

6. The repeal or amendment of any law specified in the Schedule to this Order shall not affect—

- (e) the previous operation of any law so repealed or anything duly done or suffered thereunder;
- (f) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;
- (g) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or
- (h) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) or this Order had not been passed or issued.

THE SCHEDULE (See Paragraph 3)

STATE LAWS

1. THE JAMMU AND KASHMIR AERIAL ROPEWAYS ACT (XII of 2002)

Throughout the Act for “State Ranbir Panel Code, Svt. 1989 ”, substitute “Indian Penal Code (45 of 1860)”.

- Section 1.—** In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.
- Section 2.—**
- (i) after clause (c), -
“ (cc) “Collector” means Collector as defined under the Land Revenue Act, Svt. 1996”.
 - (ii) in clause (d), for “Government of Jammu and Kashmir”, substitute “Government of Union territory of Jammu and Kashmir”.
 - (iii) for clause (f), -
“ (f) “Inspector” means an Officer, a Committee or an Agency so appointed by the Government under this Act.”
 - (iv) in clause (k), for “Companies Act, 1956” substitute “Companies Act, 2013”.

For sections 3 and 4 substitute –

Declaration for concessions. “3. Every declaration by an intending promoter other than the Government in regard to a proposed aerial ropeway for undertaking the necessary preliminary investigations shall be submitted on an application to the Divisional Commissioner concerned.

Contents of Declaration. 4. Every such application shall be supported by a duly sworn affidavit and shall include—

- (a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway;
- (b) a description of the system of construction and management and the advantages to the community to be expected from the aerial ropeway;
- (c) an approximate estimate of the cost of construction thereof; and
- (d) such maps, plans, sections, diagrams and other information as the Government may require in order to form an idea of the proposal.”

For section 18 substitute –

Promoter may fix rates. “18. The promoter shall, for the purposes of working an aerial ropeway, have powers to fix the rates for the carriage of passengers, animals or goods on the aerial ropeway:

Provided that such rates shall be subject to such maximum and minimum rates as may be prescribed or ordered in case where concession, guarantee, or financial assistance have been granted by the Government or any local authority.”

Section 30.— For “Part VII of the State Land Acquisition Act, Samvat 1990”, substitute “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(30 of 2013)”.

Section 32.— In sub-section (4), for “each House of the State Legislature” and “both Houses” substitute “Legislature of Union territory of Jammu and Kashmir” and “Legislative Assembly of Union territory of Jammu and Kashmir” respectively.

Section 34.— For “one thousand rupees”, substitute “five thousand rupees”.

2. THE JAMMU AND KASHMIR AGRARIAN REFORMS ACT

(XVII of 1976)

Throughout the Act for “State”, substitute “Union territory of Jammu and Kashmir”.

Section 1.— In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.

Section 2.— (i) Number existing clause (1) as (1a) and before the so numbered clause (1a), insert -

“(1) “Board” means the Board of Revenue constituted under the Land Revenue Act, Samvat 1996.”;

(ii) in clause (4), for “The Jammu and Kashmir Forest Act, Samvat 1987” substitute “the Indian Forest Act, 1927(16 of 1927)”;

(iii) in clause (18)-

(a) for “Jammu and Kashmir Majority Act, Samvat 1977” substitute “The Majority Act, 1875(9 of 1875)”.

(b) omit “and the Jammu and Kashmir Displaced Persons (Permanent Settlement) Act, 1971”;

Section 3.— (i) In clause (f), omit “outside the District of Ladakh”;

(ii) omit clause (g).

(iii) in clause (n), for “State” substitute “Union territory of Jammu and Kashmir”;

Section 4.— (i) for “State” wherever occurring, substitute “Union territory of Jammu and Kashmir”;

(ii) in sub-section (2), omit clause (a).

Section 5.— For “State” wherever occurring, substitute “Union territory of Jammu and Kashmir”.

Section 6.— For “State” wherever occurring, substitute “Union territory of Jammu and Kashmir”.

Section 7.— After sub-section (7), insert-

“(8) *On and from such date as may be notified by the Government, no application for resumption of land shall be entertained under this section.*”

Section 13.— Omit sub-section (1), and sub-section (3).

Section 19.— Omit sub-section (3).

Section 21.— Omit sub-section (2)

Section 22.— *In sub-section (2),-*

- (a) *for “Jammu and Kashmir Limitation Act, Samvat 1995” substitute “the Limitation Act, 1963(36 of 1963)”;* and
- (b) *omit the proviso.*

Section 23.— For “sections 193, 219 and 228 of the Jammu and Kashmir State Ranbir Penal Code” substitute sections 193, 219 and 228 of “Indian Penal Code, 1860 (45 of 1860).”

Section 26.— Omit.

For section 28-A, substitute-

Prohibition on transfer of certain lands “28-A.— (1) *Save as otherwise provided in this section, no person who is vested with ownership rights in land under this Act shall transfer such land or rights therein in any manner whatsoever to any person other than Government or its agencies and instrumentalities;*

Provided that nothing in this sub-section shall prohibit:

- (a) *transfer of such land ownership whereof has been vested in a prospective owner under section 8 after the expiry of fifteen years from the date such land has been vested in the State under section 4 of the Act subject to the provisions of sections 133-H, 133-I, 133-J, 133-K and 133-L of the Jammu and Kashmir Land Revenue Act, Samvat, 1996 (Act No. XII of Samvat 1996);*
- (b) *grant of lease of land under the provisions of the Jammu and Kashmir Land Revenue Act, Samvat, 1996 (Act No. XII of Samvat 1996);*
- (c) *entering into Contract Farming under the provisions of Land Revenue Act, Samvat, 1996 (Act No. XII of Samvat 1996);*
- (d) *transfer of land in the form of simple mortgage for securing loan for purposes of improvement of the land.*

(2) *Any transfer of land or rights therein made in contravention of sub-section (1) shall be null and void. The person who has contravened the provisions of sub-section (1) shall after being given an opportunity of being heard, be dispossessed of such land by a Revenue Officer not below the rank of Tehsildar and the land shall vest in the State and shall be disposed of in the manner as may be prescribed.”*

**3. THE JAMMU AND KASHMIR ALIENATION OF LAND ACT
(V of Samvat 1995)**

Repeal as a whole.

**4. THE JAMMU AND KASHMIR BIG LANDED ESTATES ABOLITION ACT
(XVII Samvat 2007)**

Repeal as a whole.

**5. THE JAMMU AND KASHMIR COMMON LANDS (REGULATION) ACT, 1956
(XXIV of 1956)**

Repeal as a whole.

**6. THE JAMMU AND KASHMIR CONSOLIDATION OF HOLDINGS ACT, 1962
(V of 1962)**

Repeal as a whole.

**7. THE JAMMU AND KASHMIR DEVELOPMENT ACT
(XIX of 1970)**

Throughout the Act, for “State” substitute “Union territory of Jammu and Kashmir”.

Section 1 .— In sub section (2), for “whole of the State”, substitute “whole of the Union territory of Jammu and Kashmir”.

Section 2. – (i) in clause (da);-

(a) omit “being permanent resident of the State”; and

(b) for “4 meter x 7.5 meter and carpet area within the range of 25 square meter to 30 square meter”, substitute “as may be prescribed”;

(ii) in clause (ea);-

(a) omit “being permanent resident of the State”; and

(b) for “4.5 meter x 10 square meter of floor area of about 50 square meter in case of flatted accommodation”, substitute “as may be prescribed”;

(iii) in clause (l), for “section 3 of the Land Acquisition Act, 1990” substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)”; and

(iv) after clause (l), add:-

“(m) “Strategic Areas” means an area notified as Strategic Area under sub-section (3) of section 3 of this Act.”

Section 3.— After sub-section (2), insert-

“(3) Notwithstanding anything contained in this Act, the Government may on the written request of an Army officer not below the rank of Corp Commander, declare an area as Strategic Area within a local area, only for direct operational and training requirements of armed forces, which may be excluded from the operation of this Act and rules/regulations made there under in the manner and to the extent

specified in the declaration and the Government may satisfy itself about the reasons cited for declaring the area as strategic area and will have such area notified accordingly with such conditions as may be required.”

Section 5.-- Substitute “The Authority” with “Subject to any rule, regulation, order or instruction issued in this behalf by the Government, the Authority”.

Section 8.— In sub-section (1), for “for each of the zones into which the local area may be divided” substitute “for such zones which are declared as development areas under section 13” and for “each zone”, substitute “each such zone”.

Section 11.— For “master and a zonal plan”, substitute “master or a zonal plan”

Insertion of new Section 11 A .

After section 11, insert-

Permitted land use and levy of land use charges “11A(1) Upon coming into operation of the master plan or a zonal plan, the land use permitted in the area covered thereunder shall only be as provided in terms of such master or zonal plan. The provisions of the Jammu and Kashmir Agrarian Reforms Act, 1976, Jammu and Kashmir Land Revenue Act, Samvat 1996 or any other law for the time being in force requiring any permission to change the usage of any land, shall not be applicable to any land so covered.

(2) The Government may, by notification in the Official Gazette, notify a scheme for levy of charges for use of land as permitted in the master plan or the zonal plan, the proceeds whereof shall form part of the fund of the Authority and may be used to defray the expenses incurred on acquisition of land that may be required to be acquired in terms of section 50.”

For section 13, substitute-

Declaration of development area and permission for development etc. “13. (1) After a notice approving the date of operation of plan is published under section 11, the Authority may, with prior permission of the Government and by notification in the Official Gazette, declare any zone or part thereof as development area for the purposes of this Act.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, consequent upon such notification, no person including a Department of the Government shall undertake or carry out development of any land or building in the zone unless permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act:

Provided that the development of any land undertaken by a Department of the Government or any local authority before the 31st day of October, 2019 may be completed by that Department or local authority.

(3) No person or entity, whether private or public, including a Department of the Government or any authority, shall undertake the implementation of any street or layout plan, in any form whatsoever, in the local area outside the limits of a Municipal Corporation established under the provisions of the Jammu and Kashmir Municipal Corporation Act, 2000, without the prior written permission of the Authority:

Provided that for the purposes of such permission, the Authority shall follow the procedure laid down in Chapter XIII of the Jammu and Kashmir Municipal Corporation Act, 2000, and any reference therein to the Corporation or the Commissioner shall be construed as reference to the Authority or the Vice-Chairman of the Authority, respectively:

Provided further that the restriction under this sub-section shall not apply to the development undertaken by or on behalf of the Metropolitan Region Development Authority established under the Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018, or to a town planning scheme implemented under the provisions of the Jammu and Kashmir Town Planning Act, 1963.”

- Section 15.—** For “a plan in a zone”, substitute “a master or zonal plan in a zone”.
- Section 16. –** For “Land Acquisition Act, 1990”, substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)”.
- Section 17. –** In sub-section (1), omit “permanent resident of the State”.
- Section 21. –** In sub-section (4), for “both Houses of the Legislature”, substitute “the Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 22. -** In sub-section (2), for “Provident Funds Act, Svt. 1998”, substitute “The Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).”.
- Insertion of new Chapter-
Chapter VII-A. –** After section 22, insert the following new Chapter:-

“CHAPTER VII-A

JAMMU AND KASHMIR INDUSTRIAL DEVELOPMENT CORPORATION.

