THE JAMMU AND KASHMIR AGRARIAN REFORMS RULES, 1977

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THE JAMMU AND KASHMIR AGRARIAN REFORMS RULES, 1977.

Revenue Department's Notification SRO-58 dated 1st February, 1977.—In exercise of the powers conferred by section 40 of the Jammu and Kashmir Agrarian Reforms Act, 1976, the Government hereby make the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Jammu and Kashmir Agrarian Reforms Rules, 1977.

(2) These shall come into force on the date[1] on which the Jammu and Kash-mir Agrarian Reforms Act, 1976 comes into force.

CHAPTER 1

Definitions

2. *Definitions.*— In these rules, unless the context otherwise requires,—(a)"Act" means the Jammu and Kashmir Agrarian Reforms Act, 1976 ; (b) "Collector", "Assistant Commissioner", "Tehsildar" and "Naib- Tehsildar" means respectively a Collector, Assistant Commissioner, Tehsildar and Naib-Tehsildar appointed as such under section 18 ; (c) "earlier Act" means the Jammu and Kashmir Agrarian Reforms Act, 1972 ;

(d) "earlier rules" means the Jammu and Kashmir Agrarian Reforms Rules, 1972 ;

(e) "Form" means a Form appended to these rules ; (f)"person" includes family and the management of a place of worship, waqaf or dharamshala, or public trust, or institution of a charitable or religious nature [2][x x x] ;

(g) "section" means the section of the Act ;

1.The Act has been enforced from 13th July, 1978 vide Notification SRO-295 dated 1st June, 1978.

2.Omitted by SRO-430 dated 28-7-1978.

(h) "standard kanal" means an area equal to one-eighth of a standard acre ;

(i) "standard marla" means an area equal to one-twentieth of a standard Kanal ;

(j) "standard measure" in relation to an area of land means the area reck-oned in terms of standard acres, standard kanals and standard marlas ; and

(k) "village" means an estate as defined in the Jammu and Kashmir Land Revenue Act, Samvat 1996.

CHAPTER II

Procedure for Making Records

3. *Record of personal cultivation.*— Subject to the provisions of rule 4, entries in khasra girdawari, including those verified or amended and authenticated under the earlier rules, shall be the record of personal cultivation of land.

4. *Disputes relating to girdawari entries.* —(1) Where, in the course of attestation of mutations under Chapter IV, any party objects to the correctness of an entry in the khasra girdawari (whether made under the earlier rules or Standing Order No. 22), a Revenue Officer, not below the rank of Tehsildar, shall, subject to the provisions of sub-rules (2), (3) and (4) and after giving an opportunity of being heard to all the concerned, conduct an enquiry on spot in respect of such mutation and give his finding thereon either confirming the impugned entry or indicating what entry should be made.

(2) Where the impugned entry mentioned in sub-rule (1) has been made by or under the order of a Tehsildar or a Revenue Officer of a higher class, the Tehsildar disposing of a mutation under Chapter IV shall act on the basis of such entry, it being open to the party aggrieved by it to object to the entry in an appeal against the final order passed on such mutation.

(3) Where, in the course of enquiry under the foregoing sub-rules, objection raised against an entry relating to personal cultivation is admitted by the party in whose favour such entry is made, the Revenue Officer shall, before accepting such objection and admission, record his finding and the reasons therefor that such objection and admission are not a device to defeat the provisions relating to restrictions on alienation of land provided by the Act.

(4) Nothing herein contained shall empower any Revenue Officer to pass, or to act upon any order directing an entry relating to rent otherwise than in accor-dance with the provisions of the Jammu and Kashmir Tenancy Act, Samvat 1984.

CHAPTER III

Exercise of Option and Matters Connected Therewith

5. *Obligation to furnish returns.* —(1) Subject to the other provisions of this rule, every person holding land in any capacity whatsoever, shall, within such period as may be notified by the Revenue Minister, file a return in

Form 1 in dupli-cate of the aggregate land, held by him on the first day of September, 1971, indicat-ing therein, *inter-alia,* the land selected by him, if any, under :—

(a) clause (b) of sub-section (2) of section 4 ; and/or

(b) sub-section (2) of section 5 :

Provided that land subject to mortgage without possession shall, to the extent possible, be included in such selection.

(2) The person filing the return shall put his signature/thumb impression at the bottom of the return and declare that the return has not omitted to mention any land held by him or by the person on whose behalf it is filed. Where a return consists of more than one page, each page shall bear the attestation of the Tehsildar and the signature/thumb-impression and the aforementioned declaration of the person filing the return. The return shall not have any overwriting or erasure or mutilation.

(3) The Tehsildar may afford necessary help to the concerned in compiling the return mentioned in sub-rule (1). After the return is so compiled, the Tehsildar shall certify at the bottom of such return that it has been explained to the concerned person and accepted by him to be correct.

(4) The return shall be filed in duplicate before each Tehsildar whose jurisdic-tion the whole or part of the land is situate.

Form 2 duly signed, sealed and dated by him or on his behalf. One copy of the return shall be submitted by him direct to the Collector, to whom he is subordinate, for record and reference in his office.

(6) The return thus filed shall, subject to the provisions of rule 8, be binding on the person, by whom and/or on whose behalf, it is filed.

(7) No return shall be necessary from—

(a) gumpas of Ladakh District ; and

(b) the persons who held, on the first day of September, 1971, and thereafter, land not exceeding the ceiling area.

6. *Land transferred or acquired.*— The return shall indicate such land or rights therein as has or have, subsequent to the first day of September, 1971 been transferred or acquired as well as the reference to the permission, if any, under which such transfer or acquisition has been made.

7. *Procedure where return not filed.* —(1) A Revenue officer not below the rank of a Tehsildar shall have power to take action under sub-section (2) of section 37.

(2) Where a Revenue Officer acting under sub-rule (1) proceeds to compile the return for a person who has failed to file such return under rule 5 or has fur-nished a false return, he shall make such enquiries as he deems necessary from any other Revenue officer in whose jurisdiction, he has reason to believe, a part of the land held by such person on the first day of September, 1971 is situated.

8. *Amendment of return.*— Any person, having once filed return or for whom the return has been compiled under sub-section (2) of section 37, may, subject to the provisions of rule 61, apply for amendment of the return, if entries in the Rev-enue record as on the first day of September, 1971, have been varied or altered by a competent authority—

(a) on a date subsequent to that on which the return was filed or compiled, as the case may be ; or

(b) on a date earlier to the filing of the return or compilation thereof, as the case may be, when the person could not, in ordinary course, have knowledge of such variation or alteration earlier than the date of filing the return or the date when the return was compiled :

Provided that the limitation of time for making such application shall be three months from the date of such variation or alteration.

9. *Examination of returns.* —(1) The return filed under rule 5 shall be checked by a Revenue officer, not below the rank of a Tehsildar, with reference to the Jamabandi, current on the first day of September, 1971, mutations attested but not incorporated in the Jamabandi and relevant Khasra Girdawari entries. He shall also verify—

(a) that names and description of persons in personal cultivation of land have been correctly recorded ;

(b) that no land has been omitted in the return ;

(c) that land selected under section 4 or section 5 does not comprise land in a demarcated forest ;

(d) that land has been correctly classified and indicated ;

(e) that aggregate land held and selected does not exceed the limits pro-vided by the Act ;

(f) that land has been selected in accordance with the provisions of the Act and these rules ;

(g) that selection made from the holdings of different members of a family, if not proportionate to the area of such holding, is supported by the head

of the family and his spouse ; and

(h) any other matter which may be relevant.

(2) Such of the returns, as are found *prima facie* correct and complete according to these rules, shall be provisionally accepted and marked as such. In respect of a return which is found *prima facie* incorrect or incomplete, a Revenue Officer, not below the rank of a Tehsildar shall, after giving a reasonable opportunity of being heard to every concerned person and after making such further enquiry, as may be necessary, pass such orders as he deems fit.

(3) True copies of alterations in a return, if any, made under rule 8 or sub-rule (2), duly verified and attested by the Revenue Officer, shall be sent in

Form 3 to the Collector and to all interested persons.

CHAPTER IV

Compilation of Form 4 and Attestation of Mutations

10. *Form 4.* —(1) A Revenue Officer shall cause to be compiled a statement in Form 4 by each patwari concerned in respect of each person, holding land, whether as owner or otherwise or partly in one capacity and partly in any other capacity or capacities in any village or villages in the State.

(2) Such statement shall indicate the extent and identify the whole of such land held by such person in the entire State and one such statement shall be prepared for each such village.

(3) Such statements shall be prepared for persons holding land not exceeding the ceiling area, as soon as may be, by reference to the village records. In respect of a person holding land in excess of the ceiling area, such statement shall be pre-pared, as soon as may be, after the return is accepted under rule 9.

(4) The Revenue Officer shall, where necessary, ascertain from any other person or any other Revenue Officer particulars of and held by a person within the jurisdiction of such other Revenue Officer.

(5) Girdawar shall check these statements cent percent ; Naib-Tehsildar 50% ; Tehsildar 25% and Collector 5% ; provided that every statement taken up for this purpose shall be checked as a whole.

(6) Each statement shall be signed by the Patwari, Girdawar, Naib-Tehsildar and Tehsildar concerned. The Naib Tehsildar and Tehsildar shall certify on each Form, checked by them, the fact of such check. Such of the statements as are checked by Collector shall be signed by such Collector.

(7) The statement compiled under this rule shall be amended if the return, on the basis of which such statement has been compiled, is amended under rule 8 or sub-rule (2) of rule 9 or if the order given on a mutation under rule 12 or rule 13 is modified in appeal or revision.

11. *Mutations sanctioned under the earlier Act.*— Where extinguishment and/or vesting of rights in land, made by the earlier Act, have been given effect to by a mutation and such extinguishment and/or vesting have been made ineffective by section 43, a Revenue Officer not below the rank of a Tehsildar shall, after giving the parties an opportunity of being heard ; endorse on such mutation an order, giving reasons therefor, directing that such extinguishment and/or vesting shall not be given effect to and indicating what entry, if any, be made instead of the one sanctioned under the earlier Act.

Illustrations. —(i) X, a displaced person, was allotted one standard acre of evacuees' land in each of the three villages A, B and C. He does not have any other land nor does any member of his family. He was not personally cultivating the land in any of these villages on first September, 1971. Mutations have been attested in all the villages giving effect to the extinguishment of the rights of X in all the villages under sub-section (3) of section 17 of the Jammu and Kashmir Agrarian Reforms Act of 1972. On each of these three mutations, the Tehsildar, acting under this Chapter, shall endorse an order directing that the order already passed be not given any effect, because sub-section (1) of section 4 does not apply to evacuees' land.

(ii) X, a displaced person, was allotted evacuees' land in different villages as per details given below, namely :—

in village A.....two standard kanals ;

in village B.....one standard acre ; and

in village C.....one standard acre ;

He was cultivating personally, in Kharief 1971, land in village A. In all the three villages, mutations have been attested giving effect to the conferment of

ownership rights the evacuees' land on X. On all these mutations, the Tehsildar acting under this Chapter, shall endorse, orders directing that the orders already passed be not given any effect, because the provisions relating to the conferment of ownership rights in land held in personal cultivation, as given in the Act, do not apply to evacuees' land.

[1][(iii) 'A' held land in village X measuring fifteen standard acres in the form of orchard that existed as such on first September, 1971. He also held land, other than orchard, measuring four standard acres, in personals cultivation in Kharief, 1971.'A' or any other member of his family did not have any other land or orchard on first September, 1971. Mutations have been attested in this village extinguishing rights of ownership of 'A' in four standard acres of land held by him in addition to the orchard. His right of ownership in the orchard has been kept in tact. On this muta-tion the Tehsildar, acting under this Chapter shall endorse an order, directing that order already passed be not given any effect because the orchard does not come within the definition of land].

