

FOREST RULES FOR APPLICATION IN FORMER N. W. F. P.

Notification

(12th September, 1950).

No. 23370/18/116-DD.—In exercise of the powers conferred on him by Section 53 (1) of the North-West Frontier Province Hazara Forest Act, 1936, and in supersession of Notification No. 1529-G., dated the 12th August, 1912, as amended from time to time, the Governor, North-West Frontier Province, is pleased to make the following rules on the management of waste lands (Guzaras) in the Hazara District.

These Rules will have effect from 1st May, 1950 :—

Rules Regarding the Management of Guzaras of the Villages in the Hazara District.

1. Short title.—These Rules shall be called the Hazara Management of Waste Lands (Guzara) Rules, 1950.

2. Definition.—All words used in these Rules and defined in Section 11 of the North-West Frontier Province Hazara Forest Act, 1936, shall be deemed to have the meaning respectively attributed to them the said Act.

3. Management of Guzaras.—The management of waste lands (hereinafter called Guzaras) in the Hazara district shall be in the hands of the Conservator of Forests, North-West Frontier Province, (hereinafter referred to as the Conservator) who shall be invested with all the powers of a Deputy Commissioner under the Hazara Forest Act, 1936.

4. Guzara Division.—To assist the Conservator in the management of Guzaras, and Guzara Division shall be created and placed under the charge of the Divisional Forest Officer together with the requisite technical and subordinate staff.

5. Duties of the Conservator of Forest and his Staff.—(a) Subject to the general control of the Deputy Commissioner, Hazara, the Conservator shall have full control of Guzara matters and shall have authority to issue such instructions as he may consider necessary on the administration and working of the the Guzaras.

(b) If in any matter done or intended to be done by the Conservator, the Deputy Commissioner, Hazara and the Conservator disagree, a reference shall be made to the Provincial Government through the Secretary, Development Departments.

6. (a) The duties of the Conservator and staff under him in respect of the management of Guzaras shall be as laid down in the Punjab Forest Manual Vol. II in respect of Reserved Forest.

(b) The administration of Guzaras shall be carried out on the same technical lines as regards the drawing up of working plans, preparation and submission of budget proposal and appropriation account, keeping of compartment

history, files inspection notes and preparation of annual reports, etc., as that of any other Division of Reserved Forests.

(c) The Conservator shall allot a separate Chapter on the working of the Guzara Division in his annual report on forests.

7. Utilization of dry wood and brush wood by right holder and other persons. In all Guzaras dry wood whether standing or fallen or brush wood may be utilized without restriction for domestic or agricultural purposes by resident right-holders within the limits of the village in which it is found and by non-resident right-holders in the limits of the village where they reside and also by persons whether resident or non-residents who are not right-holders so long as the right-holders raise no objection to their doing so and where the Conservator does not think it necessary to interfere in the interests of forest conservancy.

Provided that nothing in this clause shall be deemed to allow without previous sanction of the Conservator, the cutting or removal of any trees that have been killed by illicit methods or the utilization of any brush wood or dry wood in a Guzara that has been burned without the permission of the Conservator.

8. Sale of dry wood and brush wood. (a) The sale of dry wood and brush wood from any Guzara shall be prohibited except with the sanction of the Conservator and under such conditions as he may think fit to impose.

(b) In villages to which permission as in clause (a) has been accorded, the only persons entitled to sell wood shall be the resident right-holders and such other persons as the Conservator may specify. In the case of the latter persons, the Conservator may direct that each of them should obtain from him a license for which a fee of not more than Rs. 5 per annum shall be charged.

(c) Sale of dead and dry wood shall be permitted, in head-loads by the right-holders within and without the limits of the village, provided the majority of the right-holders in that Guzara do not object to it.

Provided that the sale of any dry wood has formed part of the structure of any building shall in any case be strictly prohibited.

Provided further that no wood, green or dry, fallen or standing, and obtained from trees under sale will be removed by the right-holders from the areas under contract of sale during the currency of such contract.