Definitions

22-A. In this Chapter, unless the context otherwise requires,—

- (a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Government Gazette, specify to be an amenity for the purposes of this Chapter;
- (b) "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
- (c) "Collector" means the Collector of a district, and includes any officer specially appointed by the Government to perform the functions of a Collector under this Chapter;
- (d) "commercial centre" in relation to any industrial area or industrial estate means any site selected by the Government where the Corporation builds shops and other buildings and makes them available for any commercial activity;]
- (e) "Corporation" means the Jammu and Kashmir Industrial Development Corporation or any other corporation(s) as notified by Government established under section 22-B;

(f) "Development" with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes re-development, but does not include mining operations; and "to develop" shall be construed accordingly:

(g) "engineering operations" include the formation of laying out of means of access to a road or the laying out of means of water supply;

(h) "Industrial area" means any area declared to be an industrial area by the Government by notification in the Government Gazette, which is to be developed and where industries are to be accommodated;

(i) "Industrial estate" means any site selected by the Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of industries;

(j) "means of access" includes a road for any means of access, whether private or public, for vehicles or for pedestrians;

(k) "premises" means any land of building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ;and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(l) "prescribed" means prescribed by rules made under this Chapter;

(m) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Establishment and Constitution of the Corporation

22-B (1) For the purposes of securing and assisting in the rapid and orderly establishment, and organization of industries in industrial areas and industrial estates in the Union Territory of Jammu and Kashmir and for the purpose of establishing commercial centers in connection with the establishment and organization of such industries, there shall be established by the Government by notification in the Government Gazette, a Corporation by the name of the Jammu and Kashmir Industrial Development Corporation or any other corporation(s) as notified by Jammu and Kashmir Government .

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract, and do all things necessary, for the purposes of this Chapter.

Composition of the Corporation	<p>22-C (1) The Corporation shall consist of the following twelve Directors, namely:-</p> <ul style="list-style-type: none"> (a) five official Directors nominated by the Jammu and Kashmir Government, of whom one shall be the Financial Adviser to the Corporation; (b) one Director nominated by the Jammu and Kashmir State Power Development Department; (c) one Director nominated by the Jammu and Kashmir Public Health engineering Department; (d) four Directors nominated by the by Jammu and Kashmir Government, from amongst persons appearing to it either to be qualified by reason of experience of, and capability in, industry or trade or finance or to be suitable to represent the interest of persons engaged or employed therein; and (e) the Managing Director of the Corporation, ex-officio, who shall also be the Secretary of the Corporation. <p>(2) The Governments shall appoint one of the Directors of the Corporation to be Chairman of the Corporation and may appoint one of the other Directors as Vice-Chairman.</p>
Disqualifications	<p>22-D A person shall be disqualified for being nominated as a Director of the Corporation, if he—</p> <ul style="list-style-type: none"> (a) is an employee of the Corporation, not being the Managing Director thereof, or (b) is of unsound mind and stands so declared, by a competent court, or (c) is an un discharged insolvent.
Term	<p>22-E (1) (a) The Chairman, Vice- Chairman and Directors of the Corporation nominated by the Government shall hold office during the pleasure of the Government;</p> <p>(b) The director nominated under clauses (b) and (c) of sub-section(1) of section 22-C shall hold office during the pleasure of respective Board.</p> <p>(2) The Directors of the Corporation nominated under clause (a) or (e) of sub-section (1) of section 22-C shall be entitled to draw such salary and allowances as may be prescribed. Such reasonable additional remuneration, as may be fixed by the Government, may be paid to any Director for extra or special services required to be rendered by him.</p> <p>(3) The Directors of the Corporation nominated under clause (b), (c) or (d) of sub-section (1) of section 22-C shall be entitled to draw such honorarium of compensatory allowance for the purpose of meeting the personal expenditure in attending the meetings of the Corporation or of any Committee thereof or in doing or for performing any work connected with the functions of the Corporation which may be specially entrusted to them by the Corporation or by any Committee thereof as may be prescribed.</p> <p>(4) Any person nominated as a Director shall, unless disqualified, be eligible for re nomination.</p>

Meetings

22-F (1) The Corporation shall meet at such times and places, and shall subject to the provisions of sub-section (2) observe such rules of procedure in regard to the transactions of its business as may be provided by regulations.

(2) A Director, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Corporation, shall at the earliest possible opportunity disclose the nature of his interest to the Corporation, and shall not be present at any meeting of the Corporation when the contract, loan, arrangement or proposal is discussed, unless his presence is required by the other Directors for the purpose of eliciting information, and shall not vote thereon :

Provided that, a Director shall not be deemed to be concerned or interested as aforesaid by reason only of his being a share-holder of a company concerned in any such contract, loan, arrangement or proposal.

Removal of Director

22-G (1) If a Director

(a) becomes subject to any of the disqualifications mentioned in section 22-D, or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government, or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months, or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a Director of the Corporation.

(2) The Government may by order suspend from office for such period as it thinks fit, or remove from office any Director of the Corporation, who in its opinion-

(a) has refused to act, or

(b) has become incapable of acting, or

(c) has so abused his position as Director as to render his continuance on the Corporation detrimental to the interest thereof or of the general public, or

(d) is otherwise unfit to continue as a Director.

Filling of Vacancy

22-H Any vacancy of a Director of the Corporation shall be filled as early as practicable, and in like manner as if the nomination were being made initially:

Provided that, during any such vacancy the continuing Directors may act as if no vacancy had occurred.

Government to appoint person to act as director in certain cases

22-I (1) If the Chairman or any other Director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his directorship under section 22-G, the Government may appoint another person to act in his place and carry out duties and functions entrusted to him by or under this Chapter until such Chairman or Director, as the case may be, resumes his duties.

(2) If a Vice-Chairman has been appointed in the absence of the Chairman, the Vice-Chairman shall be competent to carry out the duties and functions of the Chairman.

Defect not to invalidate proceedings

22-J No disqualification of, or defect in the appointment of any person acting as the Chairman or Vice-Chairman or a Director of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Chapter.

Managing Director and Chief Accounts Officer

22-K (1) The Government shall appoint a Managing Director, and a Chief Accounts Officer of the Corporation

(2) The Corporation may appoint such other officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants and their scales of pay shall—

(a) as regard the Managing Director and the Chief Accounts Officer be such as may be prescribed, and

(b) as regards the other officers, and servants, be such as may be determined by regulations

Functions of Corporation

22-L The functions of the Corporation shall be—

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of Industries in the Union Territory of Jammu & Kashmir, and

(ii) in particular and without prejudice to the generality of clause (i) to—

(a) establish and manage industrial estates at place selected by the Government;

(b) develop industrial area selected by the Government for the purpose and make them available for undertakings to establish themselves;

(c) develop land on its own account of for the Government for the purpose of facilitating the location of industries and commercial centers thereon;

(d) assist financially by loans industries to move their factories into such estates or areas;

(e) undertake schemes for providing industrial units and commercial establishments with such structures and facilities as may be necessary for their orderly establishment, growth and development;

(f) promote, organize, sponsor or undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected there with.

Powers of Corporation

22-M Subject to the provisions of this Chapter, the Corporation shall have power—

(a) to acquire and hold such property, both movable and immovable as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

- (b) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions;
- (c) to provide or cause to be provided amenities and common facilities in industrial estates, commercial centers and industrial areas and construct and maintain or cause to be maintained works, buildings, amenities and common facilities thereof;
- (d) to make available buildings on hire or sale to industrialists or persons intending to start industrial undertakings or commercial establishments or both the industrial undertakings and commercial establishments;
- (e) to construct buildings for the housing of the employees of such industries or commercial establishments.;
- (f) (i) to allot factory sheds or such buildings or parts of buildings, including residential tenements to suitable persons in the industrial estates established or the industrial areas developed by the Corporation;
- (ii) to allot shops and other buildings to suitable persons in commercial centers established by the Corporation ;
- (iii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;
- (g) to constitute committees from amongst its Directors to perform any of its functions;
- (h) to constitute advisory committees to advise the Corporation;
- (i) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;
- (j) to delegate any of its powers generally or specially to any of its committees or officers and to permit them to re-delegate specific powers to their subordinates;
- (k) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and
- (l) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its business and the carrying into effect the purposes of this Chapter.
- (m) Notwithstanding anything contained in any other law in force, the powers under Jammu and Kashmir Town Planning Act, 1963, Jammu and Kashmir Municipal Act, 2000 and Jammu and Kashmir Municipal Corporation Act, 2000 shall be exercised by the Corporation wherever necessary.

Authentication of Documents etc.

22-N All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of the Managing Director of the Corporation or any other Officer authorized by the Corporation in this behalf.

Power of Government to Issue Directions	22-O The Government may from time to time issue to the Corporation such general or special directions of policy as it thinks necessary or expedient for the purposes of carrying out the purpose of this Chapter and the Corporation shall be bound to follow and act upon such directions.
Finance, accounts and audit.	22-P All property funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions of and for the purposes of this Chapter.
Funds	<p>22-Q (1) The Corporation shall have and maintain its own funds, to which shall be credited-</p> <p>(a) all moneys received by the Corporation from the Government by way of grants, subventions, loans, advances or otherwise;</p> <p>(b) all fees, costs and charges received by the Corporation under this Chapter;</p> <p>(c) all moneys received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable and other transactions;</p> <p>(d) all moneys received by the Corporation by way of rents and profits or in any other manner or from any other source.</p> <p>(2) The Corporation may keep in current or deposit account with the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.</p> <p>(3) Such account shall be operated upon by such officers of the Corporation as may be authorized by regulations.</p>
Grants, Loans and Advances to the Corporation	22-R The Government may make such grants, subventions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Chapter and all grants, subventions, loans and advances made shall be on such terms and conditional as the Government may after consulting the Corporation determine.
Power to Borrow Money	<p>22-S (1) The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market or otherwise with a view to providing itself with adequate resources.</p> <p>(2) All moneys borrowed under sub-section (1) may be guaranteed by the Government as to the repayment of principal and the payment of interest at such rates and such conditions as the Government may determine at the time the moneys are borrowed,</p> <p><i>Explanation.</i>—The expression "to borrow money" with all its grammatical variations and cognate expressions includes, acceptance of deposits (not being deposits accepted under section 22-T) from the public for a specified period and on payment of interest thereon to the depositors at specified rates.</p>
Accepting of Deposits	22-T The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions to which allotment or sale of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

**Reserve and Other
Specially Denominated
Funds**

22-U (1) The Corporation shall make provision for such reserve and other specially denominated funds and in such manner and to such extent as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

**Authority to spend
Sums**

22-V (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorized under this Chapter from out of the general fund of the Corporation referred to in section 22-R or from the reserve and other funds referred to in section 22-V, as the case maybe.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance, in relation to any of its industrial estates or industrial areas, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

(3) No expenditure other than capital expenditure shall be incurred by the Corporation out of moneys borrowed or received by way of deposits.

