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THE JAMMU AND KASHMIR KAHCHARAI ACT, 2011 *Act No. XVIII* of *2011*

(Received the assent of *the Sadar-i-Riyasat on 19th August, 1954 and published in the Government Gazette dated 5th Assuj, 2011/21st September, 1954)*

A n Act to *make better provision for and* to *consolidate and amend the Law relating* to *Kahcharai and other matters connected therewith.*

Whereas it is expedient to make better provision for and to consolidate and amend the Law relating to Kahcharai and other matters connected therewith;
It is hereby enacted as follows :
CHAPTER I *PRELIMINARY*

1. Short title and extent.-(I) This Act may be called the Jammu and Kashmir Kahcharai Act, 2011. (2) It extends to the whole of the Jammu and Kashmir State.

2. Repeal.-(l) The Jammu and Kashmir Kahcharari Act,1994, is hereby repealed.

(2) The Rules and Ailans previously' issued are hereby repealed to the extent to which these are repugnant to the provisions of this Act.

(3) Savings:- But all rules, notifications and notices issued, appointments and orders made, rates and fees imposed, or assessed, powers conferred, rights acquired and liabilities incurred and other things done under the Act hereby repealed shall so far as may be, deemed to have been respectively issued, made, imposed, assessed, conferred, acquired and done under this Act.

3. Definitions:- In this Act unless there is anything repugnant in the subject or context:-

(1) "Kahcharai" means revenue derived or derivable from any duty, fee, tax, fine or penalty imposed, under the provisions of this Act or of other law for the time being in force, relating to the levy of grazing or browsing dues;

(2) "Barrier Post" means a post fixed or established on a line of road or route, where livestock liable to the payment of Kahcharai or on entering the territories of the State from outside or within those territories from one side of the Pir Panjal mountain range to the other, checked or 'enumerated and subjected to the payment of Kahcharai;

(3) "Checking post" means a post fixed or established on a line of road or route where livestock liable to the payment of Kahcharai are, while moving within. the territories of the State on either side- of the Pir Panjal mountain range, checked or enumerated and subjected to the payment of Kahcharai; (4) "Kahcharai Officer" includes a Revenue Officer as defined in the Jammu and Kashmir Land Revenue Act, 1966, a forest Officer as defined in the Jammu and Kashmir Forest Act, 1987, a Girdawar, a Patwari and any other officer or person duly authorised by the Minister-In-charge of the Forest Department to perform all or any of the duties under this Act;

(5) "Village Kahcharai', means Kahcharai assessed at A rates;

(6) "Fluctuating Kahcharai" means Kahcharai assessed at B or C rates;

(7) "Bahak" means a limited area situated in hills where graziers resort in summer for grazing purposes ;

(8) "Year" for the purposes of enumeration, record of livestock, assessment and collections of Kahcharai shall be deemed to commence on and from 1st Maghar, and to close at the end of Katik.

(9) References to Pir Panjal Mountain Range shall be construed as references to the Mountain Range which runs through the territories of the State such that the territories comprising Kashmir Valley and the Frontier tracts of Bunji and Ladakh excluding the Suru Valley of Kargil Tehsil fall on the one side and the territories comprising Jammu and the Suru Valley of Kargil Tehsil adjoining Tehsil Kishtwar on the other side of the said Range.

CHAPTER II

IMPOSITION AND LEVY OF KAHCHARAI

4. Rate of Kahcharai to be levied:- (l) The Government may from time to time by notification in the Government Gazette, prescribe, annul or alter rates at which Kahcharai shall be levied upon livestock.

(2) The rates prescribed to be levied at the commencement of this Act shall be as set out in Schedule I and shall continue to be levied till they are annulled or altered under sub-section (1):

Provided that such rates may be ordered by the Government to be levied with effect from 1st Maghar, 2010.

5. Barrier or Check posts:- (a) The Chief Conservator of Forests shall, by notification in the Government Gazette, establish barrier and checking posts in the State territories at suitable places for the purposes of enumerating livestock entering the State from outside or moving from place to place within the State and for levying fluctuating Kahcharai dues thereon.

(b) Such barrier and checking posts shall also be notified in the towns and villages in the neighbourhood thereon:

Provided that barrier or checking posts now existing shall be deemed to have been established under this Act.

