

The Jammu and Kashmir Consolidation of Holdings Act, 1962

JAMMU & KASHMIR

India

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Act 5 of 1962

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The Jammu and Kashmir Consolidation of Holdings Act, 1962 Act No. 5 of 1962 [Received the assent of the Sadar-i-Riyasat on 7th March, 1962, and published in Government Gazette dated 9th March, 1962]. An Act to provide for the consolidation of agricultural holdings in the Jammu and Kashmir State for the development of agriculture. Be it enacted by the Jammu and Kashmir State Legislature in the Thirteenth Year of the Republic of India as follows :-

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Consolidation of Holdings Act, 1962. (2) It extends to the whole of the Jammu and Kashmir State. (3) [This section shall come into force at once and the remainder of the Act shall come into force on such date as the Government may, by notification in the Government Gazette appoint in this behalf and different dates may be appointed for different parts of the Jammu and Kashmir State.] [Enforced in the Tehsils of Kulgam and Baramulla w.e.f. 1-1-1968 by SRO No. 410 dated 26-11-1968.] (4) [Notwithstanding anything contained in sub-section (3) or in any other provision of this Act, where in respect of any area of the State a declaration under section 4 has been made before the enforcement of this Act in such area, the provisions of this Act shall be deemed to have come into force in that area with effect from the date such declaration was made and anything done or any action or proceeding taken under this Act in respect of that area after or in pursuance of the said declaration shall be as good and valid as if a notification enforcing this Act in that area had been issued by the Government under sub-section (3) of this section on the date of the said declaration.] [Sub-section (4) inserted by Act XXVI of 1969.]

2. Definitions.

(1) In this Act unless the context otherwise requires, - (a) [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] means a person, appointed as such by the Government to exercise the powers and perform the duties of a [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] under this Act or the rules made thereunder ; (b) 'Chak' means parcel of land allotted to a tenure-holder on consolidation ; (c) 'Consolidation' means re-arrangement of holdings in a unit amongst several tenure-holders in such a way as to make their respective holdings more compact ; Explanation. - For the purpose of this clause, holding shall not include the following : - (i) land which was orchard in the agricultural year immediately preceding the year in which the notification under section 4 was issued, (ii) land subject to fluvial action and intensive soil erosion, (iii) such compact areas as are normally subject to prolonged water logging, (iv) such other areas as the Director of Consolidation may declare to be unsuitable for the purpose of consolidation. (d) 'consolidation area' means the area in respect of which a notification under section 4 has been issued ; (e) 'Consolidation Committee' means Committee constituted under section 49 ; (f) [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] means a person appointed as such by the Government to exercise the powers to perform the duties of a [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] under this Act or the rules made thereunder ; (g) 'Consolidation Patwari' means a person appointed as such by the Government to perform the duties of a Consolidation Patwari under this Act or the rules made thereunder and shall, in areas under consolidation operations, include a Patwari appointed under the Jammu and Kashmir Land Revenue Act, Svt. 1996 ; (h) [Consolidation Girdawar] [Substituted by Act XXVI of 1969.] means a person appointed as such by the Government, to exercise the powers and perform the duties of a [Consolidation Girdawar] [Substituted by Act XXVI of 1969.] under this Act or the rules made thereunder and shall, in areas under consolidation operations, include the Girdawar appointed under the Jammu and Kashmir Land Revenue Act, Svt. 1996 ; (i) 'Consolidation Scheme' means the scheme for consolidation in a unit ; (j) 'Deputy Director of Consolidation' means a person appointed as such by the Government to exercise, such powers and perform such duties of the Director of Consolidation as may be delegated to him by the Government and shall include a District Deputy Director of Consolidation ; (k) 'Director of Consolidation' means the person appointed as such by the Government to exercise the powers and perform the duties of the Director of Consolidation under this Act or the rules made thereunder ; (kk) ['Financial Commissioner' means the person appointed as such under the Jammu and Kashmir Land Revenue Act, 1996.] [Inserted by Act VI of 1973, Section 2.] (l) 'District Deputy Director of Consolidation' means a person who is for the time being the Collector of the District ; (m) 'holding' means a parcel or parcels of land held under one tenure by a tenure-holder singly or jointly with other tenure-holders ; (n) 'land' means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the site, being a part of the holding, of a house or other similar structure, belonging to the tenure-holder thereof, and trees, wells and other improvements existing on the plots forming the holding ; (o) 'legal representative' has the meaning as assigned to it in the Code of Civil Procedure, Svt. 1977 ; (p) 'plot' means the surveyor Khasra number ; (q) 'prescribed' means prescribed by rules made under this Act ; (r) 'publication in the unit' or 'publish in the unit', with reference to any document means reading, out of the document in the unit, on a date of which prior notice shall be given by beat of drum and proclamation by beat of

drum, or in any other customary mode in the unit of the feet that the document is open to public inspection at an appointed place and time ;Provided that where a Consolidation Committee has been constituted for the unit each member of the Committee shall also be informed in advance of the date of publication ;(s)'section' means a section of this Act ;(t)'Settlement Officer (Consolidation)' means a person appointed as such by the Government to exercise the powers and perform the duties of a Settlement Officer (Consolidation) under this Act or the rules made thereunder and shall include an Additional Settlement Officer (Consolidation) and an Assistant Settlement Officer (Consolidation) ;(u)'tenure-holder' means a land-owner and includes an occupancy tenant, a protected tenant, a tenant under the State, [an allottee of land held by an evacuee as defined in the Jammu and Kashmir Evacuees (Administration of Property) Act, Svt. 2006] [Substituted by Act XXVI of 1969 for 'a non-occupancy tenant'.] and an allottee of land under the State ;(v)'Unit' means an estate or part thereof and, where the Director of Consolidation so notifies by publication in the Government Gazette, two or more estates or parts thereof, for which a single scheme of consolidation is to be framed.(2)Unless there is something repugnant in the subject or context, the words and expressions used in this Act, but not defined shall have the meanings assigned to them in the Jammu and Kashmir Land Revenue Act, Svt 1996, or the Jammu and Kashmir Tenancy Act, Svt. 1980 or any other law for the time being in force in the State.

3. Act to over-ride other laws.

- The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Chapter II

Revision and Correction of Maps and Records

4. Declaration regarding consolidation.

(1)With a view to consolidation the Government may declare that it has decided to make a scheme of consolidation for any district or part thereof.(2)Every such declaration shall be published in the Government Gazette and announced by beat of drum in each unit of the said district.