12. *Mutations extinguishing rights in land under sub-section (1) of section 4 and section 6.*—(1) In each village mutations shall be written up and attested giving effect to the extinguishment of rights in land (other than evacuees' land) and dwelling house under sub-section (1) of section 4 and section 6, and vesting of such rights in the State. Objections, if any, made relating to entries in khasra-girdawari shall be disposed of as provided in rule 4.

(2) (a) The tiller, who was personally cultivating in Kharief, 1971 the land mentioned in sub-section (1) of section 4 shall, subject to the provisions of clauses (b) and (c), be recorded in the tenant's column as prospective owner of such land (excluding evacuees' land) if such tiller did not hold on the first day of September, 1971, along with other members of his family, if any, aggregate land, including evacuees' land, whether as owner or otherwise, in excess of the limits laid down by the Act or where he held such aggregate land in excess of such limits, if such land is within the area selected by him in the return accepted under rule 9.

1. Substituted by SRO-430 dated 28-7-1978.

(b)Where such tiller as is mentioned in clause (a), has already died, then—

(i) if the death has taken place prior to first day of May, 1973 and the mutation of succession relating to him has already been written up and attested, the legal heirs in whose favour the tenancy of the tiller has been sanctioned shall, subject to the provisions of sub-section (2) of section 14 and rule 11, be directed to be recorded as the prospective owners of such land ;

(ii) if the death has taken place prior to first day of May, 1973 and no mutation of succession has been attested, the mutation under this rule shall identify the land for which the tiller, mentioned in clause (a), would, subject to the conditions mentioned therein, be entered as prospective owner with effect from first May, 1973, if he had not died, and shall simultaneously identify the legal heirs of such tiller and direct that, subject to the provision of sub-section (2) of section 14, such legal heirs be entered as prospective owners with effect from first May, 1973 ;

(iii) if the death has taken place on or after first May, 1973 and the mutation of succession relating to him has already been written up and attested, the mutation under this rule shall direct that the deceased tiller be, subject to the conditions mentioned in clause (a), entered as prospec-tive owner until the date of his death and thereafter his legal heirs be, subject to the provisions of sub-section (2) of section 14 and rule 11, recorded as prospective owners of such land ; and

(iv) if the death has taken place on or after first May, 1973 and the mutation of succession relating to him has not been attested, the mutation under this rule shall direct that the deceased tiller be subject to the conditions mentioned in clause (a), entered as prospective owner and thereafter separate mutation shall be written up and attested in accordance with the proviso to clause (a) of sub-section (1) of section 28 :

Provided that where a legal heir, as a result of the succession referred to in this clause, holds an area of land in excess of that permitted by sub-section (2) of section 14, the Revenue Officer attesting under this rule shall, after giving the legal heir an opportunity of being heard, identify such excess land and direct that such excess land, having vested in the State, be recorded in the name of State.

(c) Where the tiller, who was personally cultivating such land in Kharief, 1971, has prior to first May, 1973, transferred his rights under a valid transfer and the Revenue Officer attesting mutations under this rule is satisfied that the transfer is *bona fide*, then—

(i) if the mutation of transfer has already been attested, the mutation under this rule shall, subject to the provisions of sub-section (2) of section 14, direct that the transferee be recorded as a prospective owner ; and

(ii) if the mutation of transfer has not been attested, the mutation under this rule shall identify the land for which the tiller mentioned in clause (a) would be, subject to the conditions mentioned therein, entitled to hold as prospective owner, if he had not transferred the land, and shall simultaneously direct that the transferee be, subject to the provisions of sub-section (2) of section 14, recorded as prospective owner of such land :

Provided that where, as a result of the transfer of land mentioned in this clause, it is found that the transferee holds land, in excess of land permitted by sub-section (2) of section 14, the Revenue Officer attesting mutations under this rule shall, after giving such transferee an opportunity of being heard, identify the land which is in excess of such limit and shall direct that such excess land, having vested in the state be recorded in the name of the State.

Illustrations. —(i) Land owned by L and measuring two standard acres was in personal cultivation of occupancy tenant A in village X on first September, 1971. A has died after first September, 1971 but before first May, 1973 and mutation No. 30 has been attested sanctioning the devolution of the rights of A on his sons, B and C, in equal shares. Neither B nor C had ever had land in their possession, including that by other members of their respective families and that devolving on them by mutation No. 30, in excess of the limit permitted by the Act. The mutation under this rule shall give effect to the extinguishment of rights of L and shall direct that B and C be recorded as prospective owners in equal shares.

If A has died after first May, 1973 the mutation order shall direct A be recorded as prospective owner until the date of his death and that B and C be recorded as such prospective owners in equal shares from the said date.

(ii) In the aforementioned illustration, A has not died but he has transferred his rights of occupancy tenancy after first September, 1971 but before first May, 1973 in favour of B. The transfer is valid and the Tehsildar, attesting the mutation under this rule, is satisfied that it is *bona fide*. The mutation of transfer of occu-pancy rights from A to B has already been attested , B does not have, along with the other members of his family, land, including the land so transferred to him, in excess of the limits permitted by the Act. The mutation under this rule shall give effect to the extinguishment of rights of L and shall direct that B be entered as a prospective owner of such land with effect from first May, 1973.

(iii) A was owner and B tenant-at-will under him for five standard acres of land in village X on the first September, 1971. C purchased rights of A as well as of B before first May, 1973. The purchase is valid and is found *bona fide* by the Tehsildar attesting mutations under this rule. If the mutation of transfer has already been attested in favour of C, the mutation under this rule shall direct C to be recorded as prospective owner provided the limit to landed property under sub-section (2) of section 14 is not pierced.

If the mutation of transfer has not been attested, the mutation under this rule shall identify the land for which B should have been recorded as prospective owner, if the land had not been transferred, and shall simultaneously give a finding, for reasons to be recorded, that the transfer is valid and *bona fide* and shall direct, subject to sub-section (2) of section 14, that C be recorded as prospective owner of such land.

If it is found that, as a result of such transfer, C has more land in his posses-sion than he is entitled to under sub-section (2) of section 14, the Tehsildar shall also identify, after giving an opportunity of being heard to the transferee, the excess land and shall direct that this excess land, having vested in the State, be recorded in the ownership of the State.

(iv) In illustration (iii) B held, besides the land mentioned therein, sixteen standard acres of land in his personal cultivation on first September, 1971. He cannot hold land more than seven and a half standard acres in additions to other categories of land exempted from the operation of the Act by section 3.

(v) A was owner and B tenant-at-will under him for five standard acres of land in village X on the first day of September, 1971. B died after first May, 1973 leaving behind him two un-married daughters, D1 and D2 and one son S1. Mutation No. 10 of succession of B is sanctioned in favour of D1, D2 and S1 in equal shares under section 42 of the earlier Act. The Revenue Officer attesting mutation under this rule shall first amend the order given on Mutation No 10 under rule 11 so as to direct that the land held by B be entered in the name of S1 alone. Thereafter he shall, on the mutation written up under this rule, direct that B be entered as prospective owner of land until the date of his death and thereafter S1 be entered as prospective owner.

In this illustration it is assumed that S1, along with the other members of his family, does not have any land other than that inherited by him from A.

(3) The person mentioned in clause (a) of sub-section (1) of section 6, occu-pying the dwelling house mentioned therein and vested in the State, shall be re-corded in the tenant's column as prospective owner of the dwelling house and the land mentioned in clause (b) thereof, if such dwelling house and such land are selected in the return accepted under rule 9 or the aggregate land held by such

person along with other members of his family, if any, was within the limits provided by the Act on the first day of September, 1971 ; provided that in case of death of such person after the first day of September, 1971, provisions contained in clauses (b), and (c) of sub-rule (2) shall apply *mutatis mutandis.*

(4) Such prospective owners, as are mentioned in sub-rules (2) and (3), shall be directed to be recorded as holding such land and dwelling house under the State on payment of rent to the State at the rate it was payable before first day of May, 1973, the State being liable to pay such rent, after deducting collection charges at 10% of such rent, the ex-landlord of such tiller or occupant, the recovery or pay-ment of rent being made in such form and manner, subject to the conditions and until such time as is provided by or under Chapter VI of these rules.The Revenue Officer attesting mutations under this rule shall further give a finding as to—

(i) the levy payable by such prospective owner(s) for acquiring owner- ship rights in such land ; and

(ii) amount payable to the person whose rights in land and/or dwelling house have been extinguished ;

subject to the consequences of resumption, if any.

(5) Such legal heir or transferee, mentioned in clauses (b) and (c) of sub-rule (2), as is found in possession of land in excess of that permitted by sub-section (2) of section 14, shall be recorded in the tenant's column as being in possession of such excess land—

(a) in lieu of rent payable to the State at forty times, the land revenue plus cesses and other charges payable for such land, where such legal heir/ transferee was owner of such land ; and

(b) in lieu of rent payable to the State in such form and manner as is provided by Chapter VI and at the rates at which it was payable earlier by him to ex-landlord, where such legal heir/transferee was tiller of such land ;

until such land is allotted and possession thereof transferred to the allottee.

13. *Mutations under section 5.*— In each village and in respect of each statement in Form 4 mutation shall be written up and attested for giving effect to the extinguishment of all rights, title and interest in land of the person to whom the statement relates, where such person held such land in excess of the area selected by him under section 5 on first September, 1971.

(2) While identifying land mentioned in sub-rule (1) regard shall be had to the provisions of the Act relating to the exemption of various categories of land from the operation of any or all the provisions thereof and, in case of transfer of land made after first September, 1971 but prior to first May, 1973, effect shall be given in the mutation order to the consequences provided for in sub-section (17) of section 2 and section 35, as may be applicable :

Provided that whether or not a transfer of land mentioned in sub-section (17) of section 2 is *bona fide* shall be decided by the Revenue Officer attesting muta-tions under this rule.

(3) The Revenue Officer attesting mutations under this rule shall give a find-ing as to the amount payable to the person whose rights in land have extinguished under section 5, where such amount is less than the market value of such land.

(4) The mutation order shall direct—

(i) that the rights in land thus extinguished have vested in the State from 1st May, 1973 ; and further—

(i) that the person who was holding such land as owner or as tenant or allottee under the State shall pay to the State rent at the rate of forty times the sum of the land revenue assessed on, and cesses and other charges and dues payable for, such land ; and

(ii) that the person who was holding such land as tiller under a person other than the State shall pay to the State rent at such rate at which he was paying it to the ex-landlord, in such form and manner and subject to such conditions as are provided by or under Chapter VI ;

from the date of the commencement of the Act until the date such land is allotted and the allottee is given possession thereof.

Illustrations. —(i) A, held ten standard acres of land as owner and ten standard acres of land as tenant-at-will, under the owner B, in Village X on first September, 1971. No other member of his family held any land on this date. A sold five standard acres out of the land held as owner and jointly with B, three stan-dard acres out of the land held by him as tiller to C on 10th October, 1972. The aggregate area of 8 standard acres thus sold by him shall be deducted from the ceiling area of $12_{1/2}$ standard acres which he could have retained, but for the aforementioned sales. As it

is, A can be recorded as owner/prospective owner of only 4 1/2 standard acres (12 1/2 minus 8) selected for the purpose by him.

(ii) In the aforementioned illustration, the land held by C alongwith other members of his family, on first September, 1971 does not, alongwith the eight standard acres so purchased by him exceed 12 1/2 standard acres. The sales are found valid and *bona fide* by the Tehsildar attesting mutations under this rule. C shall be recorded as owner of such land measuring eight standard acres.

