases *serai* landowners also owned and held forests and hence had proprietary rights and a share in the revenue or sale proceeds accruing from the sale of those forests.

In *riwaj*, prior to the emergence of Swat State, all the community members were either right-holders or concession holders in the concerned forests. The forests, however, were the property and ownership of the concerned landowners, and were not communal property.⁷⁴ It is noteworthy that in *riwaj*, in the pre-Swat State era, the rights of the right-holders were not recorded and hence could not be found in written form. These, however, had been known to every person as an unwritten law, transmitted orally from parents to children. Moreover, there was no demarcation of the forests or of non-forested land.

The *bandajat* or *bandey* (bandas) were directly related to the forests and played a pivotal role in their conservancy and in determining ownership of the particular forests throughout the Swat State areas. Situated in the hills and the forests, the *bandajat* were known by the name of the season in which they were used or by the name of the local valley or locality in which these were situated. The *bandajat* too remained specified and divided on the basis of sub-tribes or sections or qaums. These were of two types: *qalangi banday* and *ghair qalangi banday*. The Last Wali of Swat State made statements about the traditional rule and use of the *bandajat*. Though he made statements mainly about Swat Valley, they also applied to other parts of the State. He stated that:

Then there were also settlements in those hills and forests, called Banda, inhabited by Gujars and other hill tenants. They did not work in fields allotted to particular landowners, as did the tenants in the valley floor, on the irrigated or unirrigated land there. They paid kalang [qalang], that is rent; it was collected by the Malik or Khan and divided among the landowners, in proportion to their shares. But the Malik had the right to fix the price of the kalang. Some did it honestly, and some took a little bribe from the Gujars, saying pay me this and I will give you a little bit of good land. In some parts, there were large populations of kalang-paying tenants under the Pakhtuns; other tribal sections had little such land.⁷⁵

73 Fredrik Barth, *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, p. 70.

74 Muhammad Shoaib, Ex-DFO, IA, Verbal, Makanbagh, Swat, 7th December 2003.

75 Barth, *The Last Wali of Swat*, p. 70.

4.2 Traditional use

Traditionally, the forest requirements of villages in the Kohistan areas were that Deodar wood, cut and used very lavishly, was used to build houses. Forests lying close to villages were gradually cleared up in some cases. Deodar poles were also used in roofing huts. The people did not like dry trees or fallen wood but usually attacked the green trees. In some instances planks were made out of green standing trees. Deodar wood was used freely as fuel instead of oak or other similar wood, because the oak supplied fodder for cattle in winter and was also hard to cut. The valuable Deodar wood was also consumed during winter in a bonfire in the *hujras*.⁷⁶ A friend of the author's father – namely Gidar, of Qalagay, Nikpi Khel area (present-day Tahsil Kabal) – used to take planks out of green standing trees while talking of his expertise at the work and personally seeing the trees still standing.

Although grass had no value for the Kohistanis, the Gujars took precaution in preserving it to meet the needs of large number of cattle, especially during the snow season. Hence they used to set fire to the forests to remove grass, which caused extensive damage to natural regeneration and also to forest growth. This was why it was later suggested that “the Gujars’ activities are, therefore, to be restricted to a larger extent, in order to ensure the preservation of the Deodar forests.”⁷⁷

The aforementioned also was the case, on the whole, in other areas that later on comprised Swat State, in respect of meeting the requirements of the villages that had proprietary or ownership rights in the respective forests. However, on the whole, instead of Deodar, other kinds of trees such as Kail and Chir etc. were used in these areas for the said purposes, because Deodar forests did not abound in those parts.

In the forests in other areas of the State, namely Indus Kohistan, Buner and Shangla, moreover, the bases of standing trees near inhabited areas in Kail and Chir were constantly scooped for extraction of torch-wood, which ultimately resulted in trees falling or being blown over by winds. There was no control over lopping and felling of broad-leaved species for fuel, with the exception of *Akhrut* (walnut). Even Kail and Chir were lopped where broad-leaved species were scarce. There were no checks on the lopping of trees for fodder, which resulted in lopping of almost all the new growth of the year; in some cases, even the old branches were not spared. The forests, particularly those of Chir, were subjected to frequent fires. Although also accidental, the fires were often caused deliberately to clear land for agriculture purposes or to allow grasses to regenerate. Sometimes the forests were set on fire purposely to spite adversaries.⁷⁸ This was also the case in the proper Swat Valleys areas of the State.⁷⁹

⁷⁶ Khan, *Report on the Swat Valley Kohistan Forests*, pp. 3–4.

⁷⁷ *Ibid.*, p. 4.

⁷⁸ See Faqir Muhammad Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 17.

⁷⁹ For details see M. A. Qadeer Khan, *Working Plan for the Forests of Swat and Swat Kohistan, Swat State (Malakand Agency), (1965-1980)*, pp. 22–24.

4.3 Past system of management

About the past system of management of the forests Malik Allah Yar Khan, Assistant Conservator of Forests, writes in his report, in 1925, that:

This is more important than the preceding part of this report and deserves careful consideration. The felling of Deodar for export was commenced about 60 to 70 years ago, and prior to that no timber appears to have been sent out of Kohistan. No records of past fellings exist and it cannot be stated with certainty what number of Deodar trees was actually felled and timber exported to plains. It appears certain however that, in the areas exploited, almost all the first class trees had been felled; the trees of younger classes were either killed by falling trees in heavy fellings or by rolling logs, or were removed for local requirements, such as fuel, etc., afterwards. There exists practically nothing in the worked areas near the streams. The methods adopted for working the forests by foreign or local men were altogether disgraceful, if not mischievous. Seven or eight traders appeared on the scene of felling, all on different terms of purchase, *but, with one definite object of clear-felling all the useful trees that had the misfortune of standing close to the river.* And they succeeded well in their objective *up to 1918 or 1919 when, thanks to the intervention of the Political Department, a halt was called to their activities.* The Mian Gul [Miangu Abdul Wadud, ruler of Swat State] and the Kohistan tribes cannot be sufficiently thankful to the authorities for this timely action. Otherwise, at least one more valuable forest, namely Chodgram [now Balakot], would have been swept clean [italics mine].⁸⁰

In addition to other things, this means that commercial fellings in the forests of Swat Kohistan started at least in about the 1850s. This assertion can be confirmed by the report of the Qandahari, resident of Qandahar, Afghanistan, who visited Swat in 1858, sent by Major Raverty to Swat to search out a copy of *Daftar-e-Shaikh Mal*, (as stated in Chapter 3). The report also referred to a large number of logs lying on the banks of the River Swat in the Swat Valley and their confiscation by the local people. The report of the Qandahari further reveals the obstacles to free trade and floating of timber from Swat through the Swat Valley, in the absence of other means of transport and lack of an authority that could provide protection and safe passage to the timber that were to be exported or taken out of Swat.

In his account of negating belief in the absolute authority and power of the Akhund of Swat (Abdul Ghafur alias Saidu Baba) in Swat, the Qandahari wrote an eyewitness account of the event, which was also related to taking out timber from Swat Kohistan through the River Swat. He states that:

The Suwati [Swati] Afghans are so tyrannical, so prejudiced, and so fanatical, that even the admonitions and the expostulations of the Akhund are unpalatable to them. Whatever they do not like, or whatever may be against the custom of their Afghan nature from time immemorial, they will neither listen, nor attend to.

⁸⁰ Khan, *Report on the Swat Valley Kohistan Forests*, pp. 10–11.

A circumstance which lately happened is a proof of this. *A trader of Peshawar, after great expense of time and money, had caused to be felled, in the hilly district above Suwat [i.e. Kohistan] about two hundred pine trees, which, in their rough state, were thrown into the river, for the purpose of being floated down to Peshawar.* When the Trader and his people, with their rafts, entered the Suwat boundary, *the Suwatis seized them,* and would not allow the rafts to proceed. The trader supposing the Akhund to have influence, went and complained to him. The Suwatis of Lower Suwat, through fear of their chiefs, with whom the Akhund had expostulated about the behaviour of their people, gave up all the trees they had not made use of themselves, and they were not many; but the people of Upper Suwat, that is to say, from Charbagh to Chur-raey [now Madyan], on both sides of the river, would not obey, and did not; *and the trees may still be seen, lying about in hundreds, on the river's banks* [italics mine].⁸¹

The important point to be noted in the above-mentioned statement of Allah Yar Khan is that neither the people cared for the protection and conservation of the forests, which they claimed as their property when the immediate monetary benefits were seen, nor did the traders, who tried to extract as much as they could, disregarding the would-be future benefits or losses. This ruthless cutting of forests continued when some notice was taken and the initiative to put a stop to or bring a halt to the nefarious works of the vested interest groups and timber Mafia was taken by the colonial authorities, though they had no direct rule or control over the area. Thus it was the intervention of the Political Department of the colonial administration that brought something of a halt to the activities of the timber traders from the down country and also to the indiscriminate felling of trees and clearing of forests. It also at last led to somewhat proper arrangements for the conservancy of the forests in Swat State tracts.

Malik Allah Yar Khan mentions 1918 or 1919 as the years when the colonial authorities took notice of the indiscriminate or ruthless exploitation of the forests and took steps to bring this to a halt and put a stop to such unwanted practices. We, however, came across references in this respect in records of the colonial administration and authorities and their endeavours, proposals and steps for bringing a halt to such practices at least by the end of the Nineteenth Century, after the institution of the Agency of Dir and Swat, to which Chitral was also added later on. For example, they had tried to minimize and control the activities of the Kaka Khel Mians, who were the main exploiters and responsible for the unplanned extraction rather destruction of the forests of the region, especially Swat and Dir forests. A. H. McMahan and A. D. G. Ramsay also state in this respect that:

The timber trade in Dir and Swat is very extensive. There are magnificent forests of deodar in both Dir and Swat Kohistan. These are floated by the summer floods down the Swat and Panjkora rivers into Abazai and Nowshera. . . . The whole of the trade was in former times in the hands of the Kaka Khels of Ziarat

⁸¹ H. G. Raverty, "An account of Upper and Lower Suwat, and the Kohistan, to the Source of the Suwat River, with an Account of the Tribes Inhabiting those Valleys", p. 243.

Kaka Sahib near Nowshera. Their religious status enabled them to move freely about these countries and to make favourable bargains with the superstitious hill men. Unfortunately they were not content with even large profits made under these conditions. They began to add to them by not complying with their obligations to the people and by endeavouring to obtain by political intrigue and influence timber without any payment at all.⁸²

The Kaka Khel Mians extracted timber from Swat for generations, which is evident from Rahim Shah Kaka Khel's statement itself. While pleading his case with the Chief Commissioner of the Province, Mian Rahim Shah Kaka Khel states that they made no written agreements in their timber transactions with tribes of Swat Kohistan and "in not in a single instance was a written agreement ever executed *since the time of wood transactions were commenced in Swat by our forefathers* [italics mine]."⁸³ It is also evident from the petitions of some other Kaka Khel Mians, which they made to the Chief Commissioner of the Province for permission to carry on the timber work, that the Kaka Khels did the timber transactions and extractions for generations.⁸⁴

It is worth noting the role of Mian Rahim Shah Kaka Khel, who served the colonialists meritoriously, among other instances at the time of the Chitral expedition in 1895, due to which they not only gained a footing in the area but formed the Agency of Dir and Swat with its headquarters at Malakand, for which he was awarded, among other things, the title of Khan Bahadar. He started his wood transaction in Swat in 1897-98 by advancing Rs. 180,000/- to the elders of the tribes in Swat Kohistan.⁸⁵ He did his best to cash in on the services he rendered to the colonial authorities rather than misuse them, and to extract as much as he could by fair and unfair ways and means elsewhere in forest operations both in Swat and Dir and in the timber trade. He remained involved in the ruthless cutting of the forests in a way that led to their destruction. It was due to such activities and his frequent appeals to the colonial authorities to solicit their assistance in his forest exploits that H. A. Deane, Chief Commissioner of the Province, wrote in 1903, that

I am very weary of the name of Rahim Shah. . . . I am not prepared to admit that Rahim Shah is in a position to thwart us. . . . I am giving the D. C. instruction *to have all wood coming down to be impounded*. . . . If action against him is necessary it must preferably be in removing him entirely from this part of the Frontier [italics mine].⁸⁶

⁸² A. H. McMahon and A. D. G. Ramsay, *Report on the Tribes of the Malakand Political Agency (Exclusive of Chitral)*, revised by R. L. Kennion, p. 23.

⁸³ Translation of a Petition of Mian Rahim Shah to CC, NWFP, [26th August 1903], *TARC*, S.N. 67/Swat, F.N., 8, Sub-Head 26, 1907. For the Persian text of the petition see *ibid*.

⁸⁴ See Persian text of a Petition of Mian Abdul Wahid, Abd-ur-Rahim and Aftab Gul Kaka Khels to CC, NWFP, 11th May 1907, and Persian text of a Petition of Mian Abdul Wahid, Abd-ur-Rahim and Aftab Gul Kaka Khels to CC, NWFP, 14th September 1907, *TARC*, S.N. 28/Dir, F.N. 8, Sub-Head 25, 1907.

⁸⁵ See Translation of a Petition of Mian Rahim Shah to CC, NWFP, [26th August 1903], *TARC*, S.N. 67/Swat, F.N., 8, Sub-Head 26, 1907.

⁸⁶ Copy, D.O., H. A. Deane to Godfrey, Nathiagali, 16th June 1903, *TARC*, S.N. 30/Dir, F.N. 28, 1903.

Not only did Mian Rahim Shah Kaka Khel misuse his relation with and services rendered to the colonialists in the destruction of forests of the area, but later his son Mian Musharaf Shah Kaka Khel also did the same. And when the colonial authorities tried to make terms with other contractors and give them permission for contracts in the forests in Swat Kohistan, he tried his best by all means to make the attempt fail. He even used the card of the ruler of Swat State who wrote to the colonial authorities that he had made terms and agreements with Mian Musharaf Shah, and that he was not ready to enter into agreement with others in defiance of agreement already entered into with Musharaf Shah. Mian Musharaf Shah not only used the card of his own services rendered for the colonialists and the medal, awards and certificates granted to him in recognition of his services, but also that of his father, Mian Rahim Shah. All this, however, proved to no avail.⁸⁷ His recklessness in his forest operations in Swat Kohistan can also be gauged by these remarks and the suggestion of the Political Agent of Dir, Swat and Chitral, that “the reports of his bad forestry are also such as should preclude further concessions being granted to him” and “that his past standard of work is such that it is anticipated that the forests would be harmed rather than benefited by the grant to him of a contract.”⁸⁸

While recording his reasons for objecting to the payment of a new duty of Rs. 0/3/-⁸⁹ per cubic foot on scantling, the ex-Swat General Manager of Spedding, Dinga Singh & Company, in his letter to the Chief Commissioner of the Province, in April 1930, also referred to the past destruction of the forests in Swat by the Kaka Khel Mians. In pleading his case he *inter alia* asserts that “all the lower areas of forests in Swat, as well as those adapted to log work, *have been denuded by the Kaka Khel scourge in the past* [italics mine],” and that “*what the Kaka Khel contractors have left in the devastated areas* [italics mine].”⁹⁰ Being representative of a rival firm, the assertions of the General Manager may perhaps be termed prejudiced, but keeping in view other evidence and recording it presents a true picture of the Kaka Khel’s exploitative activities and damage to the forests, not only in Swat but in the region.

The colonial authorities had no direct control over the forest areas, but they had to use their power and authority from outside in other ways. For example, Mian Rahim Shah Kaka Khel states in one of his petitions to the Chief Commissioner of the Province, in August 1907, that “in former years agreements were taken from me by all Pol. Agents, of the Dir, Swat and Chitral Agency to the effect that I should not start a new contract

⁸⁷ For details see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28; and S.N. 13/Swat, F.N. 33/2-FR.P, Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

⁸⁸ J. W. Thomson-Glover, PA, DSC, to the Secy to the CC, NWFP, 24th October 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

⁸⁹ Rupees/annas/paisas: Formerly, one rupee was comprised of 64 paisas and not 100 paisas as it is today. Moreover, one of the units of the rupee was called anna which was comprised of four paisas, and hence the rupee was comprised of 16 annas.

⁹⁰ General Manager, SDSC to CC, NWFP, No. Misc. 876/30, 4th April 1930, *TARC*, S.N. 64/Swat, File No. 11/17-FR.P. I.

for cutting trees without the permission of Pol. Agent”⁹¹; and that he had been unable to square his business “in Swat up to the present owing to the prohibitions imposed by [the colonial] Govt.”⁹² It was due to these steps of the colonial authorities that Mian Rahim Shah was not only forced to bring an end to his timber transactions and activities but also not to transport the timber lying in the area and claimed by him. Hence for realizing, according to Mian Rahim Shah himself, his outstanding debts, being paid in advance in purchase of trees and the timber already cut down, he made frequent petitions and representations, in one of which he states that

I have already made petitions on the subject to the late Political Officers Malakand, and now I trust that through justice and royal kindness you may grant me permission to take my property out of the Swat Kohistan *so that in future I may have no wood trade connections with the people there* [italics mine].⁹³

It is worth mentioning, however, that another timber merchant, namely Harji Mal, while pleading his own case, complained to the Chief Commissioner, in 1907 that the orders of the Government of India forbidding Mian Rahim Shah Kaka Khel from even entering the Political jurisdiction of the Political Officer Malakand were disregarded by Rahim Shah. He now “openly goes to Malakand and carries on a timber business in Dir and Swat which he has in the most express terms been forbidden to carry on.” Harji Mal, moreover, stated that Rahim Shah’s servants and agents not only carried on his timber business and other forbidden operations, but also misappropriated Harji Mal’s hewn trees and logs by putting Rahim Shah’s marks on them and floating them down the river into British territory, because Harji Mal himself or his servants and agents were absent from the operational areas due to the ban on his operations.⁹⁴

The contentions of Harji Mal’s petition that Mian Rahim Shah was continuing his timber operations in 1907, despite the colonial Government’s orders prohibiting him from such activities, received support from the petition of Mian Abdul Wahid, Abd-ur-Rahim and Aftab Gul Kaka Khels to the Chief Commissioner of the Province, dated 11th May 1907, in which they, while seeking permission for their own timber operations and business, referred to the continuation of Rahim Shah’s wood operations in Dir Kohistan, and their beginning in Swat Kohistan as well, in support of their own case.⁹⁵

To return to the efforts of the colonial authorities to conserve forests in Swat and the adjoining areas: refusal to allow the export of the timber extracted in an unwanted and unacceptable manner, and its entry into the areas under their direct control, was another tool they used. This proved to be effective to a great extent because the timber extract-

⁹¹ Translation of a Petition of Mian Rahim Shah to CC, NWFP, 12th August 1907, *TARC*, S.N. 67/Swat, F.N. 8, Sub-Head 26, 1907.

⁹² Translation of a Petition of Mian Rahim Shah, which bear neither the addressee nor do the date, *TARC*, S.N. 67/Swat, F.N. 8, Sub-Head 26, 1907.

⁹³ *Ibid.*

⁹⁴ Appeal of Harji Mal to Harold Deane, CC, NWFP, 13th April 1907, *TARC*, S.N. 28/Dir, F.N. 8, Sub-Head 25, 1907.