5. Effect of declaration.

- When the declaration under section 4 has been published in the Government Gazette, the consequences, as hereinafter set forth, shall, from the date specified thereunder till the publication of the notification in the Government Gazette under section 61 or sub-section (1) of section 6, as the case may be, ensure in the area to which the declaration relates, namely(a)the district or part thereof, as the case may be, shall be deemed to be under consolidation operations and the duty of maintaining the records of rights and preparing the estate map, the Khasra Girdawari, the Jamabandi and other annual records of each estate shall be performed by the Settlement Officer (Consolidation) who shall maintain or prepare them, as the case may be, in the manner prescribed

;(b)[all proceedings for correction of records and all suits for declaration of rights and interest over land, both proprietary and tenancy, or for possession of land, or for partition, pending before any authority of Court, whether of first instance, appeal or reference or revision, shall stand transferred to the consolidation authorities for disposal under and in accordance with the provisions of this Act and the rules made thereunder ;] [Clauses (b) and (d) substituted by Act XXV of 1966.](c)[Omitted] [Clause (c) omitted by Act XXV of 1966.](d)[Except with the permission of the Settlement Officer (Consolidation) previously obtained, no tenure holder upon whom the Consolidation Scheme is binding shall- [Clauses (b) and (d) substituted by Act XXV of 1966.](i)use his holding or any part thereof in the consolidation area for purposes not connected with agriculture ; or(ii)transfer by way of sale, gift, lease, mortgage with possession or exchange any part of his holding in the consolidation area :Provided that, a tenure holder may continue to use his holding or any part thereof for any purpose for which it was in use prior to the date specified in the notification issued under section 4.]

6. Cancellation of declaration under section 4.

(1)The Government may at any time cancel the declaration made under section 4 in respect of the whole or any part of the area specified therein.(2)Where a declaration has been cancelled in respect of any area under sub-section (1), such area shall, subject to the final orders relating to the correction of records of rights, if any, passed on or before the date of such cancellation, cease to be under consolidation operations with effect from the date of cancellation:[Provided that where in any case which is pending and in which final orders have not been passed on or before the date of such cancellation, it shall be transferred for a disposal according to law, to the Court or authority from which it was received by the Consolidation Authority.] [Proviso added by Act VI of 1973, Section 3.]

7. Revision of estate map.

- With a view to facilitate revision of records of each estate or part thereof in the unit and subject to the provision hereinafter contained, the Settlement Officer (Consolidation) shall, before the provisional consolidation scheme for a unit is prepared, cause to be revised the estate maps of such unit.

8. Revision of the Khasra Girdawari and current Jamabandi and disposal of disputed cases.

(1)Upon revision of the estate maps under section 7, the Settlement Officer (Consolidation) shall, subject to the provisions hereinafter contained, cause to be revised the Khasra Girdawari of the unit after field to field girdawari and the current Jamabandi after its test and verification. He shall also cause to be prepared in respect of the plots falling in the unit, a statement showing the mistakes and disputes discovered during the course of field to field girdawari and test and verification of the current Jamabandi.(2)Upon preparation of the statement mentioned in sub-section (1), the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, after correcting the clerical mistakes, if any, send notice, together with relevant extracts from the current Jamabandi showing mistakes and disputes discovered under sub-section (1), to tenure-holders concerned and to the

persons interested, calling upon them to file before him objections, if any, within [thirty days] [Substituted by Act XXVI of 1969.] from the date of the receipt of the notice, disputing the correctness or nature of the entries in the extracts and pointing out any omission therefrom.(3)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, after hearing the parties concerned, or where no objection is filed, after such enquiries as he may consider necessary, make an effort, as far as may be, to settle the disputed entries and mistakes by conciliation between the parties appearing before him and pass orders on the basis of conciliation so arrived at. The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] while so acting, shall be deemed to be a Court of competent jurisdiction :[Provided that, no order under this sub-section shall be passed on the basis of conciliation which is repugnant to the provisions of any law or rule or Government Order for the time being in force.] [Proviso to sub-section (3) inserted by Act XXVI of 1969.](4)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall send the remaining disputed cases with a report on each case to the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] for disposal in the manner hereinafter provided.(5)Upon receipt of the disputed cases under sub-section (4), the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] shall-(a)issue notice to the parties concerned calling upon them to appear before him on a date and place mentioned therein ; and(b)hear the parties concerned and record evidence, where tendered and decide the objections, as if it were a Court of competent jurisdiction.(6)The annual records shall be revised on the basis of the orders of the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] under sub-section (3) and the orders of the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] under sub-section (5).

9. [Appeal. [Section 9 substituted by Act XXVI of 1969.]

(1)Any person aggrieved by the order of the Consolidation Naib-Tehsildar or Consolidation Tehsildar under sub-section (3) or sub-section (5) of section 8, as the case may be, may, within 30 days of the date of the order, file an appeal before the Settlement Officer (Consolidation) who shall, after hearing the parties concerned, give his decision thereon.(2)Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (1) may, within thirty days of the date of the order, file an appeal before the Director of Consolidation who shall, after hearing the parties concerned, give his decision thereon.(3)The Director of Consolidation or the Settlement Officer (Consolidation) hearing an appeal under sub-section (1) or (2) shall be deemed to be a Court of competent jurisdiction and the decision given shall, except as otherwise provided by or under this Act, be final and not questioned in any Court of law.]

10. Bar on objections.

- No question in respect of land lying in a consolidation area, which might and ought to have been raised under section 8 but has not been raised, shall be raised or heard at any future stage of the consolidation proceedings.

11. Publication of revised records.

- The records revised under section 8 shall be published in the unit.

12. Decision of matters relating to changes and transactions affecting rights or interests recorded in revised records.

(1) All matters relating to changes and transfers affecting any of the rights or interests recorded in the revised records published under section 11 for which a cause of action was non-existent when proceedings under sections 7 and 8 were started or were in progress, may be raised before the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] as and when they arise, but not later than the date of notification under section 61 or sub-section (1) of section 6. (2) The provisions of sections 7, 8 and 9 shall mutatis mutandis apply to the hearing and decision of any matter raised under sub-section (1) as if it were a matter raised under the aforesaid sections.

