

The Jammu And Kashmir Alienation of Land Rules, 1970

JAMMU & KASHMIR

India

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Rule

THE-JAMMU-AND-KASHMIR-ALIENATION-OF-LAND-RULES-1970 of 1970

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The Jammu And Kashmir Alienation of Land Rules, 1970 Published vide Revenue Deptt. Notification SRO 23 dated 20th January, 1971 In exercise of the powers conferred by sEction 30 of the Jammu and Kashmir Alienation of Land Act, Samvat 1995 (V of 1995) and in Supersession of the rules made under Council Order No. 952/R-VI dated 6th December, 1935, the Government hereby makes the following rules, namely :-

1. Title and Commencement.

(1) These rules may be called the Jammu and Kashmir Alienation of Land Rues, 1970. (2) These shall come into force from the date of their publication in the Government Gazette. [**] [SRO 23 of 1971, published in Govt. Gazette dt. 20.1.1971]

2. Definition

In these rules, unless the context otherwise requires :- (a) "Act" means the Jammu and Kashmir Alienation of Land Act, Svt. 1995; (b) "Section" means the section of the Act; (c) "Form" means a form appended to these rules.

3. Disposal of application under Section 5(2).

(1) (i) An application under sub-section (2) of Section 5 shall be made in Form 1 and may be presented to the Deputy Commissioner of the district in which the land proposed to be alienation is situated. (ii) The Deputy Commissioner shall ascertain the cause leading to the intended permanent

alienation of land, the occupational, economic and social condition of the alienor and the alienee and whether the need of the alienee for land is genuine, the consideration settled adequate and the transaction on the whole really advantageous to the alienor and his family and take such evidence as he deems necessary.(iii)On the basis of the enquiry made by him, the Deputy Commissioner shall make an order either granting or refusing the sanction applied for.(2)Subject to the provisions of sub-rule (1), sanction to alienation shall be granted where :-(a)The object is to provide the alienee with a site for workshop of factory, for buildings for the accommodation or welfare of persons to be employed in them, for a power installation for working an industrial plant and for the offices and out-houses required for the same, or for any other purpose essential to the conduct of an industrial enterprises or for the health of persons engaged as labourers or otherwise; or(b)the alienor wants to clear his debts and/or to redeem his mortgaged property; or(c)the alienee is a bona fide artisan, who wants the land for personal cultivation; or(d)the alienee is a wealthy land holder, who wants to improve or consolidate his property; or(e)the alienee belongs to a tribe which because of its insignificant numbers is not included in any agricultural class but consists of good cultivators of land.(3)Sanction to alienation shall be refused where:(a)the alienee is not a permanent resident of the State as defined in section 6 of the Jammu and Kashmir Constitution; or(b)the intention is to evade the provisions of the Act, as for instance where this transfer is benami i.e. where the nominal alienee, although a member of an agricultural class, is actually the agent of the real alienee who is not a member of an agricultural class; or(c)as a result of the proposed alienation, the holding of the alienor is likely to be reduced to a size less than what normally is required for him and his family unless the alienor has other substantial means of permanent nature besides land to fall back upon; or(d)the alienee is a money lender.

4. Applications under sections 8, 9, 11, 15, 16 and 19.

(1)Applications under section 8(1) (b), 9(3), 11(1), 15, 16, and 19 shall be made in Form 2, 3-a, and 3-b, 4, 5, 6, and 7 respectively.(2)Every application including the one made under rule 3 shall be accompanied by an extract from the latest annual record (Jamabandi) describing the land with which such application deals and where necessary, by a copy of the entries in the Girdawari register.(3)The Dy. Commissioner may forward an application to a Revenue Officer not below the rank of a Tehsildar for report and may make an order on such report. No order shall be made unless the parties have been given an opportunity of being heard by and, if they so desire, of producing any evidence before such Revenue Officer or the Deputy Commissioner in case the latter himself hears the application. If the Deputy Commissioner on receipt of report from Revenue Officer finds that the enquiry is incomplete or that the parties have not been given an opportunity of being heard or producing evidence, he may not proceed to complete the enquiry himself or return the case to such Revenue officer with appropriate directions.