⁹⁵ See Persian text of a Petition of Mian Abdul Wahid, Abd-ur-Rahim and Aftab Gul Kaka Khels to CC, NWFP, 11th May 1907, *TARC*, S.N. 28/Dir, F.N. 8, Sub-Head 25, 1907.

ed had no market in the Swati or the other areas from where it was cut or extracted. Use of this tool continued even in later years. For example, in 1932, the Governor of the Province imposed a heavy duty on timber entering the territory under the colonial Administration “from the forests of Swat, Swat Kohistan, Dir and Chitral” only.⁹⁶ In response to this, L. W. H. D. Best, the Political Agent for Dir, Swat and Chitral, told the Chief Secretary to the Government of North-West Frontier Province that it was clear from the correspondence on the subject

that this prohibition was for all timber taken from Independent Territory, and this Notification has been similarly applied to timber taken into India from the Protected Area of this Agency. . . . However *to make the control more water tight* [italics mine], I suggest that the notification should be amended to apply to all independent territory or at least to that included in this Agency.⁹⁷

Another thing that constituted an obstacle to the free flow and export of timber from Swat, and hence an obstacle to the activities of the timber Mafia, was the levy of a transit duty by the Nawab of Dir – who was in possession of the right bank Swat territory – on timber brought down through the Swat River, and also the exaction of duties by the left bank tribes. McMahan and Ramsay state:

The timber trade with independent Swat Kohistan is free, but generally is in the hands of a ring of Kaka Khels. The Nawab of Dir has lately put a high transit due on timber floated down the Swat River. The left bank tribes of the Swat River also claim and exact certain customary dues on timber floated past their limits.⁹⁸

Nevertheless, the consequences of the aforementioned indiscriminate fellings were summed up by Allah Yar Khan, where he also stated that “the net result of the past mismanagement is that we are now left to deal with several irregular forests instead of regular crops of different ages.”⁹⁹

Commenting on the “Composition and Condition” of the forest of Swat Kohistan, Swat State area, in 1925, Khan states that:

The fellings in the past have been of irregular nature and so the forests present roughly the following types:

Pure, over-mature Deodar crop with little or no regeneration, and with a large number of dead and dying trees due to constant forest fires, is found on areas which have not been felled, either for local demand or for export. Such forest crops generally exist in the side nallahs whence transport of logs is not feasible, or on the high precipitous grounds, from which exploitation of trees did not pay.

⁹⁶ Gazette Notification, No. 16879-P, 18th October 1932, Civil Secretariat, NWFP, *TARC*, S.N. 56/Swat, File No. 11-17/FRP-II, 1932.

⁹⁷ L. W. H. D. Best, PA, DSC, to CS to Govt. NWFP, 12th December 1933, *TARC*, S.N. 56/Swat, File No. 11-17/FRP-II, 1932. For further references to such steps see Chapter 5 of this Report.

⁹⁸ McMahan and Ramsay, *Report on the Tribes of the Malakand Political Agency (Exclusive of Chitral)*, p. 23.

⁹⁹ Khan, *Report on the Swat Valley Kohistan Forests*, p. 12. For detail see *ibid.*, pp. 11–12.

A pure Deodar crop representing all classes of trees is found in all such forests where fellings have been made in the past to meet the local demand for timber and firewood. Occasional fellings had created gaps in the closed canopied forests sufficiently large to bring in regeneration. These forests are fully stocked with crops of young poles in which some scattered overmature dead and dying trees are also found.

The third type of forests which unfortunately were situated close to the river and were for that reason very roughly handled by men who came up from plains to Kohistan to profiteer, contain mature trees along cliffy parts, about 50 per cent of which are either dead or dying. But in the lower and easier portions close to the streams, the forest contains practically no trees of value. A few suppressed saplings and malformed stems, hardly of any value, make appearances here and there. No regeneration is to be found in these tracts except in a portion of forest immediately above the Pashmal village, which contains Deodar regeneration of some value, which existed on the ground before the fellings.

On precipitous ground Deodar is evidently disappearing owing to poor soil, richer top layers of which have since been washed away by rain or snow. On such areas Deodar forest has been thinned out naturally and the remaining stock consisting of old trees is showing signs of decay. Deodar regeneration has failed to come in but Kail has already established itself on higher elevations. And unless all forests of this type are carefully attended to, Kail, in all probability, will in the near future, replace Deodar. Turval forests and Gurni III are, in this respect, the best examples to be seen.

Forests Mankial I and VI contain no trees whatever. *These forests were heavily felled for a plain contractor* [italics mine], but as soon as the trees were felled and logged, the would-be purchaser (Mian Mehtab, agent of the firm, represented now by L. Ishar Dass) disappeared from the scene. And the local men, enraged at his action, set fire to the logs, which were burnt along with young trees remaining on the ground. These forests now exhibit an awful scene, being devoid of tree growth and containing only dead II and III class Deodar trees, *which still testify to past mismanagement* [italics mine]. Such areas require special treatment and provisions are being prescribed accordingly.¹⁰⁰

The past system of management of the forests of the Shangla, Indus Kohistan, and Buner areas (and also that of Swat Valley proper) was analogous to that of Swat Kohistan, as is evident from the following account of Faqir Muhammad Khan:

¹⁰⁰ Ibid., pp. 5–7. We came across no reference to the division of the forests areas of Swat State into units (e.g. divisions, ranges, blocks, beats) by the colonial administration for forest administrative purposes. Such divisions, however, were made in the post-colonial or Pakistani period.

The references in Allah Yar Khan's report, e.g. Gurni III, Mankial I and VI, are not to administrative units. The names refer to the blocks and the numbers refer to compartments which Allah Yar Khan himself had allotted only to the forests he visited, for Regular and Subsidiary Working circles. These were his proposals and are given in Part IV of his report.

There has been no systematic management of the forests nor is there any reliable information available about their past history. *The only conclusion that can be drawn from the conspicuous [conspicuous] absence of mature and over-mature trees in all the accessible areas, is that these forests have been subject to indiscriminate fellings and other maltreatments in the past* [italics mine]. The young age of the forest crop in Buner confirms this. In some of the high hill forests, which do not seem to have been worked for timber up to the present time, sporadic fellings might have been carried out by the migratory *Gujars* for the construction of their seasonal huts and other domestic requirements. However, all these forests have apparently been under heavy incidence of grazing.¹⁰¹

And:

Prior to the establishment of the present [Swat] State, the forests were subjected to very heavy and indiscriminate fellings. In addition to the lavish use of timber in the construction of walls, people used to cut as many poles as the number of rafters required for a roof. Thus they could avoid felling big trees, which were not easy to extract from the interior of forests. Similarly in the scrub forests, the people used to cut *phulai* [*Acacia modesta*] trees as a whole, then split them and injure the various branches so as to obtain *phulai* gum.¹⁰²

Although no records are available for the forests of Swat Valley proper, the following account of M. A. Qadeer Khan well illustrates the situation in respect of both Swat Valley proper and Swat Kohistan:

Prior to the establishment of the State, these forests were subject to all sorts of mal-treatment, which seriously jeopardised their conservation. Heavy and indiscriminate fellings were common and some of the forests were even clear-felled. . . . Fires were rampant, especially in *chir* forests of Swat Range [proper Swat Valley]. These were deliberately started by rival groups to avenge grudges, or by the inhabitants adjoining the forests to clear the land for cultivation and improve grass. Clear fellings were also carried out to extend cultivation.¹⁰³

The previous discussion not only leads to affirmation of the claim that “prior to the establishment of the State there was no system of the management of forests and haphazard fellings were carried out”¹⁰⁴ but also to negation of the sweeping generalised statement of Inam-ur-Rahim and Alain Viaro, in which they contend that “*the common resources including forest and brush-lands were communally utilised in a sustainable*

¹⁰¹ Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, pp. 29–30.

¹⁰² *Ibid.*, pp. 30–31.

¹⁰³ Khan, *Working Plan for the Forests of Swat and Swat Kohistan, Swat State (Malakand Agency), (1965-1980)*, pp. 44–45.

¹⁰⁴ *Ibid.*, Appendix XI-A, p. 229; Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, Appendix X-B, p. 160.

manner till the State [Swat State] merger and different social groups had well-regulated, uniform *and equitable access to these resources* [italics mine].”¹⁰⁵

It should be mentioned that forests and brush-lands were never common resources in the sense that all the people in the area had equal rights to these resources. Although the common people or other social groups held concessions and privileges to utilise these resources in an acceptable manner or, in other words, according to *riwaj* for meeting their own needs, proprietorship or ownership rights were held by a section or social group, i.e. the landowners, only. Moreover, these natural resources were not used in sustainable manner, as is evident from the contents of this chapter, nor were they accessible on an equitable basis.

The extent to which forests were valued and the way in which they were used in the pre-Swat State era can also be judged from a report stating that when, in 1915, the Sandakai Baba¹⁰⁶ took up the common cause of some of the right-bank Swat tribes against the Nawab of Dir, which brought an end to the Nawab’s yoke over them, the people not only urged Sandakai Baba “to stay in Swat and be their leader” but also “agreed *to present 20,000 logs* [italics mine]” to him “in return for his assistance during crises with the Nawab.”¹⁰⁷

¹⁰⁵ Inam-ur-Rahim and Alain Viaro, *Swat: An Afghan Society in Pakistan, Urbanisation and Change in a Tribal Environment*, p. 175.

¹⁰⁶ For Sandakai Baba and his political role see Sultan-i-Rome, “Swat State Under the Walis (1917-69), chapters 2–4.

¹⁰⁷ CNWFPD No. 16 for week ending 17th April 1915, DCOP, B.N. 4, S.N. 49.

5 The Walis Period (1917–1947)

Swat State came into being and Abdul Jabbar Shah was installed as its first king in April 1915 (see Chapter 2). Abdul Jabbar Shah ruled till September 1917, but he gave no attention to forestry and conservation of the forests because of his weak position and preoccupation with political issues. With his removal from the seat, Miangul Abdul Wadud was installed as the next Bacha (king) of Swat State in September 1917.

In the first five years of his reign Abdul Wadud was busy dealing with internal and external menaces and problems that threatened his own rule and the State. In June 1922, the colonial authorities issued an order to the rulers of Swat and Dir states, known as the Adinzai Agreement of 1922.¹⁰⁸ This order proved to be a milestone because it forced the rulers, *inter alia*, not to resort to violence or armed struggle against each other and to abide by the terms of the order. It virtually brought an end to open and active hostilities between the rulers of Dir and Swat States. Abdul Wadud was now free to turn his attention to Swat Kohistan, Buner, Shangla and Indus Kohistan. The year 1923 proved to be a turning point for Swat State, which was extended in the aforesaid directions unexpectedly with great success.

The successful emergence from the concerted attempt that was made in 1922 from both inside and outside the State, the Adinzai Agreement, and the expansion of the State put Abdul Wadud in a strong position. He was now in a position to turn his attention, among other things, to the exploitation and conservation of the still extensive and valuable natural resource of forests in the territories under his jurisdiction, which had previously been privately owned according to *riwaj*, as described in Chapter 4.

5.1 Forests declared state property

To properly exploit the natural resource of forests as a source of state revenue, and also to conserve them, Abdul Wadud gave attention to forests and the forestry sector. His reign also proved to be a turning point for forestry in Swat State. He took steps and initiatives that led to some extent to proper planning and management of the forests, and embarked upon a policy of bringing an end to private ownership of the forests, which led to fundamental and drastic changes in the sector.

To bring an end to private ownership of the forests, he even violated and did away with the agreements he made with the tribes after their accession to the State or his occupation of their areas. For example, he entered into terms with the *jargas* of the Torwali tract of Swat Kohistan, after the accession of the Chail Valley, in 1921, and occupation of the other portions, in 1923, to the effect that the people recognised his rule over their areas; that tracks, roads and forts would be constructed by the State itself or through

¹⁰⁸ For an English translation of the text of the Order or Murrasala (as it has been called), dated 20 June 1922, from Political Agent, Dir, Swat and Chitral, to the Nawab of Dir and the Miangul Sahib [Miangul Abdul Wadud, Ruler of Swat State], see *TARC*, S.N. 16/Swat, F.N. 29.S.St. Vol. I, 1927-36.

forced labour by the people affected; and that law and order would be maintained and controlled by the ruler through his officials and representatives, but the State would not interfere in ownership rights to the forests and other properties. So when the ruler urged that the forests be under the control of the State and also owned by the State, the chief of Bahrain tract, namely Masam Khan, repudiated the ruler's insistence by saying that this was repugnant to the agreement executed between both sides, i.e. the ruler and the people concerned, and refused to comply with the whims of the ruler or to recognise the change and the new arrangement. At this point the ruler resorted to a well-known strategy and sought the services of Pasand Khan of Satal Garhi. Pasand Khan acceded to the whims of the ruler and, consequently, the ruler gained control and ownership of the concerned forests. Besides other favours, the ruler awarded Pasand Khan the title of Khan Bahadar. However, it is noteworthy that the Kohistanis later shot Pasand Khan dead, mainly on the explicit ground of the aforesaid conspiracy of acceding to the control and ownership of the forests by the State.¹⁰⁹

5.2 The state claim of proprietorship

It is not clear from the records consulted when the ruler of Swat State declared the forests in the State as the property of the State, with payment of 10 per cent of the sale proceeds as a royalty to the respective landowners or the former proprietors, and with safeguards for their traditional rights. However, in his report of 1925, Allah Yar Khan frequently used the word "proprietor" which refers to the ruler of the State. Similarly, the Political Agent of the Agency of Dir, Swat and Chitral states in his letter dated 2nd November 1925 that "I enclose in duplicate copies of the report made by Khan Sahib Malik Allayar Khan, Forest Officer, deputed to examine *the forests of Swat owned by the Mian Gul* [the ruler] [italics mine]"¹¹⁰ and, while referring to a dispute between the Kohistanis and a firm, namely Dir Swat Forest Company, also used the words "the Kohistan owners of the forests, before the Mian Gul established himself as ruler of the country" and the "previous owners."¹¹¹ Malik Allah Yar Khan, however, also stated that "the tribesmen who sold trees to traders during the past years *still consider themselves to be the sole proprietors of most of the forests* [italics mine]."¹¹²

This indicates that although the ruler declared the forests as State property and hence himself as the proprietor, the former owners/proprietors still considered themselves the rightful owners and proprietors. This leads to the conclusion that it was prior to 1926 that the ruler declared the forests as State property liable to a payment of 10 per cent of the sale proceeds to the respective landowners or former proprietors, including adequate safeguards for the other rights of traditional right-holders and concessionaires, as well as the special rights of the traditional proprietors.

¹⁰⁹ Shah Salam Khan Advocate, IA, Verbal, Mingawara, Swat, 30th November 2003.

¹¹⁰ E. H. S. James, PA, DSC, to Secy to the CC, NWFP, Memo No. 2765, 2nd November 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 35.

¹¹¹ *Ibid.*, p. 37.

¹¹² Khan, *Report on the Swat Valley Kohistan Forests*, p. 13.

The following statement of J. W. Thomson-Glover, Political Agent, Dir, Swat and Chitral, however, indicates that the point of the payment of a portion of the sale proceeds to the former owners by the ruler of Swat State had another purpose. While stating the ruler's strong support for Mian Musharaf Shah Kaka Khel in his forest dealings in the Gawri tract, Thomson-Glover writes that:

From the start the Mian had received strong support from the Wali, as the Wali undoubtedly hoped to extend his influence over Kalam, which had slipped from his grasp. The advantage is clear, *in his own State he claims all deodar as his property* [italics mine] and only pays to owner a meager Rs. 2/- and where the trees lie in an area occupied by Gujars as Chukel [Chukail] the Ruler takes the whole price.¹¹³

The same is also evident from the statement of Allah Yar Khan, made in the Working Plan for the Upper Swat Valley Forests (1928-31), in which he states that “*Deodar* is declared to be the property of the State whether inside the demarcated forests or outside them. The price to be paid by the State to the former owners, if any, is Rs. 10/- per tree (24” or more in diameter) cut and removed from forests for export. *Deodar* trees cut by the State for local building are not to be paid for.”¹¹⁴ Moreover, “the right of cutting standing trees other than *deodar* remains as unlimited as before.”¹¹⁵

The point to note in the statements is that in declaring the forests as State property, the ruler at first paid the former owners a share in the sale proceeds at a flat rate of Rs. 2/- or Rs. 10/- per tree (or any other rate); that he paid no share in the sale proceeds in the extraction of the trees lying in the areas occupied by the Gujars; that at first he claimed only *Deodar* trees as the State's property; and that at first there was no ban or restriction on the cutting of trees other than *Deodar*.

This was so because in those days only *Deodar* had market value, and so it was felled for income generation or export. Other species had no market value and therefore were cut only for minor or other local uses, which were allowed to the people as such. As no felling of the other types of trees was done for income generation, there was no need to declare that they were owned by the state. It made no difference whether they were to be declared the property of the State or allowed to remain under private ownership. And when trees other than *Deodar* also had market value, they were made subject to State ownership. It was not the limitation of the Wali to enforce full State control which compelled him to limit State ownership only to the *Deodar*, but the value of particular types of trees.

¹¹³“Confidential. Report on Kalam Area.” by J. W. Thomson-Glover, PA, DSC, 22nd June 1929, TARC, S.N. 13/Swat, F.N. 33/2-FR.P, Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

¹¹⁴ M. A. Qadeer Khan, *Working Plan for the Forests of Swat and Swat Kohistan, Swat State (Malakand Agency), (1965–1980)*, p. 11.

¹¹⁵ *Ibid.*, p. 13.

We came across no formal agreement involving the landowners and the Wali in respect of ownership of the forests, which may indicate that there was no formal legal document legalising the State's control.

Nevertheless, Miangul Abdul Wadud ruled on the whole by issuing verbal orders, which was also noted by a correspondent of the Daily Telegraph in the course of World War II. The people, though, who still considered themselves the rightful owners, acceded to his order at least on the face of it, by accepting a minor portion (10 %, which was raised to 15% in the last days of the State) of the sale proceeds till the end. This practice gave a sort of formal legal status to the State claim.

However, it is not clear when the share of the former owners in the sale proceeds was fixed at the rate of 10 per cent or when all the trees were declared State property. It is worth mentioning that 10 per cent of the sale proceeds of these trees, which were sold for export only, were paid to the concerned landowners. Felling for local and State uses was exempted. Moreover, the 10 per cent of the sale proceeds, when paid by the State, was distributed by the concerned landowners according to the *riwaj* of the area, which was not uniform throughout the State.

5.3 Steps taken by the colonial government

It was stated earlier that the colonial authorities had apprehensions about the deforestation and ruthless cutting of forests in the region, and hence took steps to bring a complete stop or at least a temporary halt to the practice, even in the pre-Swat State era (see Chapter 4). Their apprehensions continued even after the emergence of Swat State and the rule of Abdul Wadud. They took steps to this end, trying to control the unplanned and irregular exploitation of the forests in Swat State under the aegis of the ruler and the State. So when Abdul Wadud began to exploit the State's forests, the colonial authorities showed their "reluctance in giving him permission to do so without first knowing to what extent deforestation will take place, as has happened in Dir."¹¹⁶ At this Abdul Wadud solicited the assistance and cooperation of the colonial authorities, because he had neither the resources nor the technical staff and experts that were prerequisites for such work.

The colonial administration, also interested in the work, offered cooperation and deputed an experienced Forest Officer, Malik Allah Yar Khan, to survey the forests of the Torwali tract and submit a report with recommendations. The Political Agent's letter to Allah Yar Khan, prior to his visit, illustrates the situation. He wrote that:

My office informs me that you are arriving on the 21st [August 1925] instant. I am sorry that I shall not be in Malakand to meet you and tell you the points on which you are required to report. Briefly they are the following:-

¹¹⁶ E. H. S. James, [PA, DSC], to Khan Sahib Malik Allah Yar Khan, D.O. No. 266-P. A. Chitral, Camp Birmoghalasht, 18th August 1926 [sic, 1925], in Khan, *Report on the Swat Valley Kohistan Forests*, p. 49.

The Mian Gul [Abdul Wadud] of Swat is anxious to exploit his forests. The Local Government [Provincial Government] feels some reluctance in giving him permission to do so without first knowing to what extent deforestation will take place, as has happened in Dir. They, therefore, have asked for the services of a Forest Officer to examine the Swat Forests and report on the extent to which trees can be felled in each area.

The Mian Gul will arrange for you to visit the different areas where he proposes to work. Would you therefore kindly note as far as possible the number of logs which can be extracted from each, having due regard to silviculture?

Another matter on which I would be glad to have a report is the approximate number of trees already felled and ready for floating. In this connection the Superintendent of my office will show you a file in which a firm of timber merchants represented by Lala Ishar Dass of Nawanshahr claims to have felled a large number of trees in the form of logs which they have had permission to float out during the current year. Lala Ishar Dass tells me that the period laid down is too short to get the logs down to Amandarra Head.

What I would like your opinion on is:-

- a) Does the number of logs indicated exist? And if so—
- b) Is the period too short?