(iii) In illustration (i), A selected 4 1/2 standard acres out of land held earlier by him as owner. Half a standard acre of land, held earlier by him as owner, shall vest in the State and shall be available as surplus land for allotment under section 15. Similarly seven standard acres remaining out of land, held earlier by him as tenant-at-will, shall also vest in the State and shall be available for allotment under section 15, subject to resumption if B be eligible to resume.

(iv) In illustration (iii), the half standard acre of surplus land can continue in A's possession on payment of rent at the rate of 40 times the land revenue and cesses etc. payable for such land until it is allotted and possession thereof given to the allottee.

14. *Procedure and competence for attesting mutations.* —(1) Mutations under this Chapter shall, subject to the provisions herein contained, be attested, in accordance with the procedure provided by Standing Order No. 23-A, by a Rev-enue Officer, [1][x x x] in or near the village to which these pertain [2][:]

[3][Provided that no Naib-Tehsildar shall attest any disputed mutation or any other such mutation where change or correction of any entry of Khasra Girdawari is involved unless he is empowered for the said purpose by the Commissioner appointed under section 18 of the Act.

(2) *Ex parte* proceedings on mutations, even if permitted shall be avoided, as far as possible, and where such proceedings are taken in accordance with law, the mutation order and the record accompanying such mutation, shall show that sufficient steps were taken to give notice to the person against whom such proceedings have been taken.

[4][14-A.— Mutation in the case of a displaced person for conferment of occupancy rights in evacuee land shall be written and attested in accordance with the provisions of section 3-A of the Act. Objections, if any, made relating to entries in khasra girdawari shall be disposed of as provided for in rule 4.]

1. Words "not below the rank of a Tehsildar" omitted by SRO 244 dated 11-06-1981. 2. Substituted *ibid*.

3. Proviso inserted *ibid*.

4. Rule 14-A inserted by SRO-430 dated 28-07-1978.

CHAPTER V

Resumption

15. *Definitions.*— For purposes of this Chapter, unless the context indicates otherwise—

(a) "ex-landlord" means a person who was holding land as a landlord prior to the first day of May, 1973 and whose rights in such land have been extinguished under sub-section (1) of section 4 and who is eligible to resume land under section 7 ;

(b) "petitioner" means an ex-landlord and, in case of a holding, held jointly prior to first day of May, 1973, by more than one ex-landlord, such ex-landlords jointly making a petition for resumption of land ;

(c) "respondent" means a prospective owner, and in case of a tenancy (Khata) held jointly by more than one prospective owner, all such prospective owners jointly from whom land is sought to be resumed ;

(d) "resumable land" means the extent of land resumable under clause (f) of sub-section (2) of section 7.

16. *Petition.*— A petition for resumption of land shall be in Form 5.

17. *Private agreement.*— Before proceeding to identify land to be resumed by the petitioner, the Revenue Officer shall afford an opportunity to the parties to arrive at an agreement, subject to the provisions of sub-section (7) of section 7.

18. *Identification of land that may be resumed.*— Where the parties do not arrive at an agreement, the Revenue Officer shall himself select land for resumption by the petitioner and, in doing so, he shall be guided by the following principles, namely :—

(a) the distribution of the area as between the tiller and the petitioner (in proportion to be part of the produce received by each party) shall be in standard measure.

Illustration.— A, a petitioner, held land measuring 8 standard acres through tillers according to the details given below, namely :—

X, 2 standard acres ;

Y, 3 standard acres ;

Z, 2 standard acres ; and

U, 1 standard acre.

A was entitled to rent in kind at half produce prior to the first day of May, 1973. A can resume, from each of the aforementioned tillers, land according to the details given below, namely :—

From X, 1 standard acre ;

From Y, 1 1/2 standard acres ;

From Z, 1 standard acre ; and

From U, 1/2 standard acre.

Total 4 standard acres.

(b) The selection of land for resumption shall be made in such a manner that the rights of easement in relation to the cultivation of land are not interfered with.

(c) Land resumed by the petitioner shall include, to the extent possible, such land as is mortgaged without possession by such petitioner :

Provided that where, notwithstanding such inclusion, a residue of land sub-ject to such mortgage falls to the share of the respondent :—

(i) who is entitled to acquire ownership of entire land, remaining with him after resumption, without payment of levy, the mortgage on such resi-due of land shall also be shifted to the land resumed by such petitioner.

(ii) who is entitled to acquire ownership of a part only of the land, remain-ing with him after resumption without payment of any levy, the land for which the respondent has to pay levy shall be selected from such residue of land subject to such mortgage, and, where after such selec-tion, a part of land subject to such mortgage still exists, the mortgage on such part shall be shifted to the land remaining with the respondent, for which he has to pay levy as also to the land resumed by the peti-tioner in proportion to their respective areas.

Illustration.— X owned ten standard acres of land and Y is prospective owner of such land. X had mortgaged without possession seven standard acres in lieu of Rs. ten thousand. X has two standard acres of land in his personal cultiva-

tion. He was recovering rent from Y at the rate of half of the produce. He is eligible to resume land and has applied for resumption. He can resume only three standard

acres. All the three standard acres shall be selected by the Revenue Officer out of the land subject to mortgage without possession. Y shall acquire ownership of land, remaining with him after such resumption, to the extent of five standard acres without payment of any levy and to the extent of two standard acres, after payment of levy. The area of two standard acres, for which levy has to be paid by Y, shall also be selected out of the land subject to such mortgage. This covers five standard acres of mortgaged land. The mortgage on the remaining two standard acres, falling to the share of Y, in which he is entitled to acquire ownwership without payment of any levy, shall be transferred to the land resumed by X to the extent of 2/5 x 3 = 6/5 = $1_{1/5}$ standard acres and to the land, in which Y is entitled to acquire ownership after payment of levy to the extent of 2/5 x 2 = 4/5 standard acres. In this way Y shall get free of all encumbrances, portion of land for which no levy is to be paid by him. In respect of land, for which he has to pay levy, the mortgagee will be disposed of in accordance with the provisions of sub-section (1) of section 10 read with Sched-ule III. As a result the tiller shall acquire ownership in land due to him free of all encumbrances.

(d) Land further away from the tiller's dwelling house shall be preferred to the land nearer such house.

19. *Cases where entire resumable land is not resumed.*— When the entire land, resumable from a respondent, cannot be resumed by virtue of the restriction provided in sub-section (3) of section 7, land for resumption shall be selected from the respondent's holdings in proportion to their respective areas, in standard measure.

Illustration.— A is a petitioner who owned land, measuring 12 standard acres, and held it through tillers prior to the first day of May, 1973 according to the details given below, namely :—

X, 6 standard acres ;

Y, 4 standard acres ;

Z, 2 standard acres.

A has already in his personal cultivation as owner or as an allottee or otherwise or partly in one capacity or partly in another capacity or capacities land measuring four standard acres. He was entitled to rent in kind equal to half of the produce prior to the first day of May, 1973. He can resume only one standard acre. This shall be resumed from the tillers according to the details given below, namely :—

From X, $1_{1/2}$ x 6 x 8 = 4 standard kanals,

From Y $1_{1/2}$ x 4 x 8 =8/3 standard kanals = $2_{2/3}$ standard kanals,

From Z, $1_{1/2}$ x 2 x 8 = 4/3 standard kanals = $1_{1/3}$ standard kanals.

Total resumed land = 8 standard kanals = one standard acre.

20. *Evacuees' land.*— Notwithstanding anything contained herein no own-ership rights in evacuees' land shall vest in the person resuming, or, in the tiller of, such land.

21. *Procedure.* —(1) The petition for resumption shall be presented to the Revenue Officer, who shall thereupon cause to be written up a mutation of resump-tion in the mutation register of the village where the land sought to be resumed is situated. *Surat-i-sabiq* of this mutation shall conform to the entries approved by orders passed on the mutations sanctioned under rules 12 and 13 and *Surat Jadid* side shall be kept blank.

(2) The Revenue Officer shall conduct enquiry on such mutation itself and shall, after giving an opportunity of being heard to the parties ; give his finding—

(i) whether the petitioner, or where a petition has been made jointly by several petitioners, each petitioner is eligible to resume land ;

(ii) whether land is resumable from the respondent or, where there are more than one respondent, from each respondent ;

(iii) as to the extent of land resumable by each petitioner under clause (f) of sub-section (2) of section 7 ;

(iv) as to the extent of land resumable from the respondent or where there are more than one respondent, from each such respondent under clause (f) of sub-section (2) of section 7 ; and

(v) as to the extent of land that the petitioner can be permitted to resume from each respondent, having regard to the provisions of sub-section (3) of section 7.

(3) Thereupon the Revenue Officer shall identify the land for resumption in accordance with the provisions of this Chapter and for this purpose the Revenue Officer shall, of his own motion, partition the tenancy holding where such respondent holds land jointly with some one else whose land cannot be resumed by the petitioner.

(4) The Revenue Officer shall, after giving the parties an opportunity of being heard, record his finding as to the amount, if any, payable to the respondent under sub-section (4) of section 7 and shall call upon the petitioner to make the payment to the respondent.

(5) The Revenue Officer shall, as soon as may be after the payment by the petitioner has been made to the respondent, direct that the petitioner be recorded as owner of the land permitted to be resumed and shall put him, or cause him to be put, in possession of such land. Where, however, any crop be standing on such land, the Revenue Officer shall put the petitioner in possession of the resumed land after adequate opportunity is given to the respondent to remove the crop.

(6) If the petitioner has succeeded in resuming the entire resumable land from the respondent, the mutation order shall also direct that land left with the respon-dent, after such resumption, be entered in his ownership rights without payment of any levy.

(7) If the land actually permitted to be resumed falls short, in standard measure, of the resumable land, the mutation order shall further direct that the respondent be recorded as owner, without payment of levy, for land which should have remained with him, if the entire resumable land had been resumed and he shall identify such land in accordance with the provisions of this Chapter. For the remaining land the respondent shall continue to be recorded as prospective owner and the Revenue Officer shall record his finding as to the extent of levy payable by him for such land.

Illustrations. —(i) In the illustration to clause (a) of rule 18 X, Y, Z and U shall be recorded as owners of one standard acre, $1_{1/2}$ standard acres, one standard acre and 1/2 standard acre respectively remaining with them after A resumes land from them, without payment of any levy. Similarly A shall be recorded as owner of 4 standard acres of land resumed by him from X, Y, Z and U.

(ii) In the illustration to rule 19, X, Y, Z shall be recorded as owners without payment of any levy in respect of 3 standard acres, 2 standard acres and one standard acre respectively. For the rest of the land remaining with—

X and equal to 3 standard acres–4 standard kanal = 20 standard kanals ;

Y and equal to 2 standard acre–$2_{2/3}$ standard kanals = $13_{1/3}$ kanals ;

Z and equal to 1 standard acre–$1_{1/3}$ standard kanal = $6_{2/3}$ standard kanals ;

they shall continue to be recorded as prospective owners and be liable for payment of rent until they acquire ownership rights on payment of levy in full. A shall be recorded as owner of one-standard acre resumed by him.

[1]22. *Jurisdiction.*— The powers and duties of the Revenue Officer under this Chapter shall be exercised and discharged, as the case may be, by the Tehsildar or a higher Revenue Officer or by such Naib-Tehsildar, as may be empowered for the purpose by the Collector concerned, having jurisdiction in the area in which the land is situate.

