

**IMPLEMENTATION OF FOREST  
LAWS IN  
KHYBER PAKHTUNKHWA**



**A dense Reserved Forest of Blue pine in Bara Gali area of Abbottabad District.**



**Mature trees in Una Reserved Forests waiting commercial logging due to BAN**



**A well-stocked mature Guzara Forests in interior Siran Valley**



**A well-stocked Private (Guzara) Forests in interior Siran Valley of Mansehra District in Khyber Pakhtunkhwa**



**An over-mature Fir tree in Devli Guzara Forests of interior Siran Valley on the way to rot due to persistent BAN on green logging since 1993**

# FOREST LAW IN KHYBER PAKHTUNKHWA

Khyber Pakhtunkhwa Forest Policy, 1999

Khyber Pakhtunkhwa Forest Commission Act, 1999

Khyber Pakhtunkhwa Forest Ordinance, 2002

Khyber Pakhtunkhwa Wildlife Protection and Conservation Act, 1975

Khyber Pakhtunkhwa Protected Forest Management Rules, 2005

Khyber Pakhtunkhwa Management of Guzara Forest Rules, 2004

Khyber Pakhtunkhwa Joint Forest Management (Community Participation) Rules, 2004

Khyber Pakhtunkhwa Forestry Round Table Rules, 2004

Khyber Pakhtunkhwa Sale, Sawing and Processing of Timber Rules, 2004

Khyber Pakhtunkhwa Duty on Forest Produce Rules, 2004

Khyber Pakhtunkhwa Forest Produce Rules, 2004

Khyber Pakhtunkhwa Mazari Control Rules, 2004.

Khyber Pakhtunkhwa Compensation for Forest Offence and Value of Case Property Rules, 2004

Khyber Pakhtunkhwa Forest Officers (Power and Reward) Rules, 2004.

## FORESTS IN PAKISTAN

<b>PROVINCES</b>	<b>AREA (million hectares)</b>	<b>PERCENTAGE</b>
<b>Sindh</b>	<b>0.92</b>	<b>23.06%</b>
<b>Baluchistan</b>	<b>0.33</b>	<b>8.27%</b>
<b>Punjab</b>	<b>0.69</b>	<b>17.29%</b>
<b>Khyber Pakhtunkhwa</b>	<b>1.21</b>	<b>30.33%</b>
<b>AJK</b>	<b>0.42</b>	<b>10.53%</b>
<b>Northern Areas</b>	<b>0.42</b>	<b>10.53%</b>
<b>Grand Total</b>	<b>3.990</b>	<b>100.00%</b>



# TYPES OF FORESTS IN KHYBER PAKHTUNKHWA

Legal Categories	Area (Million Ha)	Percentage
<b>Reserved Forests</b>	<b>0.097</b>	<b>6</b>
<b>Protected Forests</b>	<b>0.512</b>	<b>29</b>
<b>Guzara Forests</b>	<b>0.549</b>	<b>31</b>
<b>Others Forests Including Village Forest (Plantation/ Trees on Farmland etc)</b>	<b>0.612</b>	<b>34</b>
<b>Grand Total</b>	<b>1.770</b>	<b>100</b>

# FOREST POLICIES OF PAKISTAN

	MAIN AIMS
<b>FOREST POLICY 1894</b>	I. Greater emphasis on holding of government control then on the needs of the local communities.
<b>NATIONAL FOREST POLICY 1955</b>	II. Increase in the area under forests.
<b>NATIONAL FOREST POLICY 1962</b>	III. Emphasised the management of public forests and the expansion of area under forests.