13. Assessment of land revenue or rent on new holding and distribution of revenue or rent on parts of holdings.

(1) Notwithstanding anything contained in the Jammu and Kashmir Land Revenue Act, Svt. 1996, and the Jammu and Kashmir Tenancy Act, Svt. 1980, the Settlement Officer (Consolidation) may, subject to the rules made in this behalf, - (a) determine the amount of land revenue or rent, as the case may be, payable by a tenure-holder on land on which he acquires rights as a result of orders passed under sections 7 to 9 and 12 ; and (b) where necessary, also determine the amount of land revenue or rent, as the case may be, payable in respect of a portion of the tenure-holder's holding. (2) In assessing the amount of land revenue or rent, as the case may be, under sub-section (1), the provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996, and the Jammu and Kashmir Tenancy Act, Svt. 1980, shall mutatis mutandis apply.

14. Partition of joint-holdings.

(1) The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] may - (a) on his own motion, at any time after the publication of the revised records under section 11 but before the preparation of the Scheme of Consolidation under Chapter III for the unit ; and (b) on the application of any of the joint-tenure-holders, and subject to such restrictions as may be prescribed, within twenty-one days from the date of publication of the revised records under section 11 ; partition any holding recorded in the names of two or more tenure-holders. (2) The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] may, by order in writing, delegate his powers under sub-section (1) to the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] in uncontested partition cases.

15. [Objections regarding partition. [Section 15 substituted by Act XXVI of 1969.]

(1) Any person aggrieved by the order of the Consolidation Naib-Tehsildar or the Consolidation Tehsildar under section 14 may, within 30 days of the date of the order, file an appeal before the Settlement Officer (Consolidation) who shall, after hearing the parties concerned, give his decision thereon. (2) Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (1) may, within 30 days of the date of the order, file an appeal before the Director of Consolidation who shall, after hearing the parties concerned, give his decision thereon. (3) The decision of Director Consolidation and subject thereto of the Settlement Officer (Consolidation) under this section shall, except as otherwise provided by or under this Act, be final and not be questioned before any court of law.]

16. Amalgamation of plots of two or more tenure-holders.

- Two or more tenure-holders may, within twenty-one days of the publication of records under section 11, apply to the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] to amalgamate their holdings of like tenure on such terms as may be agreed upon between them. The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] shall where the proposed amalgamation is not in conflict with the general scheme of consolidation of the unit, give effect to the same.

Chapter III

Preparation of Consolidation Scheme

17. Consolidation Scheme.

- The Consolidation Scheme shall consist of-(a)the statement of principles referred to in section 22 ;(b)the statement of proposals referred to in section 26 ;(c)the statements of valuation of plots and holdings referred to in sections 20 and 21 ; and(d)such other statement as may be prescribed.

18. Basis for consolidation of holdings.

(1)The consolidation of holdings shall be done on the basis of valuation of plots.(2)The valuation of each plot shall be determined in consultation with the Consolidation Committee, and after taking into consideration its productivity, availability of irrigation facilities, if any, location and in accordance with such other principles and in such manner as may be prescribed in this behalf:Provided that the area of the holding or holdings proposed to be allotted to tenure-holder shall not differ in any case, except with the permission of the Director of Consolidation, by more than 25 per cent from the area of his original holding or holdings, as the case may be.

19. Division of the area of a unit and determination of compensation for trees, etc.

- For the purposes of consolidation the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.]

shall, in consultation with the Consolidation Committee-(a)divide the area of each unit in not more than four blocks after taking into account the kind and number of crops grown and such other factors as may be prescribed ; and(b)determine compensation for trees, wells and other improvements existing in the holding of a tenure-holder in the manner prescribed.

20. Statement of valuation of plots.

- The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] shall cause to be prepared, in respect of each plot in the unit under consolidation operations, a statement in the prescribed form (hereinafter called "statement of valuation of plots" setting forth-(a)the valuation of each plot ;(b)the valuation of trees, wells and other improvements ;(c)the details of blocks ; and(d)such other particulars as may be prescribed.

21. Statement of holdings.

(1)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall thereafter cause to be prepared a statement of all the holdings of each tenure-holder showing at one place-(i)the areas excluded from consolidation ;(ii)the areas under consolidation in each block with their valuation determined in accordance with section 18 ;(iii)the land revenue or rent of each holding ;(iv)the total area and total valuation of his holding or holdings ; and(v)such other particulars as may be prescribed.(2)The statement of holdings, prepared under sub-section (1), shall be published in the unit and a relevant extract therefrom shall be issued to each tenure-holder along with notice inviting objections against the entries in the extract.(3)Every tenure-holder, to whom an extract has been sent under sub-section (2) and any other person likely to be affected thereby, may, within twenty-one days of the publication of the statement of holdings, file objections thereon before [Consolidation Naib-Tehsildar.] [Substituted by Act XXVI of 1969.](4)The Consolidation Naib-Tehsildar shall submit his report on these objections to the Consolidation Tehsildar who shall decide the objections in consultation with the Consolidation Committee and after making local inspection of the plots, wherever necessary.(5)[Any person aggrieved by the order of the Consolidation Tehsildar under sub-section (4) may, within thirty days of the date of the order, file an appeal before the Settlement Officer (Consolidation) who shall, after hearing the parties concerned, give his decision thereon.] [Sub-section (5) substituted by Act XXVI of 1969.](6)[Any person aggrieved by the order of the Settlement Officer (Consolidation) under sub-section (5) may, within 30 days of the date of the order, file an appeal before the Director of Consolidation who shall, after hearing the parties concerned, give his decision thereon.](7)The decision of the Director of Consolidation and subject thereto of the Settlement Officer (Consolidation) under this section shall, except as otherwise provided by or under this Act, be final.] [Sub-sections (6) and (7) inserted by Act XXVI of 1969.]

22. Statement of Principles.

(1)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, in consultation with the Consolidation Committee, prepare in respect of each unit under consolidation operations, a statement in the prescribed form (hereinafter called the 'Statement of Principles'), setting forth in

writing the principles to be followed in carrying out the consolidation operations in the unit.(2)The Statement of Principles shall also contain-(a)details of areas, as far as they can be determined at this stage, to be ear-marked for extension of abadi including areas for abadi site for Harijans and landless persons in the unit and for such other public purposes as may be prescribed ;(b)the basis on which the tenure-holders will contribute land for extension of abadi and for other public purposes, and the manner in which vacant common land of the unit may be utilized for the aforesaid purposes :Provided that vacant land vested in the Government, where available, may be utilized in any estate for public purposes along with the existing common land of such an estate in the ratio of 1 : 4 and in such cases the tenure-holders concerned shall contribute equitably land from their holdings only to the extent necessary to make up for the deficiency, if any.

