



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

A Historical Perspective on
Norms and Practices

IP6 Working Paper No.6

Sultan-i-Rome, Ph.D.

2005

dialogue

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Cover Photo

The Swat Valley with Mingawara, and Upper Swat in the background (photo Urs Geiser)

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To Abdul Halim Advocate (Ghaligay, Swat)

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Abbreviations

B.N.	Bundle Number
CC	Chief Commissioner
CCAGG	Chief Commissioner and Agent to the Governor General
CCF	Chief Conservator of Forests
CCOP	<i>Files of the Chief Commissioner Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar</i>
CNWFPD	Confidential, North-West Frontier Provincial [Political] Diary
COP	<i>Files of the Commissioner Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar</i>
CS	Chief Secretary
DCOP	<i>Files of the Deputy Commissioner Office, Peshawar, at the Directorate of Archives and Libraries, Peshawar</i>
DCF	Deputy Conservator of Forests
DFO	Divisional Forest Officer
D.O.	Demi Official
DSC	Dir, Swat and Chitral
F.N.	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 the West Pakistan
PS	Political Secretary
RABNWFP	<i>Report on the Administration of the Border of the North-West Frontier Province</i>
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 the local words and terms have been given in the text on the spot. Here only those words and terms are given which are either used more than once or could not be given in the text due to the length.

Ajars: The Ajars are a segment of the Gujars. Unlike the majority of the Gujars, they practiced nomadism by proceeding to the down plains in winter, along with their cattle etc. and belongings, and to the high up hills and pastures (Bandas) in the summer. They possessed cattle, few ponies (for transporting their belongings and foodstuff), dogs for protection and few number of goats also.

Bacha/Badshah: A King; an emperor; a monarch.

Banda (plural: *Banday/Bandajat*): Hamlet; remote pasture in the hills with few residential quarters.

Dala: Party; faction. Traditionally the Swat's Pukhtuns and also of 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 one known as *dala*. However, the word party and faction did not stand for and never gives the sense, which the term *dala* has.

Dawtar also spelled as *daftar/dafter*: The land liable to re-allotment in the traditional *wesh* system. The owners of *dawtar* had the proportionate shares in all the categories of land of the village or locality where they had their shares in the *dawtar* and other related privileges and obligations as well.

Garzinda Wesh: Literally 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 to take their shares in the new place for the next tenure.

Ghair Qalangi Banday: Those *bandas* the pastures of which are not given on rent but are utilised by the owners and the concerned right-holders or the village members free of rent.

Gujars (Gujran): Gujars are an ethnic group, not Afghans but of the Jat or Rajput group. They did not possess hereditary share in the land or by virtue of their descent, and remains merely vassals to the *dawtar* and *serai* landowners. On the whole, they possessed cattle, i.e. cows and buffaloes or either of them and sometimes also one or few goats. They were not necessarily nomads. They are now a powerful segment or group and are found in all walks of life.

Hakim, Hakimi: This was somewhat larger administrative unit in Swat State. It comprised either of few small Tahsils or one Tahsil in case the Tahsil comprised of a

larger area and in this case instead of Tahsil the unit was called Hakimi. Hakim was the administrative-cum-judicial-cum-executive-cum-financial officer or in charge of the Hakimi. Hakim was superior in rank and status to the Tahsildar. In case the Hakimi comprised of more than one Tahsil, the Hakim was posted in one Tahsil wherein he performed the duties of both Tahsildar and Hakim for that Tahsil and was the immediate superior officer over the Tahsils and Tahsildars associated with the particular Hakimi. The Hakim appointed over more than one Tahsil was also the appellate court against the judgements 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 the particular occasion. It is used as a title for a chief; for addressing and respect of a landowner; sarcastically for an unworthy person; and is given as 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 the time of need without any payment, and also at own cost, 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 as compared to the *Khan* and some times subordinate to the respective *Khan* as well.

Mehtar: Ruler; title of the ruler of Chitral State.

Mian (plural: *Miangan*): Descendants of saints and spiritual leaders of the past who have 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; so his descendants were given the title of *Miangul/Miangwalan* by courtesy. It is inferior, in its sense, to *Mian*.

Mulan (singular: *Mula*): *Mulan* means the priests. They usually perform the duty of *Imamat* (leading the prayers) in the mosques and teaches the Holy Qur'an, and the Islamic injunctions to the people. The title usually become hereditary and applies also to those descendants of these priests who are not versed in the Islamic education and does not perform these functions.

Mundai/Munday: Having fixed boundaries, no share elsewhere in the other categories of land, hills of the concerned locality or other *shamilat*.

Nautor: An illegal intrusion on the land in the forest; the newly made land in the forest or hillside by encroachment.

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, given in the text of chapter 3 of this report *Pukhtuns* implies only to those Pukhtuns who belong to the segmentary Pukhtun group and yet possess their share in the *dawtar* and also those who though do not belong to the segmentary Pukhtun group but possess share in the *dawtar*.

Qalang/Kalang: Rent.

Qalangi Bandy: *Qalangi banday* are those *bandas* the pasture of which are not used by the owners themselves but are given on rent to non-owners, and the rent divided among the concerned landowners according to *riwaj* or the rule of the area or village or locality whatever applied to, in the case.

Qaum: In context of this report a particular tribe; a section of a tribe or 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: The commonly believed descendants of the Prophet Muhammad (PBUH) from his daughter Fatima (RA) and son-in-law Ali (RA).

Serai: Lands, which 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* of the village or locality. There, however, are *Serai* lands which possess *shamilat* and had share in forests.

Shamilat: Land, hill and forests etc. held in common by the *dawtar* landowners on the basis of their *dawtar* shares; wasteland, hillside etc. blended with a peace of land.

Shariat/Sharia/Shara: The divine code of life; revealed law; statute; ordinance; justice; equity. It, however, specifically means Islamic law.

Shpunkis (*Shpanyan*): The *Shpunkis* practices 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 belonging and foodstuff, and a dog or dogs for their protection. A number of

them now practice settled life and had give off rearing herds. They are generally 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 or in charge.

Tal: The segment/group/block of the *dawtaris* of a village/town etc.

Tapa/Tapah: Segment; area; locality.

Ushar/Ushr: A tenth part. According to Islamic law the Muslims are required to pay a portion of the produce of their land to the Islamic State at the rate of ten or five percent, which depends upon the nature of the water given to the fields, which is known as *ushar*. However, the heads under which it will be used and disbursed have also 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. It is inferior in sense and status to that of *Bacha/Badshah*, which means a king; an emperor.

Wazir: Minister.

Wesh: Distribution, but in the context of the theme of this study the proper term for it is allotment/re-allotment.

Ziarat: Shrine.

1 Introduction

The historic Swat Valley in North-West Pakistan (see map on page 18), which is compared in beauty and landscape with Switzerland, and the adjoining areas, which were later incorporated in Swat State, remained rich in forests since early times. These forests remained intact for centuries if not for millennia due to own reasons. The nineteenth century proved a turning point in respect of the exploitation of these forests when some outsiders, mostly the Kaka Khel Mians, started the exploitation of these forests with forest operations in the area and export of timber extracted.

By beginning of the twentieth century, the colonial authorities of the Frontier got alarmed at the would-be consequences and negative impacts of the ruthless cutting of the trees in the forests of Swat and adjoining areas and their export to the down plains. They tried to bring an end or least a halt to the practice. In the mean time Swat State came into being in 1915 and at last Miangul Abdul Wadud became its ruler in 1917. Miangul Abdul Wadud on the one hand endeavoured to exploit the natural resource of forests and on the other 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 till the merger of the State in 1969. In the meantime the colonial rule came to an end in India and two Dominions of India and Pakistan came into being. The Ruler of Swat State acceded to the Dominion of Pakistan and got new legal status in respect of the forests and their management and exploitation. The Walis of Swat State on the one hand managed the forests in collaboration with at first the colonial Government and later Pakistan and on the other made their own orders and rules.

In the research on the present-day forest issues in the North-West Frontier Province, importance of the historical past is always realised. People even today, recall the period under the Walis (Rulers) of Swat State as 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 and this is the entry point for the present study. The objective of the study is to show how forests were used in Swat State areas and Kalam from the sixteenth century till 1947, more precisely:

- How were the forests used, and for what?
- How was the relationship between the Walis' rules and regulations regarding forests, and the 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 with the development in the past for which traditional

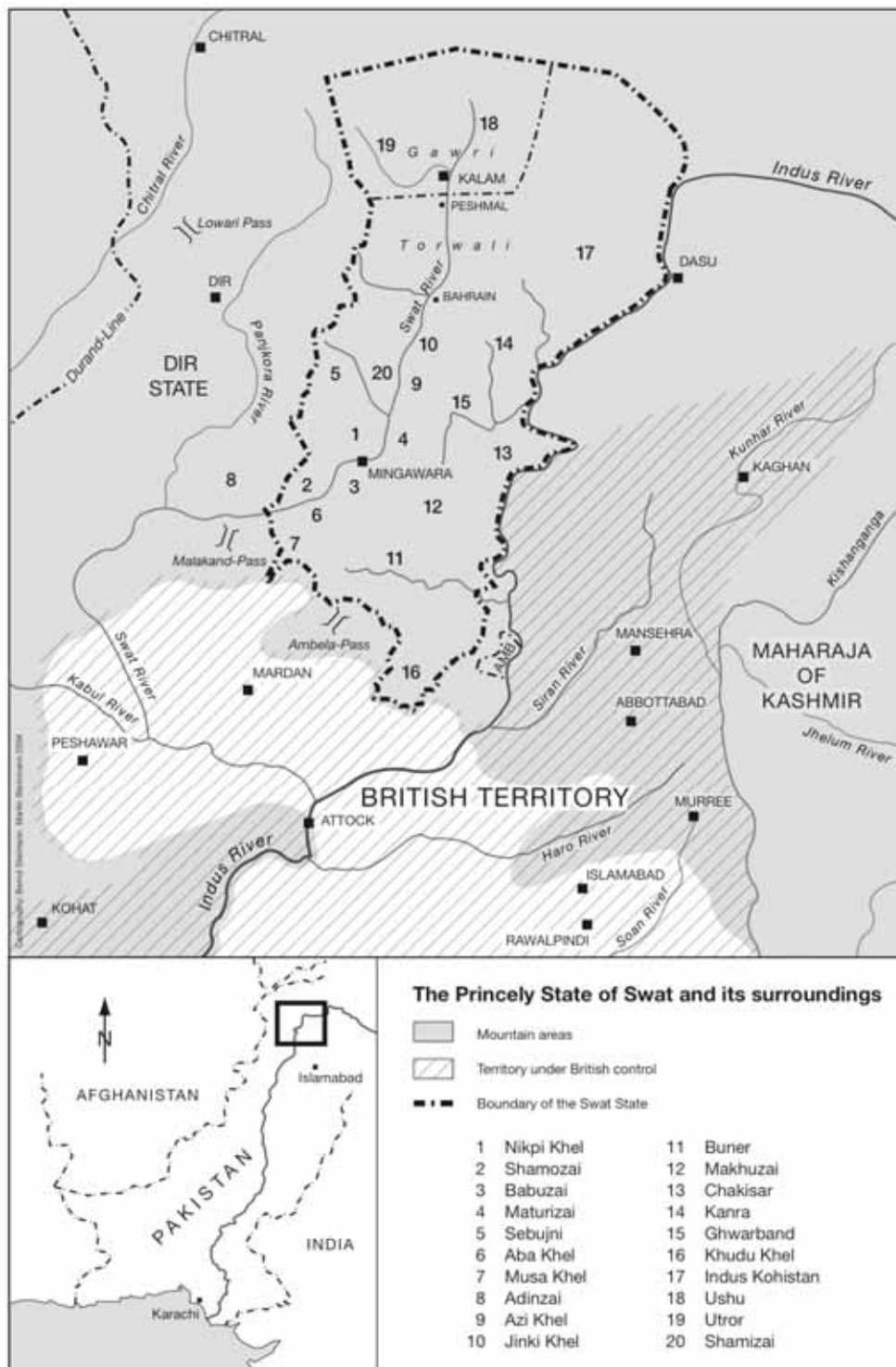
historic approach has always been proved a suitable methodology. So this approach has been followed while working for the present study. Besides, the descriptive/analytical method has been used in the present study to provide the readers with an analysis and evaluation of the developments in respect of forests in the areas comprising the ex-Princely State of Swat and Kalam so as to reach to some valuable conclusion.

Being a scientific study, emphasis is given on the archival record within the North-West Frontier Province. Most of the primary and secondary sources are available in published and unpublished state 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, which have been liberally consulted. A number of personnel and functionaries of Swat State, who served in different capacities and important posts and other persons have also been interviewed. Hailing from the soil, the personal knowledge since early life, gained through personal observations, discussions and other means, have also given an insight to the understanding and judgement of various dimensions of the management, conservancy and exploitation of the forests during the pre- and State eras.