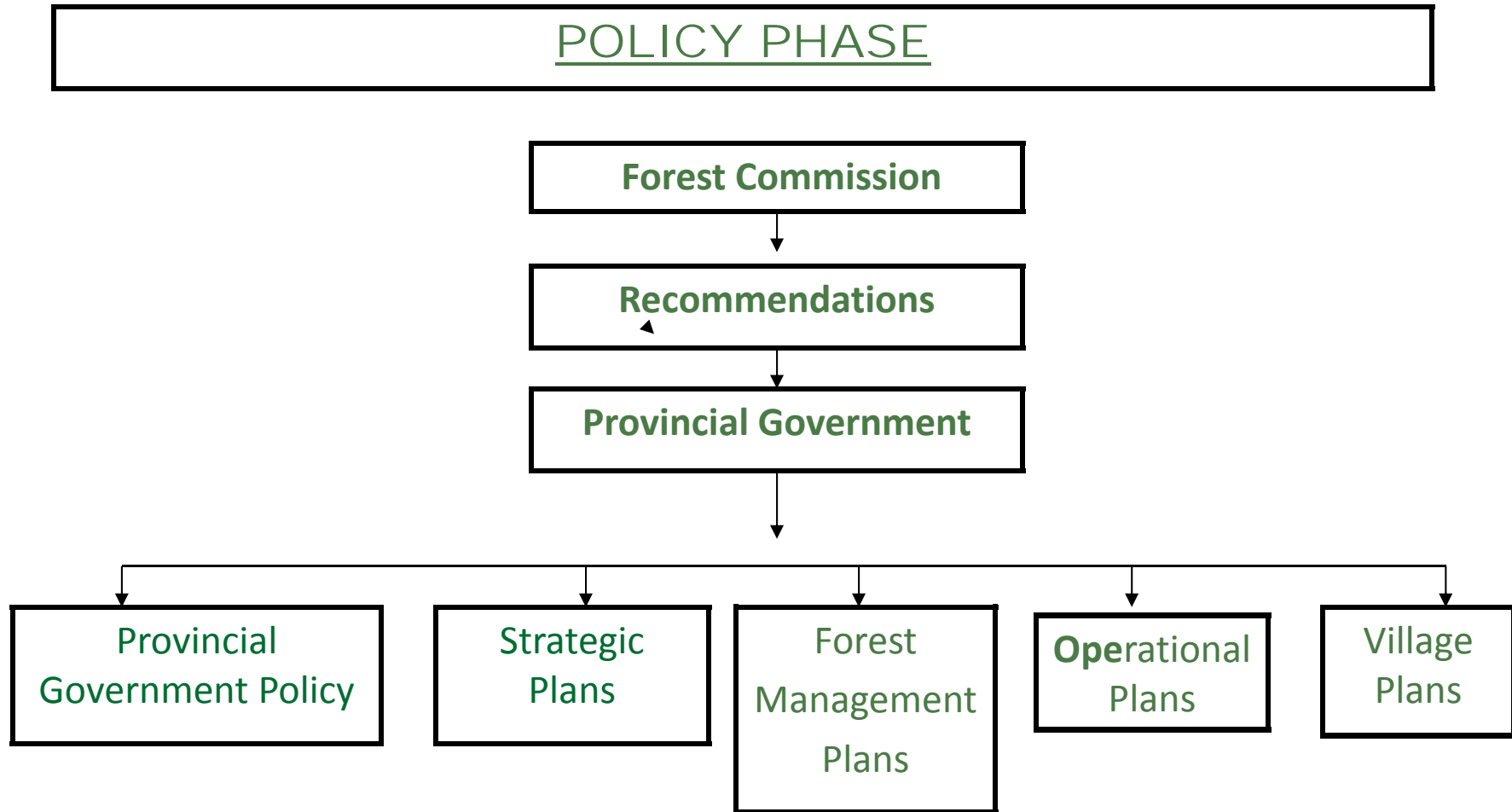
# FOREST POLICIES OF PAKISTAN

<b>NATIONAL FOREST POLICY, 1975</b>	<ul style="list-style-type: none"><li>IV. People Friendly Policy emphasized public awareness and recommended use of legal penal measures as a last resort.</li><li>IV. Important departure from the first two policies in that the drafting committee for the Policy included representatives from both governmental and non-governmental Sectors.</li><li>V. Main theme of the policy was that the management of <i>guzara forests</i> (<i>private forests which are managed by the state for the owners</i>) should be entrusted to owners themselves, with State taking only supervisory responsibilities</li><li>VI. The policy recommended the formation of owners' cooperative societies, but recommended that forest harvesting should be carried out entirely by public sector corporations.</li></ul>