6. Exemptions:- (l) The Government may, by notification in the Government Gazette define and grant exemptions from payment of Kahcharai levied under this Act.

(2) The exemptions to be granted at the commencement of this Act shall be as set out in Schedule II and shall continue to be granted till they are annulled or altered under sub-section (1).

7. Suspension, remission or reduction of Kahcharai.-The Government may, at any time, suspend, remit, or reduce the Kahcharai dues in respect of any livestock or species of livestock.

8. Differential Rates.-(l) Subject to the provisions of this Act, Kahcharai shall be levied as follows :

(a) "A rates" in respect of

[(i) livestock other than goats which graze within the limits of a village whether moving for grazing during summer to recognized Bahaks or not];

(ii) goats which do not move for browsing beyond the limits of their village;

(b) "B rates" in respect of

(i) livestock other than goats which move from place to place within the State for grazing; (ii) goats which move for browsing from place to place but do not migrate from the territories of the State on one side of the Pir Panjal Mountain Range to such territories on the other;

(c) "C rates" in respect of

(i)livestock other than goats which enter for purposes of grazing or are imported for commercial purposes into the State;

(ii)goats which move for browsing from the territories of the State on one side of the Pir Panjal Mountain Range to such territories on the other.

(2) No Kahcharai shall be charged on

(a) sheep and goats 1ess than 6 months old; (b) animals other than sheep and goats less than 3 years old; and (c)livestock in villages where adequate grazing facilities do not exist and cattle are not taken to forests and Bahaks for grazing.

(3) Notwithstanding anything contained in sub-section (i), livestock on which Kahcharai "has been paid at A rates shall in the event of their becoming liable to B or C rates be charged only the difference between A rates and B or C rates as the case may be.

(4) The goats moving from place to place but not migrating from the territories of the State on one side of the Pir Panjal Mountain Range to such territories on the other shall, even if they take a route on the other side of the Pir Panjal Mountain Range, be liable to be charged 'B' rates, provided that the period of transit through such other side does not exceed 15 days.

9. Census of livestock.-The Government may, at any time, direct census of livestock or of a particular species thereof to be taken simultaneously throughout the State or in any part thereof.

10. Revision of Internal Village Bachh:- [(1) (Except in case of Ladakh District where Sheep and Goats shall be enumerated after every three years) the livestock of a village] under Village Kahcharai shall be enumerated annually and the incidence of Kahcharai of such village revised accordingly:

Provided that if, between the date of the 3[xxx]"enumeration and the due date of the recovery of Kahcharai a decrease of over 25 per cent in l alamities, the Tehsildar

shall have power to suspend and the Collector shall have the power to remit the Kahcharai dues on such livestock at the prescribed rates.

(2) Until fresh enumeration of livestock is made as provided in sub-section (1) the enumeration according to which fixed Kahcharai was being assessed immediately before the commencement of this Act shall be taken to be the basis of assessment of village Kahcharai under this Act.

CHAPTER III
MOVEMENT OF LIVESTOCK

11. Registration of nomad graziers:- Every nomad grazier who migrates with his livestock from place to place for pasture in summer and winter, shall be registered by a Kahcharai Officer in the Tehsil in which he resides in winter. The registration shall show necessary particulars relating to him and also the species and number of livestock in his possession.

12. Restriction on movement of livestock.-No nomad grazier shall

(i) move his livestock from one tract to another except under a permit issued under this Act and by routes other than-

(a)those specified in his permit;

(b)the one on which a barrier or checking post has been notified;

(ii) take his livestock across the Jhelum and Chenab rivers except by a bridge or Government ferry.

(iii) pass a barrier or a checking post with his livestock between sunset and sunrise unless written permission is given to him by the Kahcharai Officer-in-charge of the post:

Provided 'that no permission shall be 'required in case of such posts as are situate on metalled roads.

Explanation--1. For purposes of sections 11, 12 and 20, 'nomad graziers' include Bakerwals, Gaddis and Gujjars.

Explanation--2. Optional routes not exceeding three' shall be entered in a permit.

13. Certificates for graziers:- The graziers shall, in respect of the livestock included in village Kahcharai assessment and moving outside their village of origin, obtain a certificate from' the Patwari of such village on the prescribed form and present it to the Kahcharai Officer whenever necessary or required.