It should be mentioned that during the rule of Miangul Abdul Wadud (1917-1949), the affairs, inside the State, were, on the whole, conducted by word of mouth. There was no use of written orders and keeping record of the orders and correspondence made, if any, 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 merger of the State, owing to which these are either destroyed or stolen by people with vested interest. Hence we found almost nothing in the record of the Swat State regarding forests that still remains about the reign of Miangul Abdul Wadud. All that are found about the said period are only that which exist in the official record in the Tribal Affairs Research Cell, Peshawar, and in the Directorate of Archives and Libraries, Peshawar. However, some record of the reign of Miangul Jahanzeb still remains in the District Record Room, at Gulkada, Swat, in which references to the forests issues are found. Moreover, decrees of Miangul Jahanzeb and his rules about the forests are found in original form.

The report is structured as follows: Chapter 1 gives an overview of the political history of the area. Chapter 2 examines the land ownership in the study area. Chapter 3 evaluates and analyses the era till the beginning of the reign of Miangul Abdul Wadud in 1917. Chapter 4 discusses and evaluates the Walis Period till 1947. Chapter 5 deals with the Gawri tract or Kalam. The period not being part of the present study in detail, Chapter 6 gives only an overview of the Walis Period from 1947 till 1969. The Conclusion are based on the research findings. However, keeping in view the limitations in the conclusion most of the issues have been examined, evaluated and analysed in the body text and only the main features or points have been given in this section.

Map: The Princely State of Swat, Kalam and its surroundings



2 Political History

2.1 Geography¹

The once entirely lush green (but now with mostly barren hills) and historic Swat Valley is situated in the North-West Frontier Province of Pakistan. It lies between 34°-40' to 35° North latitude and 72° to 74°-6' East longitude.² It starts from an elevation of 2,000 feet from the sea level at the junction of the Swat and Panjkora rivers and rapidly rises in height. Whereas former Swat State lie between 34°-10' to 35°-52' North latitude and 72°-06' to 73°-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 first one extends from Ain to Landakay (commonly written as Landakai) while the latter from Landakay to Kalangai, a few miles above the junction of the Swat and Panjkora rivers. However, the left hand (of the Swat River) lower portion of the 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 emergence of Swat State in the Valley, in 1915, north-eastward beyond Landakay, the left hand part westward beyond Landakay was not included in the State, because it was already under a sort of 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 north- eastward beyond Landakay and the boundary between Adinzai and Shamoza, 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 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. Whereas, beyond that, north-north-eastward up to the end of the valley proper was called Bar Swat. Later, when boundaries of Swat State were extended to the territories outside the Swat Valley, namely Buner, Khudu Khel, the valleys of Kanra and Ghwarband

¹ For details and full references about 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.

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 of Swat was frequently applied to and used for all the areas of Swat State and not for Swat proper alone.

Swat State was stretched upon an area of approximately 4,000 square miles and was bounded by Gilgit Agency and Chitral State in the northeast and north respectively; and by Dir State in 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 mainly for its supply and smuggling to outside.

Majority of the people of the Swat proper belongs to the Akozai branch of the Yusufzai Afghans (Pukhtuns). The territory of Buner, Ghwarband, Kanra, Puran and Chakisar, parts of Swat State, are also peopled mainly by the Yusufzais. Swat Kohistan are 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 the Gujars are also found throughout most parts of the Swat State area. Some Hindus and Sikhs have also settled here for several generations. Besides, though less 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, Tarklanris, are also found. The religious classes are Sayyads (Saidan), Mians (Miagan), Sahibzadas (Sahibzadgan) and Mulas (Mulan). Besides there had been a large number of the artisans called *kasabgar*.

2.2 Early History⁵

The historical record about the background and ancient history of Swat is scanty. However, the excavations, carried out in Swat by various archaeological missions, A.D. 1954-1981, has 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

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.

found in the accounts of Arrian, a Greek historian. In his arduous campaign of the East, Alexander invaded Swat but suffered great hardships. He left Swat for his campaign of India. The inhabitants of Swat so detested the alien rule that whilst Alexander was encamped among the rivers of the Punjab that they “threw off fear and renounced allegiance.”⁶

It is not known that 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 maintained their sway here. 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, the attractive remains of which abound in the region and speak volume of Buddhist era.

The Indo-Greek and Indo-Scythian coins found in Swat indicate that either Swat remained directly under the Indo-Greeks (those Greek rulers who occupied the seats in India after the downfall of the Mauryans) and the Scythians or had its 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 afterward 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 in the Swat Valley and Gandhara by overthrowing Apolodotus from the area. Kadphises I, leader of the Kushanas, seized vast territories extended to the south of Kabul River and established his rule. During the reign of the Kushana dynasty in the west and south of Swat the factual position whether Swat became an integral part of the Kushana empire or retained its own independent status is uncertain. It is most probable that Swat or its petty chiefs had been a tributary of the Kushanas.

In the course of the extension of the Turki Shahi (also spelled as 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 as Hindu Sahi) dynasty established its rule after the downfall of the Turki Shahis. Information about Swat of 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

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

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

their over-lordship at the time. However, the question that whether Swat remained an integral part of the Hindu Shahi kingdom or not, is not easy to settle.

When the Hindu Shahi rule was swept away by the Muslims under Mahmud of Ghazna, Swat was also 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. They established their rule for centuries. Practically, 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 and Sultan Uwais was its chief ruler. Although the Yusufzais did not make their advance towards the mountainous area of the Swat Kohistan, they continued their inroads in the other bordering areas. They also extended their occupation to the territories of Ghwarband, Puran, Chakisar and Kanra.

While the Yusufzais gained footing in Swat, Babur made himself master of Kabul. With the intention of attacking the Yusufzais, Babur marched for Swat and dismounted in-between the water of Panjkora and the united waters of Jandol and Bajawar. He, however, refrained from advancing into Swat. Instead of arms he used diplomacy and tactics and left for Ashnagar (Hashtnagar) from Bajawar. The Yusufzais of Swat retained their independent position during Babur's, Kamran's and Humayun's reign. Swat remained unpenetrated by the Mughals till 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 "but without any real or lasting success."⁸ Jahangir and Shah Jahan did not make 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 Durrani 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 sentiments and activities. Moreover, anxious for their independence, the Swati chiefs got

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

alarmed with the 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, for crushing 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, the political developments once more resulted in a collision and stiff fighting between the Swatis and the British forces. The tribesmen, most of whom were unarmed, continued resistance with great gallantry, against the well-equipped and well-organised massive British troops. 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 and Chakdara. The Political Agency of Dir and Swat was also instituted with its head quarter at Malakand.¹⁰

At 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 hearts of the people who considered presence of the colonial Indian authority as a common danger. Emotions ran high and within the passage of barely two years a formidable revolt against the British arms took place. Heavy fighting continued at Malakand and Chakdara from 26th July 1897, actually almost never ceased, until Malakand was relieved on the 1st August and Chakdara on the second. During the post-Malakand War years, we come across no significant armed struggle against the British Indian Government in Swat. It was in 1915, that once more a bid was made, after the formation of Swat State, but without success.

⁹ Ibid., p. 385.

¹⁰ It is to be noted that at the time of its formation the Agency was named as the Agency of Dir and Swat. But later Chitral was also added to this Agency and hence was named as the Agency of Dir, Swat and Chitral. There was only one Political Agent for the Agency of Dir, Swat, and Chitral. He was agent and representative first of the Central Government because at the creation of the Agency it was not under the Provincial Government of Punjab but was 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 the correspondences, on the whole, were made between the colonial and later Pakistani authorities and the States/tribes of these areas. He was, moreover, in charge of the administration for those areas of the Agency, which were under the direct loose control of the colonial government and later Pakistan, then known as the Protected Area of the Agency and later as Malakand Agency.

It is to be noted that the areas outside Swat Valley and latter formed parts of Swat State 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 government. They mostly lived in the old 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 a common cause and installed Sayyad Akbar Shah of Sithana as their King, who ruled Swat till 11th May 1857. With his death Swat was deprived of a ruler.

His son Mubarak Shah made his 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 an ambitious person but he also failed to get himself 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 intrigues 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 some territories lying on the right bank of the Swat River and by the end of 1881 all the right bank of 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, 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 Swat River.

In 1897 the Mianguls, the four grandsons of the Akhund of Swat, also entered the power-game. Each one of them embarked upon the policy of consolidating his personal power and position which led to machinations within the family; and caused murder of both the sons of Abdul Hanan, namely Abdur Razaq and Abdul Wahid, at the hands of their cousin

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

¹² For somewhat 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.

Miangul Abdul Wadud in 1903 and 1907 respectively. Abdul Wadud continued the policy to consolidate his position against his brother Miangul Shirin Jan. He also did his best, since his early life, to establish and maintain friendly and cordial relations with the British; and rendered valuable services to them.

Being a protégé of the British, the position and authority of the Nawab of Dir was secure but at the same time he had constant troubles with the right bank Swatis and his authority over Swati territories was neither absolute nor unchallenged. Exactions of the Nawab's collectors and his own tyranny and oppression caused much discontent against him, which ultimately led to the cessation of *ushar* and severing of allegiance to him in 1907. At 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 a 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 ended.

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

Being a prospective candidate for the 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 his strategy. At last 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 turban was wrapped round the head of Abdul Wadud as the new *Bacha* (King) of Swat State.

2.4 Expansion of the State¹³

Abdul Jabbar Shah, the First King of Swat State, did not succeed to consolidate and expand the State owing to a number of factors. To consolidate his power and position it was incumbent upon Abdul Wadud and was unavoidable for him to extend his dominion. Moreover, he was an ambitious man with restless temper, great energy and potentials. He was assisted by the political situation in the territories adjoining Swat State and in the neighbouring states as well.

Miangul Abdul Wadud was installed and recognised as their King only by the Nikpi Khel, Sebuji, Shamizai, Babuzai and Maturizai sections of Upper Swat in September 1917. He, however, had to turn his attention first of all to the Shamozaï tract and at last took its possession. This success was followed by the accession of the Aba Khel and Musa Khel tracts to the State by the concerned *jargas* with which Swat State extended to the whole of the Upper Swat save the Azi Khel and Jinki Khel. After consolidating his position in Shamozaï, he made his bid for the Adinzai and at last occupied it. After this the *jargas* of Azi Khel and Jinki Khel acceded 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 boundaries of Swat State extended to the entire Upper Swat Valley and up to the boundary of Adinzai on the right bank of the Swat River. He, however, handed over the territories beyond Shamozaï 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, a strategic place of Kohistan, and in November 1922 a Swati *lashkar* advanced as far as Peshmal without opposition and constructed a post at Chaudgram (now Balakot) in Swat Kohistan. The people of Kalam, however, so far declined to have any dealing with the Swati ruler.

In April 1923 Buner was invaded by the Swati forces in consort with the supporting *dala* of Buner and the success was made without difficulty. Meanwhile, the representatives of Makhuzai called on the Swati ruler and requested for 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 recapture 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 the Swati forces over-ran the remaining independent small corner of Chagharzai country on the right bank of the Indus and also occupied a portion of the Hasanzai country in defiance of his Agreement with the

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

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 the extreme limit to the Swat State in that direction.

In August 1924, the Swati forces made advance into Khudu Khel, Gadun and Amazai and brought these areas under Swat State’s rule 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 brought the Swati ruler in close 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 gave troubles and Abdul Wadud dispatched his forces, which occupied Besham and Lahor after heavy fighting. Further expansion was carried out cautiously employing the diplomatic means, and at last Duber, Ranuliya and Bankot were also occupied. Although not easy Pattan was at last occupied. Its subjugation led to the voluntary merger of other areas. Seu was the first to join the State and was closely followed by Kandiya, 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 their annexation to Swat State, but the British Indian Government did not allow.

As far 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 till 1947 due to the interference of the British Indian Government. However, on the night of 14-15 August 1947, when the British rule came to an end, the Swati forces were sent and Kalam was occupied, with which Swat State was further expanded. In Miangul Jahanzeb’s words:

By 1947, Swat State had completed its expansion in all directions as far as it was 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 up against us by the Government of British India, whether consisting of

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.

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 till Merger of the State¹⁷

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

He succeeded to remove his brother from the scene (1918), with a stratagem, who was his potential rival and an obstacle in the consolidation both of his own rule and the state. He caused flight of Sandakai Baba (April 1925), who had the leading role in the formation of Swat State and in deposing of Abdul Jabbar Shah and the installation of Abdul Wadud as the ruler and also gained a great ascendancy over the people's mind. 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 successful out of the critical situation created for him due to the alliance of the rulers of Amb and Dir states and the internal powerful rival traditional leadership. By making his position strong and somewhat secure he removed the apprehensions of the British that whether he will maintain himself and the State; and ensured the recognition of his ruler-ship by the British in 1926, which made his position somewhat more confirmed and gave him the opportunity to take further steps for further consolidating his position. By 1930, he succeeded to remove the powerful elements, whose ambitions were suspected, either from the scene or were compelled to leave the State. Others had already been brought either to non-entities by patronizing and supporting their rivals or were brought to terms.

