

**THE ¹[KHYBER PAKHTUNKHWA] (CONSERVATION AND
EXPLOITATION OF CERTAIN FORESTS IN HAZARA DIVISION)
ORDINANCE, 1980.**

²[KHYBER PAKHTUNKHWA] ORDINANCE No. VII OF 1980.

[17th June, 1980]

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¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

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**AN
ORDINANCE**

*to provide for conservation, better exploitation and prohibition of unlawful cutting of
forests in certain areas of Hazara Division*

WHEREAS it is expedient to provide for conservation, Preamble.
better exploitation and prohibition of unlawful cutting of forests in
certain areas of Hazara Division, and for matters connected
therewith;

AND WHEREAS the Governor of the ³[Khyber
Pakhtunkhwa] is satisfied that circumstances exist which render it
necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of
the fifth day of July, 1977, read with the Laws (Continuance in
Force) Order, 1977 (C. M. L. A. Order No. I of 1977), and in
exercise of all powers enabling him in that behalf, the Governor of
the ⁴[Khyber Pakhtunkhwa] is pleased to make and promulgate the
following Ordinance:

1. (1) This Ordinance may be called the ⁵[Khyber Short title and
Pakhtunkhwa] (Conservation and Exploitation of Certain Forests
commencement.
in Hazara Division) Ordinance, 1980.

(2) It shall extend to the specified areas.

(3) It shall come into force at once.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

- (a) "forest produce" and "timber" shall have the same meanings as are respectively assigned to them in the Hazara Forest Act, 1936 (¹[Khyber Pakhtunkhwa] Act VI of 1937);
- (b) "Government" means the Government of the ²[Khyber Pakhtunkhwa];
- (c) "Schedule" means the Schedule to this Ordinance; and
- (d) "specified areas" means the areas comprising the villages in Hazara Division specified in the Schedule.

3. (1) For the purposes of conservation and better exploitation of forests, there shall be no extraction of timber and other forest produce in the specified areas, except by Government or by a corporation or an agency set up or authorised by Government in this behalf. Prohibition of private extraction of timber, etc.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, or any decree, order or judgment of any Court or other authority,-

- (a) all contracts, agreements or other instruments entered into or executed for the extraction of timber or other forest produce in the specified areas, subsisting immediately before the commencement of this Ordinance, shall, upon such commencement, stand terminated; and
- (b) all timber and other forest produce produced in and extracted from the specified areas and transported from, through or to any place within Hazara Division shall, whether extracted before or after the commencement

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

of this Ordinance, be liable to duty at the rate notified by Government under sections 28 and 29 of the Hazara Forest Act, 1936¹[Khyber Pakhtunkhwa] Act VI of 1937), by notification No. SOFT (FAD) V-105 / 70 / (HFA 1936), dated the 24th December, 1979, or at such other rate as may, hence after, be notified by Government under the said Act.

4. (1) If the timber or other forest produce, referred to in clause (b) of sub-section (2) of section 3, lying in the specified areas or the depots is not collected by the owner, after payment of duty referred to in the said clause, within three months of the coming into force of this Ordinance, then the same may be put to sale by Government through public auction. Disposal of timber etc. on failure of the owner to collect.
- (2) The proceeds of sale under sub-section (1) shall, after deduction of duty leviable under clause (b) of sub-section (2) of section 3 and any other expenses, if any, incurred in connection with the holding of auction, be refunded to the owner of such timber or other forest produce on an application made by him in that behalf.
- (3) The person in whose favour such timber or other forest produce is auctioned shall be liable to pay duty at the usual rate as applicable in the Hazara Division for such sales from the depot.
5. If the sale proceeds payable to the owner under section 4 are in good faith paid to some other person not entitled to receive the same either himself or on behalf of the owner, the same shall not be recoverable from Government or the person authorised by Government to make payment in this behalf. Owner not entitled to claim any damage for wrong payment of the sale proceeds.
6. No suit, prosecution or other legal proceeding shall lie against Government or any other person for anything in good faith done or intended to be done under this Ordinance. Indemnity.
7. Government may make rules for carrying out the purpose of this Ordinance. Power to make rules.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

SCHEDULE

Serial No.	Name of Village	Serial No.	Name of Village	Serial No.	Name of Village
1.	Banian.	24.	Bar Banda.	47.	Dab.
2.	Tarnamaria.	25.	Kuz Banda (Banda Gulab Khan).	48.	Battal.
3.	Chauhan Maira.	26.	Kandar.	49.	Kuz Gondor.
4.	Dabuna.	27.	Mera.	50.	Tarnao.
5.	Dande.	28.	Guratai.	51.	Ghulingai.
6.	Borai	29.	Shahtute.	52.	Shah Dherai.
7.	Site.	30.	Atir.	53.	Naryala.
8.	Garan	31.	Shalida.	54.	Pomang.
9.	Batai.	32.	Serai.	55.	Serai.
10.	Naka.	33.	Jalalkot.	56.	Pashma.
11.	Kakatai	34.	Karimauna.	57.	Dherai.
12.	Mori.	35.	Ruban.	58.	Karwar.
13.	Chapra.	36.	Darai.	59.	Sahib Khan.
14.	Qalagai.	37.	Tangai.	60.	Ughaz Banda.
15.	Chinmang.	38.	Lohiamaira.	61.	Landi.
16.	Naraza.	39.	Sitramai.	62.	Matta.
17.	Hukmat Khan Banda.	40.	Gijborai.	63.	Sofian.
18.	Cidrai.	41.	Qalagai.	64.	Dheri.
19.	Khair Maidan.	42.	Sarkhelia Banda.	65.	Bar Maidan.
20.	Tangai.	43.	Kuz Shinglai.	66.	Kuz Maidan.
21.	Chaprai.	44.	Bar Shinglai.	67.	Matta.
22.	Matta.	45.	Kot Gala.	68.	Battamori.
23.	Kangrai.	46.	Shar.	69.	Ain.