<b>NATIONAL POLICY ON FORESTRY AND WILDLIFE 1980</b>	<ul style="list-style-type: none"><li>VII. Emphasized on planting of fast-growing species and fuel-wood plantations outside public forests.</li><li>VIII. Involvement of people for tree plantation and nature conservation through motivation.</li><li>IX. Coordinated development at provincial and national levels.</li><li>X. Creation of national parks, departmental forest harvesting on scientific lines and production of medicinal herbs on wild-lands</li></ul>

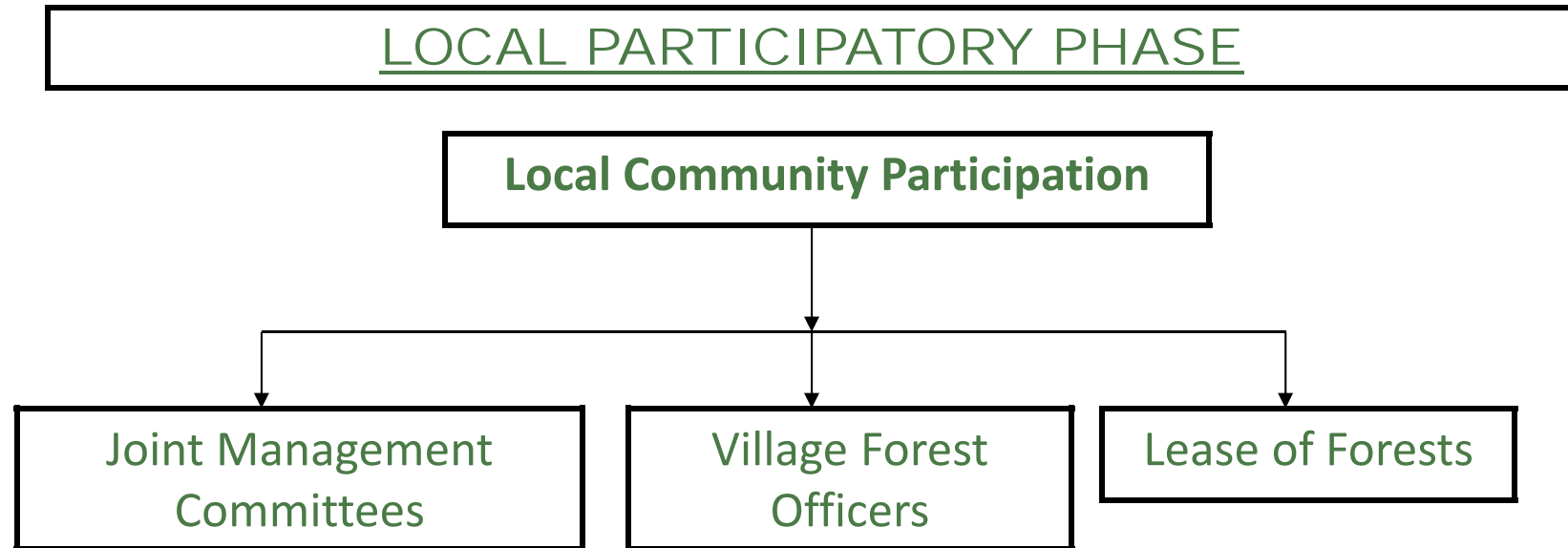
# FOREST POLICIES OF PAKISTAN

<b>PAKISTAN FOREST POLICY 1991</b>	XI. Emphasis on government control and income generation.
<b>NATIONAL FOREST POLICY (DRAFT) 2001</b>	XII. Waiting for formal approval till now.
<b>PROVINCIAL FOREST POLICY 1999</b>	XIII. Participatory Approach of enchasing local communities and private sector in Forest communities.