Abdul Wadud formally proclaimed his eldest son Miangul Jahanzeb as heir apparent in May 1923 and consequently involved him in the government's affairs. It took ten years more that he succeeded to get recognized his heir apparent from the British Government in May 1933. He, however, became jealous of the influence of his heir apparent and at last not only deprived him of his powers and relieved him of his responsibilities but he also was not allowed to come to the State. Reconciliation, however, at last, was effected between the father and the son with the help of the Governor of the Province due to which the heir

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.

apparent was again entrusted with the powers. Miangul Jahanzeb attributes the action of his father against him to the machination 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 had great contribution and an important role in the consolidation of Abdul Wadud's power and expansion of the State, but they had also their own axis to grind. They remained involved in the party politics and power-game, which at last resulted in their relinquishing the offices and expulsion 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 12th December 1949.

During his rule (1917-1949) Miangul Abdul Wadud had initiated developmental works like the construction of roads, schools and hospitals. He ensured peace and order, provision of justice to a greater extent, and evolved governmental structure and machinery.¹⁸ He took steps and initiated such policies that aimed at bringing drastic changes in the social organization of Swat State area. He, however, retained the feudal structure of the society in which the land owning class, on the whole, held 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 set-up.

On assuming 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 the decisive role, status and position, and finding themselves in clutches of 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 from 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 of this class.

Although benevolent, there was complete autocracy in the State. The ruler signed the Supplementary Instrument of Accession and also the Interim Constitution for the State, in 1954, which also aimed at the introduction of reforms and consultative rule in the State, but

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 ruler and the Hakims and Tahsildars at the lower level were permanent set up from the early days till the merger of the State. In-between were a variety of persons/officers like 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 (may be 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.

practically no concrete change came about till the merger of the State. However, benevolent and liberal policy of the Wali to provide equal opportunities of schooling to all sections of the population, did create a new generation of the educated people in the unprivileged class. These people expected due share in the State services but the Wali could not afford for fear of the privileged class. Hence, a common cause was stuck between the two classes for civil and political rights and change of autocracy to democracy. A number of other issues and factors also did their work. All these at last culminated at the announcement of the merger of the Swat State on 28th July 1969 and its formal merger in the State of Pakistan on 15th August 1969.

3 Land Ownership in the Pre- and Swat State Periods

The sixteenth century proved a turning point in the history of Swat and the adjoining areas, as the Yusufzai Afghans occupied the land, not only from political standpoint but also from the perspective of land ownership and its tenure.

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

When the Yusufzais and Mandanr migrated from the neighbourhood of Kabul in 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 that they occupied being conquerors. Although, an internecine war broke out between them over the distribution of the occupied areas,

the cession of Chamla, Khado Khel [Khudu Khel] and certain other districts upto the Kabul River to the Mandanrs brought about peace. [And] the Yusufzais extended their dominion 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 differed in composition, location, fertility, availability of water, accessibility and so forth. To ensure that all the shareholders share the benefits and losses of the land equally, a system of land tenure was adopted which was called *wesh*. *Wesh* means distribution, but in this context the proper term for it 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 were 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*. On every re-allotment all the shareholders, having share in the land liable to re-allotment, used to move and settle in the villages allotted to them for the next tenure and to allot the houses and lands of those villages among themselves according to their individual shares. The land within the villages too had different categories, so each category was to be divided among all the shareholders in order to share the benefits and the losses. This *wesh* system was called *Garzinda Wesh* (moving distribution/allotment, i.e. non-permanent).

It is believed that Shaikh Mali had kept the record 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 save the name. Khushal Khan Khattak too had made a reference to the *Daftar* in seventeenth century in the verse that: ²⁴

دو کاره دی په سوات کښه که خفی دی که جلی
مخزن د درويزه دے يا دفتر د شيخ ملی

Meaning that: Two works are reputed in Swat both in private and public, they are the *Makhzan* of (Akhund) Darwizah and the *Daftar* of Shaikh Mali

Whereas, this verse had also been written as:

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

Trans: There are two visible infidelities in Swat, one is the *Makhzan* of Darwiza and another one is the *Daftar* of Shaikh Mali (trans. mine).

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.

It is to be noted that the Qandahari (Resident of Qandahar) – who was sent by Major Raverty in A.D. 1858 to Swat to search and find out a copy of *Daftar-e-Shaikh Mali* – did not succeed to find out any copy of the *Daftar*, though he toured all the Swat Valley.²⁶

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 on 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 in the mosque) of the mosque as well, which remained in his possession till he remained the *Imam*.

Nevertheless, most of the Khans and Malaks also held *serai* lands, which were excluded from the *wesh* in 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, practically the seat became more or less hereditary. As such the families of the Khans and Malaks appropriated to themselves the above-mentioned *serai* lands as their personal property. Since these *serai* lands were by its very nature exempted from periodical *wesh*, therefore 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 wherein the *serai* lands had the status of *dawtar*. For example 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 on the pattern of *dawtar*. They also held their share and proprietary rights in the hills and the forests thereupon, attached with their *serai-dawtar*. The Sayyads of Sar-Sardaray (who are generally referred to as Miangan) and Jambil Valley also hold hills besides other *serai* lands.

It is to be noted that in the traditional society *riwaj* (customary law) was the rule of the day in respect of land ownership in Swat proper, Buner, Shangla and Khudu Khel under which only the males could own and held land and other immovable property and the females had no right to own or hold or inherit land or other immovable property. The land and

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.

²⁷ Descendants of Mian Karim Dad who was son of Akhund Darwizah (both were famous religious figures in the Frontier in the sixteenth and seventeenth centuries) are known as Akhund Khel. Majority of them lives 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.

immovable property passed only to the patrilineal male heirs or the near agnates in case of having no son. The Islamic right of women to own or inherit land was not recognized.

During the Swat State era too the traditional practice, namely *riwaj*, 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. Whereas Miangul Abdul Wadud (Commonly known and referred to in Swat as Bacha Sahib) also stated that women were not entitled to any share.²⁹

Moreover, immovable property was not freely disposable and it was required 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 Pukhtun in the social set-up – was to be valid. However, in case of purchasing by 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 nicely observes 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 dispute, 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 thatching, 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, remain thus irrigated. All other lands depend on rain for their crops,

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.

²⁹ *Ibid.*, pp. 2–3.

although large tracts could be easily brought under irrigation with but little united labour. Why however should a community labour for the good of the next-comers?³⁰

Khushal Khan Khattak, who visited Swat in the seventeenth century, also had mentioned the drawbacks of the *wesh* system and its negative impacts. He despises the Yusufzais for the practice and says that they lose their properties due to drawing lots year to year and invade themselves without using forces.³¹

Besides, the people not only lived a sort of nomadic life but frequent conflicts took place when strong and powerful holders of the better quality land were not ready to give up their possession.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 8th 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 from him.³⁴ Thus the system became a source of anxiety for Abdul Wadud himself as well.

Hence after consolidating his position somewhat, Abdul Wadud embarked upon abolishing the *wesh* system, because he considered it a barrier in the way of progress and development³⁵ and also, it seems, to get rid of troubles for himself in future. By stating that “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 motives behind the reforms were vested interest and that disfavour had been done and favours had been conferred in the Permanent Settlement; the commonly known fact but mostly denied by Abdul Wadud’s adherents in their interviews

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.

31 See Khushal Khan Khattak, *Swat Namah of Khushal Khan Khattak*, Edited and translated into English by Shakeel Ahmad, With 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. 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.

with the author. However, in spite of the favours and disfavours, all ‘his enemies’ had never been ‘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

It is to be noted that the Pukhtu edition did not bear 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 account of the problems and difficulties it had been 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 accomplishing the hardous task of the Permanent Settlement.⁴¹ It, however, is a known fact that the Wazir brothers (Hazrat Ali: the Wazir; and Ahmad Ali: the Commander-in-Chief) did a lot in this respect, which in Miangul Jahanzeb’s account had also been endorsed.⁴² 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

³⁷ Khan, *The Story of Swat*, p. 90.

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.

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

3.3 When Did the Permanent Settlement Took Place?

Miangul Abdul Wadud's and Miangul Jahanzeb's accounts give different dates in respect of the Permanent Settlement. Jahanzeb states the years "about 1930-31"⁴⁵ and "from 1928 to 1932"⁴⁶; whereas, from Abdul Wadud account it can be inferred 1925-1929.⁴⁷

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 taken in hand 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 out standing 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 It too speaks that in Swat the process of Permanent Settlement had already been started and so the last Wali had erred in the years of the Permanent Settlement as he did in respect of many other things as well.

⁴³ Khan, *The Story of Swat*, pp. 91–92; idem, *Tarikh Riyasat-e-Swat*, p. 313. For Miangul Jahanzeb's version and somewhat details about the traditional *Wesh* System and its working 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.

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.

In light of the above discussion the statement of Inam-ur-Rahim and Alain Viaro, in which they give the cause and dates of the Permanent Settlement, does not stand. In the discussion of the abolition of the *wesh* system they states 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

They have quoted “(Barth 1985)”, but neither has given page number nor did “Barth 1985” in the bibliography. If it refers to the 1985 edition of *The Last Wali of Swat: An Autobiography as Told to Fredrik Barth*, that year too has not been given in the bibliography wherein only 1995 has been given.

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

The Permanent Settlement was done, 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 constructions, 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, totally, therein took place in the post-merger time mostly in the 1970s. However, in few villages it came to an end in 1990s.

3.4 Misconceptions about the *Wesh* System and the Permanent Settlement

Some writers have misunderstood and so 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 owners of the land⁵²; and that he

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.

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),

“declared the existing allotments to be final.”⁵³ The version of Sher Afzal Khan Barikoti about the re-allotment or the traditional *wesh* system and the Permanent Settlement has made every one a landowner and had given a share in land to each and every person by Abdul Wadud.⁵⁴ Such things, as had been given by these writers, have neither been practiced nor happened 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 Pukhtun 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 that possession of the landowners at the villages, which 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 got under the new lots. And if the statement means that possession of those personal shares were confirmed which the individuals held at the moment of the Settlement, then it was the case previously as well. Moreover, with the Permanent Settlement “rights in landed property” never freed 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 this is the *Bacha Sahib's and my order* that the Gujars possess no personal *dawtar* or *serai* [land in Swat State]. In case of 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 like *Ingars* (black smiths), *Duruzgars* (carpenters), *Nishanchi* (standard bearer), *Jalawan* (ferryman), etc. are *dawtar* of the *Pukhtuns*.⁵⁷ Hence the land as the “lineage rights based on belonging to a

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.

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 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 wherein he had stated 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* possesses error.

segmentary Pukhtun group” still persisted and was more strengthened and protected by the State itself. However, the non-Pukhtuns or those who did not belong to a segmentary Pukhtun group can 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 claims that:

After abolition of 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 evolution of big landlord, with the due support of the State.⁵⁸

We have already stated that prior to the Permanent Settlement too 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 the other sections of the society, however mostly with the consent or approval of the concerned Khan or Malak. To avoid a detailed analysis, the following extracts from the said book of 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 sometime 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 estate 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 as the redistribution of the land among all the members of the tribe equally and so had tried to justify holding of the land as the common property of the masses, under the State, in Communism.⁶⁰ It is to be mentioned that Sabt-e-Hasan speaks about the North-West Frontier Province, but it is generally believed and said about Swat.

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

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 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 been never re-allotted equally among all the members of the tribe/clan/family every ten years or whatever 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 got deprived of their shares in the new re-allotment. A person who lost his whole share somehow, i.e. by selling, by coercion of some powerful person, or by any other mean, 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*. When 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 offsprings not only lost the identity as Pukhtun and the membership of the tribe/clan/sub-clan/family after a generation or two but the voice in the respective *jargas* as well.

It has already been stated that at the time of the Permanent Settlement neither the existing allotments were declared permanent nor the land was 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 is to be mentioned that all the mentioned dimensions and aspects apply to all other territories of Swat State – whether it was proper Swat, 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 same system as mentioned above in respect of Swat proper. There also had been land 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 *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 also was brought to end by the ruler of Swat State in 1948 by effecting

⁶¹ Khan, *The Story of Swat*, p. 91.