CHAPTER VI

Rent

General

23. *Form in which rent shall be recovered.* —(1) Except as otherwise pro-vided in these rules, rent recoverable under sub-section (1) of section 9 or sub-section (3) of section 17 shall, where it was recoverable prior to the first day of May, 1973 in kind, be recovered—

(a) in kind, in respect of produce procured by the Government during the year in which the rent falls due ; and

(b) in cash, in respect of produce not procured by the Government during the year in which the rent falls due.

(2) Rent mentioned in sub-rule (1) shall be recovered in cash, if it was recoverable prior to the first day of May, 1973 in cash.

(3) Arrears of rents under sub-section (7) of section 9 shall be recovered in cash.

24. *Form in which rent shall be paid.* —(1) Where rent was recoverable prior to the first day of May, 1973 in kind, the part thereof, consisting of produce pro-cured by the Government during the year when rent falls due, shall except as otherwise provided in these rules, be paid under sub-section (2) of section 9 or sub-section (3) of section 17 in kind and the rest in cash :

Provided that the Government may direct that such rent shall be paid wholly in cash to ex-landlords living in a specified rationed area.

(2) Where rent was recoverable prior to the first day of May, 1973 in cash, it shall be paid under sub-section (2) of section 9 or sub-section (3) of section 17 in cash.

1. Rule 22 recast by SRO-292 dated 16-4-1986.

(3) Arrears of rent under sub-section (7) of section 9 shall be paid in cash.

25. *Commutation of kind rent into its cash equivalent.*— For the purpose of the aforementioned rules, rent in kind, wherever recoverable or payable in cash, shall be commuted into cash in accordance with the procurement rates notified by the Government from time to time for procured grains and in accordance with such rates as shall be notified by the Government from time to time for other produce.

PROCEDURE

26. *Jurisidiction.* —(1) A Revenue Officer, not below the rank of a Tehsildar, shall recover rent for land situate within his territorial jurisdiction during the period fixed for the payment of land revenue of the harvest, to which the rent pertains.

(2) Any rent or part thereof remaining unpaid at the end of the period mentioned in sub-rule (1) and arrears of rent, accrued due prior to the date of enforcement of the Act but after the first day of May, 1973, shall be recovered as arrears of land revenue by the Revenue Officer mentioned in sub-rule (1).

27. *Cash Rent.* —(1) Rent or part thereof recoverable in cash shall, subject to the provisions of sub-rule (5) of rule 45, be paid to the Tehsildar who shall issue a receipt to the payer in

Form 6.

(2) (a) Where rent or part thereof mentioned in sub-rule (1) has been recov-ered under sub-section (1) or sub-section (7) of section 9 or sub-section (3) of section 17, the Tehsildar shall, subject to the provisions of sub-rule (3) endeavour to pay such rent or part thereof, as the case may be, after deducting 10% as collec-tion charges, to the person entitled to receive it, if he be readily available with or without summons and remit the collection charges into the treasury under an ap-propriate head of account which shall be specified by the Government.

(b) If the person mentioned in clause (a) to whom such rent is payable be not readily available, the amount recovered shall be depostied in the Saving Bank Account, to be opened by the Tehsildar in his official name in a branch of Jammu and Kashmir Bank Ltd., and the amount payable to the ex-landlord shall be paid to him in the form of cheque, as soon as may be, after the deposit is made, the accumulated amount of 10% collection charges being withdrawn after convenient intervals and simultaneously remitted into the treasury under the head of account mentioned in clause (a).

(c) The cheque referred to in clause (b) shall be crossed and made payable to payee's account and sent in an acknowledgment due registered postal cover to the ex-owner/ex-intermediary to whom it is due, the expenses incurred on registration being deducted from the amount due to the payee.

(d) Where payment is due to several persons holding khewat/khata jointly, their shares shall be worked out by the Tehsildar according to entries in the Rev-enue record and payment made separately to such persons to the extent of their respective shares in accordance with the procedure herein laid down.

(e) Within six months of the commencement of the Act, each person whose rights in land or dwelling house have been extinguished by sub-section (1) of section 4 or sub-section (1) of section 6 shall give information in duplicate to the Tehsildar, having jurisdiction in the area in which such land is situate, intimating the address on which payment due to such person, whether as rent, or as amount, may be made by means of cheque. One copy of this intimation shall be retained by the Tehsildar and another copy returned to the sender with a receipt endorsed thereon to the effect that the intimation relating to the address has been received. This receipt shall be signed and stamped by the Tehsildar.

(3) Where rent or part thereof has been recovered under—

(i) section 16 ; or

(ii) sub-section 3 of section 17 in cash after payment of amount mentioned in clause (c) thereof has been made in full;

such rent shall be immediately remitted into the treasury under the head of account mentioned in clause (a) of sub-rule (2).

28. *Rent in kind.* —(1) The rent or part thereof recoverable in kind shall be deposited in the nearest store of the Food and Supplies Department/Co-operative Society and challan in

Form 7 in quadruplicate duly filled in shall be presented by the person making the delivery to the officer-in-charge of the Food and Supplies Store or the Co-operative Store, as the case may be, who shall, after receiving the grains, endorse stamped receipts on all the four foils of this challan and return two foils to such person. The latter shall keep one copy with himself and hand over the other copy to the Tehsildar.

(2) Such rent shall be paid by the Tehsildar, after deduction of collection charges, by delivering to the person entitled thereto, if any, an order in

Form 8 addressed to the officer-in-charge of the aforementioned Store of the Food and

Supplies Department/Co-operittive Society in the manner mentioned in sub-rule (2) of rule 27 *mutatis mutandis*.

29. *Private agreement.*— The prospective owner or, where tenancy was joint, all the prospective owners jointly on the one hand and the ex-landlord or, where the tenancy was held jointly by more than one landlord, all such ex-landlords jointly on the other ; may enter into an agreement by which such ex-landlord or ex-landlords jointly, acknowledge having received the rent due to him/them under section 9 from such prospective owner or prospective owners jointly, as the case may be, and if such agreement is attested by a Revenue Officer not below the rank of a Tehsildar, entry to this effect shall be made in the Rent Register and no rent shall be recovered from the prospective owner or prospective owners, as the case may be, nor shall any rent be payable to the ex-landlord(s) from the Government for the harvest in respect of which such agreement has been entered into.

30. *Arrears of rent.* —(1) Where instalment of levy has been recovered from a prospective owner under the earlier Act in respect of a harvest after the first day of May, 1973, such instalment of levy shall be deemed to be rent paid under section 9 for that harvest and if such rent has not been paid to the ex-owner/ex-intermedi-ary, it shall be paid to him in cash after deducting collection charges in accordance with the procedure, and by the Revenue Officer, mentioned in rule 27.

(2) Where the instalment of levy, recovered from a prospective owner under the earlier Act in respect of a harvest after the first day of May, 1973, has been already paid to the ex-landlord, no payment shall be made to him on account of rent for that particular harvest.

(3) Where a prospective owner has not paid any levy under the earlier Act in respect of a harvest prior to the date of the commencement of the Jammu and Kashmir Agrarian Reforms (Suspension of Operation) Act, 1975, arrears of rent under section 9 for such harvest shall be recovered in cash and paid, after deduc-tion of collection charges, to the ex-owner/ex-intermediary, in accordance with the provisions of rule 27.

(4) Where a prospective owner has not paid rent due from him under section 7 of the Jammu and Kashmir Agrarian Reforms (Suspension of Operation) Act, 1975, such arrears of rent shall be recovered from him in cash and paid after deduction of collection charges, to the ex-owner/ex-intermediary.

31. *Cases where levy has been paid in full under the earlier Act.*— (1) Where a prospective owner has paid levy in full under section 5 of the earlier Act for land

in which the rights of ex-owner/ex-intermediary are extinguished by sub-section (1) of section 4 and such ex-owner/ex-intermediary is not eligible to resume any land, such levy shall be dealt with in the following manner, namely :—

(a) if such levy is equal to the levy recoverable from such prospective owner under section 8, such ex-owner/ex-intermediary shall be paid in full and in one lump, as soon as may be after the commencement of the Act, the amount due to him, 10% thereof being remitted into treasury under the head mentioned in clause (a) of sub-rule (2) of rule 27, and no rent under section 9 shall be recovered ;

(b) if such levy is more than the levy recoverable from such prospective owner under section 8, such ex-owner/ex-intermediary shall be paid in full and in one lump, as soon as may be after the commencement of the Act, the amount payable to him under the Act for such land and the balance, after deducting 10% of such amount therefrom and remitting it into the treasury under the aforementioned head, shall be refunded to

the prospective owner forthwith and no rent under section 9 shall be recovered ; and

(c) if such levy is less than the levy recoverable from prospective owner under section 8, rent shall be recovered under section 9 from such prospective owner until he pays the balance levy due from him under the Act.

(2) Where a prospective owner has paid levy in full under section 5 of the earlier Act for land in which the rights of ex-owner/ex-intermediary are extinguished by sub-section (1) of section 4 and such ex-owner/ex-intermediary is eligible to resume land, levy shall be dealt with in the following manner, namely :—

(a) where no levy is found to be recoverable from such prospective owner, after resumption proceedings are concluded, such levy shall be re-funded to him in full, as soon as may be after the conclusion of resumption proceedings, and recovery/payment of rent under section 9 shall cease from the date on which the possession of resumed land is delivered to such ex-owner/ex-intemediary ; provided that the Government may direct that payments of rent to the ex-owner/ex-intermediary shall be made, in the meanwhile, from such levy, in which case balance of levy shall be refunded to the prospective owner after conclusion of resumption proceedings ;

(b) where, after resumption proceedings are concluded, levy under the Act is found payable by the prospective owner for a part of such land and such levy is equal to or less than the levy under the earlier Act already paid, such ex-owner/ex-intemediary shall be paid the amount due to him and the balance (after deducting therefrom 10% of such amount and remitting it into the treasury under the aforementioned head), shall be refunded to such prospective owner, such payment and refund being made, as soon as may be, after the conclusion of resumption proceedings, and no rent under section 9 shall be recovered from the date the ex-owner/ex-intermediary is put in possession of resumed land ; and

(c) where, after resumption proceedings are concluded, levy is found payable under the Act for a part of such land by the prospective owner and such levy is in excess of the levy already paid under the earlier Act, rent shall be recovered from such prospective owner under section 9 until he pays the balance levy due from him under the Act and the ex-landlord/ex-owner is put in possession of the resumed land.

(3) Where the levy referred to in sub-rule (2) having been recovered in full, amount in full under section 6 of the earlier Act has been already paid to the person whose rights in land are extinguished by sub-section (1) of section 4 and is not eligible to resume any land, action shall be taken in accordance with the provisions of clauses (a), (b) and (c) of sub-rule (1), as the case may be.

(4) Where the levy mentioned in sub-rule (2) having been recovered in full, amount in full under section 6 of the earlier Act has been already paid to the person whose rights in land are extinguished by sub-section (1) of section 4 but who is eligible to resume land, action shall be taken in accordance with the provisions of clauses (a), (b) and (c) of sub-rule (2), as the case may be, and excess payment, if any, made to the ex-owner/ex-intermediary shall be recovered as arrears of land revenue by a Revenue Officer, not below the rank of Tehsildar.

32. *Rent Register.*— Each Tehsildar shall maintain one Rent Register in Form 9 for each village. Sufficient number of pages shall therein be assigned to each person (entitled to receive rent from the Government) under section 9 or amount under sub-section (3) of section 17 and their names entered in alphabetical order. Entries in such

register shall be made and authenticated on the very day on which rent is recovered or paid.