9. Utilization of green wood for agricultural implements, burial purposes or charpoys. The provisions of Rule shall apply so far as may be to green wood also required for the manufacture or repair of agricultural implements, or for burial purposes and to the bark of felled or fallen trees, and that of Rule 8 to green wood converted into supports for charpoys.

10. Grant of trees. No tree should be felled or removed from the Guzara except with the permission of the Conservator or the Divisional Forest Officer and in the manner provided below.

11. Trees for domestic use. (a) The grant of trees from Guzaras for domestic purpose shall rest with the Conservator.

(b) Application for such grants, previously certified by the village patwari as regards the rights of the applicant in the Guzaras from which trees are required to be felled shall be made to the Range Officer concerned.

(c) No files shall be prepared of these applications, but the Range Officer shall enter them in a register to be maintained in the form below which he shall bring or submit to the Divisional Forest Officer along with the applications in original once a fortnight or if immediate orders are not required, once a month. The Divisional Forest Officer shall then write in the appropriate column of the register his own order on each application according sanction or rejecting it, and return the register in original to the Range Officer concerned together with the applications for necessary action in accordance with the procedure laid down for the cutting in or removal of trees from a reserved forest. The Range Officer after a period of 18 months shall destroy the applications and other papers connected with it and the entries in the register should be only record kept.

No.	Name and other particulars of the applicants	Date of application.	Guzara affected	Nature of application	Person if any to whom sent by Range Officer with date	Report of Patwari with dated	Report of the Range Officer.	Order of D. F. O.	Additional report of Range Officer	Other intermediate or final orders of D. F. O.	No. of trees felled	Date of felling
1	2	3	4	5	6	7	8	9	10	11	12	13

(d) No grant of trees shall be made to non-right holders and no grant shall be made to the members of the individual family for whom trees have already been sanctioned unless other members can prove to the satisfaction of the Divisional Forest Officer that they require the timber for the construction of a separate house.

Provided that the grant of trees for construction or repair to a mosque in any village in the Hazara District, where there exists no Guzara of its own, shall subject to the provision of rule 11 (c) be permissible from any other Guzara, if the owner of the Guzara unanimously agree to give the trees for the purpose and silviculturally available trees in the Guzara so affected are more than the future prospective demand of the right holders themselves.

(e) The grant shall be confined to the amount of timber actually required for the construction of a house and not the amount of money realisable from the sale of timber for the total cost of construction.

(f) The number of trees which a right-holder shall be allowed to fell for building puposes at any one time shall not exceed that laid down in the *Wajab-ul-Arz* of the village in which the Guzara is situated.

Provided that the total number of trees granted in any one year from a particular Guzara shall not exceed such limits as the Conservator may fix from time to time keeping in view the prospective demand of that village in future years.

Provided also that if a non-resident right-holder has acquired rights in any Guzara since the settlement of 1904-1905 otherwise than by means of succession, his request for grant of trees shall ordinarily be refused.

Provided also that the Divisional Forest Officer shall, in any case, refuse his consent to the grant of trees in favour of a non-resident right-holder, if the trees in the Guzara affected are not more than sufficient to supply the wants of the resident right-holders.

12. Commercial felling. (a) All Guzaras shall be closed, for commercial exploitation, of tress and other forest produce, for the next 20 years, provided, that sale by the Forest Department of trees, silviculturally available, and such other forest produce, as may be considered advantageous shall be permissible at all times.

(b) The proceeds of such sales minus such departmental charges not exceeding 20 per cent of the sale proceeds as Government may fix from time to time by Notification in addition to any seigniorage fees leviable under the Act, shall be payable to the right-holders.

13. Procedure for grant of trees for domestic use. The Range Officer shall mark in each Guzara a number of trees from time to time and list them serially in a register for grant to right-holders as and when they apply. A note should be made in this register of the trees granted and also when the trees are felled and removed.

