



The Jammu and Kashmir Utilization of Lands Act, 1953

Act 9 of 1953

Keyword(s):

Allottee, Collector, Custodian, Evacuee Land, Land, Tenant, Urban Land

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**THE JAMMU AND KASHMIR UTILIZATION OF LANDS
ACT, 2010 (1953 A. D.)**

(Act No. IX of Svt. 2010)

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**THE JAMMU AND KASHMIR UTILIZATION OF LANDS
ACT, 2010 (1953 A. D.)**

(Act No. IX of Svt. 2010)

[Received the assent of the Sadari-i-Riyasat on 20th May, 1953 and published in Government Gazette dated 6th Mar, 2010].

**An Act to provide for the utilization of lands in
'[x x x x] '[the State].**

Whereas it is expedient to provide for the utilization of lands deserted by the cultivators ³[in the State].

It is hereby enacted as follows :--

1. *Short title, extent and application.*--(1). This Act may be called the Jammu and Kashmir Utilization of Lands Act, 2010.

³[(2) It shall extend to the whole of the State.]

2. *Definitions.*--In this Act, unless there is anything repugnant in the subject or context,--

(a) "allottee" means a person in whose favour an allotment has been made under the provisions of the Jammu and Kashmir State Evacuees' (Administration of Property) Act, 2006 ;

(b) "Collector" means the Collector of the District wherein the land is situated ;

(c) "Custodian" has the meaning assigned to it in the Jammu and Kashmir State Evacuees' (Administration of Property) Act, 2006 ;

(d) "evacuee land" means land which has vested in the Custodian under the provisions of the Jammu and Kashmir State Evacuees' (Administration of Property) Act, 2006 ;

(e) "land" does not include land which is occupied as the site of any building in a town or village or urban land or land leased by the State Government or Custodian under any law other than this Act ;

(f) "owner" means a person having a proprietary right in the land ; and includes an allottee, a usufructuary mortgagee, ⁴[a lessee, or an occupancy or protected tenant] ;

1. Words "the border areas of" omitted by Act XXX of 1961.

2. Substituted by Act, XVIII of 1956 for "tehsils of Ranbirsinghpura, Samba and Akhnoor"

3. Substituted by Act XXX of 1961.

4. Substituted by Act XXX of 1961 for "or a lessee"

- (g) “prescribed” means prescribed by rules made under this Act;
- (h) “tenant” means a person to whom land is leased by the Collector under this Act;
- (i) “Urban Land” means land included within the limits of a Municipality, Notified Area Committee, Town Area Committee or Cantonment.

3. Power to take possession of any vacant land—(1) If the Collector is satisfied that any land has not been cultivated for the last two or more years and is, or can be made, fit (for purpose of production of any variety of seeds or for growing food, cotton, fodder or other crops), he may serve a notice on the owner of such land requiring him to cultivate the land within thirty days as may be specified in the notice:

Provided that where the Collector is at any time satisfied that any land situated in any area of the State near or adjacent to International Board or Cease Fire Line is not being cultivated on account of disturbances or for fear of such disturbances, he may, notwithstanding that two years have not elapsed since the land has remained uncultivated, serve the owner with a notice requiring him to cultivate the land within such time as may be specified in the notice.

(2) Notwithstanding any law to the contrary, the Collector, if satisfied that the owner of land on whom notice was served under sub-section(1), has failed to cultivate the land within the period specified therein, may take possession of such land for the purposes of this Act.

(3) The notice required by sub-section (1) shall be deemed to be duly served if delivered at, or sent by post to, the usual or last known place of residence of the owner or any one of them if there are more owners than one:

Provided that no notices shall be deemed to be invalid on the ground of any defect, vagueness or insufficiency.

4. Compensation—(1) Where any land is taken possession of under section 3, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say,--

- (a) Where the amount of compensation can be fixed by agreement, it shall be in accordance with such agreement;
 - (b) Where no such agreement can be reached, the Collector shall, after hearing the parties, determine the amount of compensation in the prescribed manner on the basis of the prevailing rates of rent in the locality for similar land and in similar circumstances.
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- 1. Substituted by Act XXVI of 1966 for certain words.
- 2. Proviso to sub-section (1) of section 3 added *ibid*.

(2) The compensation awarded under sub-section (1) shall be paid to such person as is, in the opinion of the Collector, entitled to receive it:

Provided that nothing herein shall affect the liability of any person who may receive the whole or any part of the compensation to pay the same to the person lawfully entitled thereto.

5. *Lease by Collector.*--The Collector may, after he has taken possession of any land under section 3, lease it to any person or a department of the Government on such terms and conditions as he may deem fit for the purpose of production of any variety of seeds or for growing food, cotton, fodder or other crops]

Provided that the period of lease shall not be less than five years or more than twenty years.

6. *Delivery of possession on termination of lease.*--(1) Where any land taken possession of by the Collector under section 3 is, on the expiry of the lease, to be returned to the owner, the Collector shall, after making such inquiry as he considers necessary, specify, by order in writing, the person to whom possession of the land is to be delivered.

(2) The delivery of possession of the land to the person specified in any order made under sub-section (1) shall fully discharge the Collector from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any land is to be delivered cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Collector shall cause a notice declaring that the land is released, to be affixed conspicuously to some object on the land.

(4) As from the date of service of the notice referred to in sub-section (3), the land specified in the notice shall be deemed to have been delivered to the person entitled to the possession thereof, and the State Government or the Collector shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

7. *Power to use force, etc.*--The Collector may take or cause to be taken such steps and use or cause to be used such force as may, in his opinion, be reasonably necessary for securing compliance with any order made by him under this Act.

8. *Delegation of functions.*--The Collector may delegate in writing all or any of his powers and functions under this Act to any officer of the Revenue or Rehabilitation Department in his district either by name or by designation.

9. *Registration, etc., of instrument of lease not necessary.*--Notwithstanding anything contained in any law for the time being in force, no instrument in writing to give effect to a lease by the Collector under this Act shall require stamp, attestation or registration.

10. *Appeal to Commissioner and bar of jurisdiction of Civil Court.*--(1) The decision of the Collector in any matter, which he is empowered by this Act to decide, shall be appealable to the *Commissioner (Revenue) within thirty days of the date of such decision :

Provided that the time spent in obtaining copies of the decision, appealed against shall be deducted in computing the aforesaid period.

¹(2) Omitted.

(3) Except as provided in this Act no order made or action taken in exercise of any power conferred by this Act shall be called into question in any Court or before any authority.

²[10-A. *Revision.*--Notwithstanding anything contained in this Act, the ³[Government] may, at any time, either on ³[its] own motion or on an application made to ³[it] in this behalf, call for the record of any proceeding in which the *Commissioner has passed an order under the provisions of this Act for the purpose of satisfying ³[itself] as to the legality or propriety of any such order and may pass such order in relation (hereto as ³[it] thinks fit.)

11. *Bar to suits or legal proceedings.*--(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done by him under this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused by anything which is in good faith done or intended to be done under this Act.

⁴[11-A. *Power to exempt.*--The Government may, by notification in the Government Gazette, exempt a unit of land not exceeding eight kanals used by an owner as a private pasture or for raising fuel or for growing fodder.]

12. *Power of Government to make rules.*--The State Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.

* New Financial Commissioner.

1. Sub-section (2) omitted by Act XXX of 1961.

2. Section 10-A inserted *ibid*.

3. Words substituted by Act XXV of 1978, s.2.

4. Section 11-A inserted by Act XXX of 1961.