I hope your tour goes off successfully and that the Mian Gul makes all the necessary arrangements for you as he has promised. If not, please inform my Indian Assistant Arbab Khanan Khan, who will do his best for you till my return, the date of which is at present uncertain.¹¹⁷

Allah Yar Khan did the required and submitted his report. The report not only detailed the past practices of exploitation and destruction of the forests at the hands of the forest Mafia, which was also due to lack of interest in conservation on the part of the owners, but also made recommendations, suggestions and working plans for the said forests. The report became a base for future surveys and planning for the Swat State forests. The Political Agent opined about the report that it “is a good one and in detail. It contains most useful information regarding these transborder forests which have now been examined by a Government Forest Officer for the first time. The report also provided data *on which the export of timber from Swat can be regulated* [italics mine].”¹¹⁸

¹¹⁷ Ibid., pp. 49–50.

¹¹⁸ E. H. S. James, PA, DSC, to Secy to the CC, NWFP, Memo No. 2765, 2nd November 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 35.

5.4 Obstacles to proper conservation

There was no demarcation of the forest and non-forest land, as a result of which forests could easily be converted into non-forest land for accumulation of wealth or into cultivable land for agricultural purposes. Therefore, demarcation of the forests was recommended by Allah Yar Khan, in his report of 1925, to facilitate systematic management, which, it was stated, would also “stop all encroachments, whether internal or external.”¹¹⁹ It was, moreover, suggested that some sort of Forest Settlement was essential after the demarcation, but as the rights of the people were not found in recorded form, it was recommended that

the rights of people should be recorded in the case of each forest, otherwise, it will not be possible to check indiscriminate damage to forest growth. The tribesmen who sold trees to traders during the past years still consider themselves to be the sole proprietors of most of the forests, while those who were kept off owing to family feuds might claim an equal share in the forest revenue when peace and order rules the country [italics mine].

The right to use the timber and other forest produce, such as charcoal, firewood, grass, etc., will have to be recorded, and wasteful methods of cutting timber should not be tolerated. The people should be taught to cut only what is absolutely required for domestic purposes.¹²⁰

The objects of the suggested management were stated as follows:

1. To prevent denudation in the hills and to preserve constant flow of water in the river and in the Swat Canal.
2. To attain the normal forest and to establish regeneration.
3. To provide for the requirements of the local tribesmen.
4. To obtain the highest possible sustained yield from the forests in timber and in money.¹²¹

Other problems and obstacles to proper exploitation and conservation of the forests in Swat, and also the adjoining areas, are evident from the correspondence between different officers from both the Administration and the Forest Department. For example, there were disputes regarding the transaction, ownership and transportation of timber and trees involving the firm that made deals with the tribesmen, and later on the ruler of Swat State, over the duration of the period during which the firm would complete its operation and extract the outstanding timber, as well as disputes about the non-

¹¹⁹ Khan, *Report on the Swat Valley Kohistan Forests*, p. 13.

¹²⁰ *Ibid.*, p. 13.

¹²¹ *Ibid.*, pp. 13–14.

availability of local experts skilled in sawing to make the trees or logs into sleepers *in situ*.¹²²

The main constraint or problem, however, was the lack of a proper and adequate policy on the part of the colonial authorities in respect of the Frontier States' forests and also the lack or non-availability of regular trained Forest Staff. E. A. Greswell, Deputy Conservator of Forests, Hazara, rightly understood "that [the] Local Government, whatever its exact powers are, can in practice, at will, allow or otherwise regulate timber exploitation."¹²³ Commenting on the situation, he states that "the method employed may be indirect but the result is the same. The position indeed of the Political Agent seems very analogous to that of the Superintendent, Simla Hill States. The wording of the Political Agent's letter in this case is an indication of the power he possesses."¹²⁴

Basing his contention on personal experience in the Province, Mr. Greswell speaks of the lack of definite forest policy, on the part of the colonial Government, in the following words:

During my four years connection with the North West Frontier Province, I have noticed that whereas individual officers are often extraordinarily keen to regulate the management of forests which are not the property of Government, proposals to this effect often accompanied by a considerable amount of preliminary field work invariably come to nothing. I see no reason why the same fate should not overtake the Political Agent's proposals *regarding the Swat Forests. I think the reason for this is to be found in the fact that Government itself has no definite forest policy for dealing with such forests* [italics mine]. Thus the incentive coming from below, and not from above, further progress tends to cease when the originator of a local policy is transferred and a successor arrives who may not be interested in forest management.¹²⁵

To remove the anomaly, Mr. Greswell suggested that:

The only constructive suggestion which I can make is therefore that Local Government [Provincial Government] be advised to examine conditions with a view *to devising a permanent forest policy for State and private forests* [italics mine]. A precedent would be helpful and possibly this might be found in the Simla Hill States. The present policy in these States is defined in notification No. 125, dated 5th February 1904, pages 92–95 of the Punjab Forest Annual Volume 1, 1916 Edition.

Mr. Mc Intire's original proposals might be of assistance as probably outlining the condition necessitating issue of the notification. In any case an examination

¹²² See E. H. S. James, PA, DSC, to Secy to the CC, NWFP, Memo No. 2765, 2nd November 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, pp. 36–38.

¹²³ E. A. Greswell, DCF, Hazara, NWFP, to CCF, Punjab, No. 1018-G, 26th November 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 44.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

of this notification will show that there is a remarkable similarity in all essential points between it and the Political Agent's present proposals.

I believe in the Simla Hill States the method by which the Superintendent enforces observance of these orders is by an obstructive attitude in the matter of sales. In fact the greater the revenue interests entailed, the greater the power of government.

As I have stated above, I believe this is similarly the case in the North-West Frontier Province.

A field for such a policy exists so far as I know not only in Swat but in Dir, Bajaur, the Kurram Kohistan (on the Indus), Amb and the village forests of the Mansehra Tahsil, Hazara. With the exception I think of Amb, all these forests have been made or are being made *the subject of management proposals by individual officers* [italics mine] but with the results already recorded.

If the above suggestion can receive practical effect, a special Political Officer might be appointed to carry out the Settlement work. When this is done the Forest Department work becomes comparatively simple, *viz.* the drawing up of a working scheme regulating the output and the organisation of the staff required. *The main point is that when permanency is guaranteed by rules and settlement (however simple) there is nothing to stop the progressive development of forest management* [italics mine].

On the subject of ways and means I may point out that all this work is true forest work and the expense should at least in its initial stages be borne I think by Government in the Forest Department. *In the Swat case, provided the Mian Gul will support Government in their policy, I see no reason why he should bear any establishment costs, until Government has so far re-arranged forest management as to allow for an equilibrium being restored between his royalties and the purchaser's profits* [italics mine] (*vide* paragraph 4 of this note). The Hazara surplus this year should be Rs. 1,20,000 and the market is rising. Some of this surplus might well be devoted to this work.

It is not necessary to confuse the issue by considering future organisations but possibly these might consist *of a permanent Forest Staff on the North-West Frontier Province Cadre* [italics mine] trained at Dehra Dun and the Punjab Forest School working administratively under the Political Agents concerned with the technical advice of either the Chief Conservator of Forests, Punjab or the Deputy Conservator of Forests, Hazara. The States might in time contribute towards costs but I think it could be unfair to ask them to do so at present as their revenue appears small. This suggestion is merely an application of the Simla Hill States precedent.¹²⁶

¹²⁶ Ibid., pp. 45–46.

It is worth mentioning that the Chief Conservator of Forests, Punjab, also recommended that Allah Yar Khan's "proposals be acted upon," but at the same time further stated that "I would however draw particular attention to paragraphs 24 and 25 of the report dealing with demarcation and settlement of the forests. These operations are *the essential preliminaries to any organized scheme of forest management and without them no progress can be made* [italics mine]."127

Commenting on the Swat State ruler's readiness to materialize the proposals put forth by Allah Yar Khan, the Chief Conservator of Forests, Punjab, expressed his apprehensions: "I gather that the Mian Gul is prepared to undertake them but I do not know the extent of the control which he exercises over the tribesmen nor whether he can persuade or force them to submit to the restrictions which will of necessity have to be imposed."128 He, moreover, not only agreed with the recommendations of the Deputy Conservator of Forests, Hazara, "on the subject of a forest policy for all the Frontier tracts" but also "venture[d] to recommend that the suggestions made therein be brought to the notice of the Hon'ble the Chief Commissioner"; and opined that "a considered forest policy for all these tracts would be of great benefit to all concerned."129

Acknowledging and acceding to the need of and proposal for a definite forest policy on the part of the colonial Government, stressed by Mr. Greswell, Deputy Conservator of Forests, Hazara, and Mr. Mayes, Chief Conservator of Forests, Punjab, the Revenue Commissioner, North-West Frontier Province, stated:

I would add the following remarks:-

Both Mr. Greswell and Mr. Mayes lay stress on the fact that it is essential that a Forest settlement—which can note a definite forest policy—shall precede exploitation effected with the sanction of Government. It would clearly be the height of folly to accord deliberate Government assistance to operations which in the absence of sufficient control may and most certainly would merely add another stage to the denudation and other destruction *which have characterised previous forest operations in Swat* [italics mine] (vide particularly paras. 7, 19, 22 and 23 of the report).130

It also is noteworthy that it was in 1920 that W. J. Keen, the then Political Agent of the Agency of Dir, Swat and Chitral, when writing about "the probable revenue which would be realized if the Swat Valley were taken over" by the colonial authorities, referred to the extractions of various contractors and others from the forests of Swat Kohistan, and also stressed the preservation of the forests by stating that "if it is true that the preservation of forests means the preservation of the rainfall and water supply, *then the proper working of these forests by Government is an end in itself which is most*

127 W. Mayes, CCF, Punjab, to RC, NWFP, No. B-255, 7th January 1926, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 52.

128 Ibid.

129 Ibid.

130 T. B. Copeland, RC, NWFP, to Secy to the CC, NWFP, No. 749-G, 2nd March 1926, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 54.

desirable [italics mine].”¹³¹ And after dealing with the would-be income of the colonial Government from the forests in Swat Valley, in case they were to take over the Valley, he states at the end that

It is however necessary to say a word of warning in this connection. *It is notorious that the forests of Swat have been much cut without any regard to their preservation* [italics mine] and it is possible and even probable that extra expense may be necessary for some time for afforestation and also that extensive cutting may not be possible for some years.¹³²

5.5 Steps for conserving the forests

As stated earlier there had been no great bulk use of the wood locally, due to comparatively less population pressure, and also due to the *Wesh* System owing to which the people in the areas liable to *Wesh* did not construct magnificent, large houses. This helped to save forests from large-scale exploitation. Lack of communications that would allow export of timber to take place on a large scale throughout the year also helped to save forests from ruthless cutting. Therefore, although the nearby forests and those from which timber could be extracted and removed easily were exposed to use and cutting, forests further away remained intact to a greater degree.

To make best use of the existing forests, Allah Yar Khan prescribed subsidiary fellings. Under this type of felling, all dead, dying and over-mature trees were to be removed – in other words, improvement fellings or removal of trees no longer required for seed or protection. Allah Yar Khan, moreover, stated that thinning the young crop would also be useful for protection and growth of the forests; that early felling would save a lot of damage to advanced growth; and that there would also be a great financial advantage in early realisation of the value of mature trees.¹³³

However, there were also forests of over-mature, even-aged crops containing a portion of dead and dying trees, but with little or no regeneration, for which it was suggested that the regular working system would be followed with the object of renewing the old crop and utilising the deteriorating wood. As the Swat State ruler had no expert who could mark the forests for regeneration fellings, it was suggested that “some trained Forest Officer should be deputed for this work, when the turn of felling these forests comes.”¹³⁴

Commenting on the situation of the forest area examined by him, Allah Yar Khan reported that the upper portions of forests contained mostly over-mature trees, showing signs of deterioration, while in the lower parts and the easily accessible portions no tree

¹³¹ “Note on the probable revenue which would be realized if the Swat Valley were taken over” signed by W. J. Keen, PA, DSC, TARC, S.N. 7/Swat, F.N. 13, Sub-Head 10, 1920.

¹³² Ibid.

¹³³ Khan, *Report on the Swat Valley Kohistan Forests*, p. 15.

¹³⁴ Ibid., p. 14.

of value or any sign of reproduction remained. *The one portion was hard-hit by nature and the other one devastated by man.* He therefore suggested for these parts of the forests that the denuded portions be fully stocked and the mature forest on the top be treated under the selection-cum-improvement felling method. It was, moreover, stated that “*the forests require more protection than felling* [italics mine]. No timber will be available from them for some time to come: local demand can, however, be easily met from these forests by the gradual removal of deteriorating trees.”¹³⁵

Not only the colonial authorities were concerned about bringing an end to the unplanned exploitation of the forests. The Swati ruler (Miangul Abdul Wadud) himself was anxious for somewhat proper conservation and economic exploitation and hence made endeavours in this respect. He made arrangements and took steps, on the one hand, for the planned exploitation of the forests, for which he made deals and concluded agreements with firms and individuals outside the State and, later on, also with those who were part of the State. On the other hand, he also asked for the assistance and co-operation of the colonial authorities and the colonial Forest Department, which is evident from the correspondence and reports of the colonial authorities. The Political Agent for Dir, Swat and Chitral stated to the Secretary to the Chief Commissioner of the Province that a copy of the report of Malik Allah Yar Khan had been given to the Swat State ruler, and that:

He has agreed to carry out all the recommendations, some of which, it will be seen, are of a very drastic kind and opposed to all local ideas and customs as regard forest area [italics mine].

He states, however, that he has no forest technical staff of any kind in the State and requests that Government will be pleased to depute an experienced and efficient Forest Ranger to advise him and also to train his own people in regeneration and other forest work. He is prepared to subscribe a sum of Rs. 600 per annum towards the pay of this official.

In addition the Mian Gul [Abdul Wadud], *who is very anxious that his forests should be properly conserved and economically exploited*, requests that annually a Forest Officer be deputed by [the colonial] Government, for a couple of months as in the present year, to mark such trees in the felling areas as can be extracted, *and generally to advise on the forest working programme.* He is prepared, if the Government should require it, to meet part of the officer’s expenses, but would be grateful if his services could be provided free of cost [italics mine].¹³⁶

¹³⁵ Ibid., pp. 15–16.

¹³⁶ E. H. S. James [PA, DSC], to Secy to the CC, NWFP, Memo No. 2765, 2nd November 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, pp. 35–36.

The Political Agent, on his part, stated about the aforesaid desires of the ruler of Swat State that:

I very strongly support both requests. Not only will this technical advice be most useful to the Mian Gul, but the annual report of the officer so deputed will keep the Government informed of the manner in which the forests in question are being exploited and place the Political Agent in a position to sanction annually the amount of timber which may be exported [*italics mine*].

The information added year by year to the present report, which admittedly is the result of a cursory examination only of the area, will be of the greatest value to all concerned, *including presumably the Forest Department of India* [*italics mine*].¹³⁷

Allah Yar Khan also states in this respect that from the talks he had with Miangul Abdul Wadud, he “arrived at the conclusion that any assistance rendered to him in this behalf to protect his forests and his interest by the [colonial] Government shall be received by him with heartfelt gratitude.”¹³⁸

The point of note is that up to this point neither the colonial Government formally recognised Swat State and Miangul Abdul Wadud as its ruler nor did the Swati ruler conclude any formal agreement with the colonial administration in respect of the conservancy of Swat State’s forests. This reflects anxiousness, concern for and initiatives on the part of both the Swat State’s ruler and the colonial authorities regarding the conservation of the forests and lack of hesitancy in soliciting mutual help and cooperation. Both sides, however, had their own political constraints due to which they could not work freely in isolation or on their own in this respect.

It was afterwards on 3rd May 1926 that Miangul Abdul Wadud formally acceded to the condition – in the agreement concluded with the colonial Government under which *inter alia* he was formally recognised as the ruler of Swat State – that he would manage Swat State’s forests according to the procedures approved by the colonial Government so that the forests of Swat would be conserved for the irrigation of Swat and Peshawar districts.¹³⁹

With the execution or signing of the agreement with the Government of India, the ruler of Swat State was bound to manage the forests in Swat State according to the procedures approved by the colonial Government. This meant that the colonial Government gained virtual control of forest management if not of the forests themselves. Nevertheless, this also meant that the colonial Government was bound to establish procedures for the management of the forests in Swat State and to that effect to provide technical

¹³⁷ Ibid., p. 26.

¹³⁸ Allayar Khan, DFO, Hoshiarpur Forest Division, to CCF, Punjab, No. 308, 14th December 1925, in Khan, *Report on the Swat Valley Kohistan Forests*, p. 48.

¹³⁹ See Clause 6 of the Agreement (in Persian) signed at Saidu Sharif, Swat, by Miangul Abdul Wadud, Ruler of Swat State, and W. J. Keen, Chief Commissioner of North-West Frontier Province, on behalf of the Government of India, dated 3rd May 1926, *TARC*, S.N. 61/Swat, F.N. 9-St.s (I), 1926. Also see *RAB-NWFP for the year 1926-27*, p. 3.

support and expert Forest Personnel to make working plans and fulfil other requirements. Since authority or control over the areas and the forests was wielded by the Swat State ruler, and formulating policy and implementing management procedures made by the colonial authorities or the plans prepared by their Forest Department for Swat State forests still rested with the ruler of the State, he thus had great say and the upper hand over the colonial administration. For example, a Working Plan was prepared for the Upper Swat Valley forests, which was “approved by the Chief Conservator of Forests, Punjab and North-West Frontier Province, and the Inspector-General of Forests to the Government of India” but Part II of the Plan was re-written “owing to certain objections being raised by the Wali of Swat.”¹⁴⁰

He was also in a position to cause trouble if he wished, for the colonial forest personnel despatched to Swat State for forest management and also in forest operations on the ground, as he did in case of Kalam in 1929 (see Chapter 6). Therefore, although both sides were interdependent with respect to the conservation and proper management of the forests in Swat State, the Swat State ruler had something of an upper hand in this respect because of his rule and authority over the area and his status as the implementing agency with the power to promulgate and implement rules and regulations and make deals with forest and timber contractors. It was due to this position that he cooperated in the implementation of those parts of the Working Plan that were in his interest and suited him immediately. But prescriptions in the plans that were not in his interest or did not suit him were not honoured or taken seriously. For example, he made neither permanent demarcation of the forest and non-forest land nor undertook serious initiatives to advance the other steps prescribed for conservation of the forests.¹⁴¹

It was due to the handicaps of the colonial authorities, and their having no sovereignty or implementing authority in the State, that despite their endeavours to bring an end to the ruthless cutting and denudation of the forests and to conserve and protect them, they could not extend the Indian Forest Act of 1927 to Swat State or to the adjoining other Princely States and tribal areas.

The colonial authorities, however, tried to use other tools such as imposing duty on the timber extracted from these forests. So when they levied a duty on the timber extracted from these forests by Spedding, Dinga Singh & Company, the firm with which the Swat State ruler had already made a contract, on 22nd December 1926, for five years, pleading and correspondence took place. Besides other correspondence, the Inspector-General of Forests, Dehra Dun, wrote to the Chief Commissioner of the Province in this respect that “in Parnell’s letter printed on page 148 of his Report on the Proposals for the forest Conservancy in the trans-Indus tract paragraph 7, it may be read” that

it cannot I think be contended that in this case ‘the whole object of the tax should be to make it unprofitable to timber traders in British India to extract timber from territories where uncontrolled destruction of invaluable forests is

¹⁴⁰ PRFANWFP for the year ending 31st March 1934, pp. 1, 3.