14. Prohibition for' grazers: living outside the State:-

(i) No owner or grazier living outside the State shall import goats for browsing into the State.

(ii) Where any goats are brought into the State for browsing they shall be liable to be seized and forfeited' to the Government.

15. Restriction on browsing in closed areas:- No person shall browse his goats in such tracts as are closed to browsing from time to time on grounds of erosion and in the interests of soil conservation under an order of the Chief Conservator of Forests.

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TER IV

CESS

1 [16. (1) Lambardari and Patwar cess.

(2) No cess shall be levied on fluctuating Kahcharai dues.

(3) The Chief Conservator of Forests may authorise payment of remuneration to a person appointed to make collections of fluctuating Kahcharai; provided that:-

(a)such remuneration shall not exceed Rs. 3/2/- percent of the actual collections made;

(b)no person who is or who has been a Kahcharai Officer shall be appointed to make such collections;

(c)deductions on account of payment of remuneration are made from actual collections on spot].

17. Forfeiture of Lambardari Cess and fixed demand:- The lambardari dues shall be liable to forfeiture under orders of the Collector if the Lambardar does not realize the fixed demand and credit the same into the Government treasury along with the land revenue installment.

CHAPTER V
COLLECTION OF VILLAGE KAHCHARAI AND POWERS OF REVENUE OFFICERS

18. Collections:- Village Kahcharai shall be collected in accordance with the procedure laid down for realisation of land revenue and its arrears under the Jammu and Kashmir Land Revenue Act, 1996.

19. Powers and classes of Revenue Officers.-There shall be the same classes of Revenue Officers under this Act as under the Jammu and Kashmir Land Revenue Act, 1996 and in the absence of any order of the Government to the contrary and subject to the provisions of this Act, a Revenue Officer of any class having jurisdiction within any local limit under that Act shall be a Revenue Officer of the same class having jurisdiction within the same local limits under this Act.

CHAPTER VI
OFFENCES AND PENALTIES

20. Offences in respect of Kahcharai:- (l) Any person who

(a)dishonestly has or keeps in possession animals which are liable to Kahcharai without payment of the same; or

(b)dishonestly personates, or gives false information as to his name, parentage, residence or as to the livestock belonging to himself or to any person or fraudulently uses or presents false permit; or

(c)refuses to give his name or to produce his permit or to give correct information in his possession required by a Kahcharai Officer; or

(d)brings into the State any animal, the entry of which within .the .State is prohibited under this Act; or

(e)conceals any prohibited or taxable animals or otherwise acts fraudulently with a view to evade detection of prohibited animals or payment of Kahcharai leviable on animals belonging to himself or to any other person; or

(f) being a nomad grazier fails to get himself and his livestock registered as required by section 11; or fails to comply with any of the directions contained in section 12 ;

(g)browses Goats in any area closed to browsing under this Act;

(h)attempts to commit, or abets the commission of any act or omission in contravention of any of the foregoing clauses; or

(i) breaks any rule, framed under this Act for each such act or omission;

shall be liable to a fine not exceeding Rs. 100:

Provided that no person shall be liable to he punished for more than one offence at one time.

(2) The provisions of sub-section (1) shall apply to offences in respect of fluctuating Kahcharai only.

21. Offences by Kahcharai Officers:- (l) If any Kahcharai Officer or other person duly employed in the prevention of offences under this Act-

(i) practices or attempts to practice any fraud or does any act for the purpose of injuring the Kahcharai revenue or abets or connives at any such fraud or any attempt to practice any such fraud or act ; or

(ii) is guilty of a willful contravention of any provision of this Act; or

(iii) requires any place or premises to be, searched for taxable or prohibited animals or requires any person to be arrested, without having reasonable ground to believe that there are taxable or prohibited animals concealed about such place or premises or that such person is guilty of an offence under section 17 ; or

(iv) vexatiously and unnecessarily delays forwarding any person arrested under this Act to nearest concerned authority; or

(v) wilfully or negligently causes any loss or damage to animals at any time while they remain or are lawfully detained at any Kahc is charge;

shall be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding Rs. 1,000 or to both.

(2) The punishment prescribed in sub-section (1) shall be in addition to any departmental punishment which a competent authority in the case may deem fit to award.

