

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,  
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,  
MUZAFFARABAD.**

Dated September, 14, 1974.

No.2291/SL/74 The following ordinance approved by the Legislative Assembly of Azad Jammu and Kashmir at its meeting held on 21<sup>st</sup> of August, 1974 and assented to by the President on 1<sup>st</sup> of September, 1974 is hereby published, for general information.

**(ORDINANCE No. VI 1974)<sup>5</sup>**

AN ORDINANCE to consolidate and regularize Nautors of Khalsa land.

WHEREAS it is expedient to consolidate and to regularize Neuters of Khalsa land made on or before the issuance of this Ordinance and make provision for grant of Khalsa land in future;

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that circumstances exist which rendered immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by section 24 of the Azad Jammu and Kashmir Government Act 1970 and all other powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance :-

1. **Short title, extent and commencement** (i) This ordinance, may be called the Azad Jammu and Kashmir Regularization of Nautors and grant of Khalsa land Ordinance, 1974.  
(ii) It shall extend to the whole of Azad Jammu and Kashmir  
(iii) It shall come into force at once.

**Definitions:**

2. In this ordinance unless there is anything repugnant in the subject or context :-
  - (i) "Commissioner, Collector and Revenue Officer" shall have the same meaning as defined in the Land Revenue Act.
  - (ii) "Demarcated forest" means such area as was under the

---

<sup>5</sup> This Ordinance was approved by the Legislative Assembly on 21<sup>st</sup> August, 1974 and issued as an Act vide No. 2291/SL/74 dated 14 September, 1974, but retained its name as an Ordinance.

control of the Forest" Department before the commencement of this ordinance, and such areas as are brought under demarcation in accordance with the provisions of any other law for the time being in force.

- (iii) "Government" means the Azad Government of the State of Jammu and Kashmir.
  - (iv) "Holding" means a cultivated land holding of a person which shall comprise the proprietary land together with the evacuee land, if any, his possession.
  - (v) "Khalsa land" means the land which is entered in the revenue record as such or which may be entered as such on any future date under any law but it does not include the demarcated forest and such other lands which are required for Village common purpose.
  - (vi) "Land owner" shall have the same meaning as defined in the Land Revenue Act.
  - (vii) "Land Revenue" shall have- the same meaning is defined in the Land Revenue Act.
  - (viii) "Nautors " means the existing Neuters made out of Khalsa land on or before the issuance of this ordinance or such Nautors which may be sanctioned in future.
  - (ix) "Village common purposes" includes such purposes as grazing land, public roads, village paths, grave yards, water points, cattle ponds, public meeting places or such other purposes as may be past usage or common custom be established to be community purposes in a particular community; or such other purposes as may be prescribed by the Government.
  - (x) "Prescribed" means as prescribed by rules under this ordinance.
3. **Regularization of Existing Nautors:** Existing noutars may be regularized as under.-
- (i) A person to whom right in respect of Khalsa land had accrued under council orders No. 38/C, 140/C of Dogra Regime or any order of Poonch State or Government order No. 282/57, and the right could not be granted due to absence of entry in the revenue record as required under Government order No. 282/57, will be entitled to grant of proprietary rights :

Provided it is proved before the Collector of the district,

after such enquiry as may be prescribed, that such person or persons have been in continuous possession of Khalsa land and are recorded as such in the revenue record before RABI 1957 A.D. Such grant may be made on payment of premium and subject to limitations as laid down in the aforesaid orders, as amended from time to time.

Provided further that Nautors which do not fulfill the conditions laid in Government order No. 149/60 dated 11.3.60 shall not be regularized.

(ii) (a) Where the Nautors has been made after RABI 1957 A.D by a land owner whose holding is less than 30 Kanals, such a Nautor may, subject to the conditions of plantation herein after contained, be regularized upto the extent of 30 Kanals including the holding of the Nautor Kunandah, by recording him as tenant at will under Sarkar:

Provided it is proved before a Revenue officer that such person or persons have been in continuous possession of such Khalsa land and are recorded as such on or before the commencement of this ordinance and that the Nautor adjoins the revenue assessed land of the Nautor Kunandah. Such an entry will be made by a mutation to be attested by an officer not below the rank of Assistant Collector 2nd grade:

Provided further that no such Neuters shall be regularized in respect of land likely to be required for any village common purposes.

(b) A land owner in possession of any portion of Nautor in access of 30 Kanals including his own holding, shall be liable to summary ejection by an officer not below the rank of Naib Tehsildar.