**Annual Financial
Statements**

22-W (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) With the approval of the Government the Corporation shall be competent to make variations in the programme of work in the course of the year :

Provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, on submission to the Government as soon as may be, shall be placed before the Legislature.

Books of Account

22-X (1) The Corporation shall maintain books of account and other books in relation to its business and transactions in such form and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in consultation with the Comptroller and Auditor General of India.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof together with the copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislature.

Audit of Accounts	<p>22-Y (1) Notwithstanding anything contained in section 22-X, the Government may order that there shall be concurrent audit of the accounts of the Corporation by such person as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period.</p> <p>(2) The Government may pass such orders on the report of the special audit and the Corporation shall be bound to comply with such order.</p> <p>(3) The report on the special audit shall be laid before the Legislature of the Union Territory of Jammu & Kashmir.</p> <p>(4) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.</p>
Acquisition and Disposal of Land.	<p>22-Z (1) Whenever any land is required by the Corporation for any purpose in furtherance of the objects of this Act, but the Corporation is unable to acquire it by agreement, the Government may, upon an application of the Corporation in that behalf, order proceedings to be taken under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 for acquiring the same on behalf of the Corporation as if such lands were needed for a public Purpose within the meaning of the said Act.</p> <p>(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such land shall be forthwith paid by the Corporation and thereupon the land shall vest in the Corporation.</p>
Land to be Placed at the Disposal of the Corporation	<p>22-AA (1) For the furtherance of the objects of this Act, the Government may, upon such conditions as may be agreed upon between it and the Corporation, place at the disposal of the Corporation any lands vested in the Government.</p> <p>(2) After any such land has been developed by, or under the control and supervision of the Corporation, it shall be dealt with by the Corporation in accordance, with the regulations made, and directions given by the Government in this behalf.</p> <p>(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the Government, the Corporation shall replace it at the disposal of the Government upon such terms and conditions as the Government may after consultation with the Corporation determine.</p>
Supplementary and miscellaneous provisions under this Chapter.	<p>22-AB (1) If the Corporation after holding a local inquiry, or upon a report from any of its officers or other information in its possession, is satisfied that the owner /allottee/lessee of any land in an industrial area has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or to carry out any development of the land for which permission has been obtained under this Chapter the Corporation may, after giving the owner or allottee or lessee a reasonable opportunity of being heard, serve upon such owner or allottee or lessee a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.</p> <p>(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice the Corporation or may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:</p>

Provided that, before taking action under this sub-section, the Corporation shall afford reasonable opportunity to the owner/allottee/lessee of the land to show cause why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest, at such rate as the Government may by order fix, from the date when a demand for the expenses is made from the owner or allottee or lessee until payment, shall be recoverable by the Corporation from the owner or allottee or lessee.

(4) An owner or allottee or lessee aggrieved by a notice issued to him under sub-section (1) may within a period of sixty days from the date on which the notice is served on him file an appeal to the Administrative secretary of Industry and commerce.

(5) In deciding an appeal under sub-section (4), the Administrative Secretary shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908 (5 of 1908).

(6) A decision in such appeal shall be final and conclusive.

**Demolition of
Erection of any
Building in Certain
Cases**

22-AC (1) Where the erection of any building in an industrial estate, commercial centre or industrial area has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Chapter to any Officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Chapter make an order directing that such erection shall be demolished by the owner/allottee/lessee thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner/allottee/lessee to comply with the order, the Officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner/allottee/lessee:

Provided that, no such order shall be made unless the owner/allottee/lessee has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order within thirty days from the date thereof to a Committee of the Corporation set up for the purpose by regulations made in this behalf and such Committee may after hearing the parties to the appeal either allow or dismiss the appeal or reverse or vary any part of the order.

(3) The decision of the Committee on the appeal and subject only to such decision the order made by the officer under sub-section (1) shall be final.

**Discontinuation of
Erection of any
Building in Certain
Cases**

22-AD (1) Where the erection of any building in an industrial estate, commercial centre or industrial area has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Chapter, any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Chapter, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his

assistants and workmen from the place of the building within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punished with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees, during which such non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order made under this section.

(6) The cost of employing any police officer under this section shall initially be borne by the Corporation but it shall be recoverable from the person who failed to comply with an order made under sub-section (1).

Penalties

22-AE (1) Any person who whether at his own instance or at the instance of any other person undertakes or carries out construction of or alterations to any building in an industrial estate or industrial area contrary to the terms under which he holds such building or land under this Chapter shall, on conviction, be punished with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

(2) Any person who uses any land or building in an industrial estate or industrial area contrary to the terms under which he holds such land or building under this Chapter, or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

Other Powers of Corporation

22-AF (1) (a) For the purpose of,—

(i) use of water sources, carrying gas, water or electricity within any area taken up for development under sub-clause (b) of clause (ii) 22-M (herein after referred to as "the said area"); or

(ii) constructing any sewers or drains necessary for carrying off workings and waste liquids of an industrial process through the said area,

the Corporation may, after giving reasonable notice to the owner or occupier of any building or land in the said area, lay down, place, maintain, alter, remove, or repair any pipes, pipelines, conduits, supply or service lines, posts other appliances or apparatus in, on, under, over, along or across any land in the said area.

(b) For the purpose of,—

(i) carrying gas, water or electricity from a source of supply to an industrial estate, commercial centre or industrial area, such source of supply being in an area outside such estate, centre or area (hereinafter referred to as "an outside area"); or

- (ii) constructing any sewers or drains necessary for carrying off workings and waste liquids of an industrial process to or through an outside area,

any person empowered in this behalf by the Government by notification in the Government Gazette (hereinafter referred to as "the authorized person"), may after giving reasonable notice to the owner or occupier of any building or land in the outside area, lay down, place, maintain, alter, remove or repair any pipes, pipelines, conduits, supply or service-lines, posts or other appliances or apparatus in, on, under, over, along or across any land in the outside areas.

(2) The Corporation or as the case may be, the authorized person may at any time enter upon any land in any such area and in such event the provisions of section 22- AG shall mutatis mutandis apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorized person shall—

- (i) where the land affected is a street, bridge, sewer, drain or tunnel, comply mutatis mutandis with the relevant provisions of the Gas Companies Act, 1863, notwithstanding the fact that the Act is not in force in the area or that the Government, has not issued a notification extending such provisions to such land;

- (ii) cause as little damage as possible to property,

Compensation to all persons interested for extinguishment or modification of rights in property and any damage sustained by them in consequence of the exercise of such powers as aforesaid shall be paid by the Corporation irrespective of whether the area is the said area or the outside area :

Provided that the amount of compensation in lump sum or in the form of annual rent according as the circumstances of the case may require shall be fixed and where necessary apportioned by the Collector in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(4) Nothing herein shall authorize or empower the Corporation or the authorized person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Chapter and may repair or alter any pipe so laid down.

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the Government in the normal course.

(5) (a) Where the owner or the occupier of any building or land does not reply in writing to the Corporation or the authorized person within a period of fifteen days from the date on which the consent referred to in sub-section (4) is sought, or refuses to give such consent to laying down or placing any pipe or other works into, through or against such building the Corporation or the authorized person shall forthwith make a report in writing of the fact to the Collector.

(b) On receipt of the report, if the Collector, after making any inquiry and after giving the owner and the occupier of such building or land, as the case

may be, an opportunity of stating his objection to give such consent is satisfied that for ensuring the full and efficient development of the industrial estate, commercial centers, or as the case may be, industrial area it is necessary to permit the Corporation or the authorized person to lay down or place any pipe or other works into, through or against the building or in the land as contemplated by the Corporation or the authorized person, the Collector shall, notwithstanding anything contained in sub-section (4) by an order in writing, grant the requisite permission to the Corporation or the authorized person.

(c) When such permission is granted, it shall be lawful for the Corporation or the authorized person to lay down or place any pipe or other works into, through or against such building or in such land, as if the necessary consent under subsection (4) has been given.

Power to Enter into/or upon any Land or Building

22-AG Any officer of the Government, any Director of the Corporation and any person either generally or specially authorized by the Corporation in this behalf, may enter into or upon any land or building with or without assistant or workmen for the purpose of—

- (a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or buildings;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) marking such levels, boundaries and lines by placing marks and cutting trenches;
- (f) doing any other thing necessary for the efficient administration of this Chapter: Provided that, -
 - (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;
 - (ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;
 - (iii) due regard shall always be had, so far as may be compatible, with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

Controller or Licensing Authority

22-AH The Government may, by notification in the Government Gazette, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings or commercial establishments established or to be established in the industrial estates, commercial centers or industrial areas entrusted to or developed by the Corporation and no such nomination shall be called in question merely on the ground that such officer is not an officer of the Government.

Amenity

22-AI Notwithstanding anything contained in any other law, or in any license or permit, if the Government is satisfied either on a recommendation

made in this behalf by the Corporation or otherwise, that these thing up to industrial undertaking or a commercial establishment within an industrial area or outside is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions, which the Government considers unreasonable for the grant of any amenity, the Government may direct the local authority to grant the said amenity on such conditions as it considers fit and there upon the amenity shall be granted;

Provided that, the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity:

Provided further that, no such direction shall be made by the Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

Lease of Land

22-AJ Where any land is leased by the Corporation, the lessee shall, pay to the Corporation before such date or dates as may be prescribed, an amount equal to the land revenue, rent, cesses, rates, and other taxes, if any, payable in respect of such land, which would have been payable by the Corporation had the land not been leased.

Mode of Recovery

22-AK All sums payable by any person to the Corporation or recoverable by it by or under this Chapter and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue on the application of the Corporation.

**Service of Notice
etc.**

22-AL (1) All notices, orders and other documents required by this Chapter, or any rule or regulation made there under to be served upon any person shall save as otherwise provided in this Chapter or such rule or regulation, be deemed to be duly served-

(a) where the person to be served is a company the service is effected in accordance with the provisions of section 20 of the Companies Act, 2013 ;

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at the said place of business;

(c) where the person to be served is a statutory public body or a Corporation or a society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal Office, and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates;

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed "the owner" of "the occupier" as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the Government or the Corporation, as the case may be, to state the name and address of the owner/allottee/lessee thereof.

Public Notice to be in Writing

22-AM Every public notice given under this Chapter or any rule or made there under shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by other means as the officer may think fit.

Prescribing of Time Under Notice

22-AN Where any notice, order or other document issued or made under this Chapter or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed in this Chapter or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith;

Duty of Corporation to Furnish Returns etc. to Government

22-AO (1) The Corporation shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the Government may from time to time require.

(2) The Corporation shall in addition to the audit report referred to in section 22- X furnish to the Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislature as soon as may be after it is received by the Government.