CHAPTER VII

Allotment of Surplus Land

33. *Definitions.*— For purposes of this Chapter, unless the context the re-quires otherwise—

(a) "Revenue Officer" means a Revenue Officer of or above the rank of a Collector ;

(b) "surplus land" means—

(i) land that vests or has vested in the State under the Act and is surplus ; and

(ii) land held, under sub-section (2) of section 6 of the Jammu and Kashmir Big Landed Estates Abolition Act, Samvat 2007, in per-sonal cultivation by the person, whose rights thereinhave ex-tinguished under the aforementioned Act, or by his legal heir.

34. *Land that cannot be allotted.* —(1) Notwithstanding anything to the contrary contained in these rules, surplus land, situated in an area to which the Jammu and Kashmir Land Grants Act, 1960 applies shall be disposed of in accor-dance with the provisions of that Act.

(2) No land situate in a demarcated or an undemarcated or berun-i-line forest or covered by coniferous and/or broad-leaved trees or having a gradient of $22_{1/20}$ or more shall be allotted.

Note:— In a gradient of $22_{1/20}$ or less the distance along the slope for a vertical height of 1 metre is 2.6 metres or more.

35. *Conditions for allotment of land.*— Save as otherwise provided in rule 41, no person shall be allotted surplus land or any right therein unless he resides in the village in which the land to be allotted is situate.

36. *Liability of persons to whom land is allotted.* —(1) The person to whom surplus land is allotted shall hold it as a prospective owner and he shall be liable to—

(a) pay to the Government land revenue at village rates together with cesses and other charges and dues for the time being in force in respect of the land, and where such rates are not available in the village, at the rates prevailing in the nearest village in the same assessment circle and, in absence of such rates at the rates sanctioned by the Revenue Minister from the date he is put in possession thereof, and for pur-poses of sub-section (1) of section 54 of the Jammu and Kashmir Land Revenue Act, Samvat 1996, he shall be deemed to be a land holder ; and

(b) pay levy or part thereof, wherever it is payable in instalments, in the manner and to the extent provided in part C of Schedule III.

(2) (a) Where levy or a part thereof is payable in lump by the person to whom surplus land is allotted, allotment of land in his favour shall be cancelled if such payment is not made within a reasonable time, not exceeding one year.

(b) Where levy or a part thereof is payable in instalments by the person to whom surplus land is allotted, allotment of land in his favour shall be cancelled if he fails except due to reasons beyond his control, to pay three instalments of levy.

(c) Where allotment of land is cancelled under clause (a) or clause (b), the land shall be re-allotted in accordance with these rules.

(3) Cancellation of allotment under clause (b) of sub-rule (2) shall not absolve such allottee of his liability to pay land revenue and cesses and other dues and charges and instalments of levy for the period of occupation of such land.

37. *Extinguishment of right for allotment.*— A person who has been allot-ted land under these rules and against whom an order of cancellation of such allotment has been made under sub-rule (2) of rule 36, or a person whose rights in land are extinguished under section 13 shall cease to have any right for allotment of surplus land.

PROCEDURE

38. *Preliminary statements.* —(1) A Revenue Officer shall cause to be pre-pared a statement of surplus land available in each village in his charge and shall, thereupon, issue notice inviting applications for allotment of such surplus land from eligible persons residing in the village in which such land is situate.

(2) The notice shall indicate, in respect of each field available for allotment, its khasra number, area, class of soil, the amount of levy and the manner of its payment.

(3) The notice shall allow a period of not less than two months from the date of its publication for the receipt of applications.

(4) The notice shall be published in the following manner, namely :—

(a) the contents shall be proclaimed in the village in an appropriate man-ner ;

(b) copies thereof shall be pasted at conspicuous places in the village ; and

(c) copies thereof shall be furnished to the local Panchayat and to all the offices of the Jammu and Kashmir Government and the Central Govern-ment located in the Tehsil.

(5) The application shall indicate detail of the aggregate land including evacu-ees' land, already held by the applicant and other members of his family, if any.

39. *Scrutiny of applications.* —(1) Each application shall be scrutinized by the Revenue Officer to ascertain whether it is in order and contains correct details of land already held by the applicant and, he may, after giving to the applicant an opportunity of being heard amend the details over his signature so as to make these conform to the truth.

(2) The Revenue Officer shall after giving an opportunity of being heard to the applicants concerned, reject such applications as have been made by persons who are not eligible or who have ceased to have any right for alotment of surplus land.

(3) Other applications shall be listed for each village, the applicants being categorised in the list according to the priorities mentioned in sub-section (2) of section 15 as governed by the preferences given in sub-section (3) thereof.

40. *Ascertainment of applicants who can be allotted land and determina-tion of area allottable to each.* —(1) When a Revenue Officer finds that the land available for allotment is sufficient to cover all applicants, falling within the first preference of the first priority mentioned in sub-sections (3) and (2) respectively of section 15, he, shall determine specific fields or parts thereof to be allotted to each such applicant taking care that, as far as possible, contiguous fields or parts thereof are allotted to each applicant. If the available land is not sufficient to cover all such applications, allotment shall be made by lots.

(2) If, after allotting land to the applicants mentioned in sub-rule (1), the remaining land, if any, is sufficient to cover all applicants failing within the second preference of the first priority as given in sub-sections (3) and (2) respectively of

section 15, he shall determine specific fields or parts thereof to be allotted to each, taking care that as far as possible, contiguous fields or parts thereof are allotted to

each applicant. If the remaining available land is not sufficient to cover all such applicants, allotment shall be made by lots.

(3) The process indicated in sub-rules (1) and (2) shall be repeated *mutatis mutandis* until all allotable land is allotted.

41. *Case of excess land in a village.* —(1) All surplus land, if any, remaining available in a village, after allotment under rule 40, shall be pooled with the available land in such adjoining village as has the highest number of eligible applicants and shall then be considered for allotment to such applicants residing in that village. In such a case supplementary statement of available land of the former village shall be prepared and kept on the file of the latter village. This process shall be repeated *mutatis mutandis* so long as any surplus land remains unallotted.

(2) Selection of applicants residing in a village for allotment of land in another village shall be made on the file of the former village, compiled under rule 43, and a copy of the final order of the allotment made therein, attested by the Revenue Officer, shall be kept on the file of such another village.

42. *Transfer of possession.*— The Revenue Officer shall thereupon put each person, to whom land has been allotted in possession of such land simultaneously evicting any other person occupying it :

Provided that where the levy or part thereof is payable in lump, possession of such land shall not be given until such payment is made.

43. *Village file of allotment.*— Statement of surplus land prepared under rule 38, the supplementary statement, if any, mentioned in rule 41, notice issued under rule 38, all the applications, lists of applicants and warrants of possession shall form the village file of allotment on which all proceedings under this Chapter shall be taken.

44. *Mutations.*— In respect of surplus land in one village the Revenue Of-ficer shall give effect to the allotment of land to the applicants and to the confer-ment of rights of prospective owners or, where levy has been paid in full, of owner-ship of such allottees by a single mutation and the village file of allotment shall be enclosed to this mutation and shall, along with such mutation, form part of the annual record of the village :

Provided that where any allottee, required to pay levy or part thereof in lump, fails to make such payment, mutation in respect of other allottees shall be attested and a separate mutation directed to be entered for such allottee as soon as he makes such payment.

CHAPTER VIII

Levy and Amount

45. *Payment of levy.* —(1) Where a prospective owner pays levy due from him the [1][Naib-Tehsildar or Tehsildar] shall issue to him a receipt in

Form 6 and shall credit this amount to the Saving Bank Account mentioned in clause (b) of sub-rule (2) of rule 27.

(2) The [1][Naib-Tehsildar or Tehsildar] shall, as soon as may be after the entire levy is paid by a prospective owner, cause a mutation for conferment of ownership rights on such prospective owner to be entered and put up to him.

(3) lf the ex-owner/ex-intermediary be not eligible to resume land the [1][Naib-Tehsildar or Tehsildar] shall make payment of the amount due to such ex-owner/ex-intermediary, in the manner provided in rule 27 and direct in the mutation that the prospective owner be recorded as an owner of land for which the levy has been paid by him.

(4) (a) Where the [1][Naib-Tehsildar or Tehsildar] finds that the ex-owner/ex-intermediary is eligible to resume land, he shall adjourn proceedings on the mutation, until such resumption proceedings are concluded or, where no application for resumption is made, until the period fixed therefor expires.

(b) Where no application for resumption is made and the period fixed therefor has expired, the [1][Naib-Tehsildar or Tehsildar] shall make payment of the amount to the ex-owner/ex-intermediary in the manner provided in rule 27 and direct that the prospective owner be recorded as owner of the land for which levy has been paid by him.

(c) Where an application for resumption has been made, the levy received shall be disposed of in accordance with the final orders in such proceedings, having regard to the provisions of section 8, and any portion of the levy, remain-ing after payment of such amount and of such rent, if any, as is mentioned in sub-rule (5) to the ex-owner/ex-intermediary, shall be paid back to the person who made payment thereof or to his legal heirs after deducting collection charges due to the State.

1. Substituted for "Tehsildar" by SRO-104 dated 24-05-1994.

(5) In cases mentioned in sub-rule (4), any instalment of rent falling due to the ex-owner/ex-intermediary between the date of receipt of levy and the date of its final disposal shall be paid to such ex-owner/ex-intermediary in cash, after deducting collection charges, by withdrawals from the Savings Bank Account in which the levy is deposited.

46. *Administration charges.*— The collection charges due to the State shall be withdrawn at convenient intervals from the Savings Bank Account mentioned in rule 45 and remitted into the Treasury under the head of account mentioned in clause (a) of sub-rule (2) of rule 27.

47. *Register of levy and amount.*— A register of levy and amount shall be maintained in Form 10 for each village and shall be updated every day over the signatures of the Tehsildar.

CHAPTER IX

Appeals

48. *Provisions of the Code of Civil Procedure to apply to appeals.*— The provisions of the *Code of Civil Procedure, Samvat 1977 relating to appeals from original decrees shall, except as provided hereinafter in this Chapter and subject to the provisions of the Act, apply *mutatis mutandis* to all appeals under the Act.

49. *Non-prosecution by appellant.*— Where the only ground or one of the grounds of appeal is that surplus land has been allotted to a person not entitled thereto or in excess of what the person was entitled to, the officer hearing the appeal shall not dismiss the appeal, so far as such ground is concerned, on the day fixed for hearing or any other day to which the hearing is adjourned for failure of appellant to appear or to prosecute the appeal when it is called on for hearing.

Illustration (i) :— A, along with other members of his family, has already 2 standard acres of land in his personal cultivation. He has applied for allotment of

surplus land and two standard acres of surplus land have been allotted to him. B appeals on the ground that A was not entitled to allotment of more than half a standard acre of land. B fails to appear when the appeal is called on for hearing. The appeal shall not be dismissed and the appellate authority shall conduct an enquiry, even though in absence of the appellant, and pass on merits such order as he deems fit, after giving an opportunity of being heard to the respondent.

Illustration (ii) :— A, prefers an appeal against an order of the Tehsildar, the

* Now Code of Civil Procedure, 1908.

ground of appeal being that more levy than was due from him has been assessed for land in which A has the rights of a prospective owner. A, does not put in his appearance on the day fixed for hearing the appeal. The appeal may be dismissed.

1[50. *Place of hearing.*— The officer competent to hear appeal may, as far as practicable, hear such appeal at the headquarters of the district or tehsil to which it relates :

Provided that where correctness of an entry relating to personal cultivation of land is in dispute, the objection may, as far as practicable, be disposed of at site in presence of the general village body and no costs for serving notice on the villagers to attend shall be demanded from any party].

51. *Implementation of appellate order.* —(1) Certified copy of the order in appeal shall be sent in duplicate to the officer from whose order the appeal was preferred.