(iii) All Nautors regularized under sub-section (ii) (a) above shall be used by the land owner for plantation of fruit trees, fuel trees etc, as the land owner may choose and no cultivation shall be, undertaken in such areas after the mutation.

Plantation in the said area shall be started within one year of the mutation. Any land owner cultivating in such areas shall be liable to summary ejection and cancellation of his mutation.

(iv) A land owner in whose name a mutation under subsection (ii) (a) above has been sanctioned shall be eligible for the grant of proprietary rights in such land

with-out any payment provided that:-

- (a) a minimum period of seven years has elapsed since he started plantation.
- (b) The minimum density of plantation per kanal shall be 15 trees in the case of fruit trees and 30 trees in the case of other trees and in the same proportion in the case of mixed plantation.

Proprietary rights shall be sanctioned by the Collecteur of the district after due enquiry that conditions prescribed in clauses (a) and (b) above have been fulfilled. The proprietary rights may be cancelled, at any time, if any breach of the prescribed conditions occurs after the sanction.

- (v) The holding of a Nautor Kunindah for the purposes of sub-sections above shall be the holding as it stood on 1st January 1960 and any transfer made by him after this date shall be reckoned in his holding.
- (vi) No Nautor exceeding 30 kanals including the holding of a Nautor Kunindah shall be regularized in any case and the said Neuter Kunindah shall be summarily ejected by a revenue officer not below the rank of a Naib Tehsildar and the area thus vacated may be granted to other persons in accordance with the succeeding provisions of this ordinance.

4. **Nautors in the demarcated forests.-** Nautors in the demarcated forests shall not be regularized in any case and the Nautor Kunandah shall be ejected forthwith.
5. **Landless resident/tenant.-** A land less resident/tenant of a village who is himself a head of the family and whose main means of livelihood is agriculture will be eligible to get Khalsa land sanctioned in his favour to the extent of 30 kanals subject to the conditions as may be prescribed
6. **Land owner holding less than 30 kanals.-** A land owner whose holding is less than 30 kanals may get Khalsa land sanctioned in his favour to the extent that his holding becomes 30 kanals subject to the conditions as may be prescribed.

7. **Special grant of Khalsa Land.-** The Government may make special grants of Khalsa land for such purposes on payment subject to such limitations as may be prescribed.
8. **Grant of Khalsa Land on Teh-Zamini.-** Khalsa land may be granted for residential, commercial or industrial purposes on payment of surface rent as may be prescribed from time to time.
9. **Appeal, review and revision.-** The provisions of the Punjab Land Revenue Act 1887 and the rules made thereunder, as in force in Azad Kashmir, shall be applicable in matters of appeal, review, revision and other proceedings, unless otherwise provided in this ordinance.

Provided that only one appeal shall lie against an order or ejection passed by a Revenue officer.

10. **Bar of jurisdiction of Civil Courts.** (1) No civil court shall have jurisdiction on any matter which the Government or any revenue officer is competent to dispose of under this ordinance and shall not take cognizance of the manner in which the Government or any revenue officer exercises any powers vested in it or in him by or under this ordinance or under Government order No. 282/57.
  - (ii) No civil court shall be competent to issue a temporary in-junction in respect of any matter referred to in subsection (i) above.
11. **Power to make Rules.-** The Government may by notification in the official gazette make rules to carrying out the purposes of this ordinance.
12. **Penalties.-** (i) Any person who contravenes any direction or order issued pursuant of the provisions of this ordinance shall be liable to a fine Rs. 200/- to be imposed by the Collector of the district.
  - (ii) Any person who, without lawful authority, clear or breaks up any land in a Forest or erects a fence or enclosure for cultivation or for any other purpose or otherwise encroaches upon or takes possession of such land by illegal trespass shall be punishable with imprisonment of either description for a term which may extend to three years and with fine.
  - (iii) Where any person is convicted by a court under this section or under any other law for the time being in force for breaking, clearing or otherwise encroaching upon any land in a forest, such court shall order, his ejection and shall restore

possession of such land to the forest officer or other authority entitled to the possession thereof.

(iv) All offences under this ordinance shall be cognizable and bailable. They will be however compounded like any other offence under the Azad Jammu and Kashmir Forest Regulation 1930.

13. **Savings.-** The provisions of this ordinance shall not affect the provisions of the Azad Jammu and Kashmir Grant of Khalsa Waste Land as Shamlat Deh Act, 1969.

Sd/-

(Sardar Muhammad Abdul Oayyum Khan)  
President,  
Azad Govt. of the State of Jammu & Kashmir.

Sd/-

(Malik Mohammad Aslam Khan)  
Secretary Law,  
Azad Govt. of the State of Jammu and Kashmir.