

MINISTRY OF HOME AFFAIRS**(Department of Jammu, Kashmir and Ladakh Affairs)****ORDER**

New Delhi, the 18th March, 2020

S.O. 1123(E).—In exercise of the powers conferred by section 96 of the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019), and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order in respect of the Union territory of Jammu and Kashmir, namely: –

1. (1) This Order may be called the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020.

(2) It shall come into force with immediate effect.

2. The General Clauses Act, 1897 applies for the interpretation of this Order as it applies for interpretation of laws in force in the territory of India.

3. With immediate effect, the Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect, subject to the adaptations and modifications directed by the Schedule to this Order, or if it is so directed, shall stand repealed.

4. Where this Order requires that in any specified section or other portion of an Act, certain words shall be substituted for certain other words, or the certain words shall be omitted, such substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that section or portion.

5. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule or regulation duly made or issued, or anything duly done before the 31st day of October, 2019; and any such notification, order, commitment, attachment, bye-law, rule, regulation or anything may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by the competent authority and in accordance with the provisions then applicable to such case.

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

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) 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 or this Order had not come into force.

(2) Subject to the provisions of sub-paragraph (1), anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected or agreement executed) under any such law shall be deemed to have been done or taken under the corresponding provisions of the Central Laws now extended and applicable to the Union territory of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Central Laws now extended to the Union territory of Jammu and Kashmir.

THE SCHEDULE

(See Paragraph 3)

CENTRAL LAWS**1. THE ADVOCATES ACT, 1961**

(25 of 1961)

Section 2.— In sub-section (2), omit “in the State of Jammu and Kashmir or”, “that State or”.Omit **Section 58AF**.**2. THE ALL INDIA SERVICES ACT, 1951**

(61 of 1951)

Section 3.— In sub-section (1), omit “including the State of Jammu and Kashmir”.**3. THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958**

(24 of 1958)

Omit **Section 2A**.**4. THE ARBITRATION AND CONCILIATION ACT, 1996**

(26 of 1996)

1. Section 1- In sub-section (1), omit the proviso and *Explanation*.**2. Insertion of section 8A and section 8B.—**After section 8, insert the following sections, namely:—**“8A. Power of the court, seized of petitions under sections 9 or 11 of the Act, to refer the dispute to Mediation or Conciliation.—**

- (1) If during the pendency of petitions under sections 9 or 11 of the Act, it appears to the court, that there exists elements of a settlement which may be acceptable to the parties, the court may, with the consent of parties, refer the parties, for resolution of their disputes, to,-
 - (a) mediation; or
 - (b) conciliation.
- (2) The procedure for reference of a dispute to mediation is as under—
 - (a) where a dispute has been referred for resolution by recourse to mediation, the procedure framed under that Act shall apply;
 - (b) in case of a successful resolution of the dispute, the Mediator shall immediately forward the mediated settlement to the referral court;
 - (c) on receipt of the mediated settlement, the referral court shall independently apply its judicial mind and record a satisfaction that the mediated settlement is genuine, lawful, voluntary, entered into without coercion, undue influence, fraud or misrepresentation and that there is no other legal impediment in accepting the same;
 - (d) the court shall record a statement on oath of the parties, or their authorised representatives, affirming the mediated settlement as well as a clear undertaking of the parties to abide by the terms of the settlement;

- (e) if satisfied, the court shall pass an order in terms of the settlement;
 - (f) if the main petition, in which the reference was made is pending, it shall be disposed of by the referral court in terms thereof;
 - (g) if the main petition, in which the reference was made stands disposed of, the mediated settlement and the matter shall be listed before the referral court, which shall pass orders in accordance with clauses (iii), (iv) and (v);
 - (h) such a mediated settlement, shall have the same status and effect as an arbitral award and may be enforced in the manner specified under section 36 of the Act.
- (3) With respect to reference of a dispute to conciliation, the provisions of Part II of this Act shall apply as if the conciliation proceedings were initiated by the parties under the relevant provision of this Act.

8B. Power of the court, seized of matters under sections 34 or 37 of the Act, to refer the dispute to Mediation or Conciliation.—

- (1) If during the pendency of a petition under section 34 or an appeal under section 37 of the Act, it appears to the court, that there exists elements of a settlement which may be acceptable to the parties, the court may, with the consent of parties, refer the parties, for resolution of their disputes, to:—
- (a) mediation; or
 - (b) conciliation.
- (2) The procedure for reference of a dispute to mediation is as under:-
- (a) where a dispute has been referred for resolution by recourse to mediation, the procedure framed under the Act shall apply;
 - (b) in case of a successful resolution of the dispute, the Mediator shall immediately forward the mediated settlement to the referral court;
 - (c) on receipt of the mediated settlement, the referral court shall independently apply its judicial mind and record a satisfaction that the mediated settlement is genuine, lawful, voluntary, entered into without coercion, undue influence, fraud or misrepresentation and that there is no other legal impediment in accepting the same;
 - (d) the court shall record a statement on oath of the parties, or their authorized representatives, affirming the mediated settlement, a clear undertaking of the parties to abide by the terms of the settlement as well as statement to the above effect;
 - (e) if satisfied, the court shall pass an order in terms of the settlement;
 - (f) if the main petition, in which the reference was made is pending, it shall be disposed of by the referral court in terms thereof;
 - (g) if the main petition, in which the reference was made stands disposed of, the mediated settlement and the matter shall be listed before the referral court, which shall pass orders in accordance with clauses (iii), (iv) and (v);
 - (h) such a mediated settlement, shall have the status of a modified arbitral award and may be enforced in the manner specified under section 36 of the Act.