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

Permanent Settlement on the lines as was already done in other parts of the State. In Indus Kohistan too, in case of losing by a person all or a portion of his share in the *dawtar*, the same rule was in vogue at the time of the subsequent *weshes* as was in the Yusufzai dominated areas discussed above. Meaning that, although belonging to a Kohistani lineage, when a person lost his share in the land by selling or by any other way he received no share afterwards, in the subsequent *weshes*, if he lost all his share. And if he lost a share of it he received only the remaining share if he lost a portion of his share.⁶³

Similarly like the other territories that comprised Swat State, customary law (*riwaj*) was the law of the land in Indus Kohistan in respect of the immovable properties, under which only men held the immovable property. Only the male heirs inherited the land and other immovable properties. The Islamic rights of women to inherit and hold land and other movable property was not recognised. Moreover, immovable property (land, houses) was not freely disposable. And beside other things it was required to seek approval of the village council (*Jarga*) before the sale of land to an outsider was to be valid.⁶⁴

In Swat Kohistan too the land had the same two categories, i.e. *dawtar* and *serai*. Both the *dawtar* and the *serai* lands held the same status as was in Swat proper. There, however, was no *wesh* system like the Indus Kohistan and the Yusufzai dominated areas of the Swat Valley, Buner, Shangla etc. In Swat Kohistan the *dawtar* had been permanently distributed and allotted since early times. Similarly the *bandajat*, which has two kinds namely *qalangi banda* and *ghair qalangi banda*, also remained permanently distributed on *qaum* basis.

In the Gawri (locally called Gawri but written by some writers also 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 informations collected by Fredrik Barth well illustrate the situation. 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

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.

Shariat, are not recognized); but only recognized members of the community can hold land at all.⁶⁵

Whereas in the Torwali section of Swat Kohistan, the agricultural land was held individual property like the Gawris. Moreover, the owner was free in selling his land to the extent that he could sell it to his 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 are also 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 the immovable property was owned and held only by the males. Hence only the sons inherited the land or the other near most patrilineal male relatives in case a person had no son. And the female 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

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

⁶⁵ Ibid., pp. 59–60.

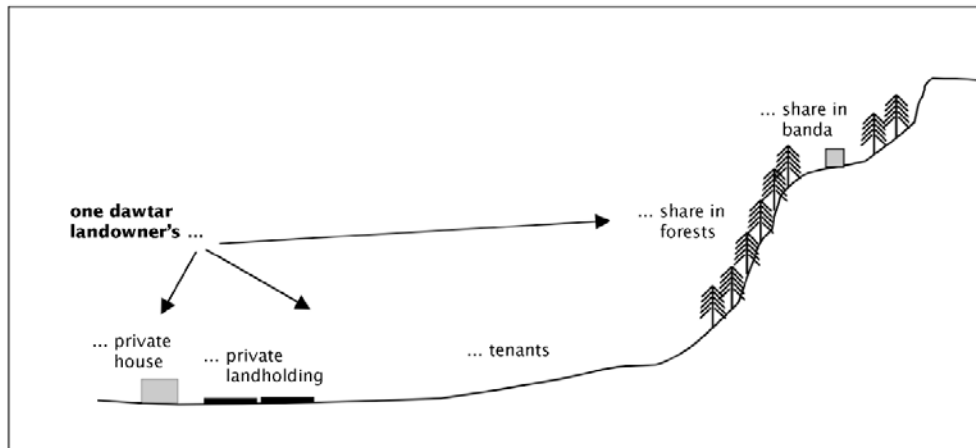
⁶⁶ Ibid., p. 69.

⁶⁷ Also see *ibid.*, p. 75.

⁶⁸ Ibid., p. 41.

⁶⁹ In Swat proper almost all the villages have 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 have some forestland linked to it. However, when the lower or easily accessible hills were slowly and gradually deforested or denuded, the agricultural land to whom these forests – or better called hills – were linked did continue to have these hills and to that effect also what it contained, e.g. grass, brush trees. But they did not have a share in the still existing forests linked with the agricultural land of other villages. Therefore with the deforestation and denudation of the hills, the agricultural land to whom these deforested hills were linked (and continue to be linked) possess no forests. This arrangement continued during the Walis period, i.e. that forests, *bandas* and alpine pastures were always linked to agricultural land (see Fig. 1).

Fig. 1 The principle of early land ownership in Swat



Each land owner had not necessarily tenants because the small landowners or little shareholders cultivated all their land themselves. However, it was on the whole so.

Another aspect is that the ownership of the forests in respect of the forests related with the *dawtar* lands was established to the extent that they were owned, on the whole, by the *dawtar* landowners, but the ownership of particular forests changed frequently for the specific periods between the particular sub-branches as a result of each *wesh*. Because the respective lands went in the lots of other sub-branches due to their transfer or shifting to those areas for the next tenure. An important effect of these frequent shifting and changes of hands in rotation, on the conservancy of the forests, was that as the particular forests did not remain in permanent possession of a particular sub-branch, the owners at the moment or in rotation had no real concern for the protection or conservation of the forests. They, moreover, disregarded the would-be negative effects and consequences of the unplanned exploitation and ruthless cuttings and misuse.

The ownership, conservancy, and the distribution of share in the sale proceeds, of the respective forests in post-Permanent Settlement period is also related with some issues that had links or had been linked with the Permanent Settlement, effected by Miangul Abdul Wadud, these are, therefore, also dealt with. Moreover, thorough knowledge and understanding of the land ownership and the system is must for proper understanding of the issues related with forests, forests exploitation, management and conservancy.

4 Forest Use During the Pre- Swat State Period

The former Swat State areas always remained rich in natural resources. The area of Swat, on the whole, remained thickly forested since early time, which is also evident from the statement of Hiuen Tsiang, who came here in AD 629, in which 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 held 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 the examples has been given in the previous chapter or is also 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 and also an outsider could collect minor forest produces 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 neither forests were demarcated nor protected in any other proper way. Similarly, every villager had free access to the forests of the concerned village or locality for the purpose of grazing cattle and flocks, for cutting timber for household

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.

purposes, for manufacturing agricultural implements, and for the provision of fuel and grass. Miangul Jahanzeb, the Last Wali of Swat State, also refers to the case in the 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 value put on the forest – *every man could go and cut a tree in his own tribe’s forest* [italics mine].”⁷³ And like the Swat Kohistan area every villager and also an outsider could collect minor forest produces 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 in the land of the concerned villages or 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 no share in the revenue accruing from the sale of trees. However, as mentioned above and also in chapter 3, in some cases *serai* landowners also owned and held forests and hence had proprietary rights and share in the revenue or sale proceeds accruing from sale of those forests.

In *riwaj*, prior to the emergence of Swat State, all the community members were either right-holders or concessionists 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 being an unwritten law, transmitted orally and transferred from parents to children. Moreover, there was no demarcation of the forests and non-forests land.

Another thing directly related with the forests and having pivotal role in the conservancy of the forests and in determining ownership of the concerned forests, throughout the Swat State areas, are the *bandajat* or *bandey* (bandas). Situated in the hills and the forests, the *bandajat* are known by naming season in which they had been used or by the name of the local valley or locality in which these are situated. The *bandajat* too remained specified and divided on the basis of sub-tribes or sections or qaums. These have two types: *qalangi banday* and *ghair qalangi banday*. The Last Wali of Swat State had also stated about the traditional rule and use of the *bandajat*. Though he had mainly stated about Swat Valley it also apply to other parts of the State. He states 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,

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

⁷⁴ Muhammad Shoab, Ex-DFO, IA, Verbal, Makaanbagh, Swat, 7th December 2003.

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

4.2 Traditional Use

Traditionally forests requirements of the villages in the Kohistan areas were that Deodar wood was used for building houses, which were cut and used very lavishly. 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 had been taken out of green standing trees. Deodar wood was being 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 the bon fire in the *hujras*.⁷⁶ It is to be stated that the author's father also used to state about one of his friend's – namely Gidar, of Qalagay, Nikpi Khel area (present-day Tahsil Kabal) – taking planks out of green standing trees, while talking of his expertise in the work, and personally seeing the trees still standing.

Although grass had no value for the Kohistanis, the Gujars took precaution for preserving them for meeting the need for the large number of cattle especially during the snow season. Hence they used to set fire to the forests for the removal of grass, which caused extensive damages to natural regeneration and also to forest growth. That 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 the 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 of other areas of the State namely Indus Kohistan, Buner and Shangla, moreover, the near habitations’ bases of standing trees of Kail and Chir were constantly scooped for extraction of torch-wood, which resulted in the ultimate fall or blowing over by winds of such trees. There was no control over lopping and felling of broad-leaved

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

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

⁷⁷ *Ibid.*, p. 4.

species for fuel with the exception of *Akhrut* (walnut). Even Kail and Chir were lopped where broad-leaved species were scarce. There was no check on the lopping of trees for fodder, which resulted in lopping of almost all the new growth of the year and 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 for clearing land for agriculture purposes or for regeneration of grasses. Sometimes the forests were set on fire purposely for spiting adversaries.⁷⁸ The same was also the case in the proper Swat Valley's areas of the State.⁷⁹

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 fall of 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 object *upto 1918 or 1919 when, thanks to the intervention of the Political Department, a halt was called to their activities.* The Mian Gul [Miangul Abdul Wadud, ruler of Swat State] and the Kohistan tribes cannot be sufficiently thankful to the authorities for their this timely action otherwise at least, one more valuable forest, namely Chodgram [now Balakot], would have been swept out clean [*italics mine*].⁸⁰

Besides other things it means that commercial fellings in the forests of Swat Kohistan started at least in about 1850s. This assertion can be augmented by the report of the Qandahari, resident of Qandahar, Afghanistan, sent by Major Raverty to Swat for searching out a copy of *Daftar-e-Shaikh Mali*, who visited Swat in 1858 (as stated in chapter 3) and also had stated about lying a large number of logs on the river Swat banks in the Swat Valley and their confiscation by the local people. The report of the Qandahari further

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.

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

reveals the causes that were obstacle in the free trade and floating of the timber from Swat through the Swat Valley in absence of other means of transport and lack of such an authority that can provide protection and safe passage to the timber that were to be exported or taken out of Swat.

In his account of negating the belief about the absolute authority and power of the Akhund of Swat (Abdul Ghafur alias Saidu Baba) in Swat, the Qandahari had written an eyewitness event, which also is related with taking out timber from Swat Kohistan through 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. 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 can disregarding the would-be future benefits or losses. This ruthless cutting of forests kept continued when somewhat notice was taken and the initiative to put a stop to or to 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 somewhat halt to the activities of the timber traders from the down country and also to the indiscriminate fellings 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.

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.

Malik Allah Yar Khan mentions the years 1918 or 1919 for taking notice by the colonial authorities of the indiscriminate or ruthless exploitation of the forests and their steps for a halt and bringing a stop to such unwanted practices. We, however, come across references in this respect in records of the colonial administration and authorities and their endeavours, proposals and steps for bringing a halt to the 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 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 condition. 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 transactions of timber with tribes of Swat Kohistan and "in not in a single instance was a written agreement ever been executed *since the time of wood transactions were commenced in Swat by our forefathers* [italics mine]."⁸³ It also is 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

The role of Mian Rahim Shah Kaka Khel is worth noting, who served the colonialists meritoriously, beside other instances, at the time of the Chitral expedition in 1895 due to which they not only gained footing in the area but formed the Agency of Dir and Swat with its headquarter at Malakand, for which he was awarded beside other things with the title of Khan Bahadar. He started his wood transaction in Swat in 1897-98 by advancing Rs.

⁸² A. H. McMahan 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.

180,000/- to the elders of the tribes in Swat Kohistan.⁸⁵ He did his best to cash rather to misuse his services rendered to the colonial authorities and to extract as much as he can both by fair and unfair ways and means, besides elsewhere in the forest operations both in Swat and Dir and in the timber trade. He remained involved in the ruthless cutting of the forests in such a way that led to the destruction of the forests. It was due to his such activities and his frequent appeals to the colonial authorities for soliciting their assistance in his forests' 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

Not only Mian Rahim Shah Kaka Khel has misused 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 to give them permission for contracts in the forests in Swat Kohistan, he tried his best to make a failure of the attempt by all means. 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 is not ready to enter agreement with others in defiance of agreement already entered into with Musharaf Shah. Mian Musharaf Shah even used not only 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 these, however, proved to no avail.⁸⁷ His recklessness in his forest operations in Swat Kohistan can also be gauged by these remarks and suggestion of the Political Agent, 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 c.ft. on scantling ex-Swat, General Manager of Spedding, Dinga Singh & Company, in his

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.

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.

letter to the Chief Commissioner of the Province, in April 1930, also has 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 evidences and record it present true picture of the Kaka Khels exploitative activities and damages to the forests not only in Swat but in the region.

The colonial authorities had no direct control over the forests 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 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 has 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, however, is worth-mentioning that another timber merchant, namely Harji Mal, while pleading his own case, had 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 are 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,

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.