(2) Subject to the provisions of sub-rule (3), the appellate order shall be given effect to by—

(i) recording on both foils of the mutation (on which was passed the order appealed from) the operative part of such appellate order ;

(ii) enclosing with the *parat-sarkar* (State foil) of the mutation the certi- fied copy of the appellate order, so as to make such certified copy an integral part of the annual record ; and

(iii) effecting eviction from and delivery of possession of land, if neces- sary.

(3) Where the order appealed from has already been given effect to in the annual record, effect to the order in appeal shall be given on a fresh mutationand the certified copy of the appellate order shall remain attached to the *parat-sarkar* of such mutation so as to form part of the annual record.

(4) The Officer from whose order the appeal was preferred shall, after imple- menting the appellate order, return the duplicate of such order to the appellate authority with a report of compliance indicating in what manner the compliance has been made. Along with this report shall be enclosed an attested copy of the muta-tion mentioned in sub-rule (2) or of the fresh mutation mentioned in sub-rule (3), as the case may be.

1. Rule 50 substituted vide SRO-430 dated 28-7-1978.

52. *Case where appeal fails on ground of limitation.*— Where the appeal is dismissed on the ground of limitation, the appellate authority shall, if he be of the opinion that the order appealed from is one which should be revised, submit the case through proper channel to the revisional authority with a report why the order appealed from needs being revised and what the revised order should be. On receipt of this report, the revisional authority shall act as if an application for revision under the Act had been made to him.

CHAPTER X

Miscellaneous

1[53. *Mutation fees.* —(1) Fees shall be levied on mutations under the Act at the rates indicated below :—

(i)	Mutations, other than those mentioned in clause (ii) extinguishing rights and/or conferring prospective ownership, in land.	Nil
(ii)	Mutations conferring rights of prospective ownership on allottees.	[2][Rs. 10/- per mutation]
(iii)	Mutations conferring rights of ownership in land on payment of levy.	[2][Rs. 10/- per mutation]
(iv)	Mutations conferring rights of ownership without payment of levy.	[2][Rs. 10/- per mutation]
(v)	Mutations of resumption where resumption is not allowed.	Nil
(vi)	Other rejected mutations.	Nil
(vii)	Mutations giving effect to Private agreements.	[2][Rs. 10/- per mutation]
(viii)	Mutations giving effect to conferment of occupancy rights.	[2][Rs. 10/- per mutation]
(ix)	Mutations conferring ownership rights to the ex-owner in the land resumed under section 7.	[2][Rs. 10/- per mutation].

[3][x x x]

1.Sub-rule (1) of rule 53 substituted by SRO-244 dated 11-6-1981.

2.Substituted by SRO-60 dated 4-2-1987 for "Rs. 5/- per mutation". (For earlier amendments see SRO-574 dated 30.12.1985 and SRO-638 dated 06.10.1986.)

3.Proviso deleted by SRO-60 dated 04.02.1987. (For its insertion see SRO-638 dated 06.10.1986.)

(2) Fee mentioned in sub-rule (1) shall be recovered from the beneficiary of the mutation order.]

54. *Measurement.* —(1) No *min* number shall be used in *surat-jadid* of mutations attested under these rules. Survey number split into two or more than two parts shall be reflected by means of *tatima-shajras* drawn on such mutations and revised survey number assigned to them [1][and also entered in the *Khasra Girdawari*] in accordance with the provisions of Standing Order No. 22 relating to *girdawari*.

(2) Where it is found that the village map is so dilapidated or has grown so out of date as to be unfit for use, the Tehsildar shall submit a report to the Govern-ment through proper channel, and the Government may, if it finds it necessary, direct that a fresh village map be prepared for the village.

55. *Procedure.*— All original proceedings under the Act and these rules shall, save as otherwise provided expressly or impliedly by or under the Act, be conducted on mutations in accordance with the procedure provided in Standing Order No. 23–A.

56. *Land owned by Industrial or Commercial Undertaking.* —(1) (a) As soon as may be after the Act is enforced Tehsildar shall cause to be compiled, in respect of his tehsil, a statement of land owned by industrial or commercial under-takings and not used for industrial or commercial purpose, as the case may be. This statement shall indicate the name of the undertaking, the name of the village in which land is held by such undertaking and the detail of land with reference to khasra numbers, area in ordinary measure, area in standard measure and class of soil. In respect of each undertaking a consolidated statement for the entire tehsil shall be prepared in the proforma indicated above and a copy of such statement shall be submitted to the Collector.

(b) The Collector shall consolidate the statements of land held by each un-dertaking in the district and submit a consolidated copy of such statement to the Commissioner.

(c) The Commissioner shall likewise consolidate the statements of land, held by each undertaking for the entire province and submit a consolidated statement to the Government.

(2) Any variations found in the position at site as reflected by the statements submitted in accordance with the provisions of sub-rule (1) shall be reported by the Tehsildar to the Government through proper channel.

1. Words inserted vide SRO-430 dated 28-7-1978.

(3) Where the Government finds that any industrial or commercial undertak-ing has failed to put land to industrial or commercial purpose, as the case may be, it may direct the Collector to conduct an enquiry into the circumstances of the case whereupon the Collector shall, after giving a reasonable opportunity of being heard to the owner of such undertaking, submit its report to the Government through proper channel, recommending whether or not the exemption provided by clause (c) of section 3 needs being withdrawn. On receipt of this report the Government may pass such orders as it deems fit.

57. *Contravention of the provisions of section 13.*— Enquiry under sub-section (3) of section 13 shall be conducted by the Collector, having jurisdiction in the area in which the land is situate, and the Collector may, after giving a reasonable opportunity of being heard to the person who has contravened the provisions of section 13, give a finding whether or not such default has arisen out of reasons beyond the control of such person. Where the Collector finds—

(i) that the contravention has arisen out of reasons beyond the control of such person, the Collector may, taking all the circumstances of the case into consideration, afford a reasonable period of time to him to comply with the provisions of section 13 and, if he finds that the contravention continues beyond the period so allowed, take action according to the provisions of clause (ii) ;

(ii) that the contravention has not arisen out of reasons beyond the con- trol of such person, the Collector may direct that the land, in respect of which the contravention has taken place, shall vest in the State. Such land shall, thereupon, be allotted in accordance with the provisions of Chapter VIII and, until the land is so allotted and the allottee given possession thereof, the said person shall pay rent to the State at forty times the sum of land-revenue, cesses and other dues payable therefor for the time being in force.

58. *Special powers of officers.*— The officers mentioned in section 20 of the Act shall have also powers of a Civil Court in respect of the following matters, namely :—

(i) appointment of next friend and/or guardian of a minor or a person of unsound mind in accordance with the provisions of Rules (1), (2), (3) and (4) of Order XXXII of the *[Code of Civil Procedure, Samvat 1977] ; and

(ii) granting of temporary injunctions in accordance with the provisions of Rules (1), (3), (4) and (5) of Order XXXIX of the *[Code of Civil Proce-dure, Samvat 1977].

* Now Code of Civil Procedure, 1908.

59. *Price of trees in an orchard raised unauthorisedly on State land or land reserved for grazing purposes.*— The price of trees mentioned in clause (b) of sub-section (1) of section 26, shall be determined in the following manner, namely :—

(i) where equivalent land is offered by more than one person, the price of trees shall be determined by the Collector by auction in which only the persons offering equivalent land can bid :

Provided that where the highest bid is less than the estimated price of trees, mentioned in clause (ii), the Collector shall submit the case to the Government for sanction giving reasons for low bid ; and

(ii) where equivalent land has been offered by only one person, the price of the trees shall be the price estimated—

(a) in the case of fruit trees, by the senior most Horticultural expert ; and

(b) in the case of other trees, by the senior most Officer of the Forest Department,

stationed in the district :

Provided that the Collector shall submit the case to the Government, for orders if, for reasons to be recorded, he is of the opinion that lesser amount than such estimated price should be accepted.

60. *Permission for alienation of land.*— Permission for alienation of land under section 31 may be granted—

(i) if the basic area of the person seeking to alienate land does not exceed the ceiling area ; and

(ii) if the basic area of the person seeking to acquire land does not, along with land sought to be acquired, exceed the ceiling area ;

(iii) where such land is sought to be transferred/acquired for residential purposes, if—

(a) the person seeking to alienate land held, on the first day of May, 1973, along with other members of his family, land ;

Note.—Section 26 has been omitted by S.O (E) 3908 of 2020 dated 26.10.2020, as such rule 59 has become redundant. Further, section 31 stands omitted by Act No. XXXVIII of 1997, s. 3. As such rules 60 and rule 60-A have become redundant.

either

under and appurtenant to residential building or structure or reserved or acquired for residential purposes or both not exceeding, along with the area under and appurtenant to a building or structure within municipal area, town area, notified area, cantonment area or village abadi, four kanals ;

or

within the ceiling area, for residential purposes not exceeding four kanals ;

or within both the aforementioned categories and limits ; and

(b) the person, seeking to acquire land, held, on the first day of May, 1973, along with other members of his family, land of the description mentioned in clause (a) which, added to land sought to be acquired is within the limits provided for the categories of land by the said clause (a).

Note :—For purposes of this rule "basic area" has the same meaning as is assigned to it in section 15.

[1][60-A. (1) Where a contravention of the provisions of clause (b) or clause (c) of section 31 is made, a mutation to this effect shall be entered in the mutation register by the patwari who shall report immediately to the Revenue Officer for orders. The Revenue Officer not below the rank of a Tehsildar having jurisdiction in the area in which the land is situated shall conduct an enquiry on the mutation and after giving the person a reasonable opportunity of being heard, give his findings thereon.

(2) Where it is found that any alienation of land made in contravention of section 31 has been given effect to by attestation of mutation, the concerned Tehsildar shall endorse an order on such mutation to the effect that the land so alienated or of which the possession has been given in anticipation of sanction, shall vest in the State. He shall record such order on both parts of the impugned mutation.

(3) Where any alienation of the land takes place or the possession is given to the alienee in contravention of section 31 and the registered or unregistered document is not produced before the Tehsildar concerned, he shall after giving an

1. Rule 60-A inserted vide SRO-244 dated 11-06-1981.

opportunity to the parties of being heard pass an order in the mutation register to the effect that the land shall vest in the State.

(4) Where, however, a Revenue Officer during the course of an enquiry is satisfied that the case for grant of permission of alienation under rule 60 in respect of such land is under consideration of the Revenue Minister or the officer authorised by him in this behalf, he may adjourn the mutation proceedings till the final orders are passed by the Revenue Minister or by such officer.

(5) The Tehsildar shall cause to be prepared a quarterly statement of the contraventions of the provisions of section 31 in

Form 11 and submit authenticated copies thereof to the Collector concerned and the Commissioner Agrarian Reforms for information].

61. *Permission for felling and removal of trees.* —(1) Permission to fell and remove trees standing on land may be granted—

(i) where the person, applying for such permission, holds, alongwith the other members of his family, land (including land on which the tree sought to be felled and removed stands) not exceeding the ceiling area ; and

(ii) subject to the provisions of sub-rule (2), where such land exceeds the ceiling area, if the tree sought to be felled and removed stands on land which has been selected for retention under rule 5.

(2) Where, in the case mentioned in clause (ii) of sub-rule (1), the return filed under rule 5 is subsequently sought to be so amended that the land on which such tree stood is not selected by him, such person shall pay price of such tree, reckoned according to market rates, before he is permitted to amend such return, such price shall be determined by the Collector in consultation with the senior-most officer of the Horticulture or Forest Department in the manner provided for in clause (ii) of rule 59.

[1][(3) No permission in respect of a specified tree, a royal tree or any other tree standing on State or private lands, for which permission for felling is to be obtained under any law for the time being in force, shall be available under this rule.]