14. (a) All trees recorded in the register shall on grant be felled and their wood utilised for the purposes stated, and for no other, within one year from the date of entry in the register; otherwise the rights therein of the person professing to require them shall lapse.

(b) No tree felled under rule 11 shall be removed by the resident right holders from the limits of the village where the Guzara is situated, and by non-resident right-holders to a village other than where they normally permanently reside.

15. Where a right-holder commits a breach of the provisions of the Act or of the rules relating to the felling of trees and the utilization of the wood obtained therefrom, the Conservator (regardless of the fact whether any other punishment has been inflicted or not) shall prohibit him from felling any trees in the waste land to which his right is attached for a period not exceeding three years.

16. Gift of trees.—Gift of trees for purposes of sale shall be strictly forbidden.

17. Barking and lopping.—No person shall bark a tree or cut out torch-wood from a standing tree.

18. No person shall lop trees in so drastic a manner as to kill them, and no person shall lop any coniferous trees.

19. Manufacture of charcoal and burning of kiln for sale.—The manufacture of charcoal from the burning of brick kilns, lime kilns or Surkhi kilns with wood cut or collected from a Guzara for the purposes of sale and the sale of charcoal, bricks, lime or surkhi so manufactured are prohibited unless the

Conservator for special reasons shall see fit to grant permission of such manufacture or burning, in which case he shall charge such fees as may be prescribed from time to time by the Government in this behalf.

20. Manufacture of charcoal and burning of kiln for domestic.—(a) When a right-holder in a Guzara desires to burn a lime kiln or surkhi kiln or wants to manufacture charcoal to meet his own domestic requirements, the Conservator may on application to him after verifying the rights of the applicant and getting a report from the Divisional Forest Officer as to the availability of sufficient fuel for the purpose in the Guzara, grant him permission to do so on his paying a fee of Rs. 10 per kiln in case of lime and surkhi. No fee shall, however, be charged for the burning of charcoal.

(b) The kiln shall be constructed within the limits of the village where the applicant resides and from which the necessary fuel is obtained and the lime and surkhi as the case may be shall not be removed beyond the limits of that village.

(c) Only brush wood and dead wood not fit for building purposes may be used for such kilns.

(d) No kiln shall be worked for more than two months under any one permit.

(e) In case where lime or surkhi is required for a mosque or any other place of worship, Ziarat, sacred place or charitable institution no fee shall be charged.

21. Collection and removal of medicinal herbs. The collection or removal of medicinal herbs from Guzara is prohibited. The Conservator may however, allow the taking out of such herbs on such terms and such conditions as obtained in the case of Reserved Forests. The proceeds of such sales after appropriating a sum not exceeding 20 per cent. of the total as departmental charges shall be payable to the right-holders.

22. Miscellaneous. The exchange of private land with land comprising a Guzara is prohibited, except with the special sanction of the Provincial Government.

23. Any further breakage of pastures in the Kaghan Valley shall not be permitted.

24. Subject to the provision of Rule 5, the Deputy Commissioner shall on the request of the Conservator demarcate all wooded areas and such waste in respect of which the Conservator deems it necessary to take action under Section 13, 14 and 16 of the Hazara Forest Act. Such areas should be clearly shown on the village map and a record of them should be kept at the Forest Division's Office and also at the Head Quarters of each Range in the form below:—

Serial No.	Name of Guzara	Field No. included in the demarcated areas	Area of each F. No. and total demarcated areas	Additions, alteration	Authority with date sanctioning the change	Total demarcated area upto dated	Miscellaneous
1	2	3	4	5	6	7	8

25. Any breach of these Rules shall be punishable with imprisonment for a term which may extend to six months, or with a fine which may extend to five hundred rupees or with both, and any wood or other produce with regard to which an offence has been committed shall be confiscated, and sold by orders of the Conservator subject to the provisions of Section 517 Criminal Procedure Code. The proceeds of such sale shall be credited to Government as revenue of the Guzara Division.