CHAPTER VII
OFFENCES BY WHOM -TRIABLE AND THEIR COMPOUNDING

22. Power to *compound offences.-(l)* A Kahcharai Officer of rank not lower than that of Forest Ranger or such other person as may be specially empowered by the Minister-in charge of the Forest Department in this behalf may-

(a) compound any offence described in clauses (a) and (b) of section 20 if the accused pays the amount of Kahcharai leviable on the livestocks in respect of which the offence has been committed together with a penalty of not less than 25 percent of such amount ; and
(b) in case of other offences covered by section 20 at an amount not exceeding rupees twenty five.

(2) When the offence has been compounded, the accused, if in custody shall be discharged and the property, if any, seized shall be released and no further proceeding shall be taken against such person.

(3) No offence shall be compounded, if more than 15 days have elapsed after the accused was arrested by or appeared before the officer competent to compound the offence.

(4) If any Kahcharai Officer without any reasonable cause refuses to compound an offence the suspected person may, within 15 days of such refusal by the Kahacharai Officer, apply to the next superior Kahcharai Officer far the offence being compounded, and such next superior officer may compound the offence as provided in sub-section (1) or refuse to compound it:-

23. [Omitted].

CHAPTER VIII
POWERS AND PROCEDURE RELATING TO OFFENCES

24. Powers to search on reasonable suspicion:- Any Kahcharai Officer may search any place or premises; provided that such officer has reason to believe that taxable or prohibited animals are concealed therein:

Provided further that no dewelling house is searched by an officer lower in rank than a Forest Ranger.

25. Searches how to be made:- All searches under this Act shall be made in accordance with the Code of Criminal Procedure for the time being in force in the State.

26. Arrest of persons reasonably suspected and further procedure:- (1) Any person against whom a reasonable suspicion exists that he has been guilty of an offence under section 20 may be arrested by any Kahcharai Officer.

(2) If the Kahcharai Officer arresting a person under subsection (1) is competent to compound offences under section 22, he- may proceed to compound the offence, otherwise he shall forward the accused forthwith to the nearest officer empowered to compound offences under this Act.

(3) If the Kahcharai Officer empowered to compound offences under this Act does not compound the offence for reasons to be recorded in writing or cannot be found immediately or if the accused refuses to compound it, he shall call upon to furnish proper security to appear at such time and place as the Magistrate competent to try the case may appoint and communicate to him.

(4) If the accused fails to furnish proper security, he shall be forwarded to the nearest Magistrate who, if he has no jurisdiction to try the case, may authorise the detention of the accused in such custody as he thinks fit for a term not exceeding 7 days and shall, order the accused to be forwarded to the Magistrate having jurisdiction. If such nearest magistrate has jurisdiction to try the case, he shall himself deal with the accused.

(5) No person who has to be forwarded to a Kahcharai Officer under sub-section (2) or to a nearest Magistrate under sub-section (4) shall be kept in custody for more than 24 hours, exclusive, of the time taken up by the journey to the nearest Magistrate.

(6) A Kahcharai Officer not below the rank of a Divisional Forest Officer may at any time before judgement is announced, withdraw a case, if

(a)in a case when offence relates to the evasion of Kahcharai, the accused pays such dues together with a penalty of not less than 50 percent thereof;

(b)in other case the accused pays a penalty of Rs. 50 in lump sum.

27. Offenders under section 20:- If any person liable to be arrested under section 26 is not arrested at the time of committing the offence, for which he is so liable, or after arrest makes his escape, he may at any time afterwards be arrested and dealt with as if he had been arrested at the time of committing such offence.

28. Animals on which penalties incurred:- (l) A Kahcharai Officer may seize any livestock in respect of which any offence has been committed; provided that he does not seize more animals than are sufficient to meet the liability.

(2) When any fee, fine or penalty is liable under this Act, the animals in respect of which such fees, fine or penalty is liable shall not be removed by the owner until such fee, fine or penalty is paid. The Kahcharai Officer shall be competent to detain such animals until such fee, fine or penalty is paid

(3) The bringing of animals to the proper place for examination in the interest of Kahcharai revenue in exercise of powers conferred by this Act or by the rules made thereunder and the removing of such animals to and the placing of them in the proper place of shelter or otherwise, and their feeding during the interval of such examination, shall be performed by or at the expense of the owner.