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.*

stated that Rahim Shah's servants and agents not only carry his timber business and operations of which he is forbidden but also are misappropriating Harji Mal's hewn trees and logs by putting Rahim Shah's marks on them, because of the non presence of Harji Mal's himself or his servants and agents in the operational areas due to the ban on his operations as well, and are floating them down the river into British territory.⁹⁴

The contentions of Harji Mal's petition that Mian Rahim Shah kept continued his timber operations, in 1907, in spite of the colonial Government's orders prohibiting him from such works and activities, get support from the petition of Mian Abdul Wahid, Abd-ur-Rahim and Aftab Gul Kaka Khels to Chief Commissioner of the Province, dated 11th May 1907, in which they, while asking permission for their own timber operations and business, had given in support of their case the continuation of Rahim Shah's wood operations in Dir Kohistan and its beginning in Swat Kohistan as well.⁹⁵

To come back to the tools of the colonial authorities – which they used for the conservancy of the forests in Swat and the adjoining areas – they also used as a tool, beside other things and steps, not to allow the export of the timber extracted in unwanted and unacceptable manner and its entry into the areas under their direct control. It proved effective tool and measure, to a greater extent, because the timber extracted had no market in the Swati or the other areas from where it was cut down or extracted. The use of this tool had been kept continued even in latter years. For example, in 1932, Governor of the Province imposed heavy duty on timber entering the territory under the colonial Administration “from the forests of Swat, Swat Kohistan, Dir and Chitral” only.⁹⁶ Upon this L. W. H. D. Best, Political Agent, Dir, Swat and Chitral, addressed Chief Secretary to the Government of North-West Frontier Province, that it is 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 had its effects as somewhat hurdle in the way of free flow and export of timber, in its sweep, from Swat and hence to the activities of the timber Mafia was the levy of transit duty by the Nawab of Dir – who was in possession of the right bank Swat

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.

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 of such steps see chapter 5 of this Report.

territory – on the timber brought down through Swat River, and also the exaction of duties by the left bank tribes. McMahan and Ramsay states:

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, consequences of the aforementioned indiscriminate fellings also has been summed up by Allah Yar Khan, wherein it also has been 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, he 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.

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 in the closed canopied forests, gaps sufficiently large to bring in regeneration. These forests are fully stocked with crop of young poles in which some scattered overmature dead and dying trees also are 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 tree of value. A few suppressed saplings and malformed stems, hardly of any value, make appearance 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 layer of which has 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

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.

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 witnessed.

Forests Mankial I and VI contain no trees whatever. *These forests were heavily felled for a plain contractor* [italics mine], but directly 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 on 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 the past mismanagement* [italics mine]. Such areas require to be especially treated and provisions are being prescribed accordingly.¹⁰⁰

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

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 upto 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 that:

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 rafter required in a roof. Thus they could avoid felling of 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

¹⁰⁰ Ibid., pp. 5–7. We come across no reference to the division of the forests areas of Swat State into some units (e.g. divisions, ranges, blocks, beats) by the colonial administration for forest administrative purposes. Such divisions, however, have been done 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 refers to names of the blocks and the numbers refers to compartments which Allah Yar Khan himself had allotted only to the forests he visited, for Regular and Subsidiary Working circles. These were his proposal and are given in Part IV of his report.

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

¹⁰² Ibid., pp. 30–31.

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

Prior to the establishment of the State these forests were subject to all sorts of mal-treatments, 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 the rival groups to avenge grudge or by the inhabitants adjoining the forests for clearing the land for cultivation and improvement of grass, Clear fellings were also carried out to extend the cultivation.¹⁰³

The aforementioned discussion not only leads to the 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 the 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 manner till the State [Swat State] merger and different social groups had a well regulated, uniform and equitable access to these resources [italics mine].*”¹⁰⁵

It is to be mentioned that the forests and brush-lands were never common resources in the sense that all the people of the area have held equal rights over these resources. Although the common people or the other social groups held the concession and privilege to utilise these resources in the acceptable manner or in other words according to *riwaj* for meeting their own needs, the proprietorship or ownership rights were held by a section or social group, i.e. the landowners, only. Moreover, neither these natural resources were used in sustainable manner as is evident from the contents of this chapter nor existed an equitable access to them.

To what extent forests were valued and how were they used in the pre-Swat State era can also be judged from the report that when, in 1915, the Sandakai Baba¹⁰⁶ effected the common cause of some of the right bank Swat tribes, against the Nawab of Dir, which resulted in bringing an end to the Nawab’s yoke over the areas, the people not only urged

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.

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.

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 the crises with the Nawab.”¹⁰⁷

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 its first king in April 1915 (see chapter 2). Abdul Jabbar Shah ruled till September 1917 but he did not give attention to forestry and conservancy of the forests because of his weak position and preoccupation in 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 remained busy in dealing with the internal and external menaces and problems threatening his own rule and the State. In June 1922, the colonial authorities issued an order to the rulers of Swat and Dir states, which is referred to as the Adinzai Agreement, 1922.¹⁰⁸ This order proved 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 brought, virtually, an end to the open and active hostilities between the rulers of Dir and Swat States. Abdul Wadud was now free to turn his attention towards Swat Kohistan, Buner, Shangla and Indus Kohistan, and the year 1923 proved a turning point for Swat State 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 made Abdul Wadud's position strong. He was now in the position to turn his attention, besides other things, to the exploitation and conservancy of the still extensive and valuable natural resource of forests in the territories under his jurisdiction, which were till now private ownership of the concerned landowners according to *riwaj*, as has been detailed in chapter 4.

5.1 Forests Declared State Ownership

To exploit, properly, the natural resource of forests for making a source of the State's revenue, and also to conserve, Abdul Wadud gave attention to the forests and forestry sector. His reign proved a turning point also in respect of forestry in Swat State. He took steps and initiatives that led towards, somewhat, proper planning and management of the forests and embarked upon the policy to bring an end to the private ownership of the forests, which led to fundamental and drastic changes in the sector.

¹⁰⁸ For English translation of the text of the Order or Murasala (as it has been called), dated 20th 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.

To bring an end to the 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 occupation of their areas by him. 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 will recognise his rule over their areas; that the tracks, roads and forts will be constructed by the State itself or through forced labour by the people concerned; and that law and order will be maintained and controlled by the ruler through his officials and representatives but the State would not interfere in the ownership rights in respect of the forests and other properties. So when the ruler urged that the forests might be under the State control and its ownership also be held by the State, the chief of Bahrain tract, namely Masam Khan, repudiated the ruler's insistence by saying that this is repugnant to the agreement executed between both the sides, i.e. the ruler and the people concerned, and refused to comply the whims of the ruler and to recognise the change and new arrangement. Upon this the ruler resorted to his strategy and well-known technique and sought services of Pasand Khan of Satal Garhi. Pasand Khan acceded to the whims of the ruler and, consequently, the ruler got control and ownership of the concerned forests. Beside other favours, for the said act, the ruler awarded Pasand Khan with the title of Khan Bahadar. It, however, is noteworthy that the Kohistanis later on shot Pasand Khan dead mainly on the explicit ground of the aforesaid conspiracy of acceding to the control and ownership of the forests to the State.¹⁰⁹

5.2 When did the State Claimed the Proprietorship

It is not clear or known from the record consulted that when the ruler of Swat State declared the forests in the State as the State property with the payment of 10 per cent of the sale proceeds as royalty, as it is called, to the respective landowners or the former proprietors and also with the safeguards of their traditional rights. However, in his report, written in 1925, Allah Yar Khan has 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, has 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,

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.

however, also has 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 speaks that although the ruler declared the forests as the State property and hence he, being the ruler, as the proprietor, the former owners/proprietors still considered themselves as the rightful owners and proprietors. All these, however, lead to the conclusion that it was prior to 1926 that the ruler declared the forests as the State property liable to the payment of 10 per cent of the sale proceeds to the respective landowners or former proprietors, and also with adequate safeguards for other traditional rights of the traditional right-holders and concessionaires and the special rights of the traditional proprietors.

The following statement of J. W. Thomson-Glover, Political Agent, Dir, Swat and Chitral, however, leads the point of the payment of a portion of the sale proceeds to the former owners by the ruler of Swat State to somewhat other direction. While stating about the ruler’s strong support to Mian Musharaf Shah Kaka Khel in his forests’ 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 take 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 of note in the statements is that at declaring the forests as State ownership, the ruler at first paid to 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 lie in the areas occupied by the Gujars; that at first he claimed only

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

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.

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.

It was so because in those days only Deodar had market value and so was felled for income generation or export purposes. The other types of trees had no market value and therefore were cut only for minor or other local uses which as such were allowed to the people. As no fellings for income generation in the other types of the forest trees were done there was no need of their declaring or making state ownership. It made no difference whether they are to be declared State ownership or to be allowed to remain private ownership. And when these trees, other than Deodar, also got market value they also were declared or 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 the type of the trees which guided him.

We come across no formal agreement over the point between the landowners and the Wali in respect of the ownership rights of the forests; and so to that effect there is no formal legal document that made the State's control formal.

Nevertheless, as Miangul Abdul Wadud ruled on the whole by orders of mouth – also noted by a correspondent of Daily Telegraph in the course of World War II – he issued such orders by mouth. The people, though still considered themselves as the rightful owners, acceded to his order at least at face value by acceding to and accepting to receive 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 gives a sort of formal legal status to the State claim.

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

5.3 The Colonial Government Steps

It has been stated earlier that the colonial authorities had their apprehensions over the deforestation and ruthless cutting of the forests in the region, and hence took some steps and measure to bring a stop or at least a halt to the practice even in the pre-Swat State era (see chapter 4). Their apprehensions kept continued even after the emergence of Swat State and Abdul Wadud's rulership. They took steps in this respect and tried 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 initiated 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 of deforestation will take place as has happened in Dir.”¹¹⁶ At this Abdul Wadud solicited assistance and cooperation of the colonial authorities, because he had neither the resources nor technical staff and experts, which were pre-requisite requirements for such a work.

The colonial administration, on its part, herself interested in the work, extended cooperation and deputed an experienced Forest Officer, namely Malik Allah Yar Khan, for the survey of the forests of the Torwali tract and submitting his report with recommendations. The Political Agent’s letter to Allah Yar Khan, prior to his visit, well 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:-

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 of deforestation will take place as has happened in Dir [italics mine]. 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 which 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 [italics mine] the date of which is at present uncertain.¹¹⁷

¹¹⁶E. 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.

¹¹⁷Ibid., pp. 49–50.

Allah Yar Khan did the required and submitted his report. The report not only detailed the past practices and exploitation rather destruction of the forests at the hands of the forest Mafia, which was also due to lack of interest for conservancy on the part of the owners, but also gave recommendations, suggestions and working plan 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 give data *on which the export of timber from Swat can be regulated* [italics mine].”¹¹⁸

5.4 Obstacles in Proper Conservancy

There was no demarcation of the forest and non-forest land due to which the forests could easily be converted into non-forest land for accumulation of wealth, on the one hand, and, on the other, for converting the forests into cultivable land for agricultural purposes. Therefore, demarcation of the forests was recommended by Allah Yar Khan, in his report, in 1925, for facilitating 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 is 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 damages 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 the family feuds, might claim an equal share in the forest revenue when peace and order rules the country [italics mine].

The rights 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 under:

- (i) To prevent denudation in the hills and to preserve constant flow of water in the river and in the Swat Canal.
- (ii) To attain the normal forest and to establish regeneration.
- (iii) To provide for the requirements of the local tribesmen.

¹¹⁸E. 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.

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

¹²⁰Ibid., p. 13.

- (iv) To obtain the highest possible sustained yield from the forests in timber and in money.¹²¹

There were some other problems and obstacles in proper exploitation and conservancy of the forests in Swat, and also the adjoining areas, which are evident from the correspondence between different officers from both Administration and Forest Department. For example there were disputes regarding the transaction, ownership and transportation of timber and trees between the firm that made deals with the tribesmen, and later on with the ruler of Swat State over the duration of the period during which the firm will complete its operation and extract all the outstanding timber; and the non-availability of local experts of sawing so as to convert the trees or logs in sleepers *in situ*.¹²²

The main constraint or problem, however, was the lack of 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, or 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 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

¹²¹ Ibid., pp. 13–14.

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.

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 has given his suggestions to the effect that:

8. The only constructive suggestion which I can make is therefore that Local Government [Provincial Government] be advised to examine condition 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 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.

9. 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 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 way 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 of 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*

¹²⁵ Ibid.

[italics mine] trained at Dehra Dun and the Punjab Forest School working administratively under the Political Agents concerned with the technical advice of either Chief Conservator of Forests, Punjab or 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

It is worth mentioning that the Chief Conservator of Forests, Punjab too 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, expresses his apprehensions that "I gather that the Mian Gul is prepared to undertake them but I do not know how 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 definite forest policy on the part of the colonial Government, stressed upon by Mr. Greswell, Deputy Conservator of Forests, Hazara, and Mr. Mayes, Chief Conservator of Forests, Punjab, the Revenue Commissioner, North-West Frontier Province, stated that:

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

¹²⁶ Ibid., pp. 45–46.

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.

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, while refers to the extractions of various contractors and others from the forests of Swat Kohistan, also stressed upon 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 desirable* [italics mine].”¹³¹ And after dealing with the would-be income of the colonial Government from the forests in Swat Valley, in case of taking over the Valley by them, 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 Conservancy of the Forests

As stated earlier there had been no great and 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 and large houses. This helped in saving forests from large-scale exploitation. Lack of communications due to which export of the timber can be made on large scale all over the year also contributed in saving forests from ruthless cutting. Therefore, although the nearby and those forests from where timber can be extracted and removed easily, were exposed to use and cuttings but the far away forests remained intact to a higher degree.