Serial No.	Name of Village	Serial No.	Name of Village	Serial No.	Name of Village
70.	Khet.	95.	Surai.	120.	Banjai.
71.	Serai.	96.	Jutial.	121.	Cherakmar.
72.	Yaro Banda.	97.	Khabbal and their Bandas.	122.	Bagwai.
73.	Gada.	98.	Kaya.	123.	Ruke Kot.
74.	Shingarai.	99.	Burj Phanian.	124.	Sera.
75.	Kararshang.	100.	Nochi.		
76.	Rachhmaiaa.	101.	Balungi.	125.	Prehari.
77.	Bela.	102.	Sherol.	126.	Biland Kot Proper.
78.	Joz.	103.	Bail.	127.	Siadra.
79.	Mangarai.	104.	Kirar Bikka.	128.	Miran.
80.	Bizokas.	105.	Dela.	129.	Mai.
81.	Sangu.	106.	Lakhha.	130.	Tarand.
82.	Kuz Bansar.	107.	Bir.	131.	Tarand Qila.
83.	Saral.	108.	Gali.	132.	Charbagh.
84.	Kadlsai.	109.	Mandi.	133.	Gidrai.
85.	Phagora.	110.	Chini.	134.	Dherai.
86.	Sharbanai.	111.	Barag.	135.	Taya.
87.	Shabora.	112.	Garhi.	136.	Shalkhai.
88.	Kolai.	113.	Dabbona.	137.	Jalaekot.
89.	Gandaur.	114.	Brat.	138.	Karinuana.
90.	Chapar Gran.	115.	Chagjai.	139.	Ruban.
91.	Tami.	116.	Pansera.	140.	Derai.
92.	Ajmera.	117.	Bela.	141.	Tangai.
93.	Nowshera Saidan.	118.	Machai	142.	Dabuna.
94.	Balani.	119.	Kotwal.	143.	Dande.

Serial No.	Name of Village	Serial No.	Name of Village	Serial No.	Name of Village
144.	Dharian.	168.	Gulibagh.	192.	Zuri Galli.
145.	Garhi.	169.	Kohani.	193.	Thungri.
146.	Bandagai.	170.	Cham Sharkheli.	194.	Kagi Abo.
147.	Bandagai Chauhan joint with Naror.	171.	Jabba.	195.	Kharg.
148.	Dharian joint with Ashlar.	172.	Arghashori.	196.	Chiran.
149.	Qabula.	173.	Gabasni (Syed).	197.	Derai.
150.	Gul Dheri.	174.	Gani Kot (Afghan).	198.	Umari.
151.	Dedal.	175.	Gabai (Syed).	199.	Rao.
152.	Sadin Mira.	176.	Parba.	200.	Bab.
153.	Banara.	177.	Kafla.	201.	Biari.
154.	Kharagai.	178.	Dagra.	202.	Pokal.
155.	Tikri.	179.	Charvai.	203.	Richban.
156.	Landai.	180.	Kali larr.	204.	Koiar.
157.	Chham warrah.	181.	Warro.	205.	Gangwal.
158.	Landi Shah.	182.	Charuna.	206.	Jakrallai.
159.	Manumaria.	183.	Shinglai.	207.	Telus.
160.	Biaj Maira.	184.	Gharhi.	208.	Kasai.
161.	Khatuna.	185.	Kuprai.	209.	Panjul.
162.	Dheri.	186.	Sithans.	210.	Rupkni.
163.	Vait.	187.	Sazin.	211.	Kingram.
164.	Battagram.	188.	Harban.	212.	Palang.
165.	Qila Bala.	189.	Shatial.	213.	Narai.
166.	Sandesar.	190.	Jalkots.	214.	jabbar.
167.	Kandar.	191.	Palas.	215.	Bojrai.

Serial No.	Name of Village	Serial No.	Name of Village	Serial No.	Name of Village
216.	Ner.	231.	Watai.	246.	Magri.
217.	Batila.	232.	Burj.	247.	Batangi.
218.	Narsuk.	233.	Farid Garhi.	248.	Bannas Wali.
219.	Shalkai.	234.	Jambera.	249.	Murad Banda.
220.	Pashto Kali.	235.	Hanagai.	230.	Kholi.
221.	Bara Char.	236.	Suchhai.	251.	Jaunlai.
222.	Uttar.	237.	Karagai.	252.	Baba Sheikh Islam Ziarat.
223.	Kocha.	238.	Shah Murad.	253.	Hotar.
224.	Barai.	239.	Pachargram.	254.	Raidhawari.
225.	Tando.	240.	Bishkot.	255.	Chhika.
226.	Jabrai.	241.	Biswali.	256.	Khet Banda.
227.	Kalang Ketha.	242.	Shamalai.	257.	Milishang.
228.	Jaribila.	243.	Hill.	258.	Andarwalali.
229.	Gantar.	244.	Bach Baaja	259.	Chanwali.
230.	Chuani.	245.	Bhir.	¹ (260.	Rashang.)

**LIEUTENANT GENERAL FAZLE HAQ
GOVERNOR OF KHYBER PAKHTUNKHWA**

**Peshawar,
Dated the
16th June, 1980**

¹ Inserted vide Khyber Pakhtunkhwa Ord: No, VI of 1982.