Power of Government to Exclude Industrial Estate from the

22-AP (1) Where the Government is satisfied that in respect of any particular industrial estate, commercial centre or industrial area, or any part thereof, the purpose for which the Corporation was established under this Chapter has been substantially achieved so as to render the continued

Jurisdiction of Corporation	<p>existence of such estate, centre or area or part thereof under the Corporation unnecessary, the Government may, by notification in the Government Gazette, declare that or such industrial estate, commercial centre or industrial area or part thereof has been removed from the jurisdiction of the Corporation. Thereupon the Government may after consulting the Corporation pass such orders in respect of consequential financial arrangements with the Corporation, and the transfer or apportionment of any assets and liabilities of the Corporation as it may deem fit.</p> <p>(2) The Government may also make such other incidental arrangements for the administration of such estate, centre or area or part thereof as the Government thinks fit.</p>
Power of Government in Case of Default by the Corporation	<p>22AQ (1) If the Government after giving the Corporation an opportunity to render an explanation is satisfied that the Corporation has made a default in performing any duty or obligation imposed or cast on it by or under this Chapter the Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.</p> <p>(2) If in the opinion of the Government the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the Government, after having given the Corporation to show cause against such order, by order supersede the Corporation and thereafter reconstitute the Corporation, as it deems fit.</p> <p>(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter, the powers, duties and functions of the Corporation under this Chapter shall be carried on by the Government or by such officer or officers or body of officers as the Government may appoint for this purpose from time to time, and the cost thereof shall be met from the funds of the Corporation.</p> <p>(4) All property vested in the Corporation shall, during the period of supersession, vest in the Government.</p>
Dissolving of Corporation	<p>22-AR (1) The Government if satisfied that the purposes for which the Corporation was established under this Chapter have been substantially achieved so as to render its continuance unnecessary, it may by notification in the Government Gazette declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and thereupon the Corporation shall stand dissolved accordingly.</p> <p>(2) From the said date referred to in sub-section (1),—</p> <p style="padding-left: 40px;">(a) all properties, funds and dues which are vested in, or realizable by, the Corporation shall vest in, or be realizable by, the Government; and</p> <p style="padding-left: 40px;">(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.</p>
No Court to take Cognizance of any Office under this Chapter	<p>22-AS Unless otherwise expressly provided no Court shall take cognizance of any offence relating to property belonging or vested by or under this Chapter in the Corporation punishable under this Chapter, except on the complaint of, or upon information received from the Corporation or some person authorized by the Corporation by general or special order in this behalf.</p>
Compounding of Offence	<p>22-AT (1) The Corporation or any person authorized by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings compound any offence made punishable by or under this Chapter.</p>

(2) Where an offence is compounded the offender, if in custody shall be discharged and no further proceedings, shall be taken against him in respect of the offence compounded.

**Offence Committed
by Company**

22-AU (1) Whenever an offence under this Chapter has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment under this Chapter if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter has been committed by a company and it is proved that the offences has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

**Penalty for
Obstruction of
Entry of an
Authorized Person**

22-AV Any person who obstructs the entry of a person authorized under section 22-AG to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Chapter shall; on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

**Penalty for
Obstruction or
Molestation of any
Person with whom
the Corporation
has entered into
Contract**

22-AW If any person obstructs or molests any person with whom the Corporation has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Chapter he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

**Penalty for
Removal of any
Mark**

22-AX If any person removes any mark set up for the purpose of indicating any level, boundary line or direction necessary to the execution of works authorized under this Chapter, he shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

**Penalty for
Obstruction of the
Lawful Exercise of
any Power**

22-AY Any person, who obstructs the lawful exercise of any power conferred by or under this Chapter shall, on conviction, be punished with fine, which shall not be less than five thousand rupees, but may extend to ten thousand rupees.

**Power to make
Rules**

22-AZ (1) The Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the Government Gazette, make rules to carry out the purposes of this Chapter:

Provided that, consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestions which the Corporation may make in relation to amendment of such rules after they are made.

(2) In particular and without prejudice to the generality, of the foregoing power such rules may provide for all matters expressly required or allowed by this Chapter to be prescribed by rules and fees which may be charged by the Corporation.

(3) All rules made under this section shall be laid for not less than thirty days before the Legislature as soon as possible after they are made and shall be subject to rescission by the Legislature, or to such modification as the Legislature may make, during the session in which they are so laid, or the session immediate following.

(4) Any rescission or modification so made by the Legislature shall be published in the Government Gazette and shall thereupon take effect.

Power to make Regulations

22-AAA (1) The Corporation may, with the previous approval of the State Government make regulations consistent with this Act and the rules made there under, and to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such regulations may provide for all matters expressly required or allowed by this Act to be provided by regulations.

(3) All rules made under this section shall be published in the Official Gazette and shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the Legislature, or to such modification as the Legislature may make, during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

Act done in Good Faith

22-AAB No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Chapter or any rule or regulation made there under.

Requirement of Prior Notice for Filing of Suit

22-AAC (1) No person shall commence any suit against the Corporation or against any officer or servant of the Corporation or any person acting under the orders of the Corporation for anything done or purporting to have been done in pursuance of this Chapter, without giving to the Corporation, officer or servant or person, as the case may be, two months' previous notice in writing of the intended suit and of the cause thereof, not after six months from the date of the act complained of.

(2) In the case of any such suit for damages if tender of sufficient amount shall have been made before the action was brought, the plaintiff shall not recover more than the amounts so tendered and shall pay all costs incurred by the defendant after such tender.

Public Servants

22-AAD All Directors, officers and servants of the Corporation shall, when acting "or purporting to act in pursuance of any of the provisions of this Chapter be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Overriding Effect

22-AAE The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law.

- Power to Remove of Difficulties** **22-AAF** If any doubt or difficulty arises in giving effect to the provisions of this Chapter the Government may, by order, make provision or give such direction not in consistent with the express provisions of this Chapter as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and the order of the Government, in such cases, shall be final.
- Section 24.-** (i) In sub-section (1), for “Rs 5,000/-” and “Rs 200/-”, substitute respectively “Rs 50,000/-” and “Rs 2000/-”;
(ii) in sub-section (2), for “Rs 3000/-” and “Rs 150/-”, substitute respectively “Rs 30,000/-” and “Rs 1,500/-”;
(iii) in sub-section (3), for “Rs 1,000/-”, substitute “Rs 10,000/-”.
- Section 26.-** In sub-section (4), for “two hundred rupees”, substitute “two thousand rupees”.
- Section 31.-** Omit “on terms and conditions agreed upon between the Authority and that local authority or the department, as the case may be”.
- Section 34. –** (i) in sub-section (2), for “the Code of Civil Procedure 1977”, substitute “the Code of Civil Procedure, 1908 (5 of 1908)”; and
(ii) in sub-section (6), for “Arbitration Act, Svt. 2002”, substitute Arbitration and Conciliation Act, 1996 (26 of 1996)”.
- Section 43. –** For “Ranbir Penal Code”, substitute “Indian Penal Code (45 of 1860)”.
- Section 45. –** For “section 32 of Code of Criminal Procedure, 1989”, substitute “section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)”.
- Section 49. –** In clause (c), for “the Jammu and Kashmir State Canal and Drainage Act, Svt. 1963”, substitute “the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010”.

8. THE JAMMU AND KASHMIR FLOOD PLAIN ZONES (REGULATION AND DEVELOPMENT) ACT (XVII of 2005)

Repeal as a whole.

9. THE JAMMU AND KASHMIR LAND GRANTS ACT (XXXVIII of 1960)

Throughout the Act, for “State” and “Government” substitute “Union territory of Jammu and Kashmir” and “Government of the Union territory of Jammu and Kashmir” respectively.

- Section 1. -** In sub-section (2), for “State of Jammu and Kashmir” substitute “Union territory of Jammu and Kashmir”.
- Section 2. -** Substitute the following:
“2.This Act shall apply to whole of the Union territory of Jammu and Kashmir.”
- Section 4.-** (i) in sub-section (1):-
 (a) substitute “may grant land on lease” with “may make rules for grant of land on lease”;;
 (b) omit first and last proviso;
 (c) in fourth proviso substitute “Government Order sanctioning” with “Order of the competent authority sanctioning”

- (ii) in sub-section (2), omit clause (i).
- (iii) after sub-section (2), add the following sub-section namely;

“(3) The Government may notify the competent authority or authorities for granting lease under sub-section (1) to different categories of persons for such purposes and in such areas as may be specified. Subject to the general and specific direction of the Government, the competent authority so notified shall grant the land on lease subject to the rules notified under sub-section (1) and also subject to land use defined under the Master Plan, Zonal Plan or Regional Plan by development authority prescribed under the Development Act, 1970 and Land Revenue Act Samvat 1996 as the case may be.”

Section 11. - For “Transfer of Property Act, Svt. 1977”, substitute “Transfer of Property Act, 1882 (4 of 1882)”.

10. THE JAMMU AND KASHMIR LAND IMPROVEMENT SCHEMES ACT (XXIV of 1972)

Repeal as a whole.

11. THE JAMMU AND KASHMIR LAND REVENUE ACT (XII of Samvat 1996)

Throughout the Act, for “Government of Jammu and Kashmir”, “Government Gazette” and “State”, wherever occurring, substitute “Government of the Union territory of Jammu and Kashmir”, “Official Gazette” and “Union territory” respectively.

Section 1.- In sub-section (2), for “whole of the State of Jammu and Kashmir” substitute “whole of the Union territory of Jammu and Kashmir”.

- Section 3.-** (i) Before the existing clause (1), insert -
- “(1) “Agricultural land” means land which is used or is capable of being used for the agriculture and allied activities including fallow land;
 - (2) “Agriculture and Allied Activities” shall mean raising of crops including food and non-food crops, fodder or grass; fruits and vegetables, flowers, any other horticultural crops and plantation; animal husbandry and dairy; poultry farming, stock breeding; fishery; agro forestry, agro-processing and other related activities by farmers and farmer groups;
 - (3) “Board” means “Board of Revenue”, constituted under this Act;
 - (4) “Competent Authority” means the Tehsildar or a Revenue Officer of equal rank;
- (ii) re-number existing clause (1) as clause (5) and after clause(5) so renumbered, insert-
- “(6) “Government” means the Government of the Union territory of Jammu and Kashmir.”;
- (iii) re-number the existing clauses (2) and (3) as clauses (7) and (8) and in the clause (8) as so renumbered, for “a tenant”, substitute “an occupant”.
- (iv) re-number existing clause (4) as clause (9) and after clause (9) as so renumbered, insert-
- “(10) “Regional Plan” means the land use plan notified by the Competent Authority for the areas falling out of local area notified under the Development Act 1970.”;

- (v) omit existing clause (5), and renumber existing clauses (6), (7), (8), (9), (10), (11) and (12) as clauses (11), (12), (13), (14), (15), (16) and (17) respectively;
- (vi) in sub-clause (a) of clause (14) so renumbered, for “section 56 of the Jammu and Kashmir State Canal and Drainage Act, 1963”, substitute “Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010”;
- (vii) after clause (17) so renumbered, insert-
- “(18) “Occupant” means the person under occupation of the land as protected tenant or occupancy tenant as defined under the repealed Tenancy Act or otherwise in authorized cultivation of the land.”;
- (viii) omit existing clause (13); renumber clause (14) as clause (19) and for the opening paragraph of clause (19) as so renumbered substitute-
- “(19) “Agricultural year” means the year notified by the Board from time to time for different areas:” ;
- (ix) re-number existing clauses (15), (16), (17) and (18) as clauses (20), (21), (22) and (23) respectively;
- (x) after clause (23) so renumbered, insert:-
- “(24) “Water channel”, “Water Course” and “Water Source” referred to in this Act shall have the same meaning as defined in the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010.