23. Publication and objection On the Statement of Principles.

(1)The Statement of Principles prepared under section 22 shall be published in the unit.(2)Any person likely to be affected by the scheme may, within twenty one days of such publication, make an objection in the manner prescribed.

24. Disposal of objections on the Statement of Principles.

(1)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, after hearing the parties, if necessary, on the objections filed under section 23 and taking into account the views of the Consolidation Committee, submit his report on those objections to the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] who shall dispose of the objections in the manner prescribed.(2)Where no objections have been filed within the time specified under section 23, the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] shall, with a view to examine the correctness of the Statement of Principles prepared under section 22, make a local, inspection, of the unit after giving due notice of his intention to do so to the Consolidation Committee. The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] may, thereafter, make such modifications or alterations to the Statement of Principles as he may consider expedient or necessary.(3)[Any person aggrieved by the order of the Consolidation Tehsildar under sub-section (1) or sub-section (2), as the case may be, may within thirty days of the date of the order, file an appeal before the Settlement Officer (Consolidation).] [Sub-section (3) substituted by Act XXVI of 1969.](4)The [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] and the Settlement Officer (Consolidation) may, before deciding the objection or the appeal, as the case may be, make a local inspection of the unit after giving due notice of their intention to do so to the parties concerned and the Consolidation Committee.(5)[Any person aggrieved by the order of the Settlement officer (Consolidation) under sub-section (3) may, within 30 days of the date of the order, file an appeal before the Director of Consolidation, who shall, after hearing the parties concerned, give his decision thereon.(6)The decision of the Director of Consolidation and subject thereto of the Settlement Officer (Consolidation) under this section shall, except as otherwise provided by or under the Act, be final.] [Sub-sections (5) and (6) added by Act XXVI of 1969.]

25. Confirmation of the Statement of principles.

- The Settlement Officer Consolidation shall, thereafter, confirm the Statement of Principles on the basis of the final orders passed under section 24 and the Statement of Principles, so confirmed, shall be published in the unit.

26. Statement of Proposals.

(1)As soon as the Statement of Principles has been confirmed under section 25 the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, in consultation with the Consolidation Committee and on the basis of the Statement prepared under section 21 and the Statement of Principles and having regard to the provisions of sub-section (2), prepare, in the manner hereinafter provided, a Statement of Proposals.(2)In preparing the statement of proposals the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall have regard to the following matters :- (a)the number of Chaks allotted to each tenure-holder shall not, except with the approval of the Director of Consolidation, exceed the number of blocks in the estate ; (b)every tenure-holder shall, as far as possible, be allotted a compact area in each block at the place where he holds the largest part of his holding and as nearly equivalent to the valuation of the plots held by him in that block : [Provided that, the land held by a non-occupancy tenant under a tenure-holder other than the State shall be deemed to be a part of the holding of such tenure-holder ;] [Proviso to sub-section (2)(b) inserted by Act XXVI of 1969.] (c)the tenure-holders belonging to the same family shall, as far as possible, be allotted contiguous Chaks ; (d)every tenure-holder shall, as far as possible be allotted the plot on which exists his private source of irrigation or any other improvement together with such other plots as may be held by him near it ; (e)small tenure-holder shall, as far as possible, be allotted Chaks in compact blocks with a view to facilitate co-operative joint farming ; (f)[no compensation shall be assessed or proposed in respect of any improvements made in the land used, or transferred in the consolidation area in contravention of clause (d) of section 5 of this Act.] [Clause (f) inserted by Act XXVI of 1969.] (3)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall prepare the Statement of Proposals in the prescribed form showing- (a)details of previous plots of each tenure-holder and of the plots proposed to be allotted to him in the unit ; (b)the compensation for trees, wells and other improvements, determined in the manner prescribed; (c)the areas to be ear-marked for public purposes ; and (d)such other particulars as may be prescribed. (4)The Statement of Proposals shall be accompanied by a map of the unit showing the proposed allotment of plots. (5)Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] where it appears necessary to him so to do to allot after determination its valuation, any portion of the common lands of the unit used for public purposes, or any vacant lands of the unit vested in the Government to any tenure-holder so as to form part of his holding. (6)Where any land mentioned in sub-section (5) is allotted to a tenure-holder, it shall be deemed to have been settled with him on payment of compensation for the development, if effected in or over that land, to be determined, in the manner prescribed. (7)Whenever in preparing a Statement of Proposals it appears to the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] that it is necessary to amalgamate any land used for public purposes, or which is vested in the Government, with any holding, he shall make a declaration to that effect stating therein that it is

proposed that the right of the public as well as of all individuals in or over the said land shall be transferred to any other land earmarked for public purposes in the Statement of Proposals and whenever the rights are so transferred they shall stand extinguished from the land from which they are transferred and be created in the land to which they are transferred.

27. Publication and objections on the Statement of Proposals.

(1)The Statement of Proposals prepared under section 26 shall be published in the unit.(2)Any person affected by the proposals shall, within twenty-one days of such publication, file an objection in writing before the [Consolidation Naib-Tehsildar.] [Substituted by Act XXVI of 1969.](3)Any member of the public affected or any person having interest or right, in addition to the right of public highway in or over any public land, or having any other interest or right which is substantially prejudiced by the proposals under sub-sections (6) and (7) of section 26 shall, within twenty one days after the publication under sub-section (1), file an objection before the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] stating the nature of such interest or right.