To make best use of the then existing such types of forests, Allah Yar Khan prescribed subsidiary fellings. Under this sort of fellings, all the dead, dying and over-mature trees growing over advance growth were to be removed. It was stated that in other words it meant improvement fellings or removal of trees no longer required for seed or protection. Allah Yar Khan, moreover, stated that thinning in the young crop will also be useful for the protection and growth of the forests; that early fellings would save a lot of damage to the

¹³⁰T. 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.

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.*

advance growth; and that there will also be a great financial advantage by early realisation of the value of mature trees.¹³³

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

Not only the colonial authorities had their concern for bringing an end to the unplanned exploitation of the forests, but also the Swati ruler (Miangul Abdul Wadud) himself was anxious for somewhat proper conservation and economical exploitation and hence endeavoured in this respect. He made arrangements and took steps, on the one hand, for the planned exploitation of the forests for which he made dealings and concluded agreements with firms and individuals belonging out side the State and later on also with those who belonged to the State, and on the other, he also asked for the assistance and cooperation of the colonial authorities and the colonial Forest Department, which is evident from the correspondence and reports of the colonial authorities. The Political Agent, 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].

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

¹³⁴ *Ibid.*, p. 14.

¹³⁵ *Ibid.*, pp. 15–16.

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 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

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 advise be most useful to the Mian Gul, but the annual report of the officer so deputed will keep 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 till now neither the colonial Government has formally recognised Swat State and Miangul Abdul Wadud as its ruler nor did the Swati ruler had concluded any formal agreement with the colonial administration in respect of the conservancy of Swat State's forests. It speak of the anxiousness, concern for and initiatives on part of both the Swat State's ruler and the colonial authorities for the conservancy of the forests and not hesitating to solicit the help and cooperation of each other, both sides of whom had, however, their own political constraints due to which they could not work freely in isolation or on their own in this respect.

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.

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.

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 will manage Swat State's forests according to the procedures approved by the colonial Government so as the forests of Swat are to be conserved for the irrigation of Swat and Peshawar district.¹³⁹

With the execution of or signing the agreement with the Government of India the ruler of Swat State became bound to manage the forests in Swat State according to the procedures approved by the colonial Government. It means that the colonial Government got virtual control of the management if not of the forests itself. Nevertheless, on the other side, it also meant that the colonial Government became bound to make procedures for the management of the forests in Swat State and to that effect to provide technical support and expert Forest Personnel for making working plans and other required works. Since the authority or control over the areas and the forests was wielded by the Swat State ruler, and materialising the policy and implementation of the 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, therefore, had great say and upper hand over the colonial administration, on another count. 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, moreover, can create troubles, if he wish, for the colonial Forest Personnel despatched to Swat State for forests' management and also in forests operations on the ground, as he practically did in case of Kalam in 1929 (see chapter 6). Therefore, although both the sides were interdependent for the conservancy and proper management of the forests in Swat State, the Swat State ruler had somewhat upper hand in this respect because of his rule and authority over the area and he being the implementing agency having the power to promulgate and implement rules and regulations and to make deals with forests and timber contractors. It was due to his having in such a position that he cooperated in the execution of and implemented those parts of the Working Plans which were of his interest and which suited him immediately but those prescriptions of the Plans were not honoured or seriously taken, which were not of his interests or could not suit him. For example he did neither

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 *RABNWFP for the year 1926-27*, p. 3.

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

permanent demarcation of the forest and non-forest land nor took serious initiatives for the other steps prescribed for the conservancy of the forests.¹⁴¹

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

The colonial authorities, however, tried to use other tools like imposition of 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 at page 148 of his Report on the Proposals for the forest Conservancy in the trans-Indus tract paragraph 7 may be read” and 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 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, Dir, Swat and Chitral, also showed disfavour at 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 to 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 firms [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

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

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.

Again it had been tried by the colonial authorities to use the tool of levying high rates of duty and hence exercising the powers conferred upon him 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 is to be mentioned that intention behind this duty has been stated not a step 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 as the Deodar was the main and important portion of the forests with a market value in those times due to which the forest operations and extraction of timber was mainly of the Deodar trees. For this reason Allah Yar Khan’s report and suggested Working Plan and also Mr. Parnell’s Scheme, 1927, were only for the proper exploitation of the Deodar forests of Swat State’s Kohistan or Torwali area.¹⁴⁶ As for the Chir Pine (*Pinus longifolia*) forests in the Swat State, which also were in abundance, and their exploitation was concerned, Allah Yar Khan stated that:

These forests need hardly be described as Chir timber in log or sleeper 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 are concerned they were comprised at that time of (1) Mixed Silver Fir, Spruce, Kail and

¹⁴⁴ Gazette Notification, No. 16879-P, dated 18th October 1932, signed by 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.

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

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 major part of the then 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

Whereas the forests of proper Swat Valley were comprised of the 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 between 2,500' to 3,500' elevations in the Valley; type (2) forests were confined to Barikot, Marghuzar, Qalagay and Mananrai areas; scattered groups of type (3) forests were found in Qalagay, Marghuzar, Pia and Tirate areas; of type (4) forests Kail was found throughout Swat, and small groups of Deodar were met with in Marghuzar and Pia forests, and sporadic Chir trees were also found along with 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 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 Kept Continued

An official report states, in 1936, that “in Swat definite improvement is reported in the control of fellings and general forest management during the last five year.”¹⁵⁰ Despite some improvement “in the control of fellings and general forest management” by the ruler of Swat State and declaring the forests as State ownership, permanent demarcation of the forest and non-forest lands was not carried in Abdul Wadud’s reign in the State. There was

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

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.

no proper land settlement on the modern lines due to which the boundaries of the forests did not remain final and intact because the people kept continued to clear bits of land for extending their existing cultivable fields or bringing fresh areas under cultivation every year. Hence, although legally not permissible, after declaring the forests as State ownership, practically the forests' boundaries gradually receded upward¹⁵¹ because the cutting kept continued by the people not only for getting cultivable lands but also for other purposes. The same was the actual case or *de facto* throughout the State.

5.8 Forest Service

At first there was no Swat State's own forest cadre or service nor of the colonial Government 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 on the lower or local level. The colonial Government, however, deputed Forest officer for doing 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 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 else where 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 specific time and task and proceeded back at doing 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 official of the rank of Forest Ranger or Forester being permanently in charge of the work."¹⁵² He agreed to it after Mr. Parnell's visit of some of the forests of Swat State and submitting his report, which was also examined by the Local Administration, and after the consultation of the Local Administration with him on the point of the maximum concessions he could agree to make in respect of conservancy of his forests and the establishment of his 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 were also carried out by

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

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.*

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 of 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 para 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, vide his letter No. 213 dated 13 July 1930, no record of that settlement is available.¹⁵⁵

The resume of the settlement as recorded in para 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 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.

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.

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 subparagraph 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 these has been 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 has, however, been 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 to 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 has been 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 south is separated from the neighbouring territories of Dir, Chitral and Kandia (Indus Kohistan) by lines of ridges of high hills covered almost 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 intriguing 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 this 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 his written undertaking to the effect of 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

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.

influenced the colonial authorities to 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 her own ambitions, for bringing the tract under their own paramourty and exploiting its valuable forests under their own control, 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, Dir, Swat and Chitral, not only dealt 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

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.*

colonial] Government and the exploitation of their forests might be discussed 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 that what was required of them. In spite of the machinations “of various persons interested in preventing the establishment of any [colonial] Government control over the working of the Kohistan Forests”, among whom prominent 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* meet the Political Agent. At first questioned about the contract with Lala Harkishan Lal, they told 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 the 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 who’s 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. It, however, 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 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, Dir, Swat and Chitral to the Chief Commissioner]. A scheme of forest

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

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

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

It is to be mentioned here that in his letter the Chief Commissioner also has 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 with in 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 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 about 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 are now 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

¹⁶⁹Norman 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.

¹⁷⁰Ibid.

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

¹⁷²FS 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.

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

¹⁷⁴FS 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.

attempted at Malakand, on 7th April 1928, and sixty five members affirmed the agreement, by putting their thumb impression to, already approved by the Government of India, with the colonial Government to the effect:

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 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

In spite of the fact that previously too was 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 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, the ownership of the people was not touched or curtailed only to receiving 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, to 62590 acres. Of these the forests owned by the owners of Kalam, Ushu and Utror tracts were uninterfered of 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 Kohistan under Swat State]) and they have throughout their life been employing every wasteful methods of conversion.

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.

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

Forests on better slopes escaped injuries being closed canopied and of under growth devoid.

Photograph in the margin shows

- (i) The forest totally burnt by fire.
- (ii) The smouldering fire to extinguish which no attempt was made.
- (iii) Grazing is not very harmful. The local grazier goes to higher elevations in the summer and during the winter the cattle, the sheep and the goats are stall fed.
Foreign grazier is 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 other injuries from torchwood extraction, from animals and from Fungii are little.¹⁷⁶

No system of management was provided and the forests grow in 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 were done and instead of 2000 trees purchased, 3000 trees were felled by Harkishan Lal's men. Moreover, very destructive form of exploitation was 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 death."¹⁷⁷ It speaks that irregularity in the income and to realise their proper share the people even had to resort to fighting and violence.

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

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 also of the Gawri tract without being inspected by their Forest

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.

Officer. So when members of the combined *jarga* asked for permission, on 7th April 1928, at affirming 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 of Swat Kohistan Torwali tracts and submitted his report (see chapter 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 the inspection of the forests one way or the other, in which the 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 interest.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 un-used 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 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 of obstructing the inspection of the forests by Allah Yar Khan, the Political Agent told that his “contract no one is going to urge them to break it,

¹⁷⁹C. 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.

¹⁸⁰Norman 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.

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

¹⁸²C. 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.

though possibly the Mian told them that such 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 the progress in 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, kept continued his endeavours, negotiations took place and, though not without difficulties and obstructions, he succeeded to carry out the inspection of the forests concerned from 1st May to 15th June 1928 and complete the assignment.¹⁸⁷ It was this reason that appreciations 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 appraised 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, with 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 of the tract, at the time, which was one of the major reasons of the tribes’ hesitation to allow him to inspect the forests. He also dealt with the difficulties experienced in going around the Deodar forests and the factors

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.

responsible for the difficulties and reasons of the apprehensions of the people themselves. Reporting about the work of the contractor, already carried out, for which he was also asked for, 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

The number of trees cut down by the contractor “arrived at from the measurement taken of the stumps”, Allah Yar Khan stated, were 2’950 trees having being cut “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 It, moreover, speaks that how far the contractors contravened the agreements, misappropriated the wealth of the tribes and misused their contracts for squeezing more wealth disregarding, at least, their moral obligation for the conservancy of the valuable natural resource of forests, and also that how far the owners themselves cared for, for they kept no vigilant eye on the forests operations of the contractors and used to give free hand in their operations after concluding the dealings.

Referring to the destructive nature of the felling operations of the concessionaire, Allah Yar Khan points 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 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 seem 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 operated have been totally destroyed* [italics mine].¹⁹²

He, nevertheless, also points to the would-be positive aspect of these ruthlessness of the contractor for 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 *serves to open the eyes of all those who are much frighten of 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

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

have seen of these fellings, *what 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 also in the Gawri tract, which being the first necessity of forest management, demarcation of the forest and non-forest land, therefore, was recommended to “be taken in hand as soon as the circumstances allow.”¹⁹⁴ Moreover, as the rights of the people and rules of the 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 map for the Kalam forests are to be prepared and that “Forest Settlement should be carried out after the preliminary demarcation has been made.” Referring to the devastating and ruinous fellings, taken place in Indus Kohistan, Dir Kohistan, Swat Kohistan Swat State area and also in the Aryanai area of the Gawri tract, “bringing no doubt immediate profits to the owners”, and there unwanted 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, given his proposed scheme about 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 Political Agent, Dir, Swat and Chitral, also visited on a short tour, in 1929, the Gawri or Kalam forests, at the request of the Chief Commissioner of the Province, for considering 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:

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.