¹⁴¹ For example see PRFANWFP for the years ending 31st March 1937; 31st March 1938; 31st March 1939; and 31st March 1940.

permitted by the forest owners.’ We are making a working plan for these forests and the annual yield has, I understand, *been already considerably reduced. I am entirely in favour of the most conservative management of these valuable forests, but it seems hardly fair to penalise the firm sometime after they have entered into the contract with the Wali of Swat* [italics mine].¹⁴²

The Political Agent for Dir, Swat and Chitral also showed disapproval of the high rate of duty over Swat’s timber. He stated that “though a toll was mentioned when the Swat contract was granted, the company in coming to terms were undoubtedly influenced by Mr. Parnell’s report recommending that where Forest Conservancy was accepted tolls or import duty should not be recovered.” He, however, argued that “it is desirable to have reputable forms [sic, firms] working in these areas, and if a rate higher than in other parts is imposed here it will drive reliable firms away and defeat its own object of building up a trans Indus Forest department to supervise the work of reliable Firms” and suggested “that the case be referred to the Inspector General of Forests.”¹⁴³

Again the colonial authorities had tried to levy high rates of duty and hence exercise the powers conferred upon them under section 39 of the Indian Forest Act XXI of 1927 and, with the previous sanction of the Governor-General in Council, the Governor in Council of the North-West Frontier Province levied duty “on all timber entering British Territory from forests of Swat, Swat Kohistan, Dir and Chitral” at the rates of “logs Rs. -/1/6 per cubit foot” and “sawn timber [Rs.] -/3/- per cubit foot.”¹⁴⁴ It should be mentioned that the intention behind this duty was not to “stop uncontrolled and excessive fellings” as is in the case of Indus Kohistan but “to cover expenses which [the colonial] Government has to incur in controlling forests conservancy in these states.”¹⁴⁵

5.6 Some other points

A point of note is that the Deodar was the most important part of the forest, with a market value in those times which meant that forest operations and extraction of timber focused mainly on Deodar trees. For this reason Allah Yar Khan’s report and suggested Working Plan, and also Mr. Parnell’s Scheme of 1927, were only for the proper exploitation of the Deodar forests of Swat State’s Kohistan or Torwali area.¹⁴⁶ As for the abundant Chir Pine (*Pinus longifolia*) forests in the Swat State and their exploitation, Allah Yar Khan stated that:

¹⁴² [Alexander Rodger], IGF, Dehra Dun, to Norman Bolton, CC, NWFP, D.O. No. 485, 11th April 1930, TARC, S.N. 64/Swat, F.N. 11/17-FRP-I.

¹⁴³ J. W. Thomson-Glover, PA, DSC, to Secy to the CC, NWFP, and also to the RC, NWFP, Endst. No. 1204/X/D/44, 17th April 1930, TARC, S.N. 64/Swat, F.N. 11/17-FRP-I.

¹⁴⁴ Gazette Notification, No. 16879-P, dated 18th October 1932, signed by the Chief Secretary to Govt., NWFP, TARC, S.N. 56/Swat, F.N. 11-17-FRP-II, 1932. Also see chapter 4 (4.3) of this Report.

¹⁴⁵ PRFANWFP for the Year ending 31st March 1933, p. 42.

¹⁴⁶ Also see PRFANWFP for the year ending 31st March 1938, pp. 2, 33; Khan, *Working Plan for the Forests of Swat and Swat Kohistan, Swat State (Malakand Agency), (1965–1980)*, pp. 37–38.

These forests need hardly be described as Chir timber in log or sleepers if extracted at present will not pay owing to its low market price; but the trees can be tapped for resin. In the Rawalpindi District chil [Chir?] forests in the Punjab it costs Rs. 4-8-0 per maund net resin for tapping, collection and delivery f.o.r. Jallo. In the Frontier it may cost one rupee more per maund. The sale price of crude resin at Jallo is about Rs. 8-8-0 per maund net; therefore, it will pay Rs. three per maund net on account of profit to the Mian Gul.

2. Resin tapping, however, is risky in unsettled country where the forests are fired indiscriminately and the trees tapped for resin suffer greatly if fire occurs in the forest. I have only hinted at the use to which the Chir forests can be put to until Chir timber pays in the market, but do not propose that resin tapping should be commenced *until the forests are demarcated, settled, and rights recorded and the Mian Gul is able to prevent occurrence of forest fires* [italics mine].¹⁴⁷

As for the forests of the Indus Kohistan, Shangla and Buner areas of Swat State, they were comprised at that time of (1) Mixed Silver Fir, Spruce, Kail and Broad-leaved Forests; (2) Kail Forests; (3) Deodar (*Cedrus deodara*); (4) Chir Forests; and (5) Scrub Forests. Of these, type (1) were situated in Alpurai, Kanra and Besham and to some extent in the upper parts of Chakisar, Puran, Martung, Daggar and Chagharzai Tahsils; type (2) were situated in the Lower Indus Kohistan and to a small degree in Chagharzai, Gadizai, Salarzai and Daggar Tahsils of Buner; type (3) was admixed with the forests mentioned in types (1) and (2) and found at places in Kanra West, Alpurai, Upal and Shang blocks; type (4) occupied a major part of the later Buner Forest Range, while in Lower Indus Kohistan they were found in the lower, parts of Chakisar, Besham, Martung and Puran Tahsils; and type (5) were found in the lower hills in the later Buner Forest Range and some in Puran, Martung, Chakisar and Besham Tahsils.¹⁴⁸

The forests of proper Swat Valley were comprised of the following types: (1) Scrub forests; (2) Chir (*Pinus roxburghii*) forests; (3) Deodar (*Cedrus deodara*) forests; (4) Blue pine (*Pinus wallichiana*) forests; (5) Silver (*Abies pindrow* and *Abies webbiana*) and Spruce (*Picea smithiana*) forests; and (6) Oak forests. Of these, type (1) forests were situated at elevations between 2,500' and 3,500' in the Valley; type (2) forests were confined to the Barikot, Marghuzar, Qalagay and Mananrai areas; scattered groups of type (3) forests were found in Qalagay, Marghuzar, Pia and Tirate areas; type (4) forests, Kail, were found throughout Swat, and small groups of Deodar were found in Marghuzar, while Pia forests and sporadic Chir trees were also found in Marghuzar, Jambil, Mananrai and Shawar forests; type (5) covered very extensive areas above Kail forests in Swat proper, and groups of high level Kail were also noticeable in the upper reaches in Miandam; and type (6) forests were comprised of Holly oak (*Quercus dilatata*), Banj oak (*Quercus ilex*), White oak (*Quercus incana*) and Brown oak (*Quercus*

¹⁴⁷ Khan, *Report on the Swat Valley Kohistan Forests*, p. 34.

¹⁴⁸ See Faqir Muhammad Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, pp. 12–15.

semicarpifolia); of these Holly oak was found scattered in Kail forests, White oak was found in Barikot, Marghuzar, Mananrai and Shawar regions, a few patches of Banj oak were available at places like Shah Dherai etc; and Brown oak was found in pure patches in the forests of Roringar, Lalku and Miandam regions.¹⁴⁹

5.7 Cutting is continued

An official report of 1936 states that, “in Swat definite improvement is reported in the control of fellings and general forest management during the last five years.”¹⁵⁰ Despite some improvement “in the control of fellings and general forest management” by the ruler of Swat State and a declaration that the forests were the property of the State, permanent demarcation of the forest and non-forest lands was not carried out in Abdul Wadud’s reign. There was no proper land settlement along modern lines, due to which the boundaries of the forests did not remain final and intact because people continued to clear bits of land to extend their existing cultivable fields or bring fresh areas under cultivation every year. Hence, although it was legally not permissible, after the forests were declared the property of the State, forest boundaries for practical purposes gradually moved upwards¹⁵¹ because people continued cutting not only to obtain cultivable land but also for other purposes. This was the actual case throughout the State.

5.8 The forest service

At first Swat State did not have its own forest cadre or service nor was there a colonial government service exclusively for the Swat State forests. The forests were under the control of the Ruler, under whom the Hakims and Tahsildars conducted the affairs of the forests at the lower or local level. The colonial Government, however, deputed forest officers to do the required job. The colonial Forest Department became associated with the forests of Swat State in 1925 when Malik Allah Yar Khan inspected the forests of the Swat Kohistan Torwali areas. We, however, come across no evidence of permanent deputation of forest staff by the colonial forest department to Swat and to their permanent residence or office at Mingawara or elsewhere in the State. The forest officers were deputed only for specific tasks, e.g. inspection of specific forests or preparing working plans. They, therefore, remained in the field for a specific time and task and proceeded to do the work. The attempt at Kalam (see chapter 6.4) was basically for posting permanent political staff.

However, it was reported in September, 1930, that “the Wali had agreed to permanent forest officials of the rank of Forest Ranger or Forester being permanently in charge of

¹⁴⁹ Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, pp. 14–20.

¹⁵⁰ PRFANWFP for the year ending 31st March 1936, p. 3.

¹⁵¹ Also see Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 10.

the work.”¹⁵² He agreed to this after Mr. Parnell visited some of the forests of Swat State and submitted his report, which was also examined by the Local Administration, and after consultation with the Local Administration on the point of the maximum concessions he could agree to make in respect of conservancy of his forests and the establishment of a permanent staff connected therewith.¹⁵³

In 1927 a temporary working plan was drawn up by Mr. Parnell for the said forests, and in 1931 a working plan prepared for the same forests by Allah Yar Khan was brought into operation and jurisdiction of the Northern Forest Division, Peshawar, was extended to Swat by posting one Forest Ranger and one Forester to the Swat Kohistan area. Later marking for exploitation fellings in the Indus Kohistan and Buner forests was also carried out by officers of the Forest Department of the colonial government. These fellings, however, were haphazard and not planned. Moreover, silvicultural requirements were not observed in marking the trees and the selection, invariably, centred round the biggest trees and those easiest to extract.¹⁵⁴

5.9 Rights and concessions

According to M. A. Qadeer Khan, there has been no settlement save the one referred to in Paragraph 9 of the Working Plan for Upper Swat Valley Forests (1928-31) by Allah Yar Khan; and though accepted by the ruler of Swat State, as per his letter No. 213 dated 13 July 1930, no record of that settlement is available.¹⁵⁵

The resume of the settlement as recorded in Paragraph 10 of the aforesaid working plan is reproduced below:

1. *Deodar* is declared to be the property of the [Swat] State whether inside the demarcated forests or outside them. The price to be paid by the State to the former owners, if any, is Rs. 10/- per tree (24" or more in diameter) cut and removed from forests for export. *Deodar* trees cut by the State for local building are not to be paid for.
2. The burning of *deodar* forests whether demarcated or undemarcated is prohibited.
3. The entire exclusion of foreign goats, sheep and cattle was not approved by the *Wali* as it would deprive the State of the fees levied on them. It was, however, agreed that no excess over the number at present visiting the state should be permitted, that all cattle when passing through a demarcated forest should be led under control, and that they must pass out of the

¹⁵² PA, DSC, to Acting Conservator of Forests, NWFP, No. 5336, 6th September 1930, TARC, S.N. 32/Swat, F.N. 33/2-F.R.P., Vol. IV.

¹⁵³ Ibid.

¹⁵⁴ Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978.*, p. 30.

¹⁵⁵ Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, p. 11.

demarcated forests in the period specified by the forest officer which will be as under:

- (i) While marching along the Baranial-Daral, Dara path they will pass through Daral, compartments I and II in one day [Baranial is now called Bahrain].
 - (ii) While enroute to and from the grazing areas at the head of the Kedam valley, they are allowed a day to pass through Torwal VIII and IX.
 - (iii) On their way to and from pasture land on the Asret Dana, they are permitted a day to pass through Chodgram [now called Balakot] compartment Nos. III and IV.
4. The State does not agree to close all rights and concessions in any forest area at this stage.
 5. The prohibition of all cutting of *deodar* in both demarcated and undemarcated forest without the permission of the State is agreed to. Arrangements are contemplated for an annual timber distribution to be made by the State forest officer, assisted by State revenue official, at which the domestic requirements of all villagers will be enquired into and satisfied within reason.
 6. *Deodar* timber may be used for building houses, for building and repairing mosques and for planks for burying the dead. The number to be annually granted for these purposes to the villagers all over the tract is estimated not to exceed 100 *deodar* trees, each 30" in diameter and over.
 7. Within the demarcated forests no fresh cultivations, whether permanent or temporary, will be permitted, but the demarcation of existing included cultivation (*chaks*) has not yet been permitted by the *Wali*. It is understood, however, that the *Wali* has agreed that temporary cultivation in small patches within the demarcated forests maybe stopped by the forest officers. On the map, therefore, only the permanently cultivated *chaks* are shown. The existing grazing lands inside the demarcated forest will remain undemarcated, but no cultivation therein is permitted. No new *bandas* may be erected inside the demarcated forests.
 8. The existing paths through the demarcated forests which are used by the local people and their cattle will continue to be used by them.
 9. The number of horned cattle, goats and sheep and other animals owned by the local men are defined in the settlement report. These animals will be allowed to graze within the boundaries of the demarcated forests as heretofore. Foreign goats and sheep are only permitted to graze inside the demarcated forests to the extent defined in sub-paragraph 4 above. The existing local animals are kept solely for domestic and agricultural purposes. Keeping of big flocks and herds for trade purposes is not permitted.

10. The right of cutting standing trees other than *deodar* remains as unlimited as before.¹⁵⁶

It is to be noted that all this was stated only in reference of the Torwali area of the Swat Kohistan Swat State area, because the said working plan was related to that area and working plan or proper exploitation of the forests of other parts of the State was not taken in hand at that time. It was, however, stated in 1964 that:

Most of the above provisions do not seem to have been implemented except those enumerated below:-

- (i) *Deodar* tree, wherever found, is property of the State.
- (ii) Burning of *deodar* forests is totally banned. Cutting of *deodar* without obtaining permission from the State authorities is prohibited.
- (iii) The existing paths in the forests are open to use by the locals and their cattle.¹⁵⁷

¹⁵⁶ Ibid., pp. 11–13.

¹⁵⁷ Ibid., p. 13.

6 Kalam Tract

A separate note is needed on the affairs of Kalam, Ushu, Utror (referred to in some official writings as Utrot) and Aryanai (in official writings written as Hariani) or Gawri tract, which was generally referred to in the official writings as Kalam. The said country of Kalam is situated in the upper reaches of the Swat River in Swat Kohistan and except to the south is separated from the neighbouring territories of Dir, Chitral and Kandia (Indus Kohistan) ridges of high hills almost covered with snow. It was claimed by the Mehtar of Chitral, the Nawab of Dir and the ruler of Swat State. The people were independent in that they paid no *ushar* and, on the whole, did not desire to come under the direct rule of any one of them. The internal factional feuds, however, often drove the weaker party, for the time being, to apply to one or the other of the claimants for assistance and so give the latter an opportunity for intrigue in the internal affairs of the tribes with the object of assuming complete control. Nevertheless, the real attraction in the dispute for the tract, between the neighbouring rulers, was the rich fir forests, which so far were not exploited.¹⁵⁸

The situation became much strained in 1923 over the issue of Kalam. At this, the Government of India intervened and an undertaking was extracted from the ruler of Swat that he would not interfere further in that region except to repel attacks by the Mehtar of Chitral or the Nawab of Dir. The Mehtar was told that any extension of his existing boundaries would be in defiance of his Agreement with the Government of India; and at the same time the Nawab was warned not to give the ruler of Swat State an excuse for evading his undertaking.¹⁵⁹ Besides other things, these facts negate the assertion that “while the British had declared the valley of Kalam as part of Chitral.”¹⁶⁰

Interference of the Mehtar and the Swati ruler, however, continued and in 1925 the Swati ruler sent his Commander-in-Chief to Peshmal, on the extreme border of Swat State and close to Kalam, in the first instance to try and get the assent of the Gawris or as a last resort to coerce them into submission. The Political Agent at Malakand wrote to the Swati ruler reminding him of his written undertaking to the effect that there would be no interference in Kalam’s affairs; and advised him strongly, in his own interests, to recall his Commander-in-Chief and end further interference in the internal affairs of those people.¹⁶¹ One of the reasons that influenced the colonial authorities to

¹⁵⁸ CNWFPD No. 14 for week ending 4th April 1925, *DCOP*, B.N. 5, S.N. 62.

¹⁵⁹ W. R. Hay, [PA, DSC], “History of the Descendants of the Akhund of Swat and of the Formation and Development of Swat State”, p. 6; idem, *Monograph on Swat State* (Simla: Government of India Press, 1934), p. 9. Also see Norman Bolton, CC, NWFP, to FS to GI, No. 807-P.S./527, 27th April 1927, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁶⁰ Inam-ur-Rahim and Alain Viaro, *Swat: An Afghan Society in Pakistan, Urbanisation and Change in a Tribal Environment*, p. 132.

¹⁶¹ CNWFPD No. 14 for week ending 4th April 1925, *DCOP*, B.N. 5, S.N. 62.

interfere in the affair was “the knowledge that Garvi contained valuable unexploited forests which it was considered desirable to control.”¹⁶²

The Government of India had its own ambitions for bringing the tract under its own hegemony and exploiting its valuable forests, which covered an “area of some 60000 acres of almost untouched deodar” and was “not only an exceedingly valuable forest estate, but . . . also probably the last such area remaining in the world.”¹⁶³ To achieve the objective of controlling the valuable Deodar forests, the colonial authorities not only barred the neighbouring rulers from interfering in and occupying the tract but also did not allow materialisation of contracts and dealings made without their permission and approval. Hence when in September 1926 the Wazir of Swat State reported to the Political Agent that agents of Lala Harkishan Lal of Lahore had “gone to Swat Kohistan for conducting timber felling operations in pursuance of a contract made with the people of Hariani [Aryanai] and Kalam”, Harkishan Lal’s agents were at once ordered “to cease [the] operations and to quit Swat Kohistan” due to “the policy of the [colonial] Government to prohibit uncontrolled tree-felling on the upper reaches of the Swat River, in order to protect the Upper-Swat Canal”, and because of no such contract was submitted for the approval of the colonial authorities nor do Harkishan Lal obtained any permission for his agents’ visit to Kohistan and to cut timber.¹⁶⁴

The order was obeyed because without the permission of the colonial authorities it was impossible to bring the timber extracted down the Swat River into British Territories. The *jargas* of Kalam, Ushu, Utror and Aryanai were also informed that the colonial Government “would not permit any timber to be exported by river from their forests, unless the contracts, under which the fellings was done, were first sanctioned by the [colonial] Government.”¹⁶⁵

6.1 Agreement with the Gawri Tribes

The Political Agent for Dir, Swat and Chitral not only dealt with the matter of the exploitation of the forests of Kalam with Harkishan Lal, his agents and the Gawri tribes, as detailed above, but also discussed it with the Chief Commissioner of the Province. The Chief Commissioner directed that the full *jargas* of Kalam, Utror, Ushu and Aryanai “should be called in to Malakand, in order that the general questions of their relations with [the colonial] Government and the exploitation of their forests might be dis-

¹⁶² “Confidential. Report on Kalam Area.” by J. W. Thomson-Glover, PA, DSC, 22nd June 1929, *TARC*, S. N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sept. 1929.