28. Disposal of objection on the statement.

(1)All objections received by the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, as soon as may be, after the expiry of the period of limitation prescribed therefor, be submitted by him to the [Consolidation-Tehsildar] [Substituted by Act XXVI of 1969.] who shall dispose of the same in the manner hereinafter provided after giving notice to the parties concerned and the Consolidation Committee.(2)[Any person aggrieved by the order of the Consolidation Tehsildar under sub-section (1) may, within thirty days of the date of the order, file an appeal before the Settlement Officer (Consolidation) and any person aggrieved by the order of the Settlement Officer (Consolidation) may, within thirty days, appeal to the Director of Consolidation. The decision of the Director of Consolidation shall, except as otherwise provided by or under this Act, be final.] [Sub-section (2) substituted by Act XXVI of 1969.](3)The [Consolidation Tehsildar, the Settlement Officer (Consolidation) and the Director of Consolidation] [Substituted by Act XXVI of 1969.] shall, before deciding the objection or the, appeal, as the case may be, make a local inspection of the plots in dispute after giving due notice of their intention to do so to the parties concerned and the Consolidation Committee.(4)If during course of hearing or disposal of objections under sub-section (1) or appeal under sub-section (2), the [Consolidation Tehsildar or the Settlement Officer (Consolidation) or the Director of Consolidation,] [Substituted by Act XXVI of 1969.] as the case may be, is of the opinion that material injustice is likely to be caused to a number of tenure-holders in giving effect to the Statement of Proposals as prepared by the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] or as subsequently modified by the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] and that a fair and proper allotment of land to the tenure holders of the unit is not possible without revising or getting fresh Statement of Proposals prepared, it shall be lawful, for reasons to be recorded in writing for-(i)the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] to revise the Statement of Proposals before him, after giving opportunity of hearing to the tenure-holders concerned or to remand the same to the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] with such directions as may be considered necessary;(ii)the [Director of Consolidation or Settlement Officer (Consolidation)]

[Substituted by Act XXVI of 1969.] to revise the Statement of Proposals pending before him in appeal after giving opportunity of hearing to the tenure-holders concerned or to remand the same with such directions as he may consider necessary-(a)to the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] for decision after re-hearing of the objections ; or(b)to the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] for the preparation of a fresh Statement of Proposals in accordance with the provisions of section 26.

29. Objections and Appeals after period of limitation.

(1)Any objection under section 27 or an appeal under sub-section (2) of section 28 may be admitted by the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.], or the Settlement Officer (Consolidation), as the case may be, after the period of limitation prescribed therefor under this Act, if the objector or the appellant satisfies the authority concern that material injustice is likely to be caused to him if the objection or appeal is not admitted.(2)The objection or appeal on admission under sub-section (1), shall be heard in the manner provided therefor under section 28.(3)Notwithstanding anything contained in sub-section (1), no objection or appeal shall be admitted under sub-section (1)-(i)by the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.](a)where objections have been taken, after decision thereof under section 28,(b)where no objections have been taken, after thirty days of the publication of the Statement of Proposals under section 27.(ii)by the Settlement Officer (Consolidation) after the confirmation of the Statement of Proposals under section 30.

30. Confirmation of the Statement of Proposals.

(1)The Settlement Officer (Consolidation) shall confirm the Statement of Proposals-(a)if no objections are filed within the time specified in section 27 or where no action has been taken by him under section 29 ; or(b)where such objections are filed or where action has been taken by him under section 22 after such modifications or alterations as may be necessary in view of the orders passed under sections 28 and 29.(2)The Statement of Proposals so confirmed shall be published in the unit and shall, except as otherwise provided by or under this Act, be final.(3)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall thereupon issue allotment orders, on the basis of the Statement of Proposals as confirmed by the Settlement Officer (Consolidation) in such form as may be prescribed.

Chapter IV

Enforcement of the Scheme

31. Possession and accrual of compensation for trees, etc.

(1)The Settlement Officer (Consolidation) shall fix the date, to be notified in the unit, from which the Scheme of Consolidation shall come into force. On and after the said date a tenure-holder shall be entitled to enter into possession of the plots allotted to him.(2)On and from the date of obtaining possession, every tenure-holder getting trees, wells and other improvements existing on the plots

allotted, to him in pursuance of the enforcement of the Scheme of Consolidation, shall be liable and pay to the former tenure-holder thereof compensation for the trees, wells and other improvements, allotted to him, to be determined in the manner hereinbefore provided.

32. New Revenue Records.

(1) As soon as may be, after the Consolidation Scheme has come into force, the Director of Consolidation shall cause to be prepared for each estate, a new map, Khasra, Girdawari and record of rights in respect of consolidation area, on the basis of entries in the map, Khasra Girdawari and the Jamabandi published under section 11, and the allotment orders as finally made and issued in accordance with the provisions of this Act. The provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996 shall, subject to such modifications and alterations, as may be prescribed, be followed in the preparation of the said map and records. (2) [All entries in the record of rights and in the maps prepared in accordance with the provisions of sub-section (1), shall be presumed to be true unless otherwise proved.] [Substituted by Act VI of 1973, Section 4.] (3) The records prepared under sub-section (1) shall be maintained by the Collector in place of the records maintained previously under Chapter IV of the Jammu and Kashmir Land Revenue Act, S. 1996.

33. Delivery of possession.

- The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, if necessary, put the person or persons to whom Chaks have been allotted in actual physical possession of the holdings allotted to them and for so doing shall have all the powers including powers as regards contempt, resistance and the like as are exercisable by a Civil Court in execution of a decree for delivering possession of immovable property : Provided, that the delivery of possession as aforesaid shall not affect the right of the person from whom possession is transferred, to tend and gather the crop standing on such Chaks on the date of delivery, the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969 for 'Assistant Consolidation Officer'.] decides for reasons to be recorded that the possession over the crop also shall be delivered : Provided further that in cases where a person is entitled to tend and gather the standing crop in accordance with the preceding proviso, he shall be liable to pay such compensation for the use of the land to the person who has been allotted the land as may be prescribed.

34. Compensation.

- Where possession over standing crops also is delivered under section 33, the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969 for 'Assistant Consolidation Officer'.] shall determine, in the manner, prescribed, the Compensation payable in respect of such crops by the tenure-holder put in possession.

35. Recovery of compensation.

(1) Where a tenure-holder from whom compensation is recoverable under this Act, fails to pay the

same within the period prescribed therefor, the person entitled to receive it may, in addition to any other mode of recovery open to him, apply to the Collector, within such time as may be prescribed, to recover the amount due on his behalf as if it were an arrear of land revenue payable to the Government.(2)Where any compensation payable under this Act is not paid whether in whole or part within three months of the date of obtaining possession under section 31 or section 33, as the case may be, interest at the rate of 6 per cent per annum shall be charged on the amount not so paid.