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 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 He, moreover, 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 not only Lala Harkishan Lal’s cut timber was lying in the area but Mian Musharaf Shah also could not start his cutting and operations, for which he entered into an agreement on 18th March 1927 with the Gawri tribes for the sanction of which, by the colonial authorities, he still was waiting and pleading with the authorities.²⁰² It is to be noted that he made a transaction of 20,000 Diyar (Deodar) trees (at a rate of Rs. 5/- per tree) and which was to be operated in 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 for bringing the timber through Swat River in his territory for which he will have to pay Rs. 2/- per log as custom duty to the ruler and in lieu the ruler, *inter alia*, will have to provide protection to the life of the people and property of Musharaf Shah.²⁰⁴

In the mean time Spedding, Dinga Singh & Company entered the field, which on the one side divided the Gawri tribes because some were in favour of Musharaf Shah and some

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.

wanted to make deals with Spedding, Dinga Singh & Company for better return. The ruler of Swat State also apprised the Political Agent that he has already entered into agreement with Musharaf Shah for a period of six years and that he is 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 instruct to inform Spedding, Dinga Singh & Company not to come into 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 of 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, Dir, Swat and Chitral, seems justified that “in this matter, however, he [the ruler of Swat State] is virtually in the hands of [the colonial] Government” on whose sanction depends the forest exploitation of the Gawri tract.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 the 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

To come to the point under consideration, not only this but Allah Yar Khan, Deputy Conservator of Forests at Deputation to Kalam, was also charged to have bent towards and worked for Musharaf Shah. The Political Agent, however, addressed Allah Yar Khan, *inter alia*, that “the only desire of Government is to see the owners of the trees get 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

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.

situation, clarified his position and talked of the bad work, careless fellings and damages 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 has avoided to talk of the actual things and that his assertion did not stand.²¹⁰ Anyway, by referring to his past bad record of forests' operations (also see chapter 4) remarks and reports of the Political Officers were not in favour of Mian Musharaf Shah,²¹¹ his already made agreement with the tribes proved to no avail and the contract for forests cutting and operations in the Gawri tract at last went to Spedding, Dinga Singh & Company, which was in good books of the Political Officers.

It negated the assertion of the Political Agent that his "contract no one is going to urge them [the tribesmen] to break, though possibly the Mian told them *that such 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 is going to bring an end to their agreement entered into for timber cutting. Although the colonial authorities had their own ground 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, Englishman 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 of only those trees are to be permitted which are to be properly marked by Forests Officer, when appointed, and that the felling should not be held till the completion of the working plan. A further point was the need of the presence of a Political Officer in the area to supervise the forests' operations. Upon this it was stated to the Chief Conservator of Forests, Punjab, that:

The Chief Commissioner consider 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

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-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.

Not only the views of the Chief Conservator were sought but the Political Agent was also addressed and, *inter alia*, 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 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 is to be deposited 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, from Forests’ conservancy view point, to have no felling until the preparation of working plan but if the political consideration out-weights this and the Chief Commissioner considers that, from political view point, felling should be allowed, he has no objection provided the fellings are properly controlled on the lines given by him. He further stated that the fellings allowed under political consideration would no doubt “have a good effect in favour of forest conservancy if the local Maliks 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 gratification 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, 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 on the need of a Chief Conservator of Forests for the North-West Frontier Province, the Political Agent stated that:

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.

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.

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

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 Swat went to Kalam in the middle of September 1928 and reported about favourable situation for posting a Political Tahsildar at Kalam. He, however, stated about seeking the consent of the Kalam *jarga* for making the adventure a success, and of the deputation of only 15 Khasadars provided with Government’s rifles and ammunition for the assistance of the Political Tahsildar. Besides, as proposed by Allah Yar Khan, the forest staff to the effect of one Forest Ranger, two trained Forester and twelve Forest Guards are also to be sent; and that the Forest Settlement is 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 represent a reasonable share of the expenditures to be incurred.”²¹⁹

Norman Bolton, Chief Commissioner of the Province, addressed Foreign Secretary to the Government of India on the subject for seeking approval of the Forest operations at once and also for the sanction of budget in respect of the Political Establishment and Forest Establishment to be deputed to Kalam. He, *inter alia*, 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 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 working and conservation of the forests without their presence on the ground of operations. So,

²¹⁸ Ibid.

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.

consequent upon 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 for 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 black-mail the Forest staff into paying exorbitant rates.
- (b) Intrigues of disappointed contractors.
- (c) 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 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 for the presence of a Political Tahsildar in the tract and stated that:

Without a Tahsildar I am certain 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 shewn 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

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.

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 for 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; proposals for the establishment of permanent forest staff made and discussed; and Political Tahsildar was despatched, for carrying and supervising the forest settlement; and construction of posts and residences etc. for the staff were suggested. It is to be noted that the Political Agent claimed that in the selection of the Political Tahsildar he kept in view the following qualifications:

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 confidence of the tribes, on the whole, due to which troubles kept 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 The situation became so difficult, in 1930, for the colonial authorities to maintain their Political Establishment in Kalam and the adventure was to be 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 assistance, countenanced, if he did not provoke, the disturbances which made the colonial Government further presence impossible. It is to be mentioned that Hay mentions year of the abandoning of the adventure as 1930.²²⁷

Hence, although inspected 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, to consider the report of Allah Yar Khan, and also by Political Agent and Political Tahsildar, “due to disagreement and troubles amongst the

²²³ Ibid.

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-FRP, 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.

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 been alleged for exploitation and carrying unauthorised fellings in the forests of Gawri tract or Kalam till 1947, after the failure of the attempt of the colonial authorities made in early 1930s, to manage and exploit the forests properly under their supervision.²³¹

6.5 Occupation by Swat State

It has been 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 stopped by the colonial authorities, at a number of occasions, from incorporating the Gawri tract or Kalam into his State, the Swati ruler kept continued his interference in the tract.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 can occupy Kalam. The same was done and Kalam was thus incorporated into Swat State in August 1947.²³⁴

²²⁸ “Kalam Forests” by 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.

²³¹ For somewhat references of 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.

The Nawab of Dir expressed great displeasure on 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, also was not happy with. He, however, at last agreed under an agreement with the Swati ruler to renounce his claim to Kalam in lieu of the 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 and termed it in contravention of the agreement of 1926 made by the ruler of Swat State with the Government of India, of 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

Anyway, the occupation of Kalam or the Gawri tract by the ruler of Swat State proved 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 in respect of 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 endeavoured to control, manage, properly exploit and conserve the forests neither claimed the 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 and the ownership remained in the hands of the traditional owners due to which they get all the sum for which the trees were sold. But now the Gawris on the one hand got only 10 per cent of the sale proceeds – the remaining 90 per cent went to the State exchequer – and on the other hand the State claimed the ownership as well. Hence, although politically motivated, an application of some of the Kalami Malaks to the Nawab of Dir well illustrates their anxiety. They stated that:

We submit that before this also Miangul of Swat 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

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.

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 of 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 speak 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 went with the Governor of the Province and visited 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, however, is certain that more than the stated trees were cut but that 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 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

Anyway, the Government of Pakistan, considering the occupation of Kalam by Swat State illegal and in contravention of the treaties as 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

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.

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.

also impounding them at Landakay on the border of Swat State and Malakand Protected Area.²⁴²

To avoid the ban on the 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 the 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 with which 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 kept continued between Miangul Jahanzeb, the ruler of Swat State, and the Pakistani Government. Khwaja Shahabuddin, Governor of North-West Frontier Province, was not ready even to accept separation of the issue of the signing of the Supplementary Instrument of Accession by the Swati ruler and the Kalam issue as was suggested by Col. Rahim. After dealing in detail with the points of 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 Utror [Utror]”, on 12th February 1954, which was attested by Khwaja Shahabuddin, Governor of North-West Frontier Province, on behalf 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, which run thus:

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.

²⁴²For 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.

²⁴³Also 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.

²⁴⁴K. 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.

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 owning the area; and the Government of Pakistan, on its part, appointed the Wali as Agent of the Government of Pakistan, to be called Administrator, for the administration of the said area and that he is 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/- (rupees twenty four thousand) 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 the 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 the unauthorised control and fellings of the Kalam forests, from Pakistani Government’s point of view, by the ruler of Swat State came to an end. Not only the affairs of the said forests shall now be conducted under Clause 4 of the agreement, already given, but 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 under 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

Nevertheless, the landowners concerned still have to receive only 10 per cent (which was raised to 15 per cent in 1969 before the merger of the State) of the sale proceeds of the timber extracted and the remaining 90 per cent (later 85 per cent after the change effected in 1969 before the merger 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

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.

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

took measures, on his own, for the conservancy also of the Kalam forests. All these, however, did not, in fact, bring 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 kept continued, and more so in last days of the State, by vested interest in their own ways till the merger of the State in 1969; and with the merger it got an abrupt stimulus.

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

The great political change that took place on All-India scene was an end to the colonial rule in the subcontinent in August 1947. It was after a long and hard struggle that British at last agreed to transfer the power. During the British rule, India was divided into two political entities both of whom had different constitutional status. One part was known as British India, i.e. the territories directly ruled by the colonial Government and subjected 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 neither direct control over nor did their laws were applicable to these states. They, however, made treaties with rulers of these states, on the whole, under which inter alia the states recognised paramountcy of the colonial Government and surrendered the powers in some respects like currency, external affairs and communication; and the colonial Government on its part recognised internal sovereignty of the rulers over their states. They, moreover, made the rulers bound to accept colonial control in respect of some 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 forests of Swat State is to be examined. It has been discussed earlier 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, an undertaking was taken from the Swat State ruler that he will manage the forests in his State under the supervision of the colonial Government's officers. It also has already been detailed in chapter 5 that how far the colonial authorities controlled affairs of forests, their management and conservancy in Swat State till 1947.

7.1 Instrument of Accession

At 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, Swat State being one of them, lapsed. On the one hand British Government transferred its sovereignty in India to the successor states of India and Pakistan, and on the other the Princely States were not bound to abide by the agreements, made with the colonial Government, also 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

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

time may be made available for negotiations under which the Princely States had to enter into fresh agreements on new terms with the state of India or Pakistan.

Under this arrangement Swat State entered into a Stand Still Agreement with the newly born State of Pakistan, under which relations between Swat State and Pakistan are to exist on the same lines and both the sides are to abide by the same terms as were made between British Indian Government and the ruler of Swat State, till the time that both sides reach into new terms and sign new agreement. Under the Stand Still Agreement, therefore, the Swati ruler was bound to abide by the term and arrangements made with the colonial Government in respect of forests as well.

It was on 3rd November 1947 that Miangul Abdul Wadud, ruler of Swat State, while exercising his “sovereignty in and over” Swat State and executing 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 forests of the State according to the instruction and under the supervision of the Government of Pakistan or its Forest Department.

The birth of Pakistan and accession of Swat State to it, thus, brought great change from the legal aspect of the control and management of the forests of Swat State; and the ruler got freedom of the restrictions and control imposed under the agreement executed on 3rd May 1926. Nevertheless, “the staff of Forest Department [of the Government of Pakistan] continued to assist the authorities of Swat, Dir and Chitral States in working their forests”

²⁵¹ Copy of the Instrument of Accession executed by the Ruler of Swat on 3rd 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.

and “Swat State exported 2,54,155 cub-feet of timber yielding a duty of Rs. 23,884 to the Govt. of Pakistan” in the year 1949-50.²⁵²

7.2 Change of Ruler

Another change in respect of ruler-ship was internal, when on 12th December 1949 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’ resource of the State and the need of their exploitation and conservancy.

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 due to 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 Government that the Pakistani Government “had no intention of depriving them of their States”²⁵⁴, the pressure of the Pakistani authorities kept continued for signing 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, ruler of Swat State, at last bowed to the pressure and signed a new Instrument of Accession, called Supplementary Instrument of Accession, on 12th February 1954, which was accepted by Ghulam Muhammad, Governor-General of Pakistan, on 17th February 1954. Besides 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, meaning that the Swat State forests were now to be under the exclusive control of the ruler of the State and

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

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

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

²⁵⁵ For some 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.

only he can make laws for these forests and hence the Pakistani Government can neither make nor extend its Forest Laws to Swat State.

This was, no doubt, a major and significant step on the policy and control side of Swat State forests. The ruler now issued his own orders and decrees for the control, preservation and conservancy of the forests. He at a stage even banned not only cutting of trees standing in agricultural fields and belonging to agro-forests but also cutting their branches without prior permission of the immediate State official, i.e. Tahsildar/Hakim.²⁵⁸ An important point, however, is that despite resting sole authority of making laws and control of the forests with the Wali of the State, collaboration with the Forest Department of the Government of Pakistan did continue and the 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 kept continued. However, in 1956 the forests of Swat State and Kalam were made part of the newly created Malakand Forest Division and the forests of Swat State and Kalam were divided into 6 forest Ranges. The Forest Staff of these ranges only conducted the duty of marking trees and supervising and inspecting the forest operations. The staff members of the aforesaid ranges were employees of the Provincial Forest Department and were paid by the Provincial Government.

There were the Ranges of Buner, Indus Kohistan, Swat, and Swat Kohistan for the forests of Swat State; and the Kalam Utror and Kalam Ushu Ranges, for the Kalam Kohistan Tribal Area administered by the Wali of the State on behalf of the Government of Pakistan, in the Malakand Forest Division²⁶⁰ at first with its headquarter at Mardan and then at Mingawara. It is to be noted that after the separation of Dir and Chitral in 1960, the Malakand Forest Range had to manage 7 forest Ranges, out of which 4 comprised of pure Swat State areas, 2 of the areas of the Kalam Agency administered by ruler of Swat State and only 1, namely Malakand Anti-Erosion Range, was for the Malakand Protected Area.²⁶¹

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.