¹⁶³ W. Mayes, CCF, Punjab, to Secy to the CC, NWFP, No. B-255, 1st October 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁶⁴ H. A. F. Metcalfe, PA, DSC, to Secy to the CC, NWFP, No. 512, 8th March 1927, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁶⁵ *Ibid.*

cussed and if possible some satisfactory arrangement come to for the future, which could be embodied in a formal agreement.”¹⁶⁶

Consequently the *jargas* were called for in December 1926. They sent a preliminary deputation, in January 1927, so as to know what was required of them. Despite the machinations “of various persons interested in preventing the establishment of any [colonial] Government control over the working of the Kohistan Forests”, prominent among whom were the Mehtar of Chitral and Lala Harkishan Lal, the full *jarga* of about 120 men reached Malakand in March 1927. On 5th March 1927, members of the combined *jarga* met the Political Agent. At first questioned about contract with Lala Harkishan Lal, they stated that it was only concluded by the Aryanai *jarga* against the wishes of the other *jargas* and also that it was made with the understanding that Harkishan Lal had made a deal with the sanction of the colonial authorities. The *jarga* members

expressed their desire for greater protection from [colonial] Government against their powerful neighbours and for assistance and advice in the exploitation of their forests. *It may be noted* [italics mine] that no general enthusiasm was shown for the development of this source of wealth [i.e. forests] except by the Hariani [Aryanai] jirga, who had already sold some of their forest to Lala Harkishan Lal. A draft agreement was then placed before them for consideration and was agreed to with acclamation.¹⁶⁷

It is noteworthy that while sending the draft agreement for information and approval of the Chief Commissioner of the Province, according to whose verbal instructions it was drafted, the Political Agent stated that “it will be noted that the agreement commit [the colonial] Government to nothing beyond the policy already approved and registers important undertaking on the part of the jirga”, hence execution of the agreement by the *jarga* was taken in the meeting in anticipation of the approval of the colonial Government. However, it was stated that “should any modifications be desired there will be no difficulty in securing the assent of the jirgas on their next visit to the Political Agent.”¹⁶⁸

Seeking ratification of the Government of India, the Chief Commissioner of the Province detailed the situation in a historical and geo-political context and stated at the end that:

If the Government of India are pleased to sanction the ratification of the proposed agreement with the tribes of Kalam, etc., I propose to inform His Highness the Mehtar, the Nawab of Dir and the Wali of Swat officially of the substance of it in order that they may realize finally the futility of their design upon the area [the same was also proposed by the Political Agent for Dir, Swat and Chitral to the Chief Commissioner]. A scheme of forest control will be worked

166 Ibid.

167 Ibid.

168 Ibid. For the text of the draft agreement see *ibid*.

out after the arrival of the special Forest officer whose appointment has now been sanctioned.¹⁶⁹

It should be mentioned here that in his letter the Chief Commissioner also discussed the would-be effects of the colonial Government's protection extended to the tribes of Indus Kohistan against the Wali of Swat State, for which they applied, "for an agreement similar to that accepted by the Swat Kohistanis, including [colonial] Government *control of their forests* [italics mine]", and that in case of such an agreement "opportunity would also be taken of this settlement to bring the forests of the Southern Valleys of the Indus Kohistan also within the scheme of [colonial] Government control."¹⁷⁰

A point of note is that in the draft agreement signed in advance by the combined tribal *jarga* of Kalam, Ushu, Utror and Aryanai, the *jarga*, while making a commitment on their part that they will not permit the agents of the Mehtar of Chitral, the Nawab of Dir and the Wali of Swat to visit their country without the permission of the colonial Government, also requested the colonial Government to prevent their neighbouring rulers from intriguing in their country or with any of their faction.¹⁷¹ The Government of India, however, informed the Chief Commissioner that

while fully sympathising with the objects you have in view, namely the conservation of the forests, *the maintenance of an even rainfall and the prevention of sudden floods in the interest of the Upper Swat Canal*, the Government of India are of the opinion that clause 2 of the proposed agreement *would mean a positive addition to their trans-frontier commitments*, and, considering the inaccessibility of the Garwi tract, *possibly a grave one* [italics mine].¹⁷²

The said portion of clause 2 of the proposed agreement was, therefore, dropped¹⁷³ and a modified version of the commitment of the colonial Government was added as clause 5 and a revised draft was submitted to the Government of India for approval, whereupon it was communicated to the Chief Commissioner that "the Government of India consider that the objection felt by them to the previous draft has now been removed and in particular that they are undertaking, explicitly or implicitly, no military commitment. You are, therefore, authorised to conclude an agreement on these lines with the tribal elders concerned."¹⁷⁴ Consequently, the representative *jargas* of Kalam, Ushu, Utror and Aryanai tracts assented at Malakand, on 7th April 1928, and sixty five members affirmed the agreement by putting their thumb impression to what was already approved by the Government of India, with the colonial Government to the effect:

¹⁶⁹ Norman Bolton, CC, NWFP, to Secy to the GI, FPD, No. 807-P.S./527, 27th April 1927, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁷⁰ *Ibid.*

¹⁷¹ For the Urdu text of the draft agreement and also for a copy in English see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁷² FS to GI, to the CCAGG, NWFP, No. 457-F/27, 28th June 1927, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁷³ For details of the correspondence in this respect see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁷⁴ FS to GI, to the CCAGG, NWFP, No. 457-F/27, 10th November 1927, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

1. We agree that in future we will be friendly to the Government and will when called upon to do so send our representatives to visit the Political Agent and discuss our affairs with him.
2. We will not permit the agents of the Mehtar of Chitral, the Nawab of Dir or the Wali of Swat to visit our country without the permission of the Government.
3. We will in future enter into no negotiations for the cutting or sale of timber from our forests without first obtaining the sanction of the Political Agent. If any such contract is arranged we will submit it for the sanction of the Government before any felling operations are commenced [italics mine].
4. We will permit forest officers despatched by the Government to visit and inspect our forests and to mark trees for cutting in accordance with a proper plan. We will guarantee their safety and offer them no hindrance in their work [italics mine].
5. The Government of India will use their influence [italics mine] to prevent all neighbouring Chiefs who are recognised by and receive allowances from the Government from encroaching upon the independence of the tribes of the Garvi Tract of Swat Kohistan either by force of arms or by intrigues with the factions among those tribes.¹⁷⁵

Despite the fact that it was previously also the case, the agreement with the tribes of the Gawri tract gave the colonial Government virtual control of the management and exploitation of the forests composed of the tracts of Kalam, Ushu, Utror and Aryanai, commonly referred to as Kalam in the official writings and documents. Nevertheless, unlike the forests of Swat State, ownership by the people was not touched or curtailed so that they received only 10 per cent of the sale proceeds.

6.2 Past system of management

The Deodar forests of the Gawri tract inspected by Allah Yar Khan, Deputy Conservator of Forests, were estimated by him, from the map he had, at 62,590 acres. Of these the forests owned by the owners of the Kalam, Ushu and Utror tracts had not been exploited for export or improvement fellings. Trees, however, were cut for local use. Referring to the injuries to which these forests were liable, Allah Yar Khan states:

- (i) Men here are as ignorant and as unscrupulous of the use of Deodar wood, as the men in Torwal (Swat Kohistan [referring to the area of Swat Ko-

¹⁷⁵ "Agreement Executed by Tribes of Swat Kohistan", 7th April 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

histan under Swat State]) and they have throughout their life been employing every wasteful method of conversion.

- (ii) Forest fires have been very common and have done considerable damage to forests on steep slopes.

Forests on better slopes escaped injury, being closed canopied and devoid of undergrowth.

The photograph in the margin shows

- (i) The forest totally burnt by fire.
- (ii) The smouldering fire, which was not extinguished.
- (iii) Grazing is not very harmful. The local grazier goes to higher elevations in the summer and during the winter cattle, sheep and goats are stall-fed. *Foreign graziers are not permitted to enter these forests* [italics mine].
- (iv) Snow damage is very heavy higher up in the valley.
- (v) Lopping of Deodar is done but there are few other injuries from torchwood extraction, animals or Fungii.¹⁷⁶

No system of management was provided and the forests grow under the protection of nature alone. There had been no export felling except in the forests owned by the owners of Aryanai, in which serious irregularities occurred and instead of 2000 trees purchased, 3000 trees were felled by Harkishan Lal's men. Moreover, very destructive forms of exploitation were carried out purposely, which resulted in the destruction of a portion of the forest. No rules of felling were observed and the easy slopes near the river were cleared of Deodar. Besides, "the agent of the contractor showed great partiality in the distribution of money to one side which resulted in a fight causing two deaths."¹⁷⁷ Given irregularity in income and the need to realise their proper share, people even had to resort to fighting and violence.

Although it is the first necessity of forest management and conservancy, as in Swat State, there was no demarcation of the forest and non-forest land in the Gawri tract. Moreover, the rights of the people and rules of forest ownership were also not found in written form.¹⁷⁸

¹⁷⁶ "Preliminary Report on the Kalam Kohistan Forests" by Allahyar Khan, DCF, 17th July 1928, *TARC*, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*; and A. D. Blascheck, CCF, Punjab and NWFP, to Secy to the CC, NWFP, No. C-210, 20th August 1929, *TARC*, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

6.3 Survey of the forests and recommendations

It is evident from the above discussion that the colonial authorities were not ready to allow exploitation of the forests even in the Gawri tract without inspection by their Forest Officer. So when members of the combined *jarga* asked for permission, on 7th April 1928, to affirm the agreement at Malakand, to sell the “trees already felled in their forest by L. Harkishan Lal” they were told that “the request could not be entertained till their forests had been inspected by a Government Forest Officer.”¹⁷⁹ Hence Allah Yar Khan, Deputy Conservator of Forests, who had already inspected the forests in the Swat Kohistan Torwali tracts and submitted his report (see chapters 4 and 5), proceeded to Swat Kohistan on 27th April 1928, in pursuance of Article 4 of the agreement,¹⁸⁰ so as to inspect the forests concerned and submit his report.

The people of Kalam, however, tried to obstruct him and inspection of the forests one way or another. Timber traders, who had already entered the tract and executed agreements with the people, among whom Mian Musharaf Shah Kaka Khel was eminent, also did their best owing to their vested interests.¹⁸¹ Allah Yar Khan apprised the Political Agent of the situation, who wrote him, *inter alia*, that:

As the Kalamis seem to have failed to understand the agreement they actually signed with Government I send you a copy of the text. You will see that in clause 4 they have specifically agreed to allow forest officers “to mark trees for cutting in accordance with a proper plan”, and this was explained to them in my presence. They are so ignorant, however, and so unused to written undertaking that you may often find it desirable to be in a position to show them authoritatively what they have undertaken to do, and it is for this reason that I now send you the text of their agreement.¹⁸²

Commenting on the behaviour of the *jargas* and the lack of cooperation extended to him, despite their promises and agreement, Allah Yar Khan writes that “the Jirga, being a very unwieldy body of ignorant people, took a long time to collect, to sit and to decide about matters connected with forest inspection. *Instead of rendering any assistance they have been a cause of trouble throughout to me* [italics mine].”¹⁸³

In regard of Mian Musharaf Shah’s agreement with the people for forest operations in the tract, which was one of the factors obstructing inspection of the forests by Allah Yar Khan, the Political Agent stated about his contract that “no one is going to urge

¹⁷⁹ C. Latimer, PA, DSC, to Secy to the CC, NWFP, No. 1011, 14th April 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸⁰ Norman Bolton, CC, NWFP, to FS, GI, No. 1882-P.S./527, 25th May 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸¹ See the correspondence in this respect in *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸² C. Latimer, PA, DSC, to Allahyar Khan, DCF, 26th May 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸³ “Preliminary Report on the Kalam Kohistan Forests” by Allahyar Khan, DCF, 17th July 1928, *TARC*, S.N. 13/Swat, F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

them to break it, though possibly the Mian told them that such an attempt would be made.”¹⁸⁴ Regarding the objectives of the inspection, the Political Agent stated that:

As I told the Jirga myself Government has only two objects (i) that their forests may not be exploited recklessly, to the total squandering of their sources of wealth, and (ii) to ensure that the owners of the trees themselves get as near their full value as possible. It is for them and for them alone to decide to whom they give a contract, *always remembering that no contract can take effect till Government, after full information, sanction its terms. And the trees must certainly be marked before they can be felled* [italics mine].¹⁸⁵

It is noteworthy that while inquiring about progress with the work, the Political Agent wrote to Allah Yar Khan that “I am so far distant from the spot here and we have so little real information of the state of affairs in Kalam that I must leave it to your discretion whether to stay or to return. Remember also that if you elect to return neither the Chief Commissioner nor myself will consider you as having failed in your duty.”¹⁸⁶

Allah Yar Khan, however, continued his endeavours, negotiations took place and, though not without difficulties and obstruction, he succeeded in carrying out the inspection of the forests concerned from 1st May to 15th June 1928 and completed the assignment.¹⁸⁷ It was for this reason that the appreciation of the Chief Commissioner of the Province was conveyed for “the tactful way in which Allayar Khan overcome the difficulties in Kalam.”¹⁸⁸ On the completion of the tour and the inspection, Allah Yar Khan informed the Political Agent, on 15th June 1928, that:

I have today returned to the Wali of Swat’s territory, after having summarily inspected the forests that were, for the purpose of a Preliminary Report, worth seeing in the Garvi Ilaka. That is, all the Deodar forests have been visited, and that was probably all what was for the present, required. The areas occupied by Firs could not be closely got at owing to lack of arrangements for the carriage of luggage in the remote parts, where such forests are found. And as the exploitation of Firs is not at the moment in contemplation, their inspection has, therefore, been deferred to a convenient opportunity.¹⁸⁹

He, moreover, explained the strained political situation in the tract at the time, which was one of the major reasons for the tribes’ hesitation in allowing him to inspect the forests. He also dealt with the difficulties experienced in going around the Deodar forests, the factors responsible for the difficulties, and the reasons for apprehension among

¹⁸⁴ C. Latimer, PA, DSC, to Allahyar Khan, DCF, 26th May 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸⁵ *Ibid.*

¹⁸⁶ PA, DSC, to Allah Yar Khan, DCF on Deputation to Kalam, n.d., *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸⁷ For details see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸⁸ D.O. No. 2145-P.S./527 to C. Latimer, PA, DSC, 20th June 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

¹⁸⁹ Allah Yar Khan to Latimer, 15th June 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

the people themselves. Reporting about the work of the contractor, already carried out, for which he was also asked, he stated to the Political Agent that:

The enumeration and classification of the trees already cut by a concessionaire acting without authority from [the colonial] Government in the Hariani [Aryanai] village forest, could not be carried out, for, all the trees thus cut had since been converted into logs, of which fact you do not seem to have at all been informed. I have however had the stumps of all the trees felled by the purchaser, counted and their measurements recorded which would take us as near to the correct figures as possible.¹⁹⁰

Allah Yar Khan stated that a total of 2,950 trees were cut down by the contractor “arrived at from the measurement taken of the stumps, against 2,000 sold” by the owners to the contractor, meaning that the contractor cut down at least 950 trees “without authority from the owners of the trees themselves.”¹⁹¹ This also indicates the extent to which the contractors contravened the agreements, misappropriated the wealth of the tribes, and misused their contracts to obtain greater wealth, disregarding their moral obligation for the conservancy of forests as a valuable natural resource. This is also an indication of the care exercised by the owners themselves, who did not keep a vigilant eye on the forest operations of the contractors, taking a free hand in their operations after concluding their dealings.

Referring to the destructive nature of the felling operations of the concessionaire, Allah Yar Khan pointed out that:

Another fact which is worth noting here is the destructive nature of fellings carried out on purpose. The areas to which felling operations were extended were selected nearer to the river, and a low rate of conveyance to the floating Depot of the output obviously tempted the purchaser to remove as many trees from here as could yield good logs. No other consideration seems to have weighed on him, with the result that big openings have been created in which no seeders have been allowed to stay. *In fact forest operations have been totally destroyed* [italics mine].¹⁹²

He nevertheless also pointed to the would-be positive aspect of the ruthlessness of the contractor with regard to the future of the forests and their conservancy by stating that:

However, notwithstanding the damage that has already been done to Hariani [Aryanai] Forests by the concessionair[e] his works of felling *serve to open the eyes of all those who are much frightened by Forest Control*. The Kalamis who came to Hariani [Aryanai] would learn a good lesson from these fellings and I shall be able to conclusively prove after what I have seen of these fellings, *what*

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

*havoc can be wrought in the valuable Deodar Forests, not properly protected by the Government Forest Department [italics mine].*¹⁹³

As stated earlier, like the areas of Swat State, there was no demarcation of the forest and non-forest land in the Gawri tract. Since demarcation is the first necessity of forest management, it was recommended that demarcation of the forest and non-forest land “be taken in hand as soon as the circumstances allow.”¹⁹⁴ Moreover, the rights of the people and the rules of ownership in the forests were also not found in written form, owing to which A. D. Blascheck, Chief Conservator of Forests, Punjab and North-West Frontier Province, recommended that “all possible information regarding ownership and rights must be acquired.”¹⁹⁵

It was furthermore recommended that survey maps for the Kalam forests be prepared and that “Forest Settlement should be carried out after the preliminary demarcation has been made.” Referring to the devastating and ruinous fellings that had taken place in Indus Kohistan, Dir Kohistan, the Swat Kohistan Swat State area and also in the Aryanai area of the Gawri tract, “bringing no doubt immediate profits to the owners”, and the undesirable results, it was stated that “the forests of the ‘Garvi’ are of a nature that with silviculture methods they would *for all times to come* [italics mine], be a source of regular income to the indigenous population and the project to the [colonial] Government”; and it was therefore opined that “it is therefore the duty of Government . . . to interfere in the management of these forests.”¹⁹⁶ Allah Yar Khan had, therefore, proposed his scheme for the working plan and had also detailed the methods of exploitation to be adopted.¹⁹⁷

A. D. Blascheck, Chief Conservator of Forests, Punjab and North-West Frontier Province, accompanied by the Political Agent for Dir, Swat and Chitral, also visited the Gawri or Kalam forests on a short tour in 1929 at the request of the Chief Commissioner of the Province, to consider Allah Yar Khan’s “report and to advise on the nature and control of fellings that may be carried out pending preparation of a working plan.”¹⁹⁸ Commenting on the nature of the forests, he stated that:

I have never seen a finer deodar forest than Kalam No. XIII Regular Working Circle. . . . As a whole the quality of the forests is high and their present and prospective value, if properly treated, very great; *they may be the only virgin deodar forests left in the world* and [the colonial] Government should do everything in

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ A. D. Blascheck, CCF, Punjab and NWFP, to Secy to the CC, NWFP, No. C-210, 20th August 1929, TARC, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

¹⁹⁶ “Preliminary Report on the Kalam Kohistan Forests” by Allahyar Khan, DCF, 17th July 1928, TARC, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

¹⁹⁷ See *ibid.*

¹⁹⁸ A. D. Blascheck, CCF, Punjab and NWFP, to Secy to the CC, NWFP, No. C-210, 20th August 1929, TARC, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

its power to prevent reckless exploitation for export, or wanton destruction in the course of meeting local needs [italics mine].¹⁹⁹

Detailing his proposals and recommendations for the proper planning, exploitation and conservancy of the forests, he also stated that “ultimately management of the Kalam forests, with inspection of the Swat forests, and *control of timber transport on the Swat river* [italics mine] will form a suitable Divisional Forest Officer’s charge”; and that “Kalam timber needs to have a distinguishing mark for purposes of import duty, since this has been compounded in the case of timber from Swat. No marking of timber on the river once it has been launched should be permitted.”²⁰⁰ Moreover, he had given “Group Felling Rules for Kalam Kohistan.”²⁰¹

6.4 Complications

The colonial authorities had banned all the forest fellings and timber operations in the Gawri tract carried out without proper plan by a Forest Officer, due to which Lala Harkishan Lal’s cut timber was lying in the area. Nor could Mian Musharaf Shah begin the cutting and the operations for which he had entered into an agreement on 18th March 1927 with the Gawri tribes; he continued to wait for and plead with the colonial authorities to sanction these operations.²⁰² It should be noted that he made a transaction involving 20,000 Diyar (Deodar) trees (at a rate of Rs. 5/- per tree) which was to be completed six years “from the date of the sanction by the (colonial) Government” and which was extendable “subject to the consent of the parties and *the sanction of the [colonial] Government* [italics mine].”²⁰³ Musharaf Shah, moreover, had made an agreement with the ruler of Swat State to bring timber through the Swat River in his territory, for which he had to pay Rs. 2/- per log as customs duty to the ruler, while the ruler, *inter alia*, would protect the lives of the people and the property of Musharaf Shah.²⁰⁴

In the meantime, Spedding, Dinga Singh & Company entered the field, causing division among the Gawri tribes because some were in favour of Musharaf Shah and some wanted to make deals with Spedding, Dinga Singh & Company for a better return. The ruler of Swat State also apprised the Political Agent that he had already entered into agreement with Musharaf Shah for a period of six years and that he was determined to abide by his agreement; and that he “shall not be in a position to let float through . . . [his] territory the timber of any other firm for the period of the Agreement” and hence the Political Agent may inform Spedding, Dinga Singh & Company not to enter into

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ See *TARC*, S.N. 13/Swat, F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²⁰² For details and the pleadings and correspondence see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28; S.N. 13/Swat, F.N. 33/2-FR.P, Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²⁰³ For copy of the agreement between the tribes and Mian Musharaf Shah see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²⁰⁴ For copy of the Agreement between the Swati Ruler and Mian Musharaf Shah see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

any agreement with the Kalamis for that period.²⁰⁵ A change in the tune of the Swati ruler, however, is visible later on from his letter, which was in response to a letter from the Political Agent, dated 1st August 1928, and in which he stated in this respect that:

Regarding the traders who export products from such ilaqas and pass through my territory, themselves and the articles, I am responsible for their safety of person and property, while they are on such journeys. Moreover I incur expenses to keep their life and property safe, and therefore think myself entitled to charge tolls from such traders who seek and come under my protection. In case a trader does not think me responsible for the safety of his person and property while in my ilaqa [locality; domain], I am prepared not to charge him any thing; but I will not be responsible for his life and goods.²⁰⁶

Hence these remarks of the Political Agent for Dir, Swat and Chitral seem justified, that “in this matter, however, he [the ruler of Swat State] is virtually in the hands of [the colonial] Government” on whose sanction exploitation of the forests of the Gawri tract depends.²⁰⁷ And so we see that when Spedding, Dinga Singh & Company entered into an agreement with the tribes of the Gawri tract for the purchase of “such trees that may be marked by the Government Forest Department for exploitation during the seven years ending in 1935, the ruler of Swat State also concluded an agreement for floating the timber, extracted under the aforesaid agreement, from his territory.²⁰⁸

Allah Yar Khan, Deputy Conservator of Forests at Deputation to Kalam, was also charged with favouring and working for Musharaf Shah. The Political Agent, however, advised Allah Yar Khan, *inter alia*, that “the only desire of Government is to see the owners of the trees get a fair price for them and to ensure that any felling operations which may be sanctioned are so conducted as not to prejudice the future of the forests.”²⁰⁹ Although Allah Yar Khan detailed the situation, clarified his position and talked of the bad work, careless fellings and damage to at least 400 trees in the area where Spedding, Dinga Singh & Company was conducting cutting and operations, the Political Agent was of the opinion that he avoided referring to reality and that his assertion did not stand.²¹⁰ Anyway, by referring to his past bad record of forest operations (also see Chapter 4), the remarks and reports of the Political Officers did not favour Mian Musharaf Shah,²¹¹ and his previous agreement with the tribes proved to no avail.