36. Compensation for land contributed by a tenure-holder for public purposes.

- In respect of land contributed or to be contributed by any tenure-holder for public purposes under and in pursuance of the Consolidation Scheme framed under Chapter III, there shall be paid to the tenure-holder compensation which shall be an amount equal to-(a)in the case of land held as land owner, twenty times the land revenue assessed thereon ;(b)in the case of land held as occupancy tenant, twelve times the land revenue assessed thereon, eight times such land revenue being payable to the landlord thereof ;(c)in the case of land held as protected tenant, eight times the land revenue assessed thereon, twelve times such land revenue being payable in the landlord thereof ; and(d)in the case of land held by a non-occupancy tenant, five times the land revenue assessed thereon, fifteen times such land revenue being payable to the landlord thereof.(2)The compensation payable to a tenure-holder shall, after adjustment of the cost of consolidation, if any, be paid to him in cash.(3)The Government may make rules to provide for the manner in which and the time when the compensation payable under sub-sections (1) and (2) shall be paid.

37. Rights after consolidation.

- With effect from the date on which a tenure-holder enters into possession of the plots allotted to him in pursuance of the provisions of section 31 or section 33, the rights, title, interest and liabilities of the former tenure-holder in these plots and his rights, title, interest and liabilities in his original plots shall stand extinguished and he shall have in the plots allotted to him the same rights, title, interest and liabilities as he had in his original plots together with such other benefits of irrigation in these plots from a private source, till such source exists, to which the former tenure-holder of these plots was in enjoyment prior to the date of the possession, subject to such modifications, if any, specified in the Consolidation Scheme.

38. Encumbrances.

(1)If a holding brought under the Scheme of Consolidation is burdened with any lease, mortgage or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and attached to the corresponding holding under the scheme or to such part of it as the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] may have determined in preparing the Scheme and thereupon the lessee, mortgagee or other encumbrancer, as the case may be, shall cease to have any right in or against the land from which the lease or other encumbrance has been transferred.Explanation. - "Lessee" shall include an Ajarahdar and a Patadar.(2)The [Consolidation

Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall, if necessary, put any lessee, mortgagee or other encumbrancer entitled to possession, in possession of the holding, or part of the holding to which his lease or other encumbrance has been transferred under sub-section (1).

39. Right to transfer holding.

- Notwithstanding anything contained in the Jammu and Kashmir Land Revenue Act, Svt. 1996, the Jammu and Kashmir Tenancy Act, Svt. 1980, and the Big Landed Estates Abolition Act, Svt. 2007, or any other law for the time being in force in the State, the rights, title and interest of tenure-holders in their holdings and any encumbrances therein shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange, or otherwise and a tenure-holder or any other person shall not be entitled to object or interfere with any transfer made for the said purpose.

40. Costs.

(1)The Government may fix the amount of cost of consolidation and the amount so fixed may be distributed between the persons affected by the order of consolidation in the manner prescribed.(2)If the Government so decides it may order that a specified amount may be recovered in advance, in the manner prescribed, as the first instalment of the cost of consolidation.(3)Any amount payable as costs under this section shall be recoverable as arrears of land revenue.

41. Objection on enforcement.

- Any person aggrieved by an order passed by the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] under sections 34, 38 and 40 may, within twenty-one days of the date of such order, file an objection before the [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] who shall submit the objection along with his report to the [Consolidation Tehsildar.] [Substituted by Act XXVI of 1969.]

42. Disposal of objections.

(1)On receipt of the objection and the report under section 41, the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] shall, after giving due notice to the objector, dispose of the objection in the manner prescribed.(2)[An appeal against the order of the Consolidation Tehsildar under sub-section (1) shall lie to the Settlement Officer (Consolidation) and from that of the Settlement Officer (Consolidation) to the Director of Consolidation, whose decision shall, except as otherwise provided by or under this Act, be final. The period of limitation for appeals under this sub-section shall be thirty days from the date of the order.] [Sub-section (2) substituted by Act XXVI of 1969.]

Chapter V

Miscellaneous

43. Power to enforce attendance of witnesses in certain matters.

- The [Financial Commissioner, Director of Consolidation,] [Substituted by Act VI of 1973, Section 5.] Deputy Director of Consolidation, Settlement Officer (Consolidation), [Consolidation Tehsildar and Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall have all such powers and rights and privileges as are vested in a Civil Court on the occasion of any action in respect of the following matters (a) enforcing of the attendance of witnesses and examining them on oath, affirmation or otherwise and the issue of a commission or request to examine witnesses abroad ; (b) compelling anyone for the production of any documents ; (c) punishing of persons guilty of contempt and a summons signed by such officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court for enforcing the attendance of a witness and compelling the production of a document.

44. Powers for production of documents etc.

(1) Subject to any conditions or restrictions that may be prescribed, the [Financial Commissioner, Director of Consolidation] [Substituted by Act VI of 1973, Section 5.], Deputy Director of Consolidation, Settlement Officer (Consolidation), [Consolidation Tehsildar or Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] may, by written order, require any person to produce such documents, papers and registers or to furnish such information as he may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act. (2) Every person required to produce any document, paper or register or to furnish an information under this section shall be deemed legally bound to do so within the meaning of sections 175 and 176 of the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989.

45. Proceedings before Officers to be judicial proceedings.

- Proceedings before the [Financial Commissioner, Director of Consolidation,] [Substituted by Act VI of 1973, Section 5.] Deputy Director of Consolidation, Settlement Officer (Consolidation), [Consolidation Tehsildar and Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 and for the purposes of section 196 of the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989.

46. Application of Jammu and Kashmir Land Revenue Act, Svt. 1996.

- Unless otherwise expressly provided by or under this Act, the provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996, shall apply to all the proceedings including appeals and applications under this Act.

47. Officers and authorities.

(1)The Government may appoint such number of officers and authorities as may be required for the purposes of consolidation.(2)The Director of Consolidation and the Deputy Director of Consolidation shall perform such duties and exercise such powers of supervision and superintendence over the work of the Settlement Officer (Consolidation), [Consolidation Tehsildar, Consolidation Naib-Tehsildar, Consolidation Girdawar] [Substituted by Act VI of 1973, Section 6.] and Consolidation Patwari as may be prescribed.(3)The Settlement Officer (Consolidation), the [Consolidation Tehsildar, the Consolidation Naib-Tehsildar, Consolidation Girdawar] [Substituted by Act XXVI of 1969.] and Consolidation Patwari shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.(4)The Government may, by Notification in the Government Gazette, empower the Deputy Director of Consolidation to discharge all or such of the functions of the Director of Consolidation as may be specified in the notification and thereupon all references to the Director of Consolidation in this Act shall, in respect of the functions so specified, be deemed to include reference to the Deputy Director of Consolidation also,(5)Where powers are to be exercised or duties are to be performed by any authority under this Act or the rules made thereunder, such powers or duties may also be exercised or performed by an authority superior to it.