29. Enforcement of payment.-If a person fails to pay the Kahcharai dues, fine or penalty imposed under this Act within fifteen days of their falling due, a Kahcharai Officer not lower than the rank of a Ranger may realise the same by sale of animals of the said person to the extent of the amount due. The sale proceeds shall be utilised to satisfy the demand after deducting the expenses of the sale there from.

30. Payment of dues short-levied or erroneously refunded:- When Kahcharai dues or charges have been short-levied through inadvertance, error, collusion, miscalculation or misconstruction on the part of Kahcharai Officer, or through mis-statement as to the number of animals on the part of the owner or when any such dues or charges after having been levied have been, owing to any such cause erroneously refunded, the person chargeable with the tax or charge so short-levied or to whom such refund has erroneously been made, shall pay the deficiency or repay the amount paid to him in excess on demand being made, and the Kahcharai officer shall refuse to pass any animal belonging to such person until the said deficiency or excess be paid or repaid:

Provided that the demand for such payment or repayment is made within six months of the date on which the charge was short-levied or refund was erroneously made:

Provided further that the amount involved is not less than a rupee.

31. Refund of charges erroneously levied or paid:- When Kahcharai due or charges which have been paid and of which repayment, wholly or in part, is claimed in consequence of the same having been paid through inadvertance error, mis-calculation or mis-construction, the claim shall not be entertained unless it is made within six months from the date of such payment and the amount involved is not less than a rupee.

32. Application of Criminal Procedure Code:- In the conduct of all enquiries held into offences under this Act, the provisions of the Code of Criminal Procedure shall apply so far as they are applicable.

CHAPTER IX

MISCELLANEOUS

33. Lambardar or Chowkidar bound to give information of all breaches under this Art:- Every Lambardar and Chowkidar shall be bound to give immediate information to a Kahcharai Officer of any breach of the provisions of this Act which may come to his knowledge and all Lambardars and Chow e all reasonable

measures in their power to prevent the commission of any such breach which they may know or have reasons to believe is likely to be committed.

34. No compensation for loss or damage:- No owner of animals shall be entitled to claim compensation for any loss or damage occurring to such animals at any time while they remain or are lawfully detained at any Kahcharai post or elsewhere under the charge of the Kahcharai Officer.

35. Bar of actions:- (1) No action shall lie against the Government Or against any Kahcharai Officers for damages in any Civil Court for any act bona fide done or ordered to be done in pursuance of this Act or any law for the time being in force relating to the Kahcharai revenue.

(2) All prosecutions of any Kahcharai Officer and all actions which may be lawful1y brought against the Government or against any Kachcharai Officer in respect of any act done or alleged to have been done in pursuance of this Act, shall be instituted within 3 months from the date of- the act complained of and not afterwards; provided that no suit shall be instituted until the expiration of one month after notice has been given stating the cause of action and the name and place of abode of the intending plaintiff and the plaint must contain a statement that such notice has been given.

(3) In such actions for damages it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought in awarding the amount so tendered, to refuse cost to the plaintiff and direct him to pay the cost of the defendant.

36. Power to make rules-- (l) The Government may make rules for the purpose of carrying out the provisions of this Act. .

(2) In particular and without prejudice to the generality of the provisions of sub-section (1) such rules may prescribe and define the powers and duties of the Kahcharai Officers and matters required generally for carrying out the purposes of this Act.

ı[SCHEDULE I [See Section 6]

S' No.	Kind of Animal	Rate A	Rate B	Rate C
1.	Pack bullocks	**0.80**	**0.80**	**0.80**
2.	Tell Bullocks	**0.50**	**1.00**	**2.00**
3.	Buffaloes	**1.80**	**3.15**	**1125**
4.	Riding ponies	**2.50**	**3.75**	**7.50**
5.	Pack ponies & Mules	**2.80**	**2.80**	**500**
6	Donkeys	**0.65**	**0.65**	**0.65**
7.	Camels	**5.00**	**10.00**	**15.00**
8.	Sheep f or Ladakh	**0.15**	**0.20**	**0.60**
9	Goats imported for Commercial purposes			**2.50**
10	Sheep for rest of the State	**0.15**	**0.20**	**0.65**
11	Sheep imported for Commercial purposes			**0.20**

SCHED ULE II [See Section 6]

(1) The following livestock ,shall be exempt 'from the levy of Kahcharai fees, namely:-

(i) cows and bullocks (other than Teli Pack bullocks) ;

(ii) animals belonging to any department of the Jammu and Kashmir Government '

(iii) animals belonging to the Sadar-i-Riyasat ;

(iv) livestock of persons living within the limits of a Municipality or Town Area.