²⁰⁵ Ruler of Swat State to PA, DSC, No. 425, 24th July 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²⁰⁶ Wali of Swat State to PA, DSC, No. 440, 12th August 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²⁰⁷ C. Latimer, PA, DSC, to Secy to the CC, NWFP, No. 2567, 17th October 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²⁰⁸ For the Agreement concluded between Spedding, Dinga Singh & Company and the Swat State Ruler, dated 26th June 1930, see *TARC*, S.N. 32/Swat, F.N. 33/2-F.R.P., Vol. IV.

²⁰⁹ C. Latimer to Allah Yar Khan, D.O. No. 2116, 11th August 1929, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²¹⁰ For details see *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²¹¹ For example see J. W. Thomson-Glover, PA, DSC, to Secy to the CC, NWFP, No. 2615, 24th October 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28; H. N. Bolton, CC, NWFP, to J. W. Thomson-

So the contract for forest cutting and operations in the Gawri tract finally went to Spedding, Dinga Singh & Company, which was in the books of the Political Officers.

It negated the assertion of the Political Agent about a “contract no one is going to urge them [the tribesmen] to break, though possibly the Mian told them *that such an attempt would be made* [italics mine]”²¹², as also stated earlier, while commenting on Musharaf Shah’s and the tribes’ apprehensions that the colonial Government was going to bring an end to their agreement on timber cutting. Although the colonial authorities had their own grounds and justification for doing so, it is noteworthy that Mian Musharaf Shah had termed the attitude of and inclination of the Political Officers towards Spedding, Dinga Singh & Company as nepotism because, according to him, Englishmen owned the Company.

Another point related to the proper exploitation and conservancy of the forests of Kalam and suggested by Allah Yar Khan was that felling was to be permitted only of trees properly marked by a Forest Officer, when appointed, and that the felling should not be done until the completion of the working plan. A further point was a need for the presence of a Political Officer in the area to supervise forest operations. Regarding this it was stated to the Chief Conservator of Forests, Punjab, that:

The Chief Commissioner considers that if it is decided to undertake the exploitation of the Kalam forests, it will probably be necessary to appoint a civil official such as a Tahsildar in the country and also some local Khassadars or Levies to support him. He thinks *that the cost of the forest establishment and the civil officers might be recovered by the levy of a river toll on the timber* [italics mine]. I am to inquire whether you agree to this suggestion and, if so, what toll could reasonably be imposed.²¹³

Not only the views of the Chief Conservator were sought but the Political Agent was also addressed and, *inter alia*, it was stated that “you are requested to ascertain the views of the Kalam jirgas on this point. . . . The Chief Commissioner suggests that, if it is safe to do so, the Indian Assistant for Swat might be sent to report on the present conditions in that area.” Moreover, the manner in which the trees already felled by Lala Harkishan Lal are to be disposed was also stated; and that in response to the petition of Mian Musharaf Shah “he may be informed that no contract will be sanctioned for the Swat Kohistan until Khan Sahib Allahyar Khan’s Report has been fully considered.”²¹⁴

W. Mayes, Chief Conservator of Forests, Punjab, opined on the subject that it would be preferable, in terms of conservancy, to have no felling until the preparation of a work-

Glover, PA, DSC, D.O. No. 40-R, 6th February 1929, S. N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929; J. W. Thomson-Glover, PA, DSC, to Secy to the CC, NWFP, No. 294, 30th January 1929, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²¹² C. Latimer, PA, DSC, to Allahyar Khan, DCF, 26th May 1928, TARC, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²¹³ C. H. Gidney, Secy to the CC, NWFP, to CCF, Punjab, No. 3182-P.S./527, 5th September 1928, TARC, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²¹⁴ Secy to the CC, NWFP, to PA, DSC, No. 3183-P.S./527, 5th September 1928, TARC, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

ing plan but, if political considerations outweigh this and the Chief Commissioner considers that, from a political point of view felling should be allowed, he has no objection provided the fellings are properly controlled along the lines laid down by him. He further stated that the fellings allowed under political considerations would no doubt "have a good effect in favour of forest conservancy if the local Malikis were to see money coming into the country as a result of the visit of a Forest Officer."²¹⁵ In the end he wrote that:

Finally, I venture again to make a suggestion which I have already made in other correspondence. All these advances in forest conservancy in the Trans-Indus are being pushed forward (and it is very gratifying to the Forest Department that they are being pushed forward) without a senior Forest officer on the spot to advise the Local Administration. . . . I suggest that the appointment of a Conservator for the North-West Frontier Province be made the subject of a special application to the Government of India, apart from the other establishment required; and that if the sanction of the Secretary of State is needed the aid of the cable or the wireless might very well be involved.²¹⁶

Referring to the lack and non-presence of technical Forest staff, Thomson-Glover, Political Agent for Dir, Swat and Chitral, stated that:

steps should be taken to supply in full technical forest staff on the scale recommended by the Forest Department. *We have started Forest conservancy in Swat Kohistan and Kalam; without the proper staff* [italics mine], Government interests will suffer and it will be difficult to carry out even the temporary working plan satisfactory.²¹⁷

Like the Chief Conservator of Forests, Punjab, stressing the need of a Chief Conservator of Forests for the North-West Frontier Province, the Political Agent stated that:

The work is suffering from the lack of a Senior Forest Officer to control technical forest matters.

The Kalam Forests are described as 'more valuable than any Forests in the Punjab or North-West Frontier'. *This is not yet realised by the Government of India* [italics mine], if they did I feel certain that they would provide the necessary officers to father these projects in their infancy.²¹⁸

To push the matter forward, the Indian Assistant for Swat went to Kalam in the middle of September 1928 and reported on the favourable situation for posting a Political Tahsildar at Kalam. He referred to seeking the consent of the Kalam *jarga* to make the adventure a success, and to the deputation of only 15 Khasadars provided with Gov-

²¹⁵ W. Mayes, CCF, Punjab, to Secy to the CC, NWFP, No. B-255, 1st October 1928, *TARC*, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²¹⁶ *Ibid.*

²¹⁷ "Confidential. Report on Kalam Area." by J. W. Thomson-Glover, PA, DSC, 22nd June 1929, *TARC*, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²¹⁸ *Ibid.*

ernment rifles and ammunition for the assistance of the Political Tahsildar. Besides, as proposed by Allah Yar Khan, the forest staff consisting of one Forest Ranger, two trained Forester and twelve Forest Guards, were also to be sent and the Forest Settlement was to be carried by the Political Tahsildar. Referring to the gap between the would-be revenue of the colonial Government, accrued from the forest operations in the tract, and the would-be expenditures incurred upon the management and control of the forests, the Political Agent stated that “considering the advantages to be derived by Government from Forest control, this revenue represents a reasonable share of the expenditures to be incurred.”²¹⁹

Norman Bolton, Chief Commissioner of the Province, addressed the Foreign Secretary to the Government of India on the subject to seek approval of the Forest operations at once and also to sanction the budget of the Political Establishment and Forest Establishment to be deputed to Kalam. He stated that:

I consider it desirable that properly controlled fellings should be permitted to begin at once and not held over until after the working plan has been completed. The Kalamis have so far remained outside Government control; and the surest method of making them amenable to the control of Government and also appreciative of the value measures of Forest Conservancy would be to let money flow into the country as a result of the Forest Officer’s visit. I agree with Mr. Mayes, however, that during the first three years, that is, until a working plan has been prepared, fellings should be permitted only to the limited extent proposed by him, namely 1500 trees per annum.²²⁰

The presence of the colonial Government’s Political and Forest official and staff was considered essential because it would not be possible to carry out work and conservation of the forests without their presence on the ground of operations. So subsequent to the approval of the Government of India and the consent of the *jargas* of the tract, Tahsildar Honorary, Lt. Sher Afzal, left Malakand for Kalam on 22nd May 1929 and entered Kalam on the 27th accompanied by 8 Levies. Later the Political Agent himself joined him at Kalam on 5th June 1929, and the next day Mr. Elliot of Spedding, Dinga Singh & Company also arrived. After a stay of six days and a tour of some of the forests, the Political Agent returned to Malakand and reported that:

The Tahsildar has made a good start with his political duties, but the situation is complicated.

- a. By the natural greed of the people who have been spoilt by presents from the rival contractors and even last year were able to blackmail the Forest staff into paying exorbitant rates.
- b. By intrigues of disappointed contractors.

²¹⁹ C. Latimer, PA, DSC, to SCC, NWFP, No. 2567, 17th October 1928, TARC, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

²²⁰ Norman Bolton, CC, NWFP, to FS to the GI, No. 3936-P.S./527, 7th November 1928, TARC, S.N. 50/Swat, F.N. 33/2-FRP, Vol. I, 1927-28.

- c. By the ambitions of adjoining States who hope that if failure occurs they will once more have a hope of establishing control and plundering the rich forests.
- d. I had anticipated that apart from Forest work it would take a Tahsildar a month to 2 months to establish himself and had hoped that the proposals of last November would have been sanctioned at least 9 months before forest work commenced.

However if a start is made in one place it should bring all into line; already it is having its effect on Indus Kohistan and Dir.²²¹

Commenting on their position in the tract, the Political Agent stated that “our position is not a strong one yet” and explaining the situation, he stressed the presence of a Political Tahsildar in the tract and stated that:

Without a Tahsildar I am certain the Forest conservancy would be a dead letter [italics mine]. The contractor would be bullied and blackmailed over rates; he would (even if not naturally desirous) be forced into cutting more trees than we wished.

The visit of a superior inspecting forest staff would be impossible. *A Tahsildar is absolutely necessary.* That the task is a heavy one at the outset is best shown by experience of adjoining States. The Wali rules by an army and bodyguard. When at the start of the work in the Wali’s territories the Kohistanis raised objections to the first tree being cut *an armed guard sat round and threatened to cut their throats [italics mine].*²²²

The Political Agent moreover stated that “to withdraw the Tahsildar from Kalam is both undesirable and unnecessary. And it is desirable to carry out some forest work in Kalam area this year.”²²³

The colonial authorities planned and endeavoured to achieve proper exploitation and conservancy of the forests of the Gawri tract or Kalam as it is called, for which preparation of working plans were attempted, while proposals for the establishment of permanent forest staff were made and discussed and Political Tahsildar was despatched to carry out and supervise the forest settlement and construct posts and residences, etc. for the staff. It is to be noted that the Political Agent claimed that in the selection of the Political Tahsildar he kept the following qualifications in mind:

²²¹ J. W. Thomson-Glover, PA, DSC, to SCC, NWFP, No. 1754, 15th June 1929, *TARC*, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²²² “Confidential. Report on Kalam Area.” by J. W. Thomson-Glover, PA, DSC, 22nd June 1929, *TARC*, S.N. 13/Swat. F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929.

²²³ *Ibid.*

Political experience,

Considerable physical courage,

Moral courage in the face of influence of adjoining Rulers, particularly of Swat. The influence of the disappointed Kaka Khel Mians – *who felt both their pockets and izzat [honour] touched* [italics mine].²²⁴

They, however, failed to gain the confidence of the tribes, on the whole, due to which troubles continued; incidents of firing over the persons involved in forests operations and on the reconnaissance aeroplane took place; and attempts against the Political Tahsildar and the colonial Government staff deputed to the tract were made.²²⁵ In 1930 the situation became too difficult for the colonial authorities to maintain their Political Establishment in Kalam and the adventure was abandoned. Hence the Tahsildar was recalled “on 1st July 1931, i.e. after more than two years’ stay there.”²²⁶ W. R. Hay asserts that the ruler of Swat State, who outwardly rendered every form of assistance, countenanced, if he did not provoke, the disturbances which made the further presence of the colonial Government impossible. It should be noted that Hay mentions 1930 as the year when the adventure was abandoned.²²⁷

Hence, although inspection was made by Allah Yar Khan, Deputy Conservator of Forests, who submitted his preliminary report in 1928, and the Chief Conservator of Forests, Punjab and North-West Frontier Province, in 1929, who considered the report of Allah Yar Khan, and also by the Political Agent and Political Tahsildar, “due to disagreement and troubles amongst the Kalamis no Forest Officer was sent to Kalam for further inspection till 1950 when Ch: Nazar Muhammad, the then Divisional Forest Officer, Northern Forest Division, was deputed for the inspection of Kalam forests.”²²⁸ And according to the information available in the Office of the Conservator of Forests, North-West Frontier Province, “no forests in Kalam were worked after 1931-32 till 1948.”²²⁹

There was no working or exploitation of the forests of Kalam under the supervision of the Forest Department, as is evident from the above-mentioned facts, but irregular fellings did continue which also is evident from this statement of Y. S. Ahmad, in 1955, that “they have been worked under unregulated fellings for the last 30 years and the fellings have been heavy in the Ushu valley.”²³⁰ It is noteworthy that even the Swat State ruler had allegedly exploited and carried out unauthorised fellings in the forests of

²²⁴ Ibid.

²²⁵ For details see *TARC*, S.N. 32/Swat, F.N. 33/2-F.R.P., Vol. IV; S.N. 13/Swat, F.N. 33/2-F.R.P., Vol. II, 30th Oct. 1928 to 30th Sep. 1929; S.N. 50/Swat, F.N. 33/2-F.R.P., Vol. I, 1927-28. Also see Reports of Sher Afzal Khan, Political Tahsildar, in *TARC*, S.N. 58/Swat, F.N. 21-S/48.

²²⁶ Khan Hidayatullah Khan, PA, DSC, to M. Ahmad, CS to Govt. of NWFP, D.O. No. 1242-C/St-7, 24th May 1953, *TARC*, S.N. 58/Swat, F.N. 21-S/48.

²²⁷ W. R. Hay (PA, DSC), “History of the Descendants of the Akhund of Swat and of the Formation and Development of Swat State”, p. 6; idem, *Monograph on Swat State*, pp. 9–10.

²²⁸ “Kalam Forests” by the Conservator of Forests, NWFP, *TARC*, S.N. 58/Swat, F.N. 21-S/48.

²²⁹ Ibid.

²³⁰ “Inspection note on the Kalam Forests: 3rd–12th September 1955” by Y. S. Ahmad, IGF, No. D. 2100-IGF/55, September 1955, *TARC*, S.N. 58/Swat, F.N. 21-S/48.

Gawri tract or Kalam until 1947, after the failure of the attempt of the colonial authorities made in the early 1930s to manage and exploit the forests properly under their supervision.²³¹

6.5 Occupation by Swat State

It was stated earlier that the colonial authorities compelled the neighbouring rulers both in 1923 and 1925 to refrain from interference in and occupation of the tract and endeavoured to control it themselves, but to no avail. In 1937, the *jargas* of Kalam came and expressed their desire to join Swat State. The Government of India, however, again stopped the Swati ruler from incorporating the tract.²³² Although prevented by the colonial authorities on a number of occasions from incorporating the Gawri tract or Kalam into his State, the Swati ruler continued to interfere.²³³ In 1947 some British officials hinted to the then heir apparent and Commander-in-Chief of Swat State that by midnight of August 14–15 there would be no British rule so they could occupy Kalam. This was done and Kalam was thus incorporated into Swat State in August 1947.²³⁴

The Nawab of Dir expressed great displeasure over the occupation of Kalam by the ruler of Swat State and pleaded with the Pakistani authorities against the occupation.²³⁵ The Mehtar of Chitral, another claimant, was also unhappy. He, however, at last agreed with the Swati ruler to renounce his claim to Kalam in lieu of a payment of Rs. 50,000/-. The Government of Pakistan did not recognize the agreement made between the Mehtar of Chitral and the Swati ruler, nor did the occupation legitimate it, claiming that it contravened the agreement of 1926 made by the ruler of Swat State with the Government of India, the agreement of 1928 made between the combined *jargas* of the tract and the Government of India, and the Stand Still Agreement signed with the Government of Pakistan.²³⁶ The plea of the ruler of Swat State, however, was that “Kalam was peacefully occupied on the 14th August 1947 before the establishment of Pakistan at the express request of the Kalam people without firing a shot.”²³⁷

In any event, the occupation of Kalam or the Gawri tract by the ruler of Swat State proved to be a landmark from the viewpoint of the forests of the area as well. The forests, hitherto owned by the people and exploited irregularly with no proper planning and management, were brought under the State’s control and subjected to the rules of

²³¹ For references to such fellings see “Kalam Affairs. Precise” by Abdur Rashid, PS to the Governor, NWFP, TARC, S.N. 58/Swat, F.N. 21-S/48.

²³² Fredrik Barth, *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, p. 102. Also see “Kalam Affairs. Precise” by Abdur Rashid, PS to the Governor, NWFP, TARC, S.N. 58/Swat, F.N. 21-S/48.

²³³ See “Kalam Affairs. Precise” by Abdur Rashid, PS to the Governor, NWFP, TARC, S.N. 58/Swat, F.N. 21-S/48.

²³⁴ Barth, *The Last Wali of Swat*, p. 102.

²³⁵ “Administrative Report on Dir, Swat and Malakand for the year 1947-48 (from 1st April 1947 to 31st March 1948)”, COP, B.N. 89, S.N. 2390. Also see TARC, S.N. 58/Swat, F.N. 21-S/48.

²³⁶ For details see TARC, S.N. 58/Swat, F.N. 21-S/48.

²³⁷ PA, DSC, to CS to Govt. NWFP, No. 198/C, 27th April 1948, TARC, S.N. 58/Swat, F.N. 21-S/48.

ownership and the payment only of a portion, i.e. 10 per cent, of the sale proceeds to the owners concerned. It was a drastic change because previously the colonial authorities, though endeavouring to control, manage, properly exploit and conserve the forests, neither claimed ownership nor received any share in the sale proceeds. They tried to meet the costs incurred in this respect only from tolls on the timber exported, while ownership remained in the hands of the traditional owners, for which they received all the income from the trees that were sold. But now the Gawris got only 10 per cent of the sale proceeds, with the remaining 90 per cent went to the State exchequer, while the State claimed ownership as well. Hence, although politically motivated, an application from some of the Kalami Malaks to the Nawab of Dir well illustrates their anxiety. They stated that:

We submit that before this Miangul of Swat also cut our trees and you were informed. Now the brother of Muqarrab Malik and his cousin have been sent by the Maliks of Kalam who say that Miangul has now cut 300 trees and that he has been cutting more. We therefore inform you that forest trees are our food and clothing (source of life). It would be useless for us to live in Kalam after they have been cut. All of us will come down to Dir and take ready-made food here as trees are our life and soul and when all of them are removed we would have no other remedy but to migrate from Kalam.²³⁸

The suggestion in an official report about the Forest Administration, that “the unauthorised export of timber from Kalam or unworked forests of Usha [Ushu?] Valley by various agencies of the Swat State is to be discouraged in the interest of Forest Conservancy”²³⁹ also speaks of the situation on the ground or ground reality.