62. *Power to impose penalty under section 37.* —(1) Subject to the other provisions of this rule, a Tehsildar shall have power to pass an order of fine under sub-section (1) of section 37.

1. Sub-rule (3) added vide SRO-430 dated 28-7-1978.

(2) Where the Tehsildar is of the opinion that a fine of more than one thou-sand rupees should be awarded, he shall submit the case with his recommendation to the Collector for orders and the Collector may, subject to the provisions of sub-rules (3) and (4), pass such orders as he deems fit.

(3) Where the Collector, in a case submitted to him under sub-rule (2), is of the opinion that a fine of more than three thousand rupees should be imposed, he shall submit the case to the Commissioner, who may, subject to the provisions of sub-rule (4), pass such orders in the case as he deems fit.

(4) No officer shall pass an order of fine under this rule without giving a reasonable opportunity of being heard to the person against whom such order is made.

63. *Power to impose penalty under section 38.* —(1) Subject to the other provisions of this rule, a Revenue Officer passing a lawful order under the Act or these rules, shall have power to impose penalty under sub-section (1) of section 38 for contravention of such order.

(2) Subject to the provisions of sub-rules (3) and (5), a Tehsildar shall have power to impose penalty for other acts made punishable by section 38.

(3) Where the Tehsildar, acting under sub-rule (1) or (2), is of the opinion that a fine of more than one thousand rupees should be imposed, he shall submit the case to the Collector who may, subject to the provisions of sub-rules (4) and (5), pass such order as he deems fit.

(4) Where the Collector is of the opinion that, in a case submitted to him under sub-rule (3), a penalty of more than three thousand rupees should be im-posed, he shall submit the case to the Commissioner who may, subject to the provisions of sub-rule (5), pass such orders as he deems fit.

(5) A Revenue Officer imposing any penalty under this rule shall give a reasonable opportunity of being heard to the person before passing any order against him.

———

Whether person mentioned in Column 1	Remarks
1	12

PART B

DETAIL OF LAND

Area in ordinary measure	Class of soil	description.
1	19	20

Area in standard
22

In column No. 1 indicate name of on whose behalf

In column No. 2 and subsequent tenant (indicate order.

In column No. 5 write the words other person having any right therein.

FORM 1

(See rule 5)

Return from_____son/daughter/wife/widow of_____surname_____resident of village_____Tehsil_____of land, including evacuees' land and land in the form of shares in a Co-operative Farming Society, held on first September, 1971 by :—

Name, age and relationship with head of the family.

(i)

(ii)

(iii)

(iv)

(a) the family comprising :

or

(b) individual ; or

(c) place of worship, waqf or dharmshala, or public trust, or institution of a charitable or religious nature [1][x x x]

PART A

Name of the person	Nature of right	Name of Tehsil	Name of village	Name with description of other right-holder, if any and nature of their rights	Khasra number	Area in ordinary measure
1	2	3	4	5	6	7

1. Words and figures " mentioned in clause (b) of sub-section (2) of section 4" omitted by SRO-430 dated 28-07-1978.

In column No. 11 indicate, in the case of land held as an allottee by a displaced though not personally cultivated. In this case give referenc to cultivated by such displaced person.

Class of soil	Assessment Circle (in case of Kashmir Valley only)	Area in standard measure
8	9	10

In remarks column indicate again st each Khasra number :—
whether or not it is selected for retention ;
whether it is selected for retention under section 3, in excess of the ceiling
wheteher it is mortgaged with or without possession indicating the name with description of the mortgagee.
In remarks column indicate (where the return is filed by the management of (b) of sub-section (2) of section 4) reference to the provision of law.

Name of the transferor with	Name of the transferee with description	Nature of transfer	Name of Tehsil	Name of village	Khasra
13	14	15	16	17	

Certified that the family/individual/place of worship etc, by or for whom return is filed does not hold any land, not indicated herein, in any part of State.

Assessment Circle (in case of Kashmir Valley only)

21

been admitted by him to be correct.

Signature/thumb impression of the *person filling the return
(Name with description)

Tehsildar
(with office stamp and name in block capitals).

Note:— (1)

(2)

(3)

*Where the area selected for the holdings of different numbers of a family are not in proportion to the areas of such holdings the return must be signed by both the husband and the wife.

(4)

(5) (a)

(b)

(c)

(6)

The contents of the return have been filled up by, or as desired by, the person filling the return and the entries have been explained to him and have

FORM 2

(See rule 5)

OFFICE OF THE TEHSILDR, TEHSIL _____

Received from_____ Son/Daughter/wife/Widow of _____ Surname_____Resident of _____ Tehsil _____ Return in Form 1 in duplicate, in the prescribed proforma.

It has been entered in this office Receipt Register under No. _____ dated _____.

Signature (with name in block captials and office seal) of the Tehsildar.

Dated _____

No. _____ Dated _____

Copy along with one part of the return submitted to the Collector, _____ _____ for record reference.

_____

FORM 3

(See rule 9)

OFFICE OF THE TEHSILDAR, TEHSIL _____

To

_____NAME WITH DESCRIPTION OF
THE PERSON INTERSETED.

_____
_____

NO. DATED

You are hereby informed that particulars in the return submittred by you have been amended under Rule *8/9 as indicated below :—

No. of Column	Entery made by declarant	Entry now adopted
1	2	3

TEHSILDAR _____
TEHSIL _____
DISTRICT_____

_____*Score through the figure not appllicable.

Copy to :—

The Collector, _____ for information and favour of necessary action in contiunation of this office No. _____ dated _____.

_____

FORM 4

(REFLECTING THE POSITION AS IN KHARIF, 1971)

(See rule 10)

Relating to :—

(a) the family comprising———————————————————

Name of the member of the family	Age	Relationship with the head of the family
(i)		
(ii)		
(iii)		
(iv)		
(v)		
(vi)		

(b) an individual

Serial number	Name of the tehsil	Name of village	Hadbast number
1	2	3	4

Name of the assessment circle (in case of only Kashmir Valley)

Name of the individual or member of the family holding land ——————————————— 5

6

Total area held by the person mentioned in Column 6 ———————————————7

Nature of right of person mentioned in column 6	Name with description of other right holders, if if any, and nature of their right	Khewat number	Khasra number
7(1)	7(2)	7(3)	7(4)

Area in ordinary measure Class of soil———————————————— 7(5)

7(6)

Details of land (other than evacuee's land) exempted from the operation of the Act by section 3 and retainable in excess of the celling area.

———————————————————————————8

Khasra number	Area in ordinary measure	Class of soil	Area in standard measure	Reasons for exemption
8(1)	8(2)	8(3)	8(4)	8(5)

Details of land (other than evacuees' land and land mentioned in colum 8) which is not held by any person in personal cultivation or any other use authorised by or under section 13.

9

Khasra number	Area in ordinary measure
9 (1)	9 (2)

Details of land (other than evacuees' land and land mentioned in columns Nos. 8 and 9) held by the individual or member of the family, mentioned in cloumn 6 in personal cultivation or any other use authorised by or under section 13.

10

Khasra number	Area in ordianry measure	Class of soil	Area in standard measure
10 (1)	10 (2)	10 (3)	10 (4)

Details of land transferred or acquired (by the individual or member of the family mentioned in column 6) after 1st September, 1971 and before 1st May, 1973 by any mthod mentioned in section 35.

11

Name with description of the transferor	Name with description of the transferee	Khasra number	Area in ordinary measure	Class of soil	Area in standard measure
11 (1)	11 (2)	11 (3)	11 (4)	11 (5)	11 (6)

Method of tranfer	Area selected in addition to exempted land				11
(7)	12				

Nature of right of the individual or member of the family mentioned in column 6	Name with description of the other right holders ; if any, and the nature of their rights	Khasra number	Area in ordinary measure	Class of of soil	Area in standard measure
12 (1)	12 (2)	12 (3)	12 (4)	12 (5)	12 (6)

Remaining area other than that mentioned in column 8 in which rights of the individual or member mentioned in column 6 are extinguished.

13

Khasra Number	Area in ordinary	Remarks
13(1)	13(2)	14

Signature of the Signature of the Signature of the Naib-

Patwari (with office stamp and name in block capitals)	Gidrwar (with stamp and name (in block captials)	Tehsildar (with office stamp and name in block captials)

Signature of the Tehsildar (with office stamp and name in block capitals)

Signature of the Collector
(with office stamp and name
in block capitals) in respect
of the

form checked by him.

ILLUSTARTIONS FOR MAKING ENTRIES IN FORM 4 PERTAINING TO INDIVIDUALS AND FAMILIES.

(1) In column 7 shall be entered the entire land, including orchards and evacuees' land and State land mentioned in Schedule II, held in whatever capacity by the individual or different members of the family to whom or to which the statement relates.

(2) Of the land entered under column 7, the land, which is exempted from the operation of the Act by section 3 and which can be held in excess of the ceiling area, shall be entered in column 8. It should be noted that this area can be retained by the individual or the family, as the case may be, in excess of the celling area.

(3) In column 9 shall be entered such land as is not either in the personal cultivation of any person or put to an authorised use mentioned in section 13. It should be borne in mind that this land have vested in the State. In filling up this column provisions of explanation (iv) to the definition of "personal cultivation"should be kept in view. This explanation provides that orchard, kah-i-krisham, pichi, safedzar, bedzar, land growing fuel or fodder and unculturable or banjar land situate outside the demarcated, undemarcated or berun-i-line forests shall be deemed to be in personal cultivation of the owner. Therefore, such land shall not be entered under this column but shall be entered under column 10.

(4) In column 10 shall be entered all land which is held in personal cultivation including land mentioned in explanation (iv) to the definition of "Personal cultivation"in the Act or which is put to use authorised by or under section 13.

(5) While making entries in column 12, it should be borne in mind that the ceiling area of $12_{1/2}$ standard acres shall include the area transferred by the person to whom the form relates after first September, 1971 and before first May, 1973 as also evacuees' land held by such person.

(6) Column 13 shall contain details of such land as cannot be retained by the person to whom the form relates and all rights and title in such land of the individual or member of the family to whom or to which the form relates, shall be directed to be extinguished.

[1][(7) Remarks column shall also contain details of orchards such as total area and class of soil etc. thereof].

1. Inserted vide SRO–430 dated 28-07-1978.

FORM 4

(See rule 10)

(REFLECTING THE POSITION IN AS KHARIF, 1971)

RELATING TO THE ——————————————

——————————————Name of the place of worship, waqf or Dharamshala, or public trust or institution of a charitable or religious nature [1][x x x]

Serial Number	Name of Tehsil	Name of village	Hadbast Number	Name of the assessment circle (in case of only Kashmir Valley)
1	2	3	4	5

——————————————Details of aggregate land held by the place of worship etc. as indicated above.——————————————6

Nature of right	Name with description of other right holders, if any, and nature of of their rights	Khewat Number	Khasra Number	Area in ordinary measure	Class of soil	Area in standard measure	
6 (1)	6 (2)	6 (3)	6 (4)	6 (5)		6 (7)	6 (6)

Details of land exempted from the operation of the Act by section 3 (other than evacuees' land) and retainable in excess of the ceiling area.

——————————————7

Khasra number	Area in ordinary measure	Class of soil	Area in standard measure	Reasons for exemption
7 (1)	7 (2)	7 (3)	7 (4)	7 (5)

1.Words and figures "mentioned in clause (b) of sub-section (2) of section 4 omitted by SRO–430 dated 28-07-1978.

