

Government of Jammu and Kashmir
Revenue Department
Civil Secretariat, Jammu/Srinagar

Subject: Removal of difficulties for the implementation of the provisions of Land Revenue Act, Samvat, 1996.

Government Order No. 222- JK (Rev) of 2022

Dated: 30.11.2022

Whereas, the Ministry of Home Affairs, Government of India, vide adaptation Order, SO 3808 (E) dated 26.10.2020, section 133-H has been inserted in Jammu and Kashmir Land Revenue Act, Samvat, 1996 which provides for bar on transfer of Land to Non-agriculturist ; and

Whereas, sub-clause (i) of clause (a) of the Explanation appended to clause (a) and (c) of sub-section (1) of section 133-H of the said Act provides:

- (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 may be notified by the Government from time to time;*
- (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*

Whereas, for the purpose of enforcement of the section 133-H and clause (a) (i) of the Explanation appended to sub-section (1) (a) of section 133-H the date of issuance of notification vide S.O. 373 dated 01.11.2021 was notified as the date of enforcement of the said provisions; and

Whereas, the revenue field formation are receiving the applications wherein wife, children and their children were also claiming to be an agriculturist for the purpose of the said Act and accordingly the matter was referred to this department for taking the decision; and

Whereas, the matter was examined in the department and referred to Department of Law, Justice & Parliamentary Affairs for advice that the son, wife and



children of an agriculturist can also be considered as agriculturist, who vide U.O. No. Law-Opn2/129/2022-10 dated 18.08.2022 conveyed as under:

"The attention of the department is invited towards section 141 of Jammu and Kashmir Land Revenue Act 1996 inserted vide S.O. 3808(E) dated 26.10.2020 (The union Territory of Jammu and Kashmir Reorganization, Adaptation of State Laws Third Order 2020), which is reproduced as under:-

Section 141 of the said Act Removal of Difficulties, - 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.

In view of above, the department is advised to take recourse to above quoted Provision and pass appropriate orders as may be deemed appropriate in the facts and circumstances of the for the purpose of removing the difficulty."

Whereas, section 141 of Jammu & Kashmir Land Revenue Act, Svt. 1996 enables the Government to make such provision for removal of difficulties and the difficulty faced by the revenue field formation is within the ambit of the Act and this difficulty is required to be removed for the purpose of implementation of the provisions of the 133-H of the Act :-

Now, therefore in exercise of the powers conferred by section 141 of Jammu and Kashmir Land Revenue Act, Svt. 1996, the Government hereby directs that the legal heirs viz. Mother, Father, Wife, and Children of an agriculturist shall also fall in the Agriculturist category for the purpose of section 133-H of the said Act.

By order of the Government of Jammu and Kashmir.

Sd/-

(Vijay Kumar Bidhuri) IAS

Commissioner/Secretary to the Government

No. Rev-Sett/3/2021 (21030)

Dated: 30.11.2022

Copy to the:

1. Financial Commissioner (Revenue), J&K.
2. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (JKL), Ministry of Home Affairs, Government of India.
4. Divisional Commissioner, Kashmir/Jammu.
5. Secretary to the Government, General Administration Department.
6. Secretary to the Govt., Department of Law, Justice & Parliamentary Affairs.



7. Commissioner, Survey & Land Records, J&K.
8. Custodian General, J&K.
9. Inspector General of Registration, J&K.
10. All Deputy Commissioner of UT of J&K.
11. Director Information, J&K.
12. Director, Archives, Archaeology & Museums, J&K.
13. All Regional Directors, Survey & Land Records, J&K.
14. Principal, Revenue Training Institute, Jammu/Kashmir
15. General Manager, Government Press, Jammu/Srinagar, with the request to publish in the Government Gazette and send 10 (Ten) sets to this department for record and reference.
16. Pvt. Secretary to the Chief Secretary, J&K for kind information of the Chief Secretary.
17. Pvt. Secretary to Hon'ble Advisor (B) for kind information of the Hon'ble Advisor.
18. Pvt. Secretary to the Commissioner/Secretary to the Government, Revenue Department.
19. I/C, Website, Revenue Department.
20. Government Order file/Stock file (w.2.s.c).

Mu 29 - 30/11/22

(Muzammil Hassan Choudhary)

Under Secretary to the Government