

The Jammu and Kashmir Prevention of Fragmentation of Agricultural Holdings Act, 1960

JAMMU & KASHMIR

India

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Act 25 of 1960

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The Jammu and Kashmir Prevention of Fragmentation of Agricultural Holdings Act, 1960(Act No. 25 of 1960)[Received the assent of the Sadar-i-Riyasat on 4th May, and published in the Government Gazette dated 10th May, 1960.]An Act, to provide for prevention of fragmentation of agricultural holdings in the Jammu and Kashmir State.Be it enacted by the Jammu and Kashmir State Legislature in the Eleventh Year of the Republic of India as follow :Chapter-I Preliminary

1. Short title, extent and commencement.

(1)This Act, may be called the Jammu and Kashmir Prevention of Fragmentation of Agricultural Holdings act, 1960.(2)It extends to the whole of Jammu and Kashmir State.(3)This section shall come into force at once and the remaining provisions of this Act shall come into force in such area and from such date as the State Government may, by notification in the Government Gazette, appoint in this behalf and different dates may be appointed for coming into force of different provisions of this Act.

2. Definitions.

(1)In this Act, unless there is anything repugnant in the subject or context,-(a)"fragment" means a plot of land of less extent then the approximate "standard area" determined under this Act:Provided that no plot of land shall be deemed to be a "fragment" by reason of any diminution in its area by delusion;(b)"standard area" in respect of any class of land means the area which the Government may, from time to time, determine under section 4 as the minimum area necessary for profitable cultivation in any particular notified area and includes a standard area revised under the said section;(c)"notified area" means any area notified as such under section 3;(d)"prescribed" means prescribed by rules made under this Act;(e)"tenant" means a tenant as defined in the Jammu and

Kashmir Tenancy Act, Samvat 1980 who held land on 22nd of August, 1959 and has since that day been continuously holding it as such.(2)Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Jammu and Kashmir land Revenue Act, Samvat 1966, the Tenancy Act, Samvat 1980 or any other law for the time being in force.Chapter-II Determination of standard area and treatment of fragments.

3. Determination of notified area.

- The Government may, after such inquiry as it deems fit, specify any estate or sub-division of an estate as notified area for the purpose of this Act.

4. Settlement of standard area.

(1)The Government may, after such enquires as it deems fit, provisionally settle for any class or land in any notified area the minimum area that can be cultivated profitably as a separate plot.(2)The Government shall by notification and in such other manner as may be prescribed publish the minimum areas provisionally settled by it under sub-section (1) and invite objections thereto.

5. Determination and revision of standard areas.

(1)The Government shall after considering the objections, if any received within three months of the date of the publication of the notification under subsection (2) of section 4, in the estate concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such notified area.(2)The Government may, at any time, if it deems expedient so to do, revise a standard area determined under sub-section (1). Such revision shall be made in the manner laid down in section 4, and sub-section (1) of this section.(3)The Government shall, by notification and in such other manner as may be prescribed, give public notice of the standard area determined under sub-section (1) or revised under sub-section (2).

6. Entry in the Record of Rights.

(1)On notification of standard area under sub-section (3) of section 5 for any notified area all fragments in the estate or sub-division of any estate shall be entered as such in the Record of Rights.(2)Notice of every entry made under sub-section (1), shall be given in the prescribed manner.

7. Transfer of fragments.

- Except where the transfer is made in favour of a tenant thereof, no person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6 unless thereby the fragment becomes merged in a contiguous survey number or a recognised sub-division of a survey number.

8. Fragmentation prohibited.

- Except as otherwise provided in this Act, no land in any notified area shall be transferred or partitioned so as to create a fragment.

9. Penalty for transfer or partition contrary to the provisions of the Act.

- The transfer or partition of any land contrary to the provisions of this Act shall be void.

10. Valuation of fragment.

- Any owner of a fragment who intends to sell it shall make an application in this behalf to the Collector of the District in which the land is situated for determination of its market price and the Collector shall, after hearing the application, his tenant if any, and the owners of contiguous survey numbers or recognised sub-division of survey numbers, determine the market price.(2)The Financial Commissioner may, on his own motion or on an application made by the owner or the persons entitled to purchase under the provisions of this Act, call for the records of any case and after hearing the interested parties pass such orders as he may deem fit. Subjects to the orders that may be passed by the Financial Commissioner, the order passed by the Collector under sub-section (1) shall be final and conclusive and shall not be called in question in any court.

11. Transfer of fragment.

- The owner referred to in the preceding section shall in the first instance offer the fragment for sale to the tenants thereof, if any and on their refusal to purchase for the price as determined under the last preceding section, may transfer it to the Government for the purpose of the State on payment by the Government of such price as aforesaid to persons possessing interest therein as the Collector may determine, and thereupon the fragment shall vest absolutely in the Government for the purpose of the State free from all encumbrances.(2)Notwithstanding anything contained in any other law, no right of prior purchase shall exist in respect of transfers made under the provisions of this Act.

12. Partition of estate assessed to land revenue or separation of share thereof.

- When a decree is transferred to the Collector under section 54 of the Code of Civil Procedure, 1977, for the partition of an undivided estate assessed to land revenue in any notified area for which standard areas have been fixed, or for the separate possession of a share of such an estate, no such partition or separation shall be made so as to create a fragment.

13. Non-application of the Act.

- The provisions of this Act shall not apply to a case where land is acquired by the Government for a public purpose.

Chapter-III General

14. Appointment of Officers and delegation of powers.

- The Government may appoint such persons as it thinks fit to carry out the purposes of this Act and may, by notification, delegate all or any of its powers or functions under this Act, excepting those under section 15, to any of its officers either by name or designation.

15. Power to make rules.

(1)The Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power the Government may make rules providing for-(a)the manner of publication under sub-section (2) of section 4;(b)the manner of giving public notice under sub-section (3) of section 5;(c)the manner of giving notice under sub-section (2) of section 6;(d)any other matter that is to be or may be prescribed.(3)All rules made under this section shall be subject to the condition of previous publication.