

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD**

Dated the 28th February, 1989

No. 128-32/LD/Leg.(A)/89. The following Act of the Assembly received the assent of the President on 21st day of February, 1989, is hereby published for general information:-

(ACT I OF 1989)

AN

ACT

to amend the Azad Jammu and Kashmir Grant of Khalsa Waste Land as 'Shamilat Deh' Act, 1966

WHEREAS it is expedient to amend Azad Jammu and Kashmir Grant of Khalsa Waste Land as Shamilat-Deh Act, 1966, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Grant of Khalsa Waste Land as Shamilat-Deh (Amendment) Act, 1989.
 - (2) It shall come into force at once.
2. **Amendment of Section 4, Act I of 1966.**- In the Azad Jammu and Kashmir Grant of Khalsa Waste Land Act, 1966 (Act I of 1966) hereinafter referred to as the said Act, in Section 4,
 - (a) after sub-section (3), for the full stop, a colon shall be substituted, and thereafter the following proviso shall be added-

“Provided that where such land is to be given as “Shamilat-Deh” to Dehi Council to be managed by it as community forest, the condition of twenty four or more state trees per acre shall not apply:

Provided further that till such time as the Dehi Council is in a position to take over management of community forests, the Forest Department shall manage and develop on its behalf. The provisions of the Jammu and Kashmir Forest Regulations, 1930 and rules made thereunder shall apply to these forests. The expenditure incurred on management and development thereof shall be deducted and the net income shall be treated as revenue of Dehi Council.”
 - (b) For the sub-section (4) the following shall be

substituted as under:-

“(4) while demarcating a forest it shall be ensured that Khalsa waste land surrounded by private holdings shall not be included in the demarcated forest. All strips of Khalsa waste of not more than 20 Karams width between private holdings, are not included in the line and that strips of waste not less than 25 Karams wide are always left between the line and the cultivation as ‘khalsa Sarkar’

(4-A) Subject to restrictions mentioned in Section 5, Khalsa waste land mentioned in sub-section (4) shall be granted to the land owners of the village as Shamilat Deh:

Provided that any portion of such land which bears coniferous trees shall be classified as community forest and shall remain under the control of Forest Department.

3. **Amendment of Section 7, Act I of 1966.**- In the said Act, in Section 7,-

- (a) in sub-section (1), the fullstop at the end shall be omitted and thereafter the words “which may extend to five thousand rupees”, shall be added; and
- (b) after sub-section (1), as amended aforesaid, the following new sub-section (1-A) shall be inserted, namely:-

“(1-A) If the ejected person re-occupies the vacated Khalsa/Shamilat Land, he shall be punished with rigorous imprisonment which shall extend to three years and with fine which may extend to rupees ten thousand.”

Repeal.- The Azad Jammu and Kashmir Grant of Khalsa waste Land as Shamlat Deh (Amendment) Ordinance, 1988 (Ordinance LXIII of 1988) is hereby repealed.

Sd/-
(Raja Bashir Ahmed Khan)
(Deputy Secretary Law and Parliamentary
Affairs)