(2) The following livestock shall be exempt so long as conditions indicated are satisfied: (i) animals of bona fide visitors to the State provided the period of stay does not exceed six months;

(ii) riding and pack ponies of the frontier district of Ladakh and Bunji Illaqa while passing through or detained on account of the closure of passes in Jammu and Kashmir provinces ;

(iii) riding and pack ponies, mules and donkeys coming into the State from outside as well as animals purchased within the State for export out of the state, provided they leave the State within 15 days of their entry or the date of purchase;

(iv) goats and sheep brought by butchers or other persons within Municipal or Town Area limits for purposes of slaughter;

N.B:1[Deleted].

(v) animals brought for display in cattle shows and public fairs provided they do not stay for more than a fortnight at places where cattle shows or public fairs are held;

(vi) one female-buffalo and five sheep for every landowner 'or tenant of land who owns such animals so long as the animals graze within the limits of their village and are kept for domestic purposes;

(vii) six pack animals and one male buffalo per deraof nomad 'graziers, including Gaddis and Gujjars, kept by them for personal requirements.

THE JAMMU AND KASHMIR KAHCHARAI ACT,

2011 (1954 A. D.)

Act No. XVIII* of *2011

List of Notification

S. No.	SUBJECT
1.	Establishment of one grazing check post at Mandi Rajpura.
2.	Animals brought into Ladakh District by Tibetan Traders exempted from Kahcharai fee.
3.	Male buffaloes exempted from levy oil Kahcharai.
4.	Form of Certificate for Kahcharai

THE JAMMU AND KASHMIR KAHCHARAI ACT, 2011 (1954 A. D.)

Act No. XVIII of 2011

ESTABLISHMENT OF ONE GRAZING CHECK POST AT MANDI RAJPORA

Forest Department 1 [Chief Conservator of Forests Notification].-In exercise of the power vested in me under section 5 (a) of the Jammu and Kashmir Kahcharai Art, 2011, one grazing check post at. Mandi Rajpora, Haveli Range, Rajouri Division is hereby established for enumeration and checking of live-stock of graziers moving within the territories of the State on either side of the Pir Panjal mountain range and collection of Kahcharai dues thereon.

ANIMALS BROUGHT INTO LADAKH DISTRICT BY TIBETAN TRADERS EXEMPTED FROM KAHCHARAI FEE.

Annexure to Cabinet Order No. 131-C of 1955 dated 10th March, 1955:- 1n exercise of the powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Kahcharai Act, 2011, the Government hereby exempt from the levy of Kahcharai the animals brought into the Ladakh District by the Tibetan traders.

MALE BUFFALOES EXEMPTED FROM LEVY OF KAHCHARA1

Revenue Department Notification 1[SRO-188 dated Ist August, 1962]:- 1n exercise of he powers conferred by sub-section (1) of section 6 of the Jammu and Kashmir Kahcharai Act, 2011, the Government hereby exempt all male buffaloes (other than Teli Buffaloes) from the levy of Kahcharai under the said Act.

FORM OF CERTIFICATE FROM KAHCHARAI

2[Government Order No. 205 of 1960 dated 16th August, 1960] In exercise of the power conferred by section 13 of the Jammu and Kashmir Kahcharai Act, Samvat 2011, the Government hereby order that in respect of the livestock included in villages Kahcharai Assessment and moving outside their village of origin.