Details of land transferred or acquired after 1st September, 1971 and prior to 1st May, 1973 by any method mentioned in section 35

——————————————8

Name with description of the transferer	Name with description of the transferee	Khasra Number	Area in ordinary measure	Class of soil	Area in standard measure	Method of transfer
8 (1)	8 (2)	8 (3)	8 (4)	8 (5)	8 (6)	8 (7)

——————————————Area selected in addition to exempted land mentioned in column 7——————————————9

Nature of right	Name with description of the other right holder,	Khasra Number	Area in ordinary	Class of soil	Area in standard

	if any, and nature of of their rights		measure		measure
9 (1)	9 (2)	9 (3)	9 (4)	9 (5)	9 (6)

Details of land held in excess of the area mentioned in columns 7 and 9, in which rights have extinguished

10

Khasra Number	Area in ordinary measure	Remarks
10 (1)	10 (2)	11

Signature of the Patwari (with office stamp and name in block capitals)	Signature of the Girdawar (with office stamp and name in block capitals)	Signature of the Naib-Tehsildar (with office stamp and name in block capitals)

Signature of the Tehsildar (with office stamp and name in block capitals)

form checked by him.

–

FORM 5

(See rule 16)

PETITION FOR RESUMPTION

Name(s) with description of the petitioner(s)

1

Particulars of the tenancy from which land is sought to be resumed.

2

Name of village	Name(s) with description of respondent (s)	Khewat Number	Khata Number	Khasra Number	Area in ordinary measure	Class of soil *and assessment circle	Area in standard measure	Total area in standard measure
2 (a)	2 (b)	2 (c)	2 (d)	2 (e)	2 (f)	2 (g)	2 (h)	2 (i)

Rate of rent recoverable by the petitioner(s) from the respondent(s) prior to first May, 1973.

3

Particulars of land already held by the

4

Area in standard measure	Total area in standard measure
4 (f)	4 (g)

Aggregate area in standard measure of

5

I hereby certify that
I am not an income-tax payer nor is any

adjoins the village in which the land lies have taken up normal residence for purposes of personal cultivation in I

No respondent is an occupancy tenant, or tenant paying rent at village rates.

Signature/thumb-impression
the petitioner.

* The name of the assessment
he may leave it blank, to be filled by the Revenue Officer competent to hear such petition.

Name of village	Khewat Number	Khasra Number	Area in ordinary measure	Class of *soil and assessment circle
4 (a)	4 (b)	4 (c)	4 (d)	4 (e)
(i)				
(ii)				
(iii)				

FORM 6

[See sub-rule (1) of rule 27]

RECEIPT FOR RENT/LEVY PAID IN CASH

Received from _____ son/daughter/wife/ widow of _____ surname_____ resident of _____ village _____Teshsil _____, the sum of rupees _____(in words) rupees _____ _____ (in figure) as rent/levy in full or in part/cash component of rent in full or in part of land measuring_____ Kanals _____ Marals comprising the following khasra numbers, namely :—

Situated in village _____Tehsil _____ for harvest _____

Place _____

Date_____

Signature with office stamp of Tehsildar
(with name in block capitals)

_____

FORM 7

[See sub-rule (1) of rule 20]

CHALLAN FOR DELIVERY OF GRAINS AS RENT UNDER SUB-SECTION (1) OF SECTION 9.

Village_____ Tehsil _____

Date of delivery	Name with description of the person making the delivery	Name of the ex-landlord with description
(1)	(2)	(3)

Name of the Store or society delivered	Details of grains		
	Paddy	Maize	Bajra
(4)			(5)

Signature/Thumb impressin of the person making the delivery

Accquittance of the Officer-in-Charge of the Store or the Co-operative Society (with name, designation & office Stamp).

FORM 8

[See sub-rule (2) of rule 28]

ORDER ON FOOD AND SUPPLIES DEPARTMENT STORE/CO-OPERATIVE SOCIETY AT _____ FOR DELIVERY OF GRAINS TO THE PERSON MENTIONED AGAINST ITEM NO. 1 BELOW :—

Name with description of the person to whom delivery is to to be made under sub-section (2) or sub-section (7) of section 9 or sub-section (3) of section 17	Detail by weight of grains to be delivered.
1	2

Name of the harvest to which delivery relates	Remarks.
3	4

Signature of the person mentioned under item No. 1 in lieu of the receipt of the grains mentioned in item no.2

Signature of the Tehsildar
Tehsil _____
(with name and office stamp)

Signature of the headman of the village identifying such person (with name and office stamp)

FORM 9

(See rule 32)

RENT REGISTER

Cash equivalent of referred to in the ing column.	Name with description and full address of the person whose rights in land mentioned in column 2 have extinguished under section 4 or section 5 or section 6.						
o	1						
3 (3)							
Ref signature of Tehsildar	Particulars of land for which rent is recoverable under section 9 or section 16 or sub-section (3) of section 17 and of such rent.						
3(6)	2						
Details of rent paid	Name of village	Khasra Number	Class of soil	Area in ordinary measure	Rent recoverable	Reference to mutation order passed under rule 12 or 13.	Signature of Tehsildar
4	2(1)	2(2)	2(3)	2(4)	2(5)	2(6)	2(7)
Acquittance of the ex-landlotd in lieu of receipt of rent the cheque issued on the m amount as the case in column 1 (where personally indicate that	Details of rent recovered under sections 9, 16 and 17						
4(4)	3						

Signature of Tehsildar in lieu of identification of the payee.	Reference to harvest in respect of which rent has been recovered.	Kind component of rent recovered showing the quantity of each grain with reference to the receipt of Food and Supplies Department Store, or the Co-operative Store, or the Co-operative Deptt. Store of rent recovered in kind ; where such rent is due to the State under section (3) of section 17.
4	3(1)	3(2)
4	4(7)	Cash component of rent (or whole rent in cash), recovered with reference to the receipt in section 16.
Detail of Collection Charges.	3 (4)	3(5)
5		

Details by weight of Department Store/Co-operative Department. Also indicate amount has been	Signature of the Tehsildar.	Challan in Form 7 and order in Form 8 the Store/Society of the Food and Supplies
h		
5	5(5)	
Remarks.		
6		

Reference to harvest in respect of which rent has been paid.	Kind component of rent (or instalment under sub-section (3) of section 17 paid showing the quantity of each grain with reference to the order on the Food and Supplies Deptt./Co-operative Store sent or handed over to the person mentioned in column 1 (mention also cash equivalent of such rent or instalment).	Cash paid in lieu of whole or part of rent or whole instalment of amount under section (3) of section 17 with reference to
4(1)	4(2)	4(3)

Signature of the headman

Reference to:—
(I) Treasury Receipt of rent recovered in cash ; or
(II) Receipt of the Food and Supplies Deptt./ Co...

			4(5)		
Of cash equivalent mentioned in column 3 (3).	5(1)	Of cash mentioned in column 3 (4).	5(2)	Amount remitted in the Treasury with reference to to Treasury receipt	5(3)

Instructions for making entries in the Rent Register

1. In column 1 shall be entered, besides the name and description of the person whose rights in land have extinguished under sections 4, 5 or 6, his full address as intimated by him under clause (e) of sub-rule (2) of rule 27.

2. Where rent is recoverable from land under clause (a) of section 16, the entry in column 2 (6) shall be "Big Landed Estates Abolition Act".

3. In case of rent under section 9 or sub-section (3) of section 17, column 2 (5) shall show the rent that was recoverable prior to first May, 1973. In case of rent recoverable under section 16, rent shall be calculated at 40 times the land revenue and cesses and other charges in force.

4. Where rent is recovered wholly in cash, columns 3(2) and 3(3) shall be left blank.

5. Where rent is recovered under section 16, no entry shall be made in columns 3(2) and 3(3). The amount of rent shall be entered in column 3(4). Under column 3(5) reference shall be given to the Treasury receipt and the name of the Treasury in which this rent has been remitted.

6. Where rent has been recovered under section 9 or section 17, no entry shall be made in column 3(5).

7. In column 4(4) shall be obtained the full signature of the payee along with date. A receipt stamp shall be pasted in the register in this column.

8. Rent recovered under sub-section (3) of section 17 shall be repaid to the ex-owner/ex-intermediary as instalments of amount until the amount due to him is paid in full. In such cases entries of such payments shall be made in columns 4(2) and/or 4(3) and entry under column (5) shall be nil. When the ex-owner/ex-intermediary has been paid the amount due to him under sub-section (3) of section 17 in full

the entire rent recovered under this provision shall be credited to the State and its amount indicated in column 4(5) and entry in column 4(4) shall be nil.

9. Where rent is paid wholly in cash no entry shall be made in column 5(1). Reference to treasury receipt and the name of the treasury, where the amount mentioned in column 5(2) has been remitted, shall be indicated in column 5(3).

10. Where rent has been paid partly in kind and partly in cash 10% of the cash equivalent of kind component shall be entered in column 5(1) and details thereof indicated in column 5(4). Column 5(4) shall also indicate the reference under which credit has been afforded by the Food and Supplies Departement/Cooperative Department to the Agrarian Reforms Department.

11. When a prospective owner pays the entire levy due from him or when, after conclusion of resumption proceedings, it is found that no levy is payable by him, a note to this effect shall be made in column 6 and no recovery of rent from such prospective owner shall be efected thereafter. Similary, when land of which rent is recoverable under section 16, is allowed and possession given to the allottee, a note should be made that no rent is recoverable from the date when possession is given.

12. As a check the total of the entries made is columns 3(3) and 3(4) should be equal to the total of entries made in columns 4(2), 4(3), 5(1) and 5(2).

———

FORM 10

(See rule 47)

LEVY/ AMOUNT REGISTER

Name with description of prospective owner. | 1

Details of land held as prospective owner by the person mentioned in coumn 1 and of the levy payable by him in absence of any resumption. | 2

Village	Khsara Number	Area in ordinary measure	Levy due if there be no resumption	Reference to mutation order	Signature of Tehsildar
2(1)	2 (2)	2 (3)	2 (4)	2 (5)	2(6)

Details of land resumed and of the levy recoverable from the prospective owner having regard to the resumption of land | 3

Name of the person resuming land	Village	Khasra Number	Area in ordinary measure	Date when possession given to the person resuming land.	Amount of revised levy
3(1)	3(2)	3(3)	3(4)	3(5)	3(6)

Reference to mutation order	Signature of Tehsildar	Details of levy paid by the prospective owner
3(7)	3(8)	4

Date	Amount of levy	Reference to receipt in Form 6	Date when deposited in saving Bank along with Saving Bank Account No. (and the Bank) receipt No. and date	Signature of the Tehsildar
4(1)	4(2)	4(3)	4(4)	4(5)

Balance levy re-paid to prospective owner. | 5

Amount repaid	Date of repayment	Acquittance of the prospective owner	Name with signature of the headman identifying the prospecitve owner	Attestation of the Tehsildar making the repayment.
5 (1)	5 (2)	5 (3)	5 (4)	5 (5)

[1][FOR *(See* CONT In alient — (— Date th ration. per a section — 11 — In case Rem order Officer mutatio to in d — 1 — 1. Form 11 added by

S. No.	Name of the Estate	Name of the owner with parentage prior to 1st day of May, 1973	Name of the tenant with parentage prior to 1st day of May, 1973	Survey No.	Area with classification of soil K.	M.	(a) Name of with parentage ed alienor.	(b) Name of with parentage ed alienee.	(c) Reference No. and date of	(d) Date of the the deed as
1	2	3	4	5	6		7	8	9	10

Date of transfer of possesion of land in anticipation of alienation.	Reference to any ‘ Iqrarnama’ or document made in anticipation of alienation.	Whether any case made out for permission of of alienation under rule 60 of the Agrarian Reforms Rules or not.	Reference to Mutation No. with date of entry regarding contravention.	Brief description of
12	13	14	15	16