

Government of Jammu & Kashmir,
Civil Secretariat Revenue Department.

CIRCULAR

Whereas, the Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Act 2001, as amended till date, does not apply to forest land or wooded waste as per Section 3 (e) of the said Act.

Whereas, forest land includes:-

- (i) Demarcated forests maintained by the Forest Department.
- (ii) Berun Line forest under the management of Revenue Department.
- (iii) Any area recorded as "Forest" irrespective of legal classification, including the area recorded as Jangel/gair mumkin jangal etc in revenue records.

Whereas, the protected areas notified under J&K Wildlife Protection (Amendment) Act 2002 are governed by the provisions of said Act and directions of Hon'ble Supreme Court also stipulate that there would be no de-reservation of such areas; there being also ban on removal of dead, diseased, dying or wind fallen trees, drift wood and grasses etc from any such area;

Whereas, complete records of demarcated forests and protected area notified under J&K Wildlife, Protection Act 2002 are not available with the Revenue Department and it becomes imperative to consult the Forest Department/Wildlife Protection Department before vesting ownership rights on state land to occupants under the J&K State Lands (Vesting of Ownership to the Occupants) Act 2001;

(K.T.O)

Whereas, vesting of ownership rights on state land under forest /wildlife area will not only be violative J&K State Vesting of Ownership to the Occupants) Act 2001 but also of J&K Forest Act, J&K Wildlife Protection Act, J&K Forest Conservation Act and also orders of the Hon'ble Supreme Court in its Civil Writ Petition No. 202 titled T.N. Godavarman V/S Union of India & Others;

Now, therefore, it is hereby ordered:-

- a) that the status of state land beyond the boundary of revenue village be verified and mapped in consultation with the DFO concerned as per rule 3 (1) of Jammu and Kashmir State Lands (Vesting of Ownership to the Occupants) Rules 2007;
- b) that the applications received from the occupants under the J&K State lands (Vesting of Ownership to the Occupants) Act 2001 relating to "a" above shall be forwarded by the revenue authorities to the concerned DFOs who shall immediately verify the status of the land so claimed with regard to the records of Forest Department and take following action:-
 - (i) return back the cases not falling in forest areas with a certificate recorded thereon to the revenue authorities within a week; and
 - (ii) in case of any doubt conduct a joint inspection with revenue authorities and take decision jointly on the facts of the case under rules; and
- c) that the J&K State Lands (Vesting of Ownership to Occupants) Act shall not be applied to lands notified as national parks, sanctuaries or conservation reserves under J&K Wildlife Protection Act so as to avoid any violation of the above said Acts & the orders of Hon'ble Supreme Court on the subject (the

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officials of Wildlife Department shall render all assistance needed by the Revenue Officials as and when required in this connection).

Sd/-

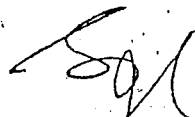
Secretary to Government
Revenue Department.

No: Rev(NDJ)17/2007

Dated: 06/03/2007.

Copy to the:-

- 1) Financial Commissioner Revenue J&K.
- 2) Principal Secretary to Hon'ble Chief Minister.
- 3) Divisional Commissioner Jammu/Kashmir.
- 4) Commissioner/Secretary to Govt Forest Department.
- 5) All Deputy Commissioners
- 6) All Assistant Commissioner, Revenue/Nazool.
- 7) All Tehsildars Territorial/Nazool
- 8) Pvt Secretary to Hon'ble Chief Minister.
- 9) Pvt Secretary to Hon'ble MOS Revenue.
- 10) PPS to Chief Secretary
- 11) Pvt Secretary to Secretary Revenue.



(G.A. Zargar) 06/03/2007

Under Secretary to Govt,
Revenue Department.