# REGIME ENVISAGED UNDER THE FOREST LAWS

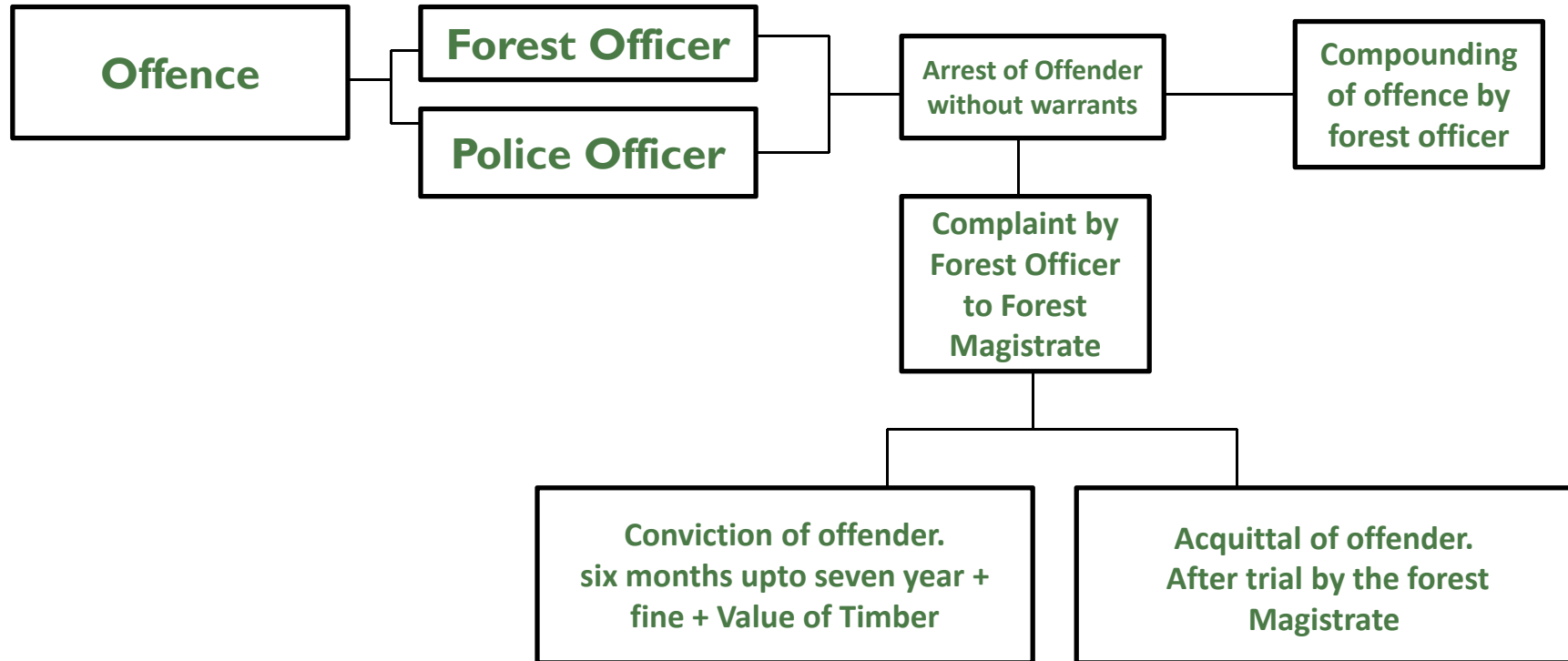


# REGIME ENVISAGED UNDER THE FOREST LAWS



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## CONTRAVENTION PHASE



# PROSPECTIVE OF FOREST DEPARTMENT

- I. Regular Forest Management and not total ban on harvesting.
- II. Forest Force no yet establish.
- III. Lack of Forest Protection Staff.
- IV. Lack of Prompt response by other Department, Especially Police Force.
- V. Lack of sensitivity Service has of Judicial magistrates towards forest complaints.
- VI. Requisition full time forest magistrate.
- VII. Training and capacity building of Judicial Magistrate and prosecutors.