Insertion of new Section 5 A-

After section 5, insert-

Board**of Revenue.**

“5A.(1) There shall be a Board of Revenue for the Union territory of Jammu and Kashmir, consisting of following members, namely:-

- (a) Financial Commissioner Revenue shall be the *ex-officio* Chairman; and
- (b) two other members of the rank of Secretary to the Government to be appointed by the Government of the Union territory of Jammu and Kashmir;

(2) Subject to the superintendence, direction and control of the Government, the Board shall be the Chief Controlling Authority regarding all the matters provided in this Act.

Powers and functions of the Board.

5B. —(1) The Board shall—

- (a) exercise, perform and discharge powers, functions and duties conferred upon it by or under this Act or any other law for the time being in force;
- (b) decide all the matters relating to the Acts repealed under section 140, within one year from the Constitution of the Board; and
- (c) perform all the functions entrusted to it by the Government from time to time.

(2) The terms, references and procedure to be followed by the Board shall be such as may be notified by the Government.”

After section 6, insert-

Combination of offices.

“6A. — It shall be lawful for the Government or the authority competent, as the case may be, to appoint one and the same person, being otherwise competent according to law for any two or more of the offices or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise, as it may deem expedient.”

- Section 8.-** For “Government” substitute “Board”.
- Section 9.-** For “The Financial Commissioner” substitute “The Board, the Financial Commissioner”.
- Section 11.-** For “Code of Civil Procedure, 1977” substitute “Code of Civil Procedure, 1908 (5 of 1908)”.
- Section 12.-** Omit proviso to sub-section (1).
- Section 13.-** In proviso (a) to sub-section (1), after “when” and before “a Divisional Commissioner” insert “the Board”.
- Section 21.-** In sub-clause (i) of clause (a) of sub-section (2), for “tenants or assignees” substitute “occupants”; and after sub-clause (iii), insert-
- “(iv) survey number or plot number held within its area;
(v) type and characteristics of soil;”
- Section 22-A.-** (i) For sub-section (2) substitute -
- “(2) The pass book shall be in such form and valid for such period as may be prescribed and the Board shall strive for preparing, issuing and maintaining the passbooks in digital format, and the Board shall be competent to issue direction for this purpose.”;
- (ii) in sub-section (19), for “twenty hundred rupees”, substitute “twenty thousand rupees”.

Insertion of new Section 23 A-

After section 23, insert-

- Consolidation of Land and prevention of fragmentation of land holdings.** of and of of
- “23-A. —(i) The Board may notify a scheme of consolidation of land holding to be undertaken during the preparation of Record-of-Rights or otherwise for rearrangement of land holdings in a unit amongst several land owners in such a way as to make their respective holdings more compact.
- (ii) With effect from the date on which a landowner enters into possession of the plots allotted to him in pursuance of the provisions of the scheme notified under sub-section (1) the rights, title, interest and liabilities of the former landowner in these plots and his rights, title, interest and liabilities in his original plots shall stand extinguished and shall vest in the occupying land owner, subject to such modifications, if any, specified in the said consolidation scheme.
- (iii) The Board may also bring a scheme of restricting and regulating the fragmentation of agricultural land holdings in the Union territory of Jammu and Kashmir to make the agriculture viable.

- Section 24.-** In the marginal heading, for “assignees of revenue and occupancy tenants” and in sub-section (1) for “an occupancy tenant or a protected tenant” substitute “and occupants” and “an occupant” respectively.
- Section 32.-** (i) In sub-section (1), for “Deputy Commissioner”, substitute “Deputy Commissioner or Additional Deputy Commissioner” and omit “(2 years in the case of Frontier Districts of Gilgit and Ladakh)”.
- (ii) omit sub-section (3).
- Section 101.-** After sub-section (2), insert-
- “(3) (a) The Board subject to such conditions and restrictions and in such manner as may be prescribed, at its own or authorise an officer not below the rank of Collector, to issue license to any person referred to as Licensed Surveyor, possessing the prescribed qualifications and experience as fixed by the Board for the purposes of survey, assessment and settlements of boundaries and connected matters.
- (b) The fee payable to a License Surveyor shall be as prescribed by the Board from time to time.”

- Section 105.-** In the opening paragraph, omit “or any joint tenant of a tenancy in which a right of occupancy or protected tenancy subsists”, “or tenant” and “or tenancy”.
- Section 106.-** In clause (3), for “the land comprised in the tenancy”, “a tenant”, “the tenant” and “that tenancy” substitute respectively “erstwhile tenancy”, “an occupant”, “the occupant” and “that occupancy”.

Insertion of new Chapters-

After Chapter X, insert-

“CHAPTER X-A

LAND LEASING

- Land lease-agreement, termination, rights and responsibilities.** **119-B.** —(1) Notwithstanding anything contained in any other law, the Government may through a notification in the official Gazette, formulate procedures and conditions for leasing in or leasing out of agricultural land for agriculture and allied activities, consistent with the provisions of this Act.

CHAPTER X-B

Regional Planning

- Preparation of Regional Plan by Board.** **119-C.** —(1) Except the “Local Area” as defined under the Development Act 1970, including the areas falling under the Development Authorities constituted under the said Act, the Board shall be the development authority for all land and shall be responsible for preparation of Regional Plan or Plans, as the case may be.

(2) In preparation of Regional Plan or Plans as referred to in subsection(1), the Board shall follow process as mentioned in the Development Act, 1970.

(3) In preparation of the Regional Plan or Plans as referred to in subsection(1), the Board shall have consideration to—

- (i) overall developmental objectives of the Government;
- (ii) development of agriculture in the Union territory;
- (iii) protection of land falling under saffron, orchards, vegetable and other crops as considered necessary by the Board;
- (iv) optimum utilisation of water and other resources;
- (v) protection of ecology, environment and wildlife;
- (vi) impact of climate change and changes required in cropping pattern;
- (vii) requirement of land for developmental purposes including residential;
- (viii) any other objectives as conveyed by the Government to the Board or deemed fit by the Board;

CHAPTER XI

OFFENCES AND PENALTIES

Offences and Penalties.

119-D.—Notwithstanding anything contained in this Act or the rules made thereunder whoever commits any of the offence specified in column (2) of the Table below, shall on conviction by a Judicial Magistrate of first class for each of such offence be punishable with the sentence indicated in column (3) of the said Table, namely:—

Table

S.No.	Offence	Punishment
(1)	(2)	(3)
1.	Whoever cheats and thereby dishonestly creates documents for the purpose of selling, mortgaging or transferring by gift or otherwise of any Government land.	Imprisonment for three years and fine of ten thousand rupees.
2.	Whoever creates a forged document regarding Government land with an intention to use it for that purpose or to grab such land.	Imprisonment for three years and fine of five thousand rupees

Punishment under other laws not barred.

119-E.- Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

Provided that no person shall be so prosecuted and punished for the same offence more than once.

Offences by companies.

119-F.—Where an offence under this Act is committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

119-G.The Board shall be competent for upward revision of the fines provided under this Act from time to time.”.

Section 127.- In clause (b), for “land-holders or tenant” substitute “land-holders or occupant”.

Section 128.- In sub-section (1), for “a tenant” substitute “an occupant”.

Section 129.- Omit.

Section 130.- Omit.

Section 131.- Omit.

Section 132.- In sub-section (1), for “rupees two thousand” and “rupees one thousand” , substitute respectively “rupees fifty thousand” and “rupees five thousand”.

Section 133.- (1) For sub-section (2), substitute -

“(2) Prevention of encroachments on or cultivation of common land, or land reserved for public purposes or of which cultivation has been prohibited or is objectionable, or, by person, not entitled to, bring it under cultivation.—

(a) Subject to any law, agreement, custom, usage or any decree or order of any Court or other authority, for the time being in force, every person shall exercise the right of user in respect of any road, street, lane, path, Water Channel, Water Course and Water Source and other common land defined as such in any law or declared as such by the Government or the Board;

(b) The right of user permitted by clause (a) shall not be deemed to include or otherwise confer, create or assign any right of encroachment, whether by means of construction, including fencing, walling or putting any barrier or by breaking up of land, diversion or otherwise.

(2-A) Penalty for denial of or obstruction in the exercise of right or for encroachment.—(a) Where any person is denied, or obstructed in, the lawful exercise of his right of user as provided in subsection (1), or where any person has taken possession of or brought under cultivation or otherwise encroached upon any common land as described above, or when any person, without due authority, has taken possession of land belonging to the Government, a Revenue Officer may, on his own motion or on the application of any person interested and after such enquiry as may be deemed necessary,—

(i) direct the free exercise of the right of user and the removal of the obstruction, where the exercise of such right is found to have been denied or obstructed;

(ii) eject the person who has taken possession of or brought under cultivation or otherwise encroached upon such common land and take possession of such land without paying any compensation for crops or improvements, and may also, by order duly proclaimed, forbid repetition of the encroachment;

(iii) inflict a fine not less than twenty five thousand rupees and as prescribed by Board from time to time, on such person or persons as are found to have denied or obstructed the exercise of the right of user in respect of or to have taken possession of or brought under cultivation or otherwise encroached upon such common land.

(b) Orders of removal of obstruction or ejection under sub-section (3) shall be enforced in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908).

(c) Where the Government land has been encroached upon, the person committing the offence, on conviction by a Judicial Magistrate of first class shall, for each of such offence, be punishable with imprisonment of one year or a fine of not less than twenty-five thousand rupees or both.

(2) Omit sub-sections (4-a), (4-b) and (5).

(3) After sub-section (5), insert -

“(6) In enforcing these orders a Revenue Officer shall have all the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree; and

(7) Any fine, if not paid in cash, shall be recovered as an arrear of land revenue.”

For section 133-A, substitute –

Restriction on conversion of agricultural land and process for permission of non-agriculture use. (NA)

“133-A.—(1) Subject to the procedure notified in sub-section (4), no land used for agriculture purposes shall be used for any non-agricultural purposes except with the permission of the District Collector:

Provided that the permission for conversion of land notified as Saffron Belt shall be made as per procedure prescribed under the Jammu and Kashmir Saffron Act, 2007:

Provided further that holder of any agriculture land may construct a residential house or erect farm building, grain storage, primary processing of agriculture produce, wells or tanks or make any other improvements thereon for residential purpose or agricultural improvement, on intimation to the Tehsildar concerned, however, the plinth area of such building or improvement shall not exceed four hundred Square meters in total:

Provided also that any attempt to convert agriculture land for non-agriculture use by contravening the aforesaid provisos by way of fragmenting the land or otherwise shall be considered violation of the provisions of this Act.

- (2) Notwithstanding anything contained in sub-section (1), an owner or occupant, who wishes to put his agricultural land into non-agricultural uses as provided in the regional plan, development plan or master plan as the case may be, shall do so it after payment of conversion charges as prescribed by the Board from time to time.
- (3) Notwithstanding anything contained in sub-sections (1) and (2), no such permission shall be granted in the areas notified as Eco-sensitive Zone by the Government.
- (4) The Board shall notify detailed procedure, prescribe forms and fix fee for conversion of agriculture land to non-agricultural purpose.”.