5. Procedure.

(1)The Jammu and Kashmir Land Revenue Rules, 1969 shall, so far as it may apply to the proceedings before the Deputy Commissioner and the Revenue Officer under the Act.(2)In the following cases the Deputy Commissioner shall send to the Registering Officer of the Office in which the deed was originally registered, a copy of his order, namely:(a)where u/s 11(2) a mortgage deed is

cancelled and a new deed is drawn up in lieu thereof or a condition intended to operate by way of conditional sale in a mortgage deed is struck off;(b)where a registered mortgage deed is revised or altered u/s 11(1).(3)No entry shall be made in the revenue records unless the person making a report with respect to the acquisition of any right arising out of a transaction, which under the Act requires the sanction of the Deputy Commissioner, produces a copy of the order containing such sanction.

6. Declaration as a member of an agricultural Class.

(1)An application for being declared as a member of an agricultural class as notified u/s 6 shall be made in Form 8 before a Tehsildar who shall after such enquiry as is found necessary, make an order accepting or rejecting it. Where he accepts the application, he shall issue a certificate in Form 9 and also deliver a copy thereof to the applicant. A register in Form 10 shall be maintained in each Tehsil for all such applications disposed of by the Tehsildar.(2)Appearances before a Tehsildar and applications to and acts to be done before him may be made or done by the applicant himself and in case of minors and persons suffering from any disability by their duly appointed guardians.Form 1(See rule 3)ToThe Deputy Commissioner,_____ (State the name of the District).Application for grant of sanction to permanently alienate land under section 5 of the Alienation of Land Act, Svt. 1995.Sir,I.....(state name with full description) hold /held an area of.....(state the amount of land in Kanals and Marlas) in village/villages.....(give the name/names) in ownership/occupancy right as per extract from the latest annual record (Jamabandi) enclosed.2.1intend to/have already by a registered deed dated.....(state the date of execution) permanently alienate/alienated the whole area/an area of.....(state Kanals and Marlas) by sale/gift/bequest/exchange in favour of.....(state name with full description of the alienee). The alienee has entered into possession on (State the date with month and year) as will be seen by a copy of the Girdawari entries, herewith appended.

3. I am a member of an agricultural class but the alienee is not. The alienee is, however, a permanent resident of the State as copy of the certificate enclosed.

4. The alienation of land will help me to :- (a) liquidate the unsecured debts amounting to Rs.....(state the total amount borrowed) borrowed as under:

Name of the creditor Amount borrowed(i)(i)(b)redeem the property mortgaged as under :-

Kind of property mortgaged	Name of the mortgagee	Mortgage debt Rs.
(i)Land.....(state area)	(ii)Trees.....(state kind and number)	(iii)Buildings.....(give number and kind, pucca or kacha)
(c)provide the alienee/alinees, who is/are bona fide artisan/artisans with small plot of land for personal cultivation;		
(d)provide the alienee/alinees with a site/sites for setting of industrial unit/units		

buildings for offices and housing accommodation for labourers and workers.(e).....(f)..... (state any other reason(g).....which may be relevant).

5. I have a firmly of (state number) members of whom (state number) are adults.

6. Besides the land described in paragraph 1, I possess the following source of income :-

Estimated income per annum (Rs).Source(i).....(State the source, such as some(ii).....industry, factory water-mill, rice(iii).....huller, brick-kiln carpentry, masonry and the like).