48. Correction of clerical or arithmetical errors.

- Notwithstanding anything contained in any law for the time being in force, if the [Director of Consolidation or Settlement Officer (Consolidation)] [Substituted by Act XXVI of 1969.] or the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] is satisfied that a clerical or arithmetical mistake or error apparent on the face of the record exists in any document prepared under any provision of this Act he shall, either on his own motion or on the application of any person interested, correct the same.

49. Constitution of Consolidation Committee.

(1)The [Consolidation Naib-Tehsildar] [Substituted by Act XXVI of 1969.] shall constitute for each unit a Consolidation Committee consisting of not less than five and not more than seven members elected from amongst the tenure-holders of the unit in such manner as may be prescribed :Provided that land-owner, an occupancy tenant, a protected tenant, a tenant under the State, a non-occupancy tenant and an allottee of land under the State shall be given representation in proportion to the incidence of their population in such unit.(2)The Settlement Officer (Consolidation) may nominate not more than two persons on a Consolidation Committee whose addition will, in his opinion, facilitate consolidation proceedings in the unit. The person so nominated shall, for purposes of this Act, have all the powers and be subject to all the liabilities of elected members of the Committee.(3)Where at any time the Director of Consolidation is satisfied that the Consolidation Committee has refused or failed without reasonable cause or excuse to discharge the duties or perform the functions imposed or assigned by or under this Act or circumstances have so arisen that the Committee has been rendered unable to discharge the duties or perform the functions aforesaid or it is otherwise expedient or necessary to do so, he may by an

order duly published, either have, the Consolidation Committee reconstituted in accordance with the provisions of sub-sections (1) and (2) or appoint some other authority to perform the functions or discharge the duties of the Consolidation Committee under this Act and thereupon all references to the Consolidation Committee under this Act shall be deemed to include references to the Consolidation Committee so reconstituted or the authority so appointed, as the case may be :Provided that no such Committee shall be reconstituted or authority appointed unless the Consolidation Committee has been given an opportunity to show cause why it should not be dissolved for reasons of refusal, failure or inability to discharge the duties or perform the functions imposed upon or assigned to it by or under this Act.

50. Delegation.

- The Government may, by notification in the Government Gazette, delegate to any officer or authority all or any of the powers conferred upon it by this Act to be exercised subject to such restrictions and conditions as may be specified in the notification.

51. Powers of Officers to enter upon land for purposes of survey and demarcation.

- The Officers mentioned in this Act or any person acting under the orders of anyone of them may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

51A. [Report of destruction or removal of or injury to survey marks. [Section 51A inserted by Act XXV of 1966.]

- Every village officer shall be bound to furnish the [Consolidation Naib-Tehsildar] concerned with information regarding the destruction or removal of, or any injury done to, any survey mark lawfully erected under this Act at any place within his jurisdiction as such village officer.]

52. Penalty for contravening provisions of section 5.

- [(1) Any person who contravenes the provisions of section 5 (d) (i) or who obstructs the consolidation proceedings without lawful excuse, shall be liable under orders of a [Consolidation Tehsildar] [Sub-section (1) substituted by Act XXV of 1966.] to a fine not exceeding one hundred rupees.](2)A transfer made in contravention of provisions of section 5 (d) (ii) shall not be valid or recognised, notwithstanding to the contrary, anything contained in any law for the time being in force.(3)[Any person aggrieved by the order of the Consolidation Tehsildar under sub-section (1) may, within thirty days of the date of the order appeal to the Settlement Officer (Consolidation) and any person aggrieved by the order of the Settlement Officer (Consolidation) may, within thirty days, appeal to the Director of Consolidation. The decision of the Director of Consolidation shall, except as otherwise provided by or under this Act, be final.] [Sub-section (3) inserted by Act XXVI of 1969.]

52A. [Bar against possession of a plot or holding previously held by a tenure-holder. [Section 52-A and 52-B inserted by Act XXV of 1966.]

(1)Where a Consolidation Scheme has come into force and a tenure-holder-(a)has, in pursuance of section 31, entered into possession of the plots allotted to him ; or(b)has, in pursuance of section 33, been put into physical possession of the holdings allotted to him ;he shall not enter into possession of any plot or holding held by him prior to the enforcement of such scheme unless such plot or holding-(i)is shown as forming part of the plots or holdings allotted to him under the Consolidation Scheme; or(ii)has developed upon him in the normal course of succession or as a result of the Consolidation Scheme being revoked or in consequence of any new scheme being preferred and enforced or in pursuance of a decree of a Civil Court.(2)Any person who contravenes the provisions of sub-section (1) shall be liable [under orders of a Consolidation Tehsildar to ejectment and to a fine] not exceeding one hundred rupees; and to a further fine of one rupee for every subsequent day till the contravention continues :[Provided that where the consolidation operations have been closed under section 61, action under this section regarding ejectment and fine shall be taken by a Revenue Officer not below the rank of Assistant Collector, first class, having jurisdiction in the area.] [Proviso added by Act VI of 1973, Section 7.]

52B. Recovery of fines.

- Any fine imposed under section 52 or section 52-A shall be recoverable as arrears of land revenue and for that purposes, the [Consolidation Tehsildar] [Substituted by Act VI of 1973, Section 7.] shall be competent to exercise all the powers of an Assistant Collector of the first class.]

53. Penalty for destruction, injury or removal of survey marks.

(1)If any person destroys wilfully or injures or removes without lawful authority a survey mark lawfully erected, he may be ordered by a [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] to pay such compensation not exceeding fifty rupees for each mark so destroyed, injured or removed as may in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of such destruction injury or removal.(2)The orders for the payment of compensation under sub-section (1) shall not bar a prosecution under section 434 of the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989.

54. Appeals, etc. to be allowed by the Act.

- No appeal and no application for revision shall lie from any order passed under the provisions of this Act except as provided by or under this Act.