Insertion of new Section-

After section 133-B, insert –

Restriction on use of grazing land, etc. and prohibition on transfer

“133-BB. (1) The land which is in the form of grazing land, arak, kap or kah-i-krisham or which grows fuel or fodder and belongs to such class as is notified by the Government shall not be used for any other purpose except with the permission of the District Collector who shall accord permission only in accordance to the regulations notified by the Board :

Provided that such permission shall be deemed to be accorded where land is being acquired permanently or hired temporarily for public purposes under the relevant Act.

Provided further that the transfer of such land or any interest therein shall not be permissible and no documents relating to the transfer of such land shall be admitted to registration;

(2) The Board shall be competent to notify regulations for the purposes of *this section*.”

For section 133-C, substitute –

Land converted in violation to escheat to Government

“133-C. (1) Any land converted for other purposes in violation of the provisions of section 133-A or section 133-B or 133-BB shall escheat to the Government.”

(2) The Collector or any other officer as he may authorise, may direct such person to remove the contravention and restore the land or water-surface or water field or floating field, as the case may be, to its original condition by a particular date and if such person fails to do so, within the prescribed time, the Collector or such officer may, remove or cause to be removed the contravention and in doing so, may use such force as may be necessary and impose the cost of restoration thereof on the violator.

(3) Without prejudice to the provisions of sub-section (1) or sub section (2), the person found to have contravened the provisions of section 133-A or section 133-B or Section 133-BB, shall be punishable by the Collector or any officer not below the rank of an Assistant Collector of the first class as may be authorised by him with penalty which may extend to twenty-five thousand rupees and till such time such contravention is removed he shall be punished further with a penalty of five thousand rupees for each day during which the contravention continues.

(4) (a) Any person aggrieved by an order made under section 133-C or section 133-D, may prefer an appeal to the Divisional Commissioner within a period of thirty days from the date the order is passed.

(b) An appeal under clause (a) shall not operate as a stay of the proceedings under an order appealed from.

(5) Notwithstanding anything contained in any other law for the time being in force, nothing done or purporting to have been done by the Collector, or the officer authorised by him in this behalf, under sections 133-A, 133-B, 133-BB or 133-C shall be called in question in any Court and no Court shall entertain any suit or proceeding or grant any injunction with respect to any action or thing or any matter for which a proceeding has been taken under the said provisions.

Sections 133-D.- For “five thousand rupees” and “five hundred rupees”, substitute “twenty-five thousand rupees” and “five thousand rupees” respectively.

Section 133-E.- Omit.

Insertion of new Section

After Section 133-G insert the following:

Transfer of land to non-agriculturist barred “133-H.— (1) Save as provided in this Act,-

- (a) no sale (including sale in execution of a decree of a Civil court or for recovery of arrears of land revenue or for sum recoverable as arrears of land revenue), gift or exchange, or
- (b) no mortgage of any land or interest therein, in which the possession of mortgaged property is delivered to the mortgagee, or
- (c) no agreement made by instrument in writing for the sale, gift, exchange, or mortgage of the land

shall be valid in favour of a person who is not an agriculturist:

Provided that the Government or an officer authorized by it in this behalf may grant permission to an agriculturist to alienate the land to a non-agriculturist by way of sale, gift, exchange or mortgage or for such agreement on such conditions as may be prescribed:

Provided further that nothing in this sub-section shall bar lease of land or any other arrangement for entering into a farming or production agreement under the provisions of any law for the time being in force for the purpose of promotion of agriculture and improvement of land.

Explanation: For the purpose of this section, the expression-

- (a) “agriculturist” means a person:-
 - (i) who cultivates land personally in the Union territory of Jammu and Kashmir as on such date as may be notified by the Government; or
 - (ii) such category of persons as maybe notified by the Government from time to time.
- (b) “land” means the land recorded as agricultural land including village abadideh, by whatever name called, in the revenue records

being used for agriculture purposes or for purposes subservient to agriculture or for pasture or being used for residential purposes in rural areas .

- (c) “to cultivate land personally” means to cultivate:
- (i) on one’s own account;
 - (ii) by one’s own labour;
 - (iii) by the labour of any member of one’s family; or
 - (iv) under the personal supervision of oneself or of any member of one’s family by hired labour or by servants on wages payable in cash or kind but not in crop share; and

(2) Nothing contained in sub-section (1) shall be deemed to prohibit the transfer of land, by any person or Government, as defined in sub-section (1) in favour of,-

- (a) a land less person or a village artisan as per eligibility, residency conditions and procedure to be prescribed and notified by the Government;
- (b) any Government ;
- (c) a Company or a Corporation or a Board established by or under a statute and owned and controlled by the Government or a Government Company as defined in the Companies Act, 2013 (18 of 2013);

Provided that the land under clauses (b) and (c) is acquired through the Government for public purpose under the relevant law in force.

(3) No Registrar or Sub-Registrar appointed under the Registration Act, 1908 (16 of 1908), shall register any document pertaining the transfer of land, which is in contravention of sub-section (1).

(4) Where-

- (a) the Registrar or the Sub-Registrar, appointed under the Registration Act, 1908 (16 of 1908), before whom any document pertaining to transfer of land is presented for registration comes to know or has reason to believe that the transfer of land is in contravention of sub-section (1);
- (b) a Revenue Officer either on an application made to him or on receipt of any information from any source comes to know or has reason to believe that any land has been transferred or is being transferred in contravention of the provisions of sub-section (1),

such Sub-Registrar, the Registrar or the Revenue Officer, as the case may be, shall make reference to the Deputy Commissioner of the District in which land or any part thereof is situated, and the Deputy Commissioner, on receipt of such reference or otherwise on receipt of such information shall after affording to the persons who are parties to the transfer, a reasonable opportunity of being heard and holding an enquiry, determine whether the transfer of land is or, is not in contravention of sub-section (1) and he shall, within three months from the date of receipt of reference made to him, record his decision thereon and intimate the findings to the Registrar, Sub-Registrar or the Revenue Officer concerned.

(5) The person aggrieved by the findings recorded by the Deputy Commissioner that a particular transfer of land is in contravention of the provisions of sub-section (1), or in absence of any decision/findings by the Deputy Commission in three months, may within a period of 30 days from the date on which the order of recording such findings is made by the Deputy Commissioner or three months from the date of reference to Deputy Commission or such longer period as the Divisional Commissioner may allow for reasons to be recorded in writing file an appeal to the Divisional Commissioner, to whom such Deputy Commissioner is subordinate, and the Divisional Commissioner may, after giving the parties an opportunity of being heard of the case from the Collector reverse, alter or confirm the order made by the Deputy Commissioner and the order made by the Divisional Commissioner shall be final and conclusive.

(6) (a) The Financial Commissioner may, either on a report of a Revenue Officer or on an application or of his own motion, call for the record of any proceedings which are pending before, or have been disposed of by, any Revenue Officer subordinate to him and in which no appeal lies thereto, for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as he may think fit.

(b) No order shall be passed under this sub-section which adversely affects any person unless such person has been given an opportunity of being heard,

(7) Where the Deputy Commissioner of the District under sub-section (6), in case an appeal is not made within the prescribed period or the Divisional Commissioner in appeal under sub-section (7) or the Financial Commissioner in revision, under sub section (8), decides that the transfer of land is in contravention of the provisions of sub-section (1), such transfer shall be void ab-initio and the land involved in such transfer together with structures, buildings or other attachments, if any, shall, in the prescribed manner, vest in the Government of the Union territory of Jammu and Kashmir free from all encumbrances; and

(8) It shall be lawful for the Government of the Union territory of Jammu and Kashmir to make use of the land which is vested or may be vested in it under sub-section (4) or sub-section (9) for such purposes as it may deem fit to do so.

(9) The provision of this section shall come into effect from a date to be notified by the Government in the Official Gazette.”

Transfer of land in favour of public trust for charitable purposes

133-I. — Notwithstanding anything contained in section 133-H and subject to such procedure, as may be prescribed in this regard, the Government may, by notification in the official Gazette, allow transfer of land, as defined in said section, in favour of eligible public trust established under law for charitable purpose and which is non-profitable in nature.

Transfer of land for the purpose of promotion of healthcare or education

133-J.— Notwithstanding anything contained in section 133-H and subject to such procedure, as may be prescribed in this regard, the Government may, by notification in the official Gazette, allow transfer of land, as defined in said section, in favour of a person or an institution for the purpose of promotion of healthcare or senior secondary or higher or specialized education in the Union territory of Jammu and Kashmir.

Transfer of land for industrial, commercial or housing agricultural purposes or any other public purpose

133-K. — Notwithstanding anything contained in section 133-H and subject to such procedure, as may be prescribed in this regard, the Government may, by notification in the official Gazette, allow transfer of land, as defined in said section, in favour of any person, institution or corporation, for such industrial or commercial or housing purposes or agricultural purposes or any other public purpose as may be notified by the Government for industrial and commercial development of the union territory.

Transfer of land under sections 133-H, 133-I, 133-J and 133-K subject to conditions

133-L. — Any non-agriculturist in whose favour land has been transferred under sections 133-H(1) and (2)(a), 133-I, 133-J and 133-K shall, irrespective of transfer of such land, continue to be a non-agriculturist for the purposes of section 133-H and he shall put the land to such use for which land has been transferred within, a period of five years:

Provided that the Government may extend the above time period for a further period not exceeding two years on payment of penalty equal to one percent per month of the value of the land calculated on the basis of notified stamp duty rates applicable for such land.

(2) In case, such person fails to put the land for its intended use or diverts, without the permission of the Government, the said use for any other purpose or transfer by way of sale, gift or otherwise, the land so purchased by him shall vest in the Government free from all encumbrances.”

Section 134.- In sub-section (2), for “the Evidence Act, XIII of 1977”, substitute “the Indian Evidence Act, 1872 (1 of 1872)”.

After section 139, insert -

Repeal.

“140. —(1) The following Acts and all rules thereunder and orders previously issued regarding matters dealt with in these Acts so far as they may be repugnant to this Act, shall be considered to have been repealed:—

- (a) The Jammu and Kashmir Alienation of Land Act, Samvat 1995;
- (b) The Jammu and Kashmir Big Landed Estates Abolition Act, Samvat 2007;
- (c) The Jammu and Kashmir Common Lands (Regulation) Act, 1956;
- (d) The Jammu and Kashmir Consolidation of Holding Act, 1962;
- (e) The Jammu and Kashmir Land Improvement Schemes Act, 1972;
- (f) The Jammu and Kashmir Prevention of Fragmentation of Agricultural Holdings Act, 1960;
- (g) The Jammu and Kashmir Prohibition of Conversion of Land and Alienation of Orchards Act, 1975;
- (h) The Jammu and Kashmir Tenancy (Stay of Ejectment Proceedings) Act, 1966;
- (i) The Jammu and Kashmir Tenancy Act, Svt.1980;
- (j) The Jammu and Kashmir Utilization of Lands Act, Svt. 2010.