It, however, is noteworthy that the State had also, side by side, its own Forest Department with its own staff from about 1946-1947. At first an officer called 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 in number) 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 till the merger of the State. The Forest staff had to supervise the cutting and operations on the spot so that illegal cutting may not be done.²⁶²

Within the State, the Wali wielded all the powers in respect of the forests as well and he himself controlled it. However, in the reign of Miangul Jahanzeb, under him, the Wazir-e-Maal (Revenue Minister) and later on the Mashir-e-Maal (Revenue Advisor) was in charge of the affairs of the forests, under whom the Tahsildars and Hakims were responsible also 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 for meeting the needs of the local population. However, only the Wali had the power of granting 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 and 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 carried out throughout the State era, the extent of the rights and concessions enjoyed by the local population was not properly defined and recorded.²⁶⁴ However, the privileges enjoyed by them were:

1. The grazing of domestic animals by the local population was permitted free of charge.

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

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.

2. Grass-cutting and lopping for fodder was allowed free.
3. The villagers were allowed to collect dry branches and trees from the forests for use as fuel wood.
4. Constructional timber was granted according to the requirements. A nominal application fee was, however, charged for this purpose.
5. The concerned landowners were entitled to receive 10 per cent (which was increased to 15 per cent in 1969 before the merger of the State) of the sale proceeds of the trees from forests adjoining their villages/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. Stone were quarried for construction purposes.²⁶⁵

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 powers and control. He, moreover, 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, on the one hand, anxious for the protection of the forests and on the other also for their exploitation. He on the one side took steps for the conservancy of the forests and on the other used them for political gains and also for favouritism in his own ways. Moreover, the Swat State’s high rank officials and the Walis relatives (his maternal uncles), boon companion and friends were involved in the forests contracts and operations, it was, therefore, practically impossible for the staff of the forest Department to report the factual position in respect of cutting more than the allocated and allotted trees and also of the smuggling of the illegally cutted timber. Moreover, the Wali had his own handicaps in taking action for cutting more than the allotted trees and smuggling of the timber in case of such persons. Due to these and some other factors and keeping in view the decrees and orders of the Wali quite contrasting facts are found regarding the protection, conservancy

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.

and exploitation of forests in Swat State and the Kalam Tribal Area during the reign of the Walis of Swat State and especially in that of the Last Wali.

8 Conclusion

The areas of Swat State remained independent for most of its history. The Swat Valley, Buner, Shangla and Khudu Khel remained without a state and ruler after their occupation by the Yusufzais in the sixteenth century and at the same time also was 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 a 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/four years, i.e. from 1907 till 1910-11.

In 1915 Swat State came into being in the right bank Upper Swat in the Nikpi Khel, Sebuji and Shamizai tracts, when the people of these cantons took 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. Expansion of the State kept continued but the colonial authorities asked the ruler of the State, at 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 stood on and related with the land. The peculiar land tenure and resource ownership system and its effects and impacts on the forestry and conservancy of forests had therefore been dealt with earlier (in chapter 3).

The rich natural resource of forests of the tracts that became part and parcel of Swat State remained intact to a greater degree till 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 the areas for exploitation of the forests of the tracts so as to make money out of it.

It is evident 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, and hence the right to sell the trees and divide the sum accrued among themselves according to the *riwaj* of the tract. The non-landowners had though no ownership rights in the forests they held free access to the forests of the concerned village and tract for grazing cattle and flocks, for cutting timber for household purpose, for making agricultural instruments, for taking wood for fuel purposes, for cutting grass and lopping of trees for feeding cattle, sheep and goats and for collecting minor forest products like mushrooms and medicinal herbs.

The forests were neither demarcated nor protected in a proper way. They were, moreover, neither properly protected and conserved nor did due importance and value was given to them. Although there was a traditional system but there was no adequate and proper management.

The owners were so unmindful of the protection and conservancy that after making a deal for a nominal sum for a specific number of trees they did not care that how much trees did the contractors cut down. The contractors also disregarded the future benefits and repercussion and ruthlessly exploited more trees than that for which they made a deal and paid for. They, moreover, did not care for silviculture while carrying 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 remained no tree of value or signs of reproduction and the upper or the 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 those parts from where timber can 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 unsustainable manner. It, therefore, was not the awareness of the people to properly utilise and conserve the forests but some other factors that contributed to somewhat preservation of the forests. For example, there had been no great and bulk use of the wood locally for which all the forests can be exploited; nor had there been such modern and advanced means of communications due to which export of the timber were to be made on large scale all over the year. As such the nearby and those forests from where the timber can 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 cuttings and the far away forests remained intact to a higher degree.

Despite having no direct control over the areas, it were the colonial authorities who took notice of the ruthless cutting of the forests for the fear of the would-be negative effects and impacts for the supply of water and the protection of at first the Lower Swat Canal and later also of the Upper Swat Canal and the erosion of the soil. They took initiatives in their own ways to bring a stop or at least a halt to the nefarious works of the groups with vested interest and the timber Mafia.

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

With the emergence of Swat State and Miangul Abdul Wadud's becoming its ruler a new phase in the forestry in Swat State areas began. Curious of the exploitation, for the State revenue, of the still existing extensive forests in the tracts under his jurisdiction Abdul Wadud also was not unmindful of their conservancy. Giving attention to the forestry sector his major step was declaring the forests or at first at least the Deodar trees as the State ownership and at first 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 altogether, towards somewhat planning and management of the forests and the consequent fundamental and drastic changes in the sector. He, moreover, sought assistance and cooperation of the colonial authorities in this respect.

The colonial authorities, curious on their own (as detailed in chapters 4, 5 and 6), not only insisted on the proper management and conservancy of the forests and included a clause in the agreement executed on 3rd May 1926 for making the Swati ruler bound 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 for making suggestions for proper exploitation and conservancy and to prepare working plans. They, moreover, (as detailed in chapter 5) not only suggested but also pleaded for a considered forest policy for all the Frontier tracts.

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

Although the forests or at first at least the Deodar trees were declared ownership of the State and hence their cutting by the people on their own banned and the State granted contracts for exploiting the forests and supervised the forest operations, cutting by the people or in other words illegal cuttings kept continued due to its own reasons. Another factor that contributed to the exploitation and forest operations was the ruler's involvement, which made the task of export of the timber easy because he not only provided protection to the timber extracted from the forests but also employed his men by forced labour in the floating work in the Swat River in lieu of payment for it by the firms etc., which in other terms removed anxiety of the timber traders and exporters (or the occurrence of the situation for the traders that had been reported by the Qandahari and stated earlier in this study or of levying transit duty by the tribes from whom jurisdictions the timber was to be floated as has been 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 in vogue also in the Gawri tract or Kalam as was 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 for the struggle of each of the neighbouring rulers of Dir, Chitral and Swat states to incorporate the area in his 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 from the tribes concerned.

The tribes, already entered into agreements with contractors for exploiting the valuable and virgin Deodar forests of the tract, were made bound that they would not permit export of the timber from their forests the contracts of which would not have been priorly sanctioned by the colonial authorities. They not only practically subjected the agreements already made to this condition but also even caused the breaking up of old contract and effected new one instead.

In the endeavours of the colonial authorities to manage, exploit and conserve the forests of Kalam, they sent high rank Forest Officers for survey of the forests and making recommendations. They, moreover, not only banned all the forest fellings and timber operations without proper plan by a Forest Officer for the said forests but also tried to establish their political administration for effecting and supervising forest settlement of the said forests. A Political Tahsildar was deputed to the area, Forest Officers were sent for inspection of the forests and the Political Agent at Malakand personally visited the area and the forest operations but the adventure was at last to be abandoned (the reasons detailed in chapter 6).

Despite the failure of the colonial authorities in their endeavour of bringing the area under their supervision and somewhat control, they still did not allow the neighbouring rulers to encroach into the area and exploit the forests. They, however, did not succeed after 1929 to send Forest Officer to Kalam for further inspections of the forests nor did the forests were worked properly and regularly after 1931-32 till the end of their rule in 1947. In the meantime irregular fellings and forest operations did continue and ruler of Swat State even had been alleged to have been involved in the felling in 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, subjected the forests of Kalam also to his laws and arrangements enforced in other parts of the State,

which beside 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 for administering the area on behalf of the Government of Pakistan. This agreement also stated that how the forests of the tract are to be worked and conserved. However, in actual practice the Wali wielded all the powers 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 the 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 thus got legally, altogether, free in the management and control of the forests for he made no commitment – as was previously due 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 Supplementary Instrument of Accession, in 1954, under which he accepted control of the Pakistani Government also in other aspects and agreed that the Pakistani Legislature can make for and extend laws to the State in respect of the matters given in parts I and II of the Schedule of the Instrument. He, however, still wielded all the powers in respect of forests for they were included in Part III of the Schedule in respect of which the Wali wielded the powers 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 powers and control and promulgated his own decrees and rules and the Pakistani Forest laws were not extended at all.

Fellings in the forests were done under four types of quotas: local quota, *qaumi* quota, concessional quota and central quota. Local quota was for meeting the needs of the right-holders or the local people. *Qaumi* quota was for meeting the needs of the persons of the State, at concessional rates, who did not have rights in the forests. Special quota was meant for granting trees free to the State officials or other persons to whom the Wali wished. Concessional quota was basically not a quota in true sense. It was the discretion of the Wali to grant trees under this quota to whom he want on concessional rates. There was no

restriction on his power to grant tree to any one and in any number. Central quota was for meeting emergency needs like 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 for meeting the requirements of timber for the State constructions and buildings, like roads, bridges, police posts, hospitals, schools, telephone lines, were done under the Wali's permission. In Miangul Abdul Wadud's reign the forests were least utilised for the purposes under special and concessional quotas. Commercial fellings were besides 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 of the State's own nor of the colonial Government. For doing the required work Forest personnel were deputed to the State for a specific period, who had to go back at the accomplishment of the task. 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 the 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 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 ownership but no permanent demarcation of the forest and non-forest land was carried out during the State time throughout the State as was also the case in the pre-State era. Moreover, Allah Yar Khan suggested documentation of the rights and concessions of the people, which is prerequisite for proper management of forests, but we come across no rights and concessions written and documented during the reign of Abdul Wadud. Not only permanent forest settlement was not carried out during his reign but the extent of rights and concessions enjoyed by the local population were 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

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.

(as given in the working plans prepared in 1960s) are in comparison with those of the pre-State era as under:²⁷⁰

1. The forests were declared as the State ownership, but the people still considered themselves as the true or actual owners as was in the pre-State era.
2. The concerned landowners received 10 per cent (raised to 15 per cent in 1969 before the merger of the State) of the sale proceeds from the forests of 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 being the owner of the forests.
3. The inhabitants of villages who held formerly ownership of the concerned forests were entitled to obtain constructional timber according to their bonafide requirements free as was the case in the pre-State era, however, with the change that previously there was no need of sanction from any quarter but now they had to apply for 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 fuel wood, 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. Like the 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 as usual.
8. Stones were quarried for construction purposes as usual.

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 then the timber was supplied to the needy persons at concessional rates. Such fellings were called *qaumi* fellings. This category of the population too had to apply for the grant of timber for meeting their bonafide needs with the payment of an application fee,

²⁷⁰See 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.

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 belonged traditionally.

2. Although *Nautor* was not allowed legally practically it did continued.
3. Previously the owners owned the forests but not managed, now its ownership was claimed by the State and *de jure* managed by the Forest Department but *de facto* managed by the Ruler.
4. Not only the locals but the outsiders can also collect the non-timber forest produces like mushrooms and medicinal herbs as was the case in the pre-State era.

It is, therefore, evident, now, that what changes were brought and effected by the State in respect of the ownership, use, rights, rules and regulations, conservancy and administration of forests and to what extent the traditional one were retained or were kept continued by the people despite of an absolute monarchy; and also that what initiatives were made, steps taken and policy adopted by the colonial authorities for the conservancy of forests in Swat State, though for their own reasons, and to what extent they succeeded in the endeavours.

The curiousness of the Last Wali for the protection of the forests can be judged, besides other things, from his oral instruction that he may not be awakened at night for nothing, how much urgent the matter may be, but in case of fire in the forests he may not only be informed at the moment but even be awakened if he is sleeping at night²⁷¹, and also from his attempt of proper exploitation and conservancy for which he promulgated decrees and regulations, which did not ignore even minute aspects. There, however, are also evidences that testify illegal cutting of the trees and smuggling of the timber, more so in the last days of the State, in which even the State official and servants were involved. All these outwardly contradictory but factual findings leads to the recommendation of a thorough and detailed study and analysis of the evidences 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 that how the Wali wielded his powers in respects 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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²⁷² 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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