ORDERS AND - NOTIFICATIONS PERTAINING TO KAHCHARAI

**Extract from Council Order No. 999-C of 1940 regarding transfer of control of grazing within demarcated forests to the Forest Department and the recovery of dues thereon.*

(2) Item Government accept the spirit of the recommendation made by the Committee that the control of grazing within demarcated forests should be vested in the Forest Department and with a view to implement this recommendation, issue the following directions:-

Grazing in demarcated forests should be regulated by the Forest Department, that is to say, the Forest Department should have the right to determine what areas shall be thrown open to grazing each year and what areas shall be closed to grazing in each year within the limits allowed by the existing law. Government recognise that, even in areas thrown open to grazing in any particular year, steps should be taken to ensure that those areas are not over-grazed and are not thereby allowed to deteriorate for providing adequate grazing in the future. But this is a matter whose investigation has been entrusted to the Grazing Committee appointed under Council Order No. 873-C of 1938 and final orders on this aspect of the question will be passed on receipt of that Committee's report.

Zamindars who have to pay a fixed Kahcharai assessment under the settlement should be entitled to take their cattle for grazing only to areas which are thrown open to grazing by the Forest Department, but it will be the duty of the Forest Department to see that an adequate area of State forests in each Province is thrown open for the purpose of meeting the grazing demands of the number of cattle on which the fixed Kahcharai assessment is collected. It should also be made clear that the Zamindar, under a fixed Kahcharai assessment, is' entitled to take his cattle to any area thrown open for grazing within the limits of the State even if that area is in' another province from ' that *in* which he himself resides. The difference between the fixed Kahcharai assessment and the assessment leviable for taking his cattle for grazing in another province should be re-covered by the Forest Department. Every Zamindar with a fixed Kahcharai assessment will be given a permit by the Revenue Department which should show the number of cattle which he could graze on State lands and the amount payable as Kahcharai on those cattle.

As regards the remaining class of fluctuating Kahcharai assessment, namely, that levied on non-residents of the State whose livestock go to the State forests for grazing, the issue of permits to such cattle and the recovery of fees due thereon should be transferred to the Forest Department. In regard to this last class the Forest Department, should have liberty to limit the number, which they will permit to be taken into particular areas of the State forest for grazing.

ANNEXURE TO CABINET ORDER No. 65-C OF 1952
DATED 14TH JANUARY, 1952.

NOTIFICATION

In exercise of powers conferred by sub-Section (1) of Section 22 of the Jammu and Kashmir Kahcharai Act of 1994, the Government are pleased to exempt village Magiani, Tehsil Udhampur, from payment of permanent Kahcharai fee assessed on it, with effect from the date of this order.

ANNEXURE TO CABINET ORDER NO. 131-C OF 1955
DATED 10-3-1955
NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 6 of Jammu and Kashmir Kahcharai Act 2011, the Government hereby exempt from the levy of Kahcharai the animals brought into the Ladakh District by the Tibetan traders

MINISTRY OF REVENUE
NOTIFICATION No. F. D. 2/42, DATED 21ST FEBRUARY, 1942

In exercise of the powers vested in him under section 24 (1) Kahcharai Act No. X of 1994 the Hon'ble Revenue Minister has been pleased to direct that the following places be fixed as grazing check posts in Handwara Tehsil:

Name of Range	Name of place
Ramhall Range	(1) Bungus, (2) Donari, (3) Dtangyari (4) Budnambal
Mawar Range	(1) Tutmari Gali
Hamal Range	(1) Vijji

MINISTRY OF REVENUE
NOTIFICATION NO. F/40 OF 1942.

Sangam post in Anantnag, Kashmir Division is hereby declared as Check post for recovery of Kahcharai Tax under Section 24 (1) of Kahcharai Act No. X of 1994.

MINISTRY OF FINANCE
ORDER No. F-37 DATED 29TH APRIL, 1943

The following grazing check posts are hereby established under section 24 (1) of the Kahcharai Act X of 1994.

(1) Kashmir Division (2) Pir Panjar Division

Pachgam Guzar in Kund illaqa
Damhal Hanjipora in Kulgam Tehsil

MINISTRY OF REVENUE
ORDER No. F-40/43 DATED 11TH MAY, 1943

It is hereby notified under Section 24 (1) of Khacharai Act No. X of 1994 that grazing check posts are established permanently from 1st Chet to end of Maghar each year at Kanzalwan and Towbat bridge of the Gurez Range.

MINISTRY OF REVENUE
NOTIF'ICATION NO. F-132 OF 1946.
DATED NIL

In exercise of the powers under Section 24 (1) of Kahcharai Act, it is hereby ordered that barrier and check post at **Axa** Nowgam be shifted to Boh Dragam.