(2) The Financial Commissioner Revenue shall prepare details of all pending and residual issues due to repeal of the Acts as mentioned in sub-section (1) and place it before the Board and the Board shall accordingly take all possible steps for expeditious resolution of disputes and shall ensure final adjudication by the 31st March, 2021 of all the residual matters on fast track basis in the manner provided in sub-section (3).

(3) All pending disputes, cases, litigations and other residual matters under the repealed laws mentioned in sub-section (1) shall be disposed of by any one or more of the following methods, namely:-

- (a) by negotiation or third party mediation or conciliation or arbitration where no Government interest is involved;
- (b) by referring to Lok Adalat in consultation with standing counsel where no Government interest is involved;

(4) The Board shall be competent to delegate the powers to the Revenue officers for expeditious disposal of cases as it may deem fit.

Regularization of certain cases of unauthorised occupation.

140-A. – (1) The Government may make rules for regularisation of *unauthorised occupation, if any, arising on account of repeal of Acts under sub section (1) of section 140.*

Provided that such regularization may be permitted subject to payment of levy or fees to the Government at a rate not less than the fifty percent of the circle rate notified by the Government for such type of land in the particular area.

Provided further that no such regularization shall be permitted after 31st December, 2021.

(2) Notwithstanding such repeal, anything done, any action taken, any order or notification issued, under any of the provisions of law repealed under sub-section (1) of section 140 shall be deemed to have been done, taken or issued under the corresponding provisions of this Act, as if such provisions of this Act were in force on the day such thing was done, action was taken or order or notification was issued.

Removal of difficulties.

141. If any difficulty arises in giving the effect to the provisions of this Act, the Government may by Order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it appears to be necessary or expedient for the purpose of removing the difficulty.

**12. THE JAMMU AND KASHMIR PREVENTION OF FRAGMENTATION OF AGRICULTURAL HOLDINGS ACT
(XXV of 1960)**

Repeal as a whole.

**13. THE JAMMU AND KASHMIR PROHIBITION ON CONVERSION OF LAND AND ALIENATION OF ORCHARDS ACT
(VIII of 1975)**

Repeal as a whole.

**14. THE JAMMU AND KASHMIR RIGHT OF PRIOR PURCHASE, ACT
[II of Svt. 1993 (1936 A.D.)]**

Repeal as a whole.

**15. THE JAMMU AND KASHMIR TENANCY (STAY OF EJECTMENT PROCEEDINGS) ACT
(XXXIII of 1966)**

Repeal as a whole.

**16. THE JAMMU AND KASHMIR UTILIZATION OF LANDS ACT
(IX of Samvat 2010)**

Repeal as a whole.

**17. THE JAMMU AND KASHMIR UNDERGROUND PUBLIC UTILITIES
(ACQUISITION OF RIGHTS OF USER IN LAND) ACT
(IV of 2014)**

Repeal as a whole.

**18. THE JAMMU AND KASHMIR STATE EVACUEES' (ADMINISTRATION OF
PROPERTY) ACT
(VI of Samvat 2006)**

Throughout the Act, for “Government Gazette” and “Jammu and Kashmir State”, wherever occurring, substitute “Official Gazette” and “Union territory of Jammu and Kashmir” respectively.

- Section 1. –** In sub-section (2), for “the whole of the Jammu and Kashmir State” , substitute “whole of the Union territory of Jammu and Kashmir”.
- Section 14-A.-** For “State Land Acquisition Act, Samvat 1990” and “sections 4, 6 and 7” , substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)” and “sections 11 and 19” respectively.
- Section 14-B.-** In sub-section (2), for “sections 9, 9-A,11,12,18,23,24 and 31 of the State Land Acquisition Act, Samvat 1990”, substitute “sections 21, 23, 37, 64, 69 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)”.
- Section 15. –** In sub-section (2), for “Jammu and Kashmir Government Gazette” substitute “Official Gazette”.
- Section 22. –** For “Criminal Procedure, 1989 (Act XXIII of 1989)”, substitute “Criminal Procedure Code, 1973 (2 of 1974)”.
- Section 24.–** For “Code of Criminal Procedure, 1989 (Act XXIII of 1989)”, substitute “Criminal Procedure Code, 1973 (2 of 1974)”.
- Section 25.—** For “Jammu and Kashmir Government Gazette”, substitute “Official Gazette”.
- Section 26. –** For “Jammu and Kashmir Government Gazette”, substitute “Official Gazette”.
- Section 28. –** For “Ranbir Penal Code (Act XII of 1989)”, substitute “Indian Penal Code, 1860 (45 of 1860)”.
- Section 29. –** For “Code of Civil Procedure, 1977 (Act X of 1977)”, “Ranbir Penal Code (Act XII of 1989)” and “sections 480 and 482 of the Code of Criminal Procedure, 1989 (Act XXIII of 1989)” substitute “Code of Civil Procedure, 1908 (5 of 1908)”, “Indian

Penal Code,(45 of 1860)” and “sections 345 and 346 of the Criminal Procedure Code, 1973 (2 of 1974)”respectively.

Section 34. – For “Jammu and Kashmir Evidence Act, 1977(XII of 1977)”, substitute “Indian Evidence Act, 1872”.

Section 37. – For “Jammu and Kashmir Government Gazette”, substitute “Official Gazette”.

Section 39. – In sub-section (1), for “Jammu and Kashmir Government Gazette” ,substitute “Official Gazette”.

**19. THE JAMMU AND KASHMIR CONTROL OF BUILDING OPERATIONS ACT,
(XV of 1988)**

Section 3 In sub-section (2), in clause (b) for "in the Municipal Area" substitute “ in the Municipal Areaexcluding any strategic area notified under the Jammu and Kashmir Development Act, 1970.”

**20. THE JAMMU AND KASHMIR NATIONAL LAW UNIVERSITY ACT, 2018
(II of 2019)**

Section 2.- For clause (12), substitute,-
“ (12) “University” means any University established under section 3 of the Act; and ”

Section 3.- For section 3, substitute,-

“3. Establishment and Incorporation of University.- (1) The Government may, from time to time, by notification in the official Gazette, establish one or more Universities under this Act, by such place and with effect from such date as may be specified in such notification.

(2)Each university shall consist of the Chancellor, the Vice Chancellor , the Governing Council, the Executive Council, the Academic Council and the Registrar.

(3) Each University shall be a body corporate by the name, having perpetual succession and a common seal with power, subject to the provisions of the Act, to acquire and hold property, both movable and immovable, and to contract and shall, by the said name, sue and be sued.

(4) Each University shall be engaged in teaching and research in law and allied disciplines.

(5) The Headquarters of the University shall be at such place, as may be specified by the Government by notification in the Official Gazette and it may establish campuses at such places as it may deem fit.”

**21. THE JAMMU AND KASHMIR PROPERTY TAX BOARD ACT, 2013
(XI of 2013)**

Section 5.—In sub-section (2), insert-

“Provided that during the continuation of Proclamation issued under section 73 of the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019), the Chairperson and members of the Board shall be appointed by the Lieutenant Governor”.

**22. THE JAMMU AND KASHMIR FISCAL RESPONSIBILITY AND BUDGET
MANAGEMENT ACT, 2006
(XII of 2006)**

Section 9.— In sub-section (2), after second proviso the following proviso shall be inserted, namely:

“Provided also that where such deficit amount exceeds the aforesaid targets on account of unforeseen circumstances arising out of a medical pandemic or related causes, a statement in respect of this shall be included in the next Annual Financial Statement or its revision placed before the Legislative Assembly after such deficit amount exceeds the aforesaid targets.”

Section 11.— In sub-section (3), after clause (b), insert the following clause, namely:-

“(c) Where on account of unforeseen circumstances arising out of a medical pandemic or related causes, any deviation is made in meeting the obligations cast on the Government under the Act, a statement in respect of this shall be included in the next Annual Financial Statement or its revision placed before the Legislative Assembly explaining –

- (i) any deviation in meeting the obligation cast on the Government under the Act;
- (ii) whether such deviation is substantial and relates to actual or the potential budgetary outcomes; and
- (iii) the remedial measures the Government proposes to take.” .

**23. THE JAMMU AND KASHMIR MUNICIPAL ACT
(XX of 2000)**

Insertion of new section.-
After section 18-B, insert-

**DISQUALIFICATION
ON THE GROUND OF
DEFECTION NOT TO
APPLY IN CASE OF
SPLIT**

“**18-BB.-** (1) A member of a Municipality shall not be disqualified under sub-section (1) of section 18-A where he and any other member of his original political party constitute the group representing a faction which has arisen as a result of split in his original political party and from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-section (1) of section 18-A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1), the split of the original political party of a member of a Municipality shall be deemed to have taken place if and only if not less than two-third of the members of the political party concerned have agreed to such split.”

**24. THE JAMMU AND KASHMIR MUNICIPAL CORPORATION ACT
(XXI of 2000)**

Insertion of new section.—

After section 34-B, insert:-

**DISQUALIFICATION
ON THE GROUND OF
DEFECTION NOT TO
APPLY IN CASE OF
SPLIT**

“34-BB.- (1) A member of a Corporation shall not be disqualified under sub-section (1) of section 34-A where he and any other member of his original political party constitute the group representing a faction which has arisen as a result of split in his original political party and from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purposes of sub-section (1) of section 34-A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of sub-section (1), the split of the original political party of a member of a Corporation shall be deemed to have taken place if and only if not less than two-third of the members of the political party concerned have agreed to such split.”

- Section 36.—**
- (i) In sub-section (1), for “elect one of its Councillors”, substitute “elect through open ballot one of its Councillors”; and
 - (ii) In sub-section (2) –
 - (a) for “five years from the date of his election as such”, substitute “co-terminus with the term of the Corporation”; and
 - (b) after first proviso, add:-

“Provided further that the term of the Mayor and the Deputy Mayor who have been elected as such before the commencement of the Jammu and Kashmir Reorganisation (Adaptation of State Laws) Fifth Order, 2020 shall also be co-terminus with the term of the Corporation.”.

- Section 37.—** In sub-section (2), for “not less than one-half” substitute “not less than three-fourth”; and

**25. THE JAMMU AND KASHMIR CIVIL SERVICES DECENTRALIZATION AND
RECRUITMENT ACT
(XVI of 2010)**

Section 3A. — After sub-section (2), insert:-

“(3) Notwithstanding anything contained in sub-section (1), spouse of a domicile shall also be deemed to be a domicile for the purposes of sub-section (1)”.

**26. THE STAMP ACT, SAMVAT 1977 (1920 A.D)
(XL of Svt. 1977)**

Insertion of new section.—After section 1, insert: –

“1A. The provisions incorporated in the Act by virtue of the Jammu and Kashmir Reorganization (Adaptation of State Laws) Fifth Order, 2020 shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.”.

