

The Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act, 1975

JAMMU & KASHMIR

India

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Act 8 of 1975

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The Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act, 1975(Act No. 8 of 1975)[Received the assent of the Governor on 16th August, 1975 and published in the Government Gazette dated 16th August, 1975.]An Act to prohibit the Conversions of land into, and alienation of, orchards in the State of Jammu and Kashmir.Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-sixth Year of the Republic of India as follows:-

1. Short title and extent.

(1)This Act may be called the Jammu and Kashmir Prohibition on Conversion of Land and Alienation of orchards Act, 1975.(2)It extends to the whole of the State of Jammu and Kashmir.

2. Definitions.

- In this Act,-(1)"Land" means land which is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes forest land and wooded waste but does not include orchards.(2)"Orchard" means a compact area of land having fruit trees grown thereon or devoted to cultivation of fruit trees in such number that the main use to which the land is put is growing of fruit or fruit trees except mulberry trees.

3. Prohibition on conversion of land and alienation of orchards.

(1)Notwithstanding anything contained in any other law for the time being in force,-(a)no person shall alienate orchard except with the previous permission of the Revenue Minister or such officer as may be authorised by him in this behalf [x x x] [The word 'and' deleted and proviso inserted by Act No. III of 1981 section 2];[provided that alienation of orchards to the extent of Four Kanals only in

favour of one or more persons for residential purposes shall not need any permission.] [The word 'and' deleted and proviso inserted by Act No. III of 1981 section 2](b)no land shall be converted into an orchard except with the previous permission of the Revenue Minister or such officer as may be authorised by him in this behalf:Provided that nothing in clause (b) shall apply to-(i)Khushki land which is in personal cultivation of the owner;Explanation. - Khushki land means which has not perennial and assured means of irrigation;(ii)land irrigated by lift irrigation in personal cultivation of the owner; and(iii)the District of Ladakh.Explanation. - For purpose of this Act, alienation means sale, gift, bequest, mortgage with possession or exchange but does not include exchange of such orchards as existed on the first day of September, 1971 for purposes of consolidation.(2)For removal of doubts it is hereby declared that restrictions imposed under sub-section (1) on the rights conferred by clause (1) of Article 19 of the Constitution of India as applicable to the State, shall be deemed to be reasonable restriction.

4. Penalty on contravention.

(1)Any person who contravenes the provisions of this Act, shall be punished with imprisonment for a term which may extend to two years or with fine which shall not be less than two thousand rupees, but may extend to five thousand rupees, or with both.(2)Any alienation of land after conversion into an orchard in violation of the provisions of this Act, shall be null and void.(3)No Court shall take cognizance of an offence punishable under this Act, except with the previous sanction of the Deputy Commissioner.

5. Repeal and savings.

- The Jammu and Kashmir Prohibition on conversion of Land Ordinance, 1975 (1 of 1975) is hereby repealed.(2)Notwithstanding such repeal, nothing in this Act shall effect the validity of anything done, any proceeding taken or any order made or penalty imposed under the said Ordinance:Provided that if any proceeding under the said Ordinance is pending at the commencement of this Act it shall continue only so far as it is consistent with the provisions of this Act.