This allegation of the exploitation of the forests of Kalam by the Swati ruler can further be augmented by the account of the Conservator of Forests who accompanied the Governor of the Province on a visit to the forests in 1953. He states that “*whatever I saw was quite to the contrary to what was said about the Kalam forests. These forests are no longer virgin or un-worked as described* [italics mine], there may be some areas in the inner portions of the valleys yet un-touched.” He had, moreover, given the number of trees, on the record, cut in the Kalam forests in the years 1948 to 1950 and also the names of the persons to whom the contracts were given.²⁴⁰ It is certain, however, that more than the stated trees were cut but were not on the record. The Government of Pakistan, moreover, did not recognise the Swati ruler as the rightful owner of the forests of Kalam tract, which is evident from this statement that:

With regard to the unauthorised sale of the Wali of 600 green trees to his Sipah Salar there appears to be no alternative but to confiscate the timber in terms of the Government of Pakistan’s order and dispose of it by public auction or by sale

²³⁸ Translation of an application dated 14th Jamadiul Awal 1367 H. (corresponding to 26th March 1948), thumb-impressed by 50 Maliks of Kalam, to the Nawab of Dir, TARC, S.N. 58/Swat, F.N. 21-S/48. For the original text also see *ibid*.

²³⁹ PRFANWFP for the year ending 31st March 1950, p. 23.

²⁴⁰ “Kalam Forests” by Conservator of Forests, NWFP, TARC, S.N. 58/Swat, F.N. 21-S/48.

to Government Departments at the prevailing market rates. . . . The balance of the sale proceeds will have to be kept in suspense account for distribution to the rightful owners of the trees. If the Sipah Salar has made some payment to the Wali as price of these trees he shall have to be compensated by recovery from the Wali of the sale proceed thus received by him.²⁴¹

In any event, the Government of Pakistan, considering the occupation of Kalam by Swat State illegal and a violation of the treaties already mentioned, considered the exploitation of the forests of Kalam by Swat State illegal. They therefore resorted to the tools and techniques already used by the colonial authorities in such cases, namely not allowing export of the timber extracted from Kalam forests into Pakistani Territory and also impounding them at Landakay on the border of Swat State and Malakand Protected Area.²⁴²

To avoid the ban on export, or in other words smuggling of the timber extracted from the forests of the Gawri tract or Kalam, and also its impounding by the Pakistani authorities, the Swati authorities even resorted to machination and adopted a strategy of “false hammer marks”²⁴³, i.e. marking of the timber extracted from Kalam with the hammer marks used for the timber extracted from the forests of other parts of Swat State.

In the meantime Miangul Abdul Wadud abdicated in favour of his son and heir apparent Miangul Jahanzeb on 12th December 1949, whereby Miangul Jahanzeb became the new Wali of Swat State the same day. The dispute over the occupation of the area and the exploitation of the forests of Kalam by Swat State continued between Miangul Jahanzeb, the ruler of Swat State, and the Pakistani Government. Khwaja Shahabuddin, Governor of North-West Frontier Province, was not even ready to accept separation of the issue of the signing of the Supplementary Instrument of Accession by the Swati ruler from the issue of Kalam, as was suggested by Col. Rahim. After dealing in detail with the points raised by Col. Rahim, he concluded his despatch with the contention that “I think Kalam is a big lever to use, and we should not allow this opportunity to go out of our hand. Therefore, the two questions must be linked up.”²⁴⁴

The matter rested till 1954, when the Wali at last not only signed the Supplementary Instrument of Accession but also the “Agreement Regarding Administration of Swat Kohistan (Tracts of Kalam, Ushu and Utrot [Utror]”, on 12th February 1954, which was attested by Khwaja Shahabuddin, Governor of North-West Frontier Province, on behalf

²⁴¹ Deputy Secy to Local Administration in the Development Department to PA, Malakand, No. 9370/41/47-DD, 13th October 1955, *TARC*, S.N. 60/Swat, F.N. 11/46-F.K.P., Vol. II.

²⁴² For details see *TARC*, S.N. 60/Swat, F.N. 11/46-F.R.P., Vol. II, Subject: Unauthorised felling of trees from Kalam & Serai Forests; and S.N. nil/Swat, F.N. 11/46-F.R.P., Vol. II, Subject: Unauthorised felling of trees from Kalam & Serai Forests.

²⁴³ Also see Khan Hidayatullah Khan, PA, DSC, to M. Ahmad, CS to Govt., NWFP, D.O. No. 1242-C/St-7, 24th May 1953, *TARC*, S.N. 58/Swat, F.N. 21-S/48.

²⁴⁴ K. Shahabuddin, Governor, NWFP, to Abdur Rahim Khan, Secy to Govt. of Pakistan, Ministry of States and Frontier Regions, D.O. No. 48/GH, 18th March 1953, *TARC*, S.N. 58/Swat, F.N. 21-S/48.

of the Government of Pakistan the same day. Clause 4 of the agreement was about the administration, exploitation and conservancy of the forests of the tract, and states:

4. A plan shall be drawn up by the Administrator in consultation with the Inspector-General of Forests of the Government of Pakistan for the careful working of the forest wealth of Kalam and no unauthorised fellings shall be allowed.

The Local Administration shall issue orders from time to time to deal with cases of contravention of this clause by imposing punitive duties or by confiscating the timber.²⁴⁵

It is to be noted that under this agreement the Wali of Swat State recognised the Kohistan tract of Kalam, Ushu and Utror, occupied by the State on the night of 14-15 August 1947, as parts of Tribal Areas, including in the Federation of Pakistan, and renounced his claim of ownership of the area. The Government of Pakistan, for its part, appointed the Wali as Agent of the Government of Pakistan, to be called Administrator, for the administration of the said area, and noted that he was to be referred to as Administrator. Moreover, for performing the functions and duties detailed in clauses 1 to 6 of the agreement, as Administrator of the area, the Government of Pakistan undertook, under clause 7, to pay him “an allowance of Rs. 24,000 (twenty four thousand rupees) per annum, payable in monthly installments of Rs. 2,000 (rupees two thousand) each.”²⁴⁶ This negates the assertion of Inam-ur-Rahim and Alain Viaro that for performing duties as Administrator of Kalam the Swat State ruler “was paid 8000 Rupees per month.”²⁴⁷

With the conclusion of the “Agreement Regarding Administration of Swat Kohistan (Tracts of Kalam, Ushu and Utrot [Utror])” the issue of unauthorised control and fellings of the Kalam forests by the ruler of Swat State came to an end from the Pakistani Government’s point of view. Not only were the affairs of the said forests now to be conducted under Clause 4 of the agreement already made, but a proper Forest Service was also established later on. Although the control of the forests of Kalam area now devolved on the Central Government of Pakistan and the Wali as Administrator had to work under Clause 4 of the agreement, and preparation of a working plan was in process, it was stated that:

The preparation of the working plan is bound up with the question of rights whether of full ownership or income from sale of timber for construction or bona fide domestic purposes or grazing etc. Naturally, of course, a description of these is contained in the *Wajibularz* which is prepared before the forest settlement takes place.²⁴⁸

²⁴⁵ “Agreement Regarding Administration of Swat Kohistan (Tracts of Kalam, Ushu and Utrot [Utror])”, *TARC*, S.N. 32/Swat, F.N. 33/2-F.R.P., Vol. II.

²⁴⁶ *Ibid.*

²⁴⁷ Inam-ur-Rahim and Alain Viaro, *Swat: An Afghan Society in Pakistan*, p. 81.

²⁴⁸ “A Note on the Illegal Fellings from Kalam Forests”, *TARC*, S.N. 60/Swat, F.N. 11/46-F.K.P., Vol. II.

Nevertheless, the landowners concerned still have to receive only 10 per cent (which was raised to 15 per cent in 1969 before the merging of the State) of the sale proceeds of the timber extracted, while the remaining 90 per cent (later 85 per cent after the change effected in 1969 before the merging of the State) went into the exchequer of the Government, which, however, was “spent on the development of the area, cost of the administration and allowances to the tribal elders.”²⁴⁹ Moreover, working in his own way, the Administrator also took measures on his own to conserve the Kalam forests. All these, however, did not, in fact, bring a total end to the anomaly of illegal cutting and improper exploitation of the said forests. Despite the somewhat tight control and vigilance on the part of the Administrator, the practice continued, all the more so in last days of the State, by vested interest in their own ways, until the merging of the State in 1969. And with the merger it received an abrupt stimulus.

²⁴⁹*NWFP-RBA of the year 1953-54*, p. 13.

7 The Walis Period (1947–1969) – An Overview

The great political change that took place in India was an end to colonial rule on the subcontinent in August 1947. After a long and hard struggle the British finally agreed to transfer power. During British rule, India was divided into two political entities, both of which had a different constitutional status. One part was known as British India, i.e. the territories directly ruled by the colonial government and subject to the laws made and enacted by them from time to time. The second part was called Indian States and also Princely States. The colonial government had no direct control over these states, nor were their laws applicable there. However, they generally made treaties with the rulers of these states under which the states recognised the colonial government as paramount and surrendered powers with respect to currency, external affairs and communication. The colonial government for its part recognised the internal sovereignty of the rulers over their states. Moreover, the rulers were bound to accept colonial control in certain matters or to manage certain affairs under the overall framework of their policy and instructions.

In the context of the present study, the case of the forests of Swat State was examined. It has already been noted that under Clause 6 of the agreement entered into by the Government of India and Miangul Abdul Wadud, the ruler of Swat State, in 1926, the Swat State ruler was to manage the forests in his State under the supervision of the colonial government's officers. Chapter 5 has already described the extent to which the colonial authorities controlled the affairs of forests and their management and conservation in Swat State till 1947.

7.1 Instrument of accession

Upon the emergence of the sovereign states of India and Pakistan on 15th August 1947, under article 1 (1) of the Indian Independence Act, 1947,²⁵⁰ the treaties entered into by the colonial Government and the princely states, including Swat State, lapsed. The British government transferred its sovereignty in India to the successor states of India and Pakistan, while the Princely States were not bound to abide by the agreements made with the colonial government and with the successor states. To solve the issue of future relations between the Princely States and the newly independent states of India and Pakistan, Stand Still Agreements were entered into, for the time being, so that time would be available for negotiations under which the Princely States had to enter into fresh agreements on new terms with the states of India and Pakistan.

Under this arrangement Swat State entered into a Stand Still Agreement with the new state of Pakistan, under which relations between Swat State and Pakistan were to con-

²⁵⁰ “The Indian Independence Act, 1947” in Safdar Mahmood, *Constitutional Foundations of Pakistan* (Lahore: Publishers United Ltd., n.d.), p. 1.

tinue on the same lines and both sides were to abide by the terms agreed between the British Indian government and the ruler of Swat State, till such time as both sides agreed on new terms and signed a new agreement. Under the Stand Still Agreement, therefore, the Swati ruler was bound to abide by the terms and arrangements made with the colonial government in respect to forests as well.

On 3 November 1947 Miangul Abdul Wadud, ruler of Swat State, while exercising his “sovereignty in and over” Swat State and executing the formal Instrument of Accession to the Dominion of Pakistan, stated that:

I do hereby declare that I accede to the Dominion of Pakistan and promise full loyalty to Pakistan.

I accept that in respect of *External Affairs, Defence and Communication as specified in the Schedule attached herewith* the Government of Pakistan have full control and authority both Legislative and Executive. Nothing in this Instrument affects the continuance of my sovereignty in and over this State or save as provided by or under this Instrument the exercise of any power or authority and rights now enjoyed by me *in regards to the internal administration of my State* [italics mine]. . . .²⁵¹

This Instrument of Accession executed by the Ruler of Swat State was accepted by M. A. Jinnah, Governor-General of Pakistan, on 24th November 1947. With the execution of this Instrument, the Stand Still Agreement came to an end. It is evident from the text of the Instrument that the ruler accepted control and authority of the government of Pakistan only in respect of “External Affairs, Defence and Communication” and made no commitment like the Agreement of 1926, executed with the Government of India, to manage state forests according to the instructions and supervision of the government of Pakistan or its Forest Department.

The birth of Pakistan and the accession of Swat State to Pakistan thus brought great change in the legal aspects of control and management of the forests of Swat State. The ruler was freed of the restrictions and control imposed under the agreement executed on 3rd May 1926. Nevertheless, “the staff of the Forest Department [of the Government of Pakistan] continued to assist the authorities of Swat, Dir and Chitral States in working their forests” and “Swat State exported 2,54,155 cubic feet of timber yielding a duty of Rs. 23,884 to the Govt. of Pakistan” in the year 1949-50.²⁵²

²⁵¹ Copy of the Instrument of Accession executed by the Ruler of Swat on 3 November 1947 and accepted by M. A. Jinnah, Governor-General, Pakistan, on 24th November 1947, *TARC*, S.N. 14/Swat, F.N. 107-S. St-I.

²⁵² *NWFP-RBA for the year 1949-50*, p. 19.

7.2 Change of ruler

Another internal change in rulership occurred on 12 December 1949 when the then ruler of the State, Miangul Abdul Wadud, abdicated in favour of his son and heir apparent, Miangul Abdul Haq Jahanzeb. Jahanzeb, who became the next ruler of the State the same day, was not unmindful of the forests as a resource of the state and the need for their exploitation and conservation.

7.3 Supplementary instrument of accession

The Government of Pakistan, in the meantime, was ambitious to do away with the existing constitutional status of the Princely States as a result of which “the Rulers of Dir and Swat shelved their traditional differences, and formed a united front to resist attempt at constitutional changes, if any.”²⁵³ Although the rulers of Dir and Swat states “felt assured to some extent” due to the declaration of the Pakistani leaders and the government that the Pakistani government “had no intention of depriving them of their States”²⁵⁴, pressure from the Pakistani authorities continued to sign a new Instrument of Accession by the rulers of the Frontier states, Swat State being one of them, so as to surrender more powers to the government of Pakistan over these states. The matter was discussed at length at various levels.²⁵⁵

Miangul Jahanzeb, the ruler of Swat State, at last bowed to pressure and signed a new Instrument of Accession, the Supplementary Instrument of Accession, on 12 February 1954, which was accepted by Ghulam Muhammad, Governor-General of Pakistan, on 17 February 1954. Among other things, the Swati ruler stated in the Supplementary Instrument of Accession that “(ii) I further declare that as to all matters included in part III of the Schedule the State shall have exclusive powers to make laws;”²⁵⁶ It is noteworthy that Part III of the Schedule also contains “22. Forests”²⁵⁷. This meant that the Swat State forests were now to be under the exclusive control of the ruler of the State. Only he could make laws for these forests; the Pakistani Government could neither make nor extend its forest laws to Swat State.

This was no doubt a major and significant step in policy and in the control of Swat State forests. The ruler now issued his own orders and decrees for the control, preservation and conservation of the forests. At one stage he even banned not only the cutting of trees standing in agricultural fields and belonging to agro-forests but also the cutting of their branches without prior permission of the immediate State official, i.e. Tahsil-

253 *NWFP-RBA for the year 1950-51*, p. 11.

254 *NWFP-RBA for the year 1951-52*, p. 22.

255 For details see *TARC*, S.N. 58/Swat, F.N. 21-S/48.

256 “Supplementary Instrument of Accession” in (i) *Supplementary Instrument of Accession*. (ii) *Agreement with the Wali of Swat Regarding the Privy Purse, Private Property and Rights and Privileges*. (iii) *Government of Swat (Interim Constitution) Act, 1954* (n.p., n.d.), p. 1.

257 See No. 22 of Part III of the Schedule of the “Supplementary Instrument of Accession” in *ibid*, p. 12.

dar/Hakim.²⁵⁸ An important point, however, is that despite sole law-making authority and control of the forests remaining in the hands of the Wali of the State, collaboration with the Forest Department of the government of Pakistan continued and state forests were supervised or “managed since 1950 by the Forest Department under the Working Plan approved by the Local Administration.”²⁵⁹

7.4 Forest management service

On the administrative and control side the previous system and arrangements continued. However, in 1956 the forests of Swat State and Kalam were made part of the newly created Malakand Forest Division and divided into 6 forest Ranges. The forest staff of these ranges only carried out the duty of marking trees and supervising and inspecting forest operations. The staff members of the aforesaid ranges were employees of the Provincial Forest Department and were paid by the Provincial Government.

The forests of Swat State included the ranges of Buner, Indus Kohistan, Swat, and Swat Kohistan, while the Kalam Kohistan Tribal Area administered by the Wali of the State on behalf of the government of Pakistan in the Malakand Forest Division included the Kalam Utror and Kalam Ushu ranges²⁶⁰. This Division at first had its headquarters at Mardan and then at Mingawara. It should be noted that after the separation of Dir and Chitral in 1960, the Malakand Forest Range had to manage 7 forest ranges, of which 4 were comprised of pure Swat State areas, 2 of the areas of the Kalam Agency administered by the ruler of Swat State, while only 1, namely Malakand Anti-Erosion Range, was in the Malakand Protected Area.²⁶¹

However it is noteworthy that the State also had its own Forest Department with its own staff from about 1946-1947. At first an officer called the Head Forester headed the State Forest Department. There were 7 or 8 local foresters under him, who were posted at Tahsil level. In 1964, the Wali inducted two Forest Officers in the State Forest Department and also recruited two Range Officers. These Range Officers and the other staff employed in the State Forest Department were employees of Swat State, were paid by the State, and were to manage and supervise the forests on the State’s behalf. There were no Forest Guards of the State. Some foresters (three) were, however, named as Central Foresters. The staff members of the State Forest Department were recruited by the Wali himself, were liable to dismissal and promotion by him, and were answerable to him until the merging of the State. The Forest staff had to supervise the cutting and operations on the spot so that illegal cutting would not be carried out.²⁶²

²⁵⁸ Amir Zaman (1922-1994), IA, Verbal, Hazara, Swat, 15th March 1987; Bahadar (1902-2001), IA, Tape Recorded, Ningwalai, Swat, 16th March 1997. Also see Sultan-i-Rome, “Riyasat-e-Swat: Aik Nazar Mayn”, unpublished, 1987, pp. 11–12.

²⁵⁹ *NWFP-RBA for the year 1955-56*, p. 35; and also *for the year 1956-57*, p. 38.

²⁶⁰ *PRFA-WF for the year 1959-60*, p. 69.

²⁶¹ *PRFA-WF for the year 1961-62*, p. 312; *for the year 1963-64*, p. 114; and *for the year 1964-65*, p. 139.

²⁶² Muhammad Shoab, Ex-DFO, IA, Verbal, Makanbagh, Swat, 7th December 2003.

Within the State, the Wali wielded all the power in respect of the forests as well, and he himself controlled it. However, in the reign of Miangul Jahanzeb, the Wazir-e-Maal (Revenue Minister) and later on the Mashir-e-Maal (Revenue Advisor) were in charge of the affairs of the forests. Under them the Tahsildars and Hakims were responsible for the administration and affairs of the forests at local level. They granted the trees in the areas under their respective jurisdictions in the local quota to meet the needs of the local population. However, only the Wali had the power to grant Deodar trees.

On the side of the Forest Department of the Provincial Government, the forest staff for Swat State was comprised in 1963 of 1 Ranger, 28 Foresters and 7 Forest Guards for the Swat State area, while 4 Forest Guards were provided for the Kalam forests. All of them looked after the forests under the guidance of the local administrators.²⁶³

7.5 Rights and concessions

As permanent forest settlement had not been carried out in the State era, the extent of the rights and concessions enjoyed by the local population was not properly defined and recorded.²⁶⁴ However, they enjoyed the following privileges:

1. The grazing of domestic animals by the local population was permitted free of charge.
2. Grass-cutting and lopping for fodder was allowed free of charge.
3. The villagers were allowed to collect dry branches and trees from the forests for use as fuelwood.
4. Timber for construction was granted according to the requirements. A nominal application fee was charged for this purpose, however.
5. The concerned landowners were entitled to receive 10 per cent (which was increased to 15 per cent in 1969 before the merging of the State) of the sale proceeds of the trees from forests adjoining their villages or linked with the dawtar of the villages concerned.
6. The concerned landowners realised a fee, called qalang, from the Gujars, Ajars and Shpunkis in lieu of grazing cattle, sheep and goats in the high-lying pastures. The State did not receive any share out of this qalang.
7. Stones were quarried for construction purposes.²⁶⁵

²⁶³ See Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, p. 230; Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 162.

²⁶⁴ See Malik Ali Muhammad, *Working Plan for Upper Indus Kohistan Forests of Swat District (1972-73 – 1981-82)*, p. 2; Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, p. 13; Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 11.