Section 2. — (i) for clause (1), substitute:-

“(1) “allotment list” means a list containing details of allotment of the securities intimated by the issuer to the depository under sub-section (2) of section 8 of the Depositories Act, 1996 (22 of 1996);

(1A) “banker” includes a bank and any person acting as a banker;

(ii) in clause (5), at the end of sub-clause (c), insert –

“but does not include a debenture;”;

(iii) after clause (7), insert:

“(7A) “Clearance List” means a list of transactions of sale and purchase relating to contracts traded on the stock exchanges submitted to a clearing corporation in accordance with the law for the time being in force in this behalf;”;

(iv) after clause (10 a), insert:

“(10 b) “Debenture” includes—

- (i) debenture stock, bonds or any other instrument of a company evidencing debt, whether constituting a charge on the assets of the company or not;
- (ii) bonds in the nature or debenture issued by any incorporated company or body corporate;
- (iii) certificate of deposit, commercial usance bill, commercial paper and such other debt instrument of original or initial maturity upto one year as the Reserve Bank of India may specify from time to time;
- (iv) securitised debt instruments; and
- (v) any other debt instruments specified by the Securities and Exchange Board of India from time to time;

(10 c) “Depository” includes—

- (a) a depository as defined in clause (e) of sub-section (1) of section 2 of the Depositories Act, 1996 (22 of 1996), and
- (b) any other entity declared by the Central Government, by notification in the Official Gazette, to be depository for the purpose of this Act;”;

(v) for clause (14), substitute —

(14) “Instrument” includes –

- (a) every document, by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;
- (b) a document, electronic or otherwise, created for a transaction in a stock exchange or depository by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded; and

- (c) any other document mentioned in Schedule 1, but does not include such instruments as may be specified by the Government, by notification in the Official Gazette;’;

- (vi) after clause (15), insert:-

“(15A) “Issuer” means any person making an issue of securities;’;

- (vii) after clause (16-a), insert –

“Provided market value”, in relation to an instrument through which—

- (a) any security is traded in a stock exchange, means the price at which it is so traded;
- (b) any security which is transferred through a depository but not traded in the stock exchange, means the price or the consideration mentioned in such instrument;
- (c) any security is dealt otherwise than in the stock exchange/depository, means the price or consideration mentioned in such instrument;’;

- (viii) for clause (16-b), substitute:-

“(16-b) “Marketable Security” means a security capable of being traded in any stock exchange in India;

- (ix) after clause (23a), insert –

“(23-b) “Securities” includes,—

- (i) securities as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);
- (ii) a “derivative” as defined in clause (a) of section 45U of the Reserve Bank of India Act, 1934 (2 of 1934)
- (iii) a certificate of deposit, commercial usance bill, commercial paper, repo on corporate bonds and such other debt instrument of original or initial maturity upto one year as the Reserve Bank of India may specify from time to time; and
- (iv) any other instrument declared by the Central Government, by notification in the Official Gazette, to be securities for the purpose of this Act;’;

- (x) after clause (25), insert –

“(26) “stock exchange” includes.—

- (i) a recognised stock exchange as defined in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956); and
- (ii) such other platform for grading or reporting, a deal in securities, as may be specified by the Central Government, by notification in the Official Gazette, for the purposes of this Act;’;

Section 4.— After sub-section (2), insert –

“(3)Notwithstanding anything contained in sub-sections (1) and (2), in the case of any issue, sale or transfer of securities, the instrument on which stamp-duty is chargeable under section 9A shall be the principal instrument for the purpose of the section and no stamp-duty shall be charged on any other instrument relating to any such transaction;”;

Insertion of new section .—After section 6, insert:—

“(6 A) Securities dealt in depository not liable to stamp-duty.—Notwithstanding anything contained in this Act or any other law for the time being in force,—

- (a) an issuer, by the issue of securities to one or more depositories, shall in respect of such issue, be chargeable with duty on the total amount of securities issued by it and such securities need not be stamped,
- (b) the transfer of registered ownership of securities from person to a depository or from a depository to a beneficial owner shall not be liable to duty.

Explanation.— For the purpose of this Section, the expression “beneficial ownership” shall have the same meaning as assigned to it in the clause (a) of sub-section (1) of section 2 of The Depositories Act, 1996 (22 of 1996).”

Insertion of new Part AA.— In Chapter II, after Part A relating to ‘OF THE LIABILITY OF INSTRUMENTS TO DUTY’, insert the following Part, namely:—

“AA.—OF THE LIABILITY OF INSTRUMENTS OF TRANSACTION IN STOCK EXCHANGES AND DEPOSITORIES TO DUTY

9A. Instruments chargeable with duty for transactions in stock exchanges and depositories.—(1) Notwithstanding anything contained in this Act,—

- (a) when the sale of any securities, whether delivery based or otherwise, is made through a stock exchange, the stamp duty on each such sale in the clearance list shall be collected on behalf of the Government of Union territory of Jammu and Kashmir by the stock exchange or a clearing corporation authorised by it, from its buyer on the market value of such securities at the time of settlement of transaction in securities of such buyer, in such manner as the Central Government may, by rules, provide;
- (b) when any transfer of securities for a consideration, whether delivery based or otherwise, is made by a depository otherwise than on the basis of any transaction referred to in clause (a), the stamp-duty on such transfer shall be collected on behalf of the Government of Union territory of Jammu and Kashmir by the depository from the transferor of such securities on the consideration amount specified therein, in such manner as the Central Government may, by rules provide; and
- (c) when pursuant to issue of securities, any creation or change in the records of a depository is made, the stamp-duty on the allotment list shall be collected on behalf of the Government of Union territory of Jammu and Kashmir by the depository from the issuer of securities on the total market value of the securities as contained in such list, in such manner as the Central Government may, by rules, provide.

(2) Notwithstanding anything contained in this Act, the instruments referred to in sub-section (1) shall be chargeable with duty as provided therein at the rate specified in Schedule 1 and such instrument need not be stamped:

Provided that no duty shall be chargeable in respect of the instrument of transaction in stock exchanges and depositories established in any International Financial Services Centre set up under section 18 of the Special Economic Zones Act, 2005 (28 of 2005).

(3) From the date of commencement of this Part, no stamp-duty shall be charged or collected by the Government of Union territory of Jammu and Kashmir on any note or memorandum or any other document, electronic or otherwise, associated with the transaction mentioned in sub-section (1).

(4) The stock exchange or a clearing corporation authorised by it or the depository, as the case may be, shall within the three weeks of the end of each month and in accordance with the rules made in this behalf by the Central Government, in consultation with the Government of Union territory of Jammu and Kashmir, transfer the stamp duty collected under this section to the Government of Union territory of Jammu and Kashmir where the residence of the buyer is located and in case the buyer is located outside India, to the Government of Union territory of Jammu and Kashmir having the registered office of the trading member or broker of such buyer and in case where there is no such trading member of the buyer, to the Government of Union territory of Jammu and Kashmir having the registered office of the participant:

Provided that before such transfer, the stock exchange or the clearing corporation authorised by it or the depository shall be entitled to deduct such percentage of stamp-duty towards facilitation charges as may be specified in such rules.

Explanation. – The term “participant” shall have the same meaning as assigned to it in clause (g) of section 2 of the Depositories Act, 1996 (22 of 1996)

(5) Every stock exchange of the clearing corporation authorised by it and depository shall submit to the Government details of the transactions referred to in sub-section (1) in such manner as the Central Government may, by rules, provide.

9B. Instruments chargeable with duty for transactions otherwise than through stock exchanges and depositories, --Notwithstanding anything contained in this Act,—

- (a) When any issue of securities is made by an issuer otherwise than through a stock exchange or depository, the stamp-duty on each such issue shall be payable by the issuer, at the place where its registered office is located, on the total market value of the securities so issued at the rate specified in Schedule 1;
- (b) When any sale or transfer or reissue of securities for consideration is made otherwise than through a stock exchange or depository, the stamp-duty on each such sale or transfer or reissue shall be payable by the seller or transferor or issuer, as the case may be, on the consideration amount specified in such instrument at the rate specified in Schedule 1.”.

Section 21.— (i) For “the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.”, substitute “the market value of such stock or security:” ;
(ii) insert the following proviso: –

“Provided that the market value for calculating the stamp-duty shall be, in the case of. –

- (i) options in any securities, the premium paid by the buyer;
- (ii) repo on corporate bonds, interest paid by the borrower, and
- (iii) swap, only the first leg of the cash flow.”.

Section 29.— (i) In clause (a),—

- (a) omit “No.22 (Debenture)”;

- (b) omit “No. 54(a) (Transfer of shares in an incorporated Company or other body corporate)”;
 - (c) omit “No.54(b) (Transfer of debentures, being marketable securities, whether the debentures is liable to duty or not)”.
- (ii) in clause (g), after “exchange”, insert “including swap” ;
 - (iii) in clause (i), omit “and” and;
 - (iv) after clause (j), insert —
 - (k) in the case of sale of security through stock exchange, by the buyer of such security;
 - (l) in the case of sale of security otherwise than through a stock exchange, by the seller of such security.
 - (m) in the case of transfer of security through a depository, by the transferor of such security.
 - (n) in the case of transfer of security otherwise than through a stock exchange or depository, by the transferor of such security.
 - (o) in the case of issue of security, whether through a stock exchange or a depository or otherwise, by the issuer of such security; and
 - (p) in the case of any other instrument not specified herein, by the person making, drawing or executing such instrument.

Insertion of new Section 62 A.— insert.—

“62A. Penalty for failure to comply with provisions of Section 9A.—(1) Any person who,—

- (a) being required under sub-section (1) of section 9A to collect duty, fails to collect the same, or
- (b) being required under sub-section (4) of section 9A to transfer the duty to the Government of Union territory of Jammu and Kashmir within fifteen days of the expiry of the time specified therein, fails to transfer within such time,

shall be punishable with fine which shall not be less than one lakh rupees, but which may extend upto one per cent, of the collection or transfer so defaulted.

(2) Any person who,—

- (a) being required under sub-section (5) of section 9A to submit details of transactions to the Government, fails to submit the same; or
- (b) submits a document or makes a declaration which is false or which such person knows or believes to be false,

shall be punishable with fine of one lakh rupees for each day during which such failures continues or one crore rupees, whichever is less.

Amendment of Schedule 1.—In Schedule 1,—

- (i) in Article 16, in column (1), ---
 - (a) after “CERTIFICATE OR OTHER DOCUMENT” insert “(except the certificate or other document covered under Articles 22 and 48 A);

- (ii) in Article 23, for the entry in column (1), after “DELIVERY ORDER IN RESPECT OF GOODS,” insert “(excluding delivery order in respect of settlement of transactions in securities in stock exchange)”;
- (iii) after Article 48 and the entry relating thereto, insert the following Article and entries:-
“

(1)	(2)
“48A. SECURITY OTHER THAN DEBENTURES (see sections 9A and 9B	
(a) Issue of security other than debenture;	.005%
(b) Transfer of security other than debenture on delivery basis;	.015%
(c) Transfer of security other than debentures on non-delivery basis;	.003%
(d) Derivatives----	
(i) Futures (equity and commodity)	.002%
(ii) Options (equity and commodity)	.003%
(iii) Currency and interest rate derivatives	.001%
(iv) Other derivatives	.002%
(e) Government securities	0%
(f) Repo on corporate bonds	.00001%”;

”

- (iv) In Article 54, omit items (a) and (b) and the entries relating thereto.

[F.No. 11012/21/2020-SRA]

AJAY KUMAR BHALLA, Home Secy.