7. It is accordingly requested that sanction to the permanent alienation by m.of an area of (state Kanals and Marlas) of land situate in village/villages.....(state name/names) held in owner ship/occupancy right in favour of(state the

name/names with description), the alienee/alienees, may kindly be granted.Dated.....(state place)the.....(state date, month and year).Applicant Alienor.(Signature or thumb impression, if he be illiterate).Note :- (i) Strike out the words not applicable.Form 2(See rule 4)ToThe Deputy Commissioner,.....(state District)Application for the mortgage of land being treated as usufructuary mortgage and for possession thereof u/s 8(1) (b) of the Alienation of Land Act.Sir,An area of(state Kanala and Marlas) of land situate in village/villages(give name/names) is mortgaged by the mortgagor(state name with full description of the mortgagor), member of an agricultural class, to me.....(state the name with full description of the mortgagee) not being a member of an agricultural class, without possession according to the mortgage deed dated(state the date of execution) as will appear from an extract from the latest annual record (Jamabandi)/Copy of the mutation order dated(state the date of the final order), appended herewith. There is a condition attached to this mortgage that if the mortgagor fails to pay the principal and interest according to his contract, the mortgagee can apply for being placed in possession subject to such terms and conditions as are considered equitable.

2. The mortgagor(state name) has failed to pay the principal and interest amounting to Rs.to me, the mortgagee, according to the condition set in the mortgage deed referred to in paragraph I.

3. I am, therefore, in terms of the mortgage deed entitled to be placed in possession of the mortgaged land, with the mortgage to be treated usufructuary mortgage for a term of 21 years from the date of such possession and for a sum of Rs.....which is due to me on account of the balance of the principal amounting to Rsplus simple interest thereon at Rs.(state the rate) per cent per year for a period of(state year and months) during which I was not in possession.

4. It is accordingly requested that I may kindly be placed in possession of the mortgaged land on terms which are considered to be equitable.

Applicant-Mortgagee.(Signature or thumb Impression in case being illiterate)Dated.....(state place)the.....(state date, month and year).Form 3(See rule 4)ToThe Deputy Director,.....(state District).Application for determining the enquiry of the mortgage debt in mortgage made in form (a) of section 8 for purposes of sec. 9(3) of Alienation of Land Act, Svt. 1995.Sir,I.....(state name with full description), a member of an agricultural class, mortgaged with possession an area of(state Kanals and Marlas) of land situate in village/villages(state name/names) to(state name with full description), the mortgagee, by means of the mortgage deed dated(give the date of execution), as will appear from an extract from the latest annual record (Jamabandi)/copy of the mutation order datedThe mortgage is made in form (a) prescribed in section 8.

2. By now, as per schedule attached, the mortgagee has received an amount of Rs. on account of the rents and profits of the land against the principal and interest, leaving a sum of only Rs.....to discharge the mortgage debt. The mortgagee, however, does not admit the credited payments and the balance arrived at by me.

3. It is , therefore, requested that the outstanding mortgage debt may kindly be determined to enable me to pay off the balance and to redeem the land.

4. A copy of the Girdawari entries showing the area cropped and the crops grown in each harvest for the years the mortgagee has remained in possession of the land and an extract from the Tehsil Register showing the related farm prices (which prevailed from time to time in the market representing the area in which the mortgaged land is situated) are enclosed.

(Applicant-Mortgagor)(Signature or thumb impression if illiterate)Dated.....(state place)the.....(state date, month and year).Note: 1. Where money is to be indicated, state in Rupees and Paise.

2. Full description includes parentages, caste and residence.

Annexure to Form 3-a

showing the rents and profits of the land mortgaged for the period of possession by the mortgagee.

Date of possession by the mortgagee.....(This date should be verified from the mortgage deed/mutation order/Girdawari entries).

Period of possession (Harvest-wise)				Where the land is personally cultivated		Where the land is let out	
Crops grown & their value		Other profits	Value of the mortgagee grown	landlord share of the crops	Other profits		
Crop	Farm Price	ValueRs....	Nature/Crop AmountRs.....	Share of the produce received as rent	Farm price	ValueRs.....	Nature/Amount
Kharif	Paddy						
	Maize						
	Saffron						
	Beans						
Total							
Rabi	Wheat						
	Sarsoon						
	Pulse						
Total							
Kharif	Vegetables						
	Seed						
	Linseed						
Total							
Rabi							
.....							
.....							