# PROSPECTIVE OF CONSERVATIONIST

- I. Existing laws provide penalties for contravention of their provisions but do not contain incentives for compliance.
- II. Existing laws are punitive in nature and tend to increase the policing role of forest departments, which is contrary to the intent of the forest policy of participatory social forestry.
- III. The discretionary powers of forest officers to revoke agreements on a community-based organisation result in uncertainty and insecurity among different said local organisation.

# PROSPECTIVE OF CONSERVATIONIST

- IV. Political will is required. So many forest policies mean “change horses in the midstream”.
- V. Public participation in plantation and forest management.
- VI. Sustainable livelihood of stakeholders in forestry.
- VII. Sense of ownership among Public at large and local guzara forests owners in particular.
- VIII. Not “conservation” versus “development” but “conservation as well as development” approach to be adopted.
- IX. Research based policy involving academia, foresters and social scientists for public participation.
- X. Poverty alleviations programmes for forest dwellers, employment, alternative fuel would reduce dependency on forest timber.

# PROSPECTIVE OF THE FOREST MAGISTRATES

- I. No proper report is lodged on time.
- II. The report / Complaints are entertained on hearsay.
- III. Evidence not produced in time.
- IV. No proper valuation of timber illegally cut.
- V. Recovery of case property seldom retained and produced in court.
- VI. Lack of legal knowledge of Foresters.
- VII. Lack of interest of Officials of forest Department in prosecution of cases.

## NUMBER OF PROSECUTIONS AND DISPOSAL BY FOREST MAGISTRATES

YEAR	NAME OF CASES INITIATED	NO. OF CASES DISPOSED OFF	BALANCE /PENDING WITH COURT
1990-91	12417	2784	8588
1995-96	27497	7552	19945
2000-2001	30119	5764	24355
2005-06	47167	3038	44129
2010-11	26486	2760	18941

## DISTRICT KOHISTAN

<b>Year</b>	<b>Institution</b>	<b>Disposal</b>	<b>Pending</b>
<b>2009</b>	<b>06</b>	<b>05</b>	<b>01</b>
<b>2010</b>	<b>154</b>	<b>134</b>	<b>20</b>
<b>2011</b>	<b>123</b>	<b>49</b>	<b>74</b>

## DISTRICT BATTAGRAM

<b>Year</b>	<b>Institution</b>	<b>Disposal</b>	<b>Pending</b>
<b>2009</b>	<b>41</b>	<b>41</b>	<b>Nil</b>
<b>2010</b>	<b>10</b>	<b>10</b>	<b>Nil</b>
<b>2011</b>	<b>02</b>	<b>01</b>	<b>01</b>

## DISTRICT ABBOTTABAD

<b>Year</b>	<b>Institution</b>	<b>Disposal</b>	<b>Pending</b>
<b>2009</b>	<b>24</b>	<b>24</b>	<b>Nil</b>
<b>2010</b>	<b>10</b>	<b>06</b>	<b>04</b>
<b>2011</b>	<b>08</b>	<b>01</b>	<b>07</b>



**Seized Smuggled timber by Forest Staff in Battal Range Mansehra**





**Seized Vehicles by Forest Staff with Smuggled Timber**



**Seized Smuggled timber at Forest Checkpost at Battal**



**Smuggled timber apprehended by Forest Staff from Khallabat Haripur**



**Timber smuggling through fabricated truck apprehended by Forest Staff in**



**Seized Smuggled timber in Battal Range Mansehra**



**Truck floor specially fabricated for timber smuggling**



**Truck floor specially fabricated for timber smuggling**



**Huge stock of seized smuggled timber from Torghar Forests stacked at Mansehra Timber**





**Huge stock of seized smuggled timber from Torghar Forests stacked at Mansehra Timber**



**Huge stock of illicit timber at Herban extracted from Forests of Kohistan District**



**Walnut bark attempted to be smuggled in luxuriant car seized by Forest staff at**

“We do not inherit the earth from our  
ancestors, we borrow it from our  
children.”

A Native American Proverb