

Government of Jammu and Kashmir
Civil Sectt. Forest Department

Subject: Legal status of forest land.

Circular

Many times the Forest Department has felt handicapped in ascertaining the legal status of forest lands demarcated under "Rules for Demarcation of Forests" sanctioned by his Highness Maharaja Bahadur under the Chief Minister's No.414 dated 13 March 1914 due to entries made in the revenue records for the same land as "Maulik Sarkar, Maqboosa Mahkama Janglaat"

J&K State has 20192 Sq. Km forest land demarcated under Rules for Demarcation of Forests and listed in the "Register of Forest Areas" published by the Forest Department the His Highness' Government of Jammu and Kashmir in 1944

According to the Digest of Statistics 2003-04 issued by the Planning & Dev Department the forest area is only 6580 sqkm as per the Revenue Department records because that Department maintains record of revenue land only under the J&K Land Revenue Act 1996 (1939 AD) whereas the forest area actually is 20192 sqkm as per the Forest Department records. This has been qualified by an explanatory note as under:-

In order to set right the legal status of the forest land, the matter was referred to the Law Department for its clarification. The Law Department vide U.O No. LD (OPN)2005/23/FST dated 12.8.05 has opined as under:-

1. "In view of the definition of demarcated forests as given in clause (c) of section 2 of the Forest Act, Svt. 1987 any land within the demarcated forests belongs to Forest Department irrespective of the said land having revenue entries as Malik-Sarkar, Mazhpoza-Mahakama Janglat.

8 Feb / 2006 / 2006 / 2006 / 2006 / 2006
No. 240 / 2006 / 2006 / 2006 / 2006

Copy to: The Regional Director
Jammu & Kashmir
for information

J&K State Pollution Control Board

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P.A.
T.P.R.
28/8/06

2. Land Revenue Act does not regulate the forest land but the land out of the demarcated forest line. Girdawari is prepared in accordance with the standing orders issued by the Revenue Department for the Patwaris in discharging of their duties under the Land Revenue Act.
3. Entries in the revenue records are made by the Revenue Department for collection of land revenue. The entries in the revenue records are not by themselves conclusive evidence of the title of such land.
4. Entries as Malik-Sarkar, Mazhooza- Mahakama Janglat in the revenue records within the demarcated forest land is not conclusive proof of its being under the illegal possession of the Forest Department. The said entry can be rebutted by the Forest Department in view of the definition of demarcated forest line in the Forest Act".

In view of the legal status indicated given above, it is impressed upon all functionaries of the Forest Department to take this position whenever title of the forestland is in question.

Sd/-

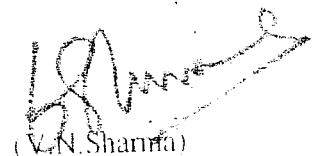
(Najam Saqib)

Commissioner Secretary to Govt.
Forest Department.

Dated: 02-08-2006

No:Fst/land/11/2005

1. Financial Commissioner, Revenue
2. Financial Commissioner/ Prpl Secretary/ Commissioner Secretary
Secretary to Government _____ Department
3. Prpl. Chief Conservator of Forests, J&K
4. All HoDs, Forest Department *O. E. B. S. J.*
5. Deputy Commissioner _____



(V.N. Sharma)

Under Secretary to Govt.
Forest Department.

