

# **THE JAMMU AND KASHMIR PROHIBITION ON CONVERSION OF LAND AND ALIENATION OF ORCHARDS ACT,1975**

**(Act No. VIII of 1975)**

[Received the assent of the Governor on 16<sup>th</sup> August, 1975 and published in the Government Gazette dated 16<sup>th</sup> August,1975]

An Act to prohibit the Conversions of land into, alienation of ,orchards in the State of Jammu and Kashmir.

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-sixth Year of the Republic of India as follows :-

## **1. Short Title and Extent**

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

## **2. Definitions**

In this Act,-

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

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

- (1) Notwithstanding anything contained in any other law for the time being in force,-
  - (a) no person shall alienate orchard except with the previous permission of the revenue Minister or such officer as may be authorized by him in this behalf.
  - (b) No land shall be converted into orchards except with the previous permission of the revenue Minister or such officer as may be authorized by him in this behalf.

Provided that nothing in clause (b) shall apply to –

- (i) Khushki land which is in the personal cultivation of the owner.
  - (ii) Land irrigated by lift irrigation in personal cultivation of the owner; and
  - (iii) The District of Ladakh.
- (2) For removal of doubts it is hereby declared that restrictions imposed under sub-section(1) on the rights conferred by clause(1) of Article 19 of the Constitution of India.

## **4. Penalty on Contravention**

- (1) Any person whop contravenes the provision of this Act, shall be punished with imprisonment for a term which may extend to two years or with fine ,which shall not be less than two thousand rupees but may extend to five thousand rupees , or with both.

- (2) Any alienation of land after conversion into an orchard in violation of the provision of this Act shall be null and void.
- (3) No Court shall take cognizance of an offence punishable under this Act, except with the previous sanction of the Deputy Commissioner.

**5. Repeal**

The Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act, 1975 is hereby repealed.