(Applicant-Mortgagor)(Signature or thumb-impression if illiterate).Form 3-b(See rule 4)ToThe Deputy Commissioner,_____ (state District)Application u/s 9(3) of the Alienation of Land Act, Svt. 1995 for redemption of mortgage and possession.Sir,I, who am a member of an agricultural class, mortgaged with/without possession an area of land measuring(state Kanals and Marlas) situate in village/villages(state name/names) to(state the name and description of the mortgagee), the mortgagee, according to the mortgage deed dated.....(state the date of execution) for a term of.....(state number) years

with effect from (state the date of the commencement of the mortgage) for a debt of Rs.....(state the principal amount), the mortgagee having entered into possession on(state date). It was a mortgage made u/s 8 in form (a) (b).

2. On my application u/s 8(1)(b)/9(3) of the Alienation of Land Act, Svt, 1995, the mortgage has been determined to be a usufructuary mortgage for a term of.....(state the period as laid down by the Deputy Commissioner) w .e.f(give the date) and for a sum of Rs..... as balance of the principal and interest due to the mortgagee, vide your order dated.....copy enclosed.

3. I have paid/deposited the mortgage money as determined by your order referred to in paragraph (2) to the mortgagee on (state the date of payment) vide his receipt dated (give full date), copy enclosed in your office under receipt No..... dated for payment to the mortgagee. It is accordingly requested that the mortgaged land may kindly be deemed to have been redeemed w.e.f.(the date when the amount was paid to the mortgagee or deposited in the Deputy Commissioner's office for payment to him) and the mortgagee, who is still in possession, may be ejected and possession delivered to me.

(Applicant-Mortgagor)(Signature or thumb impression if illiterate)Dated.....(state the place)the.....(give the date)Form 4(See rule 4)ToThe Deputy Commissioner,.....(state the name of the District).Application for revising the mortgage u/s 11(1) of the Alienation of Land Act, Svt. 1995.Sir,I, who am a member of an agricultural class, mortgaged with/without possession an area of.....(state Kanals and Marlas) of land situate in Village/villages(state name/names) to the mortgagee(state the name with description), who is not a member of an agricultural class, for a period(give the number) years for a mortgage debt of Rs.(give the amount) plus interest at the rate of Rs.(given the amount) percent per annum w.e.f.(give the date, month and year), when possession was also delivered to the mortgagee, as per the mortgage deed dated(state the date of execution), copy enclosed.

2. This mortgage, as will appear, is not made in any manner or form permitted by the Alienation of Land Act, Svt, 1995.

3. It is accordingly prayed that the mortgage may kindly be revised so as to bring it in accordance with the form permitted by or under the Act.

(Applicant Mortgagor)(state name with description)Dated.....(give date, month and