7.6 Control

Despite management of the forests of the State by the Forest Department of the Government of Pakistan, the Wali wielded all the power and control. Moreover, he issued his own decrees and implemented his rules in respect of the control, preservation, exploitation and conservancy of the forests, and the Pakistani laws were not extended at all. The Forest Department was only “entrusted with the job of marking for fellings by herh contractors” and “held a nominal control over the export of timber.”²⁶⁶

7.7 Illegal cutting and smuggling

The Wali was anxious about the protection of the forests and about their exploitation. He took steps to conserve the forests and used them for political gain as well as favouritism in his own ways. Moreover, the high-ranking officials of Swat State and the Wali’s relatives (his maternal uncles), companions and friends were involved in forest contracts and operations. It was therefore practically impossible for the staff of the forest Department to report its factual position with respect to cutting more than the allocated and allotted trees and to the smuggling of illegally cut timber. Moreover, the Wali was handicapped in taking action to cut more than the allotted trees and smuggling of the timber. Due to these and other factors, and in view of the decrees and orders of the Wali, contrasting facts emerge regarding the protection, conservation and exploitation of forests in Swat State and the Kalam Tribal Area during the reign of the Walis of Swat State, especially the reign of the last Wali.

²⁶⁵ See Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, pp. 13, 228; Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, pp. 11, 160–61.

²⁶⁶ Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 30.

8 Conclusion

The areas of Swat State remained independent for most of its history. The Swat Valley, Buner, Shangla and Khudu Khel were without a state and ruler after their occupation by the Yusufzais in the Sixteenth Century, which was also the case in the territories of Swat and Indus Kohistan. The landowners of all these areas remained divided mainly into two blocks or opposing groups, each one called *dala*, and the people lived in tribal fashion. The right bank Swat areas, however, remained under the Nawab of Dir since A.D. 1879-1881 with a break of about three to four years, i.e. from 1907 to 1910-11.

In 1915 Swat State came into being on the right bank of Upper Swat in the Nikpi Khel, Sebuji and Shamizai tracts, when the people of these cantons took up arms against the Nawab of Dir's occupation and brought an end to the Nawab's rule in the said cantons. Later on, other areas either joined the State voluntarily or were subjected by force of arms and diplomacy. The State continued to expand, but the colonial authorities asked the ruler on occasions not to go beyond certain limits.

The pattern of land tenure and resource ownership that evolved and remained in vogue in the territories of Swat State centuries earlier had its own features and peculiarities. Dealing with the forests of these areas and the issue of their protection, management, conservancy and exploitation could never be properly and judiciously done without detailing the ownership and tenure system of the land, because the forests were part of the land. The peculiar land tenure and resource ownership system and its effects and impacts on forestry and conservation of forests have therefore been dealt with earlier (Chapter 3).

The rich natural resource of forests in the tracts that became part and parcel of Swat State remained intact to a greater degree until the Nineteenth Century A.D. when outsiders, mostly the Kaka Khels of the Peshawar Valley, using their religious influence (being descendants of Kaka Sahib, a prominent religious figure of the Frontier in the past) entered these areas to exploit the forest tracts so as to make money.

It is clear from Chapter 4 that the forests were not communal property but their ownership was traditionally held by the concerned *dawtar* landowners, and in various cases also by the *serai* landowners. Hence the right to sell the trees and divide the proceeds accrued according to the *riwaj* of the tract. Although the non-landowners had no ownership rights in the forests they had free access to the forests of the concerned villages and tracts for grazing cattle and flocks, for cutting timber for household purposes, for making agricultural instruments, for extracting wood for fuel, for cutting grass and lopping trees to feed cattle, sheep and goats, and for collecting minor forest products such as mushrooms and medicinal herbs.

The forests were neither demarcated nor protected in a proper way. Neither were they conserved nor was due importance and value assigned to them. Although there was a traditional system, there was no adequate and proper management.

The owners were so unmindful of protection and conservation that after making a deal for a nominal sum for a specific number of trees they did not care that how many trees the contractors cut down. The contractors also disregarded the future benefits and repercussions and ruthlessly exploited more trees than they had made a deal for and paid for. Moreover, they gave no heed to silviculture while carrying out their forest operations. It is not difficult to assess the situation from the remarks of Allah Yar Khan, who examined some portions of the forests. While reporting about the lower or easily accessible portions where no trees of value or signs of reproduction remained, and the upper or then inaccessible portions of the forests, which consisted of mostly over-matured trees with signs of deterioration, he remarked that “the former was devastated by man, while the latter was hard-hit by nature.”²⁶⁷

Prior to the establishment of Swat State all the accessible forests and the parts from which timber could be transported and exported were subjected to heavy and indiscriminate fellings and ruthless exploitation. There was no proper and effective system of management of forests and the forests were utilised in an unsustainable manner. Thus it was not awareness about proper use and conservation of the forests but other factors that contributed somewhat to preservation of the forests. For example, there had been no great local bulk use of wood that can be exploited from all the forests; nor had there been such modern and advanced means of communications due to which export of timber was to be carried out on a large scale throughout the year. Thus nearby forests and those from which timber could be extracted and removed easily – e.g. the forests that were situated on the sides of the river and its tributaries from where the timber extracted was transported and also exported through the river, especially during the summer season when the flow of water remained high – were exposed to use and cutting, while far-away forests remained intact to a greater degree.

Despite having no direct control over the area, the colonial authorities took notice of the ruthless cutting of the forests, fearing the possible negative effects and impacts on the supply of water and protection of the Lower Swat Canal at first and later also on the Upper Swat Canal and on soil erosion. They took initiatives on their own to put a stop or at least a halt to the nefarious work of groups with vested interest and the timber Mafia.

With the emergence of Swat State and Miangul Abdul Wadud’s becoming its ruler, a new phase in forestry began in the Swat State areas. Curious about exploitation, for State revenue, of the existing extensive forests in the tracts under his jurisdiction, Abdul Wadud was also not unmindful of their conservation. Giving attention to the forestry sector, his major step was declaring the forests, or first at least the Deodar trees, to be the property of the State and initially allocating a specific sum and later only 10 per cent of the sale proceeds for the former owners or the concerned landowners. His initiatives and steps led, though not completely, to some planning and management of the forests and to consequent fundamental and drastic changes in the sector. He also sought the assistance and cooperation of the colonial authorities in this respect.

²⁶⁷ Khan Sahib Malik Allah Yar Khan, *Report on the Swat Valley Kohistan Forests*, p. 15.

The colonial authorities, curious on their own (as detailed in chapters 4, 5 and 6), not only insisted on the proper management and conservation of the forests and included a clause in the agreement executed on 3rd May 1926 to bind the Swati ruler to manage the State forests according to the procedures approved by them, but also extended their cooperation by deputing experienced and high level officers of the Forest Department to inspect the Swat State forests and make suggestions for proper exploitation and conservation, and to prepare working plans. As detailed in Chapter 5, they not only suggested but also pleaded for a rational forest policy for all the frontier tracts.

The Swat State ruler and the colonial government were interdependent with respect to the proper management and conservancy of the forests in Swat State. Although the colonial authorities used their tools, the major obstacle for them in the implementation of their forest policy and laws in Swat State was the lack of direct implementing powers in the State. As a result, the Swati ruler took only those steps and measures and did only that work which suited him, and did not honour or take seriously the prescriptions of the working plans that either did not suit him or in which he had no interest. So he neither carried out permanent demarcation of the forest and non-forest land nor took serious steps to conserve the forests that were suggested in the working plans.

The forests, or at first at least the Deodar trees, were declared the property of the State. Hence cutting was banned and the State granted contracts to exploit the forests and supervise forest operations. Cutting done by the people, i.e. illegal cutting, continued nonetheless. Another factor that contributed to exploitation and forest operations was the ruler's involvement, which made the task of exporting timber easy, because he not only provided protection for the timber extracted from the forests but also used forced labour for floating work in the Swat River in lieu of payment by firms, etc., which removed the anxiety of timber traders and exporters (or the occurrence of the situation for the traders, reported by the Qandahari, of levying transit duty by the tribes under whose jurisdiction the timber was to be floated, as stated in Chapter 4, on the authority of McMahan and Ramsay) and assured and ensured the returns of their investment in the forests operations and timber trade in Swat State.

In the past the same system of management of the forests was also in vogue in the Gawri tract or Kalam, and in other tracts that later comprised Swat State. It was the forests of the tract, which so far remained unexploited on the whole, that became the real cause of the struggle of each of the neighbouring rulers of Dir, Chitral and Swat states to incorporate the area into their own state. The colonial authorities, however, were anxious to bring the area under their own control and to exploit the forests under their supervision, for which purpose they not only barred the neighbouring rulers from interfering in the tract but also executed agreements with the tribes concerned.

The tribes already entered into agreements with contractors to exploit the valuable and virgin Deodar forests of the tract, but were forbidden to permit export of the timber from their forests, the contracts for which would not have been previously sanctioned by the colonial authorities. They not only practically subjected the agreements already made to these conditions but also even caused the breakup of old contracts and effected new ones instead.

In the endeavours of the colonial authorities to manage, exploit and conserve the forests of Kalam, they sent high-ranking Forest Officers to survey the forests and make recommendations. They not only banned all felling and timber operations without a proper plan by a Forest Officer for the said forests, but also tried to establish their political administration to effect and supervise settlement of the said forests. A Political Tahsildar was deputed to the area, Forest Officers were sent to inspect the forests, and the Political Agent at Malakand personally visited the area and the forest operations but the adventure was finally abandoned (for reasons detailed in Chapter 6).

Despite the failure of the colonial authorities in their endeavour to bring the area under their supervision and control, they did not allow the neighbouring rulers to encroach into the area and exploit the forests. However, they did not succeed after 1929 in sending Forest Officers to Kalam for further inspections of the forests, nor were the forests worked properly and regularly after 1931-32 till the end of their rule in 1947. In the meantime irregular fellings and forest operations continued, and the ruler of Swat State was even alleged to have been involved in felling on the tract.

The occupation of the tract by Swat State in 1947 proved a turning point. The occupation was not recognised by the Government of Pakistan, but fellings and forest operations were started by the Swat State ruler and inspection by officers of the Forest Department of the Government of Pakistan was made in 1950 and 1953. The Swati ruler, moreover, also subjected the forests of Kalam to his laws and arrangements enforced in other parts of the State, which besides other things brought an end to ownership of the concerned landowners and subjected them to State ownership with allocation of only 10 per cent of the sale proceeds for the former owners or the concerned landowners.

Execution of the “Agreement Regarding Administration of Swat Kohistan (Tract of Kalam, Ushu and Utrot [Utror]”, in February 1954, proved another landmark in respect of the forests of Kalam, at least legally because, under the agreement, the tract was declared a Tribal Area and the Wali was appointed as Administrator to administer the area on behalf of the Government of Pakistan. This agreement also stated how the forests of the tract were to be worked and conserved. However, in actual practice, the Wali wielded all the power and managed and worked the said forests in the manner he did in the forests of the State areas.

The year 1947 proved a turning point when colonial rule in the subcontinent came to an end and the Dominions of India and Pakistan came into being. The Swati ruler executed an Instrument of Accession with the Dominion of Pakistan in November 1947, in which he accepted full control of the Government of Pakistan, both legislative and executive, only in respect of External Affairs, Defence and Communication. He was thus legally free of the management and control of the forests, for he made no commitment – as was previously the case according to Clause 6 of the agreement executed by him on 3rd May 1926 – to manage the State forests according to the instruction or prescription and under the supervision of the Pakistani Government or its Forest Department.

In the meantime the Wali of the State also changed in December 1949, and the new Wali signed a Supplementary Instrument of Accession, in 1954, under which he accepted control of the Pakistani Government in other respects as well, and agreed that

the Pakistani Legislature could make and extend laws to the State in respect of the matters related in parts I and II of the Schedule of the Instrument. However, he still wielded full power with respect to forests, as they were included in Part III of the Schedule, in respect of which the Wali wielded power exclusively, both legislatively and administratively. The staff of the Forest Department of the Government of Pakistan, however, continued to assist the Swat State authorities but only in working the forests. The Wali now wielded all the power and control and promulgated his own decrees and rule, and the Pakistani Forest laws were not extended at all.

Forests fellings were done under four types of quotas: local quota, *qaumi* quota, concessional quota, and central quota. A Local quota was for meeting the needs of the right-holders or the local people. A *Qaumi* quota was for meeting the needs of people in the State, at concessional rates, who did not have rights in the forests. A Special quota was meant for granting trees free to the State officials or other persons to whom the Wali wished. A Concessional quota was basically not a quota in the true sense. It was the discretion of the Wali to grant trees under this quota to whomever he wanted at concessional rates. There was no restriction on his power to grant trees to anyone in any number. A Central quota was for meeting emergency needs caused by fire and floods, or for those whose needs could not be fulfilled by the trees granted to them in the Local quota. Moreover, fellings to meet the requirements of timber for State construction and buildings, such as roads, bridges, police posts, hospitals, schools, and telephone lines, were carried out with the Wali's permission. In Miangul Abdul Wadud's reign the forests were least utilised for purposes under the special and concessional quotas. Commercial fellings were also the fellings done under the aforesaid quotas.

There had been no proper forest management service or cadre exclusively for the forests of Swat State, neither by the State nor by the colonial government. For doing the required work, Forest personnel were deputed to the State for a specific period, and had to return after the task was finished. It was in July 1956 that a separate Forest Division, named Malakand Forest Division, was created for the forests of Dir, Swat and Chitral states, after which forest ranges in Swat State were also established. In 1960, the forests of Dir and Chitral states were separated from the Malakand Forest Division and constituted into a separate Division called Dir Forest Division.²⁶⁸ Side by side the State had its own Forest Department and a cadre from about 1946/1947.

Although the ownership of the forests was claimed by the State, no written law or regulations existed in this regard. Even the term "forest" was not clearly defined, and was generally used for land of any size bearing woody plants.²⁶⁹

The forests were declared State property but no permanent demarcation of the forest and non-forest land was carried out during the time of the State, as was also the case in the pre-State era. Moreover, Allah Yar Khan suggested documentation of the rights and

²⁶⁸ Faqir Muhammad Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, p. 30.

²⁶⁹ *Ibid.*, p. 30; and M. A. Qadeer Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, pp. 11, 228.

concessions of the people, which was a prerequisite for proper management of forests, but we came across no rights and concessions written and documented during the reign of Abdul Wadud. Not only was permanent forest settlement not carried out during his reign but the extent of rights and concessions enjoyed by the local population was also not properly defined. The same was also not done properly during the reign of Miangul Jahanzeb. However, the main rights and concessions or privileges enjoyed by the people (as given in the working plans prepared in 1960s), in comparison with those of the pre-State era, were:²⁷⁰

1. The forests were declared the property of the State, but the people still considered themselves as the true or actual owners, as in the pre-State era.
2. The concerned landowners received 10 per cent (raised to 15 per cent in 1969 before the merging of the State) of the proceeds from the sale of forests in their respective areas, being the former owners of the forests or now the owners of the lands to which the forests were connected traditionally; whereas in the pre-State era, all the sale proceeds went into their pockets as the owners of the forests.
3. The inhabitants of villages who formerly owned the concerned forests were entitled to obtain constructional timber according to their bonafide requirements free of charge, as was the case in the pre-State era. Whereas there was previously no need of sanction from any quarter they now had to apply to the concerned officer of the State, for which an application fee, though nominal, was also charged. The immediate administrative officers, i.e. Tahsildars/Hakims, usually granted the sanction locally, but the Deodar trees were granted by the Ruler himself.
4. The inhabitants of the villages concerned or the local people were entitled to collect and remove the dry twigs, branches and fallen trees for use as fuelwood, which was the case in the pre-State era as well.
5. The concerned landowners realized a fee, called qalang, from the Gujars, Ajars and Shpunkis for grazing their cattle, sheep and goats, as was the case in the pre-State era, and the State received no share in the qalang.
6. AS in pre-State times, the locals were allowed to graze their cattle etc. free of charge.
7. Grass cutting and lopping for fodder was permissible free of charge.
8. Stones were quarried for construction purposes as usual.

²⁷⁰ See and also compare with Khan, *Working Plan for the Lower Indus Kohistan and Buner Forests, Swat State, 1964–1978*, pp. 11, 160; also see *ibid.*, p. 159. Also see and compare with Khan, *Working Plan for the Forests of Swat and Swat-Kohistan, Swat State (Malakand Agency), (1965–1980)*, pp. 11–13; also see *ibid.*, pp. 228–29.

Moreover:

1. As for the bonafide timber requirements of the population of the areas of the State where there were no forests, fellings were carried out in any forest and the timber was then supplied to the needy persons at concessional rates. Such fellings were called qaumi fellings. This class of the population also had to apply for a grant of timber to meet their bonafide needs and pay an application fee, though nominal, and the respective immediate administrative officer had to ascertain their needs and then make the grant, as was the case with the inhabitants of the villages to whom the forests traditionally belonged.
2. Although Nautor was not allowed legally, it continued in practice.
3. Previously, owners owned the forests but did not manage them; now ownership was claimed by the State and managed *de jure* by the Forest Department but *de facto* by the Ruler.
4. Not only the locals but outsiders could also collect non-timber forest produces such as mushrooms and medicinal herbs, as was the case in the pre-State era.

It is therefore evident what changes were effected by the State in respect of ownership, use, rights, rules and regulations, conservation and administration of forests, and the extent to which traditional ones were retained or were continued by the people despite an absolute monarchy, and also what initiatives and steps were taken and policies adopted by the colonial authorities to conserve forests in Swat State, though for their own reasons, and to what extent they succeeded in the endeavours.

The curiousness of the Last Wali about the protection of the forests can be judged, besides other things, from his oral instructions that he could not be awakened at night, no matter how urgent the matter may be, but in case of fire in the forests he could not only be informed at the moment but even be awakened if he was asleep²⁷¹, and also from his attempt at proper exploitation and conservation, for which he promulgated decrees and regulations, which did not ignore even minute aspects. There is also evidence, however, of illegal cutting of trees and smuggling of timber, more so in the last days of the State, in which even the State officials and servants were involved. All these outwardly contradictory but factual findings lead to a recommendation for a thorough and detailed study and analysis of the evidence and situation (*de jure* and *de facto*) of the period of the Last Wali of the State, so as to bring to light the rules promulgated by him and the actual and factual position, and also how the Wali wielded his powers in respect of the forests. Moreover, a thorough study of the post-State period is also needed so as to know and bring to light the *de jure* and *de facto* situation and make a comparison of both the State and post-State periods.

²⁷¹ Abdul Halim Advocate, IA, Verbal, Gulkada, Swat, 9th June 2004.

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¹ Age and other particulars given in respect of all those personally interviewed by the author are at the time of the first interview of each one of them. However, the years of birth and death has been given in respect of those, who died since then.

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Sultan-i-Rome comes from Hazara, a village in Nikpikhel, Swat, NWFP. After completing his BA in Swat (1984) he left for Karachi to undertake studies for a Masters degree in General History and Islamic Studies at the University there. He got his MA degree with distinction from Karachi University in 1987. He joined the education department of NWFP as lecturer in History (1988). Later he undertook a PhD degree in history from Peshawar University (2002). His PhD thesis will soon be published by Oxford University Press, Karachi, as a book entitled “Swat State (1915-1969): From Genesis to Merger. An Analysis of the Political, Administrative, Socio-Political and Economic Developments”.

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The historic Swat Valley in North–West Pakistan and the adjoining areas which were later incorporated into Swat State, have been rich in forests since early times. These forests remained intact for centuries if not millennia. The 19th century proved to be a turning point: outsiders, mostly the Kaka Khel Mians, began to exploit the forests through forest operations and export the timber. By the beginning of the 20th century, the frontier colonial authorities became alarmed at the negative impacts of the ruthless cutting of trees in the forests of Swat and adjoining areas and their export to the lowland plains. They tried to put an end to the practice. In the meantime Swat State came into being in 1915, and Miangul Abdul Wadud became its ruler in 1917. Although Miangul Abdul Wadud endeavoured to exploit forests, he also agreed and collaborated with the colonial authorities to conserve them. Miangul Jahanzeb succeeded Abdul Wadud in 1949 and ruled until the merging of the State in 1969. In the meantime colonial rule came to an end in India and the two Dominions of India and Pakistan came into being. The Ruler of Swat State acceded to the Dominion of Pakistan and achieved new legal status for forests. The Walis of Swat State managed the forests in collaboration first with the colonial Government and later Pakistan, and also made their own orders and rules.

The present study is the result of extensive archival and traditional historical research; it should provide much needed information to those trying to understand the complexities of forestry in Swat today.

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