

THE AZAD KASHMIR LAND REVENUE
AMENDMENT ACT OF 1951.

(ACT I OF 1951)

The Supreme Head of the Azad Kashmir Movement signified his assent on 31st March, 1951 to the Azad Kashmir Land Revenue Amendment Act I of 1951 (annexed hereto) passed by the Azad Kashmir Council of Ministers on 25-2-1951.

The Act shall come into force from the date of its publication in the Government Gazette.

Whereas it is expedient to provide for prevention of certain kinds of encroachments upon Government land and upon common land, it is hereby enacted as follows :-

1.

(i) This Act may be called the Azad Kashmir Land Revenue Amendment Act of 1951.

(ii) It extends to the whole of Azad Kashmir Territory and it shall come into force forthwith.

Substitute the following for section 150 of the Punjab Land Revenue Act as adopted by the Azad Kashmir Government :-

"S-150 (1) When land which has been reserved for the common purposes of the co-sharers therein has been encroached on by any co-sharer a Revenue Officer not below the rank of an Assistant Collector of the first grade or the officer incharge of the Settlement or an Assistant Collector of the first grade subordinate to him may, on the application of any co-sharer, eject the encroaching co-sharer from the land without compensation, and, by order duly proclaimed forbid repetition of the encroachment.

(2) (a) When land which has been reserved for grazing ground or any other public purpose, or of which the cultivation has been prohibited by a Revenue Officer duly empowered in that behalf, has been encroached upon or brought under cultivation, or

(b) When land has been brought under cultivation by any person not entitled under any law or rules having the force of law to bring it under cultivation; or

(c) When any person without due authority, has taken possession of land belonging to the Government, a Revenue Officer not below the rank of an Assistant Collector in charge of a Tehsil, of his own motion or on the application of any person interested, may eject the person so encroaching upon or cultivating such land and take possession of such land without paying any compensation for crops or improvements, and may also by order duly proclaimed forbid repetition of the encroachment.

The person so ejected shall be liable under the order of a Revenue Officer not below the rank of Assistant Collector of first grade or officer incharge of the Settlement or an Assistant Collector of the first grade subordinate to him to a fine not exceeding fifty rupees per acre in addition to revenue payable on the land for the period of possession reckoned at village revenue rates.

(3) When land has been brought under cultivation by a person entitled under the rules or orders in force to bring it under cultivation but a revenue Officer not below the rank of Tehsildar in any enquiry made under section 34 of this Act, finds that for reasons to be recorded by him, the cultivation of such land should be prohibited he may eject the person cultivating it without compensation, and, may by order duly proclaimed forbid its further cultivation.

(4) Disobedience of an order made and proclaimed under sub-sections (1), (2) or (3) shall be punished by order of an Assistant Collector of the first grade or a Settlement Officer or an Assistant Collector of the first grade subordinate to him, with a fine not exceeding fifty rupees which may be repeated if the disobedience continues in addition to any punishment to which the offender may be liable, under the Azad Kashmir Penal Code.

(5) The proceedings of the Revenue Officer under the foregoing sub-sections shall be subject to any decree or order which may be subsequently passed by any court of competent Jurisdiction.

Explanation :- For the purposes of this section the expression 'Government Land' shall include land in a demarcated or under-demarcated forest.