year).Form 5(See rule 4)ToThe Deputy Commissioner,_____ (state the name of the District).Application for possession of land mortgaged/leased/frames u/s 15 of the Alienation of Land Act, Svt. 1995.SirIn a mortgage made u/s 8/14 lease/farm made under section 13/14 of the Alienation of Land Act, Svt. 1995, the term of the mortgage/lease/ farm had expired on(give the date, month and year), but the mortgagee/lessee/farmer(state name with full description) continues to hold in possession the mortgaged/leased/farmed land consisting of Khasra number/numbers(state the field number/numbers) in Jamabandi holding/holding (give number/numbers) situate in village/villages(give the names) although he is precluded to do so in terms of the mortgage/lease/farm deed dated(give the date of execution) under which I am entitled to possession.It is, therefore, prayed that the above-mentioned mortgagee/lessee/farmer may kindly be ejected and I may be placed in possession.Applicant Mortgagor/lessor/personwho farmed the land.(state date, month and year)Dated.....(state name with full description)Form 6(See rule 4)ToThe Deputy Commissioner,_____ (state the name of the District).Application for grant of permission to mortgage/lease agricultural land for non-agricultural use for.....(state the number) years u/s 16 of the Alienation of Land Act, Svt. 1995.Sir,I, (state name with full description) not a member of the agricultural class and/but own agricultural land measuring.....(state Kanals and Marlas) under holding number/numbers (state Khewat number/numbers)..... of the annual record Jamabandi for the year(state the year) in village.....(state name) situated within your Jurisdiction. I want to mortgage/lease this land/part of this land measuring(state Kanals and Marlas) covered by Khasra number/numbers (state the field number/numbers) to (state the transferee with full description) who is/is not a member of an agricultural class, for a period of(state the number) years in consideration of Rs.(state the mortgage or lease money for non-agricultural use viz(state the nature of such use, as for instance a workshop, factory, setting up of a brick-kiln and the like), for which necessary permission may kindly be granted to me u/s 16 of the Alienation of land Act Svt. 1995.An extract from the Jamabandi describing the particulars of the land is enclosed.Applicant(state name with full description).Dated.....(state date, month and year).Form 7(See rule 4)ToThe Deputy Commissioner,_____ (state the name of the District).Application for grant of sanction to alienation or charge the produce of land for (state the number) years u/s 19 of the Alienation of Land Act, Svt. 1995.Sir,I.....(state name with full description), a member of an agricultural class, own land measuring(state Kanals and Marlas) under holding number/numbers(state Khewat number/numbers) of the annual record (Jamabandi) for the year(state the year) in village/villages(give the name/names), of which /of a part of which covered by Khasra number/numbers (state the field number/numbers) amounting to.....(state kanals and marlas) of which(state share as for instance 1/2, 2/3,3/4,2/5) share in the produce is intended by me to be alienated/charged for a period of(state the number which exceeds 5) years with effect from(state the harvest and the year) in favour ofrepresenting the firm of M/sengaged in trade of commodities)(state the name of the person and his description), who will receive such produce against the price received in advance/money borrowed on the security of crops of the harvests for the following years (state number) in terms of the contract already settled, whereby the produce for the following(state number) years will be taken on by the firm.It is prayed that necessary sanction under section 19 of the Alienation of Land Act, 1995 may kindly be granted. An

agreement has already been/yet to be drawn. An extract from the Jamabandi describing the particulars of these land is enclosed. Applicant (state name and description). Date..... (state, date, month and year) Form 8 (See rule 6) To The Tehsildar, Tehsil..... Sir, I (state name with parentage, caste and residence) am a member of the agricultural class, namely (state the class), as notified u/s 6 of the Alienation of the Land Act, 1995 in support of which I hereby produce (attached to this application), besides a copy of the permanent resident certificate, an extract of the record of right..... (state the year)/and of the quadrennial Jamabandi (state the year) as also the following documents:- (i) (ii) (State the nature of the document original or copy). (iii) It is requested that a certificate of being a member of an agricultural class may kindly be issued in my favour. Yours faithfully, (state the name, parentage, caste and residence of the applicant). Dated Form 9 (See rule 6) Certified that S/o caste R/o District who is a permanent resident of the State, belongs to class notified as one of the Agricultural Classes for the District of the Division as per enquiry made on the Tehsil Office File No. of the year and order dated passed thereon by the undersigned. (Signature) Tehsildar Tehsil..... Form 10 (See rule 6) Register of Application for Declaration of Being Member of an Agricultural Class Class For Tehsil District Division Year

1. S.No.

2. Town/Village.

3. Name of the applicant with parentage, caste and residence.

4. What class did the applicant claim to be declared.

5. Summary and the date of the order made.

6. Whether when a copy of the certificate was delivered to the applicant, if the application was accepted.

7. When the file was consigned to the record-room.

8. Signature of the consignee.