55. [Power of Financial Commissioner to call for records and to revise order. [Section 55 substituted by Act XXVI of 1969.]

- The Financial Commissioner may call for the record of any case or proceeding pending before or decided by any consolidation court or authority appointed under, this Act and after affording reasonable opportunity of hearing to the parties concerned, pass such orders in the case or proceeding as he thinks fit :Provided that no order shall be revised where an application for revision is not made within-(a)three months in case of an order made by the Consolidation Naib-Tehsildar or Consolidation Tehsildar ;(b)two months in case of an order made by the Settlement Officer (Consolidation) ; and(c)one month in case of an order made by the Director of Consolidation.]

56. Special provision with respect to evacuee property.

(1)Notwithstanding anything contained in the provisions of this Act,-(a)no decision of the Custodian of evacuee property (hereinafter in this section referred to as the Custodian) in relation to title to any land vested in him as evacuee property under the provisions of the Jammu and Kashmir State Evacuees (Administration of Property) Act, Svt. 2006, shall be called in question and varied or reversed by any officer or authority under this Act ; and(b)nothing in this Act shall be construed as requiring the Custodian to stay any proceedings in relation to title to any such land pending before him on the date of coming into force of those provisions of this Act under which proceedings in relation to title to land are required to be stayed or as empowering the [Consolidation Tehsildar] [Substituted by Act XXVI of 1969.] for any other officer or authority to determine any question of title in relation to such land involved in any proceedings pending before the Custodian such date.(2)Where as a result of consolidation operations in any estate-(a)lands which are vested as evacuee property in the Custodian under the provisions of the Jammu and Kashmir 'State Evacuees' (Administration of Property) Act, Svt. 2006 are included in the holdings which are not vested in the Custodian as evacuee property, such land shall, on and from the date of the coming into force of the Consolidation Scheme, cease to be so vested in the Custodian and the provisions of the said Act shall thereupon cease to apply in relation thereto ; and(b)in lieu of such lands corresponding lands shall be included in holding which are vested in the Custodian as evacuee property and such lands shall on and from the date of coming into force of the Consolidation Scheme, be deemed to be evacuee property declared as such within the meaning of Jammu and Kashmir State Evacuees' (Administration of Property) Act. Svt. 2006, and be vested in the Custodian and the provisions of the said Act shall thereupon apply, so far as may be, in relation to such lands.

57. Bar to civil jurisdiction.

- Notwithstanding anything contained in any other law for the time being in force, the declaration and adjudication of rights of tenure-holders in respect of land lying in an area, for which a declaration has been issued under section 4, or adjudication of any other right arising out of consolidation proceedings and in regard to which a proceeding could or ought to have been taken under this Act, shall be done in accordance with the provisions of this Act and no Civil or Revenue Court shall entertain any suit or proceeding with respect to rights in such land or with respect to any other matters for which a proceeding could or ought to have been taken under this Act ;

58. Protection of action taken under this Act or rules made thereunder.

- No suit, prosecution or other legal proceedings, shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

59. Exemption from Court Fee.

- No Court fee shall be payable on any application made or any document filed with the exception of a Vakalatnama, in any suit or proceeding under the provisions of this Act or the rules made thereunder.

60. No instrument necessary to effect transfer.

- Notwithstanding anything contained in any other law for the time being in force-(a)no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings ; and(b)no instrument, if executed, shall require registration.

61. Close of consolidation operations.

- As soon as may be after fresh maps and records have been prepared under section 32, the Government shall issue a notification in the Government Gazette that the consolidation operations have been closed in the unit and the estate or estates forming part of the unit shall then cease to be under consolidation operations.

62. Rules.

(1)The Government may make rules for purposes of carrying into effect the provisions of this Act.(2)Without prejudice to the generality of the foregoing powers such rule may provide for-(a)the form of declaration-under section 4 ;(b)the matters pertaining to the cancellation of declaration regarding consolidation under section 6 ;(c)procedure relating to the revision of maps and records including declaration of rights under sections 7 and 8 and partition and amalgamation of holdings under sections 14 and 16 ;(d)determination of land revenue or rent over new holdings and distribution thereof on the portions of old holdings under section 13 ;(e)the method and the procedure for determination of valuation of plots, formation of blocks and determination of compensation for trees, private sources of irrigation and other improvements under sections 18 and 19 ;(f)the procedure and the manner relating to preparation and publication of the Statement of Principles and Statement of Proposals and the confirmation thereof under Chapter 111 ;(g)the procedure and the manner in which the views of the Consolidation Committee shall be obtained on the matters specified for this purpose ;(h)the determination of public purposes for which areas may be earmarked and the manner in which this shall be done ;(i)the matters relating to transfer of rights from the public land to other land earmarked for public purposes ;(j)the form and the procedure and the manner relating to the issue of allotment orders under section 29 ;(k)the procedure for entering into possession under sections 31 and 33 ;(l)the principles and the manner

for determination of compensation to be paid to or received from any tenure-holder under this Act ;(m)the circumstances and matters which shall be taken into consideration in distributing the cost of consolidation including the proportion in which the distribution may be made ;(n)election of members of the Consolidation Committee under section 49, their term of membership and vacation of seats by such members ;(o)the matters relating to the mode of service of the notice or document under this Act ;(p)imposing limits of time within which things to be done for the purposes of the rules must be done with or without powers to any authority therein specified to extend limits imposed ;(q)the procedure to be followed in all proceedings including applications and appeals under this Act ;(r)the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer and authority ;(s)the time within which applications and appeals may be presented under this Act in cases, for which no specific provision in that behalf has been made therein ;(t)the transfer of proceedings from the authority or officer to another ; and(u)any other matter which is to be or may be prescribed.(3)Power to make rules given by this Act is subject to the condition of the rules being made after previous publication.

63. Repeal.

- The Jammu and Kashmir Consolidation of Holdings Act, 1960 (V of 1960) and the Jammu and Kashmir Consolidation of Holdings Ordinance, 1961 (III of 1961) are hereby repealed.

64. Validation of acts done before commencement of the Act.

- Any order made, thing done, or action taken in connection with the consolidation of holdings in various estates notified under section 4 of Jammu and Kashmir Consolidation of Holdings Act, 1960 before the commencement of this Act, shall for all purposes be deemed to have been made, done or taken under this Act, as if this Act were in force on the day on which such order was made, thing was done or action was taken.