- (3) With respect to reference of a dispute to conciliation, the provisions of Part III of the Act, shall apply as if the conciliation proceedings were initiated by the parties under the relevant provision of this Act.”

3. Amendment of sections 29A.—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.

Explanation.—For the purposes of this sub-section, an arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrator or all the arbitrators, as the case may be, have received notice, in writing, of their appointment.”;

(b) in sub-section (4), omit second and third provisos.

4. Amendment of section 34.—

(i) after sub-section (2), insert the following sub-section, namely:-

“(2A) An arbitral award may also be set aside by the Court, if the Court finds that the award is vitiated by patent illegality appearing on the face of the award:

Provided that an award shall not be set aside merely on the ground of an erroneous application of the law or by re-appreciation of evidence.”;

(ii) in sub-section (3),—

(i) for “three months” substitute, “six months”;

(ii) in proviso thereto, for, “three months and “thirty days” substitute respectively “six months” and “sixty days”.

5. THE CENSUS ACT, 1948

(37 of 1948)

Omit Section 2A.

6. THE CENTRAL GOODS AND SERVICES TAX ACT, 2017

(12 of 2017)

Section 2.— (i) in clause (114), in sub-clause (e), omit “and” and after sub-clause (e), insert the following sub-clause, namely:—

“(ea) Ladakh; and”; and

(ii) omit clause (121).

7. THE CINEMATOGRAPH ACT, 1952

(37 of 1952)

Omit Section 2A .

8. THE CODE OF CIVIL PROCEDURE, 1908

(5 of 1908)

1. Section 35.— In section 35, in sub-section (1), omit “Commercial”.

2. Section 35A.— In section 35A, omit sub-section (2).

3. Amendment of First Schedule.— In the First Schedule to the Code,—

(A) In Order V, in Rule 1, in sub-rule (1), for the second proviso, substitute the following proviso, namely:—

“Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the court, for reasons to be recorded in writing and on payment of such costs as the court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the court shall not allow the written statement to be taken on record.”;

(B) In Order VII, after Rule 2, insert the following Rule, namely:—

“2A. Where interest is sought in the suit.—(1) Where the plaintiff seeks interests, the plaint shall contain a statement to that effect along with the details set out under sub-rules (2) and (3).

(2) Where the plaintiff seeks interest, the plaint shall state whether the plaintiff is seeking interest in relation to a commercial transaction within the meaning of section 34 of the Code of Civil Procedure, 1908 and, furthermore, if the plaintiff is doing so under the terms of a contract or under an Act, in which case the Act is to be specified in the plaint; or on some other basis and shall state the basis of that.

(3) Pleadings shall also state—

- (a) the rate at which interest is claimed;
- (b) the date from which it is claimed;
- (c) the date to which it is calculated;
- (d) the total amount of interest claimed to the date calculation; and
- (e) the daily rate at which interest accrues after the date.”;

(C) In Order VIII,—

(i) in Rule 1, for the proviso thereto, substitute the following proviso, namely,—

“Provided that where the defendant fails to file the written statement with the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the court, for reasons to be recorded in writing and on payment of such costs as the court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the court shall not allow the written statement to be taken on record.”;

(ii) after Rule 3, insert the following Rule, namely,—

“3A. Denial by the defendant in suits.—(1) Denial shall be in the manner provided in sub-rules (2), (3), (4) and (5) of this rule.

(2) The defendant in his written statement shall state which of the allegations in the particulars of plaint he denies, which allegations he is unable to admit or deny, but which he requires the plaintiff to prove, and which allegations he admits.

(3) Where the defendant denies an allegation of fact in a plaint, he must state his reasons for doing so and if he intends to put forward a different version of events from that given by the plaintiff, he must state his own version.

(4) If the defendant disputes the jurisdiction of the court he must state the reasons for doing so, and if he is able, give his own statement as to which court ought to have jurisdiction.

(5) If the defendant disputes the plaintiff valuation of the suit, he must state his reasons for doing so, and if he is able, give his own statement of the value of the suit.”;

(iii) in Rule 5, in sub-rule (1) after first proviso thereto, insert the following proviso, namely—

“Provided further, that every allegation of fact in the plaint, if not denied in the manner provided under Rue 3-A of this order, shall be taken to be admitted except as against a person under disability.”;

(iv) in Rule 10, insert the following proviso, namely—

“Provided that no court shall make an order to extend the time provided under Rule 1 of this order for filing of the written statement.”;

(D) For Order XI of the Code, substitute the following Order, namely.—

“ORDER XI

DISCLOSURE, DISCOVERY AND INSPECTION OF DOCUMENTS

1. Disclosure and discovery of documents.—(1) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including:—

- (a) documents referred and relied on by the plaintiff in the plaint;
- (b) documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiffs case; and
- (c) nothing in this rule shall apply to documents produced by plaintiffs and relevant only—
 - (i) for the cross-examination of the defendant’s witnesses, or
 - (ii) in answer to any case setup by the defendant subsequent to the filing of the plaint, or
 - (iii) handed over to a witness merely to refresh his memory.

(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode or execution, issuance or receipt and line of custody of each document.

(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control, or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody.

Explanation.— A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix I.

(4) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by court, the plaintiff shall file such additional documents in court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.

(6) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.

(7) The defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counter-claim if any, including—

- (a) the documents referred to and relied on by the defendant in the written statement;
- (b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defense;
- (c) nothing in this rule shall apply to documents produced by the defendants and relevant only—
 - (i) for the cross-examination of the plaintiff's witnesses;
 - (ii) in answer to any case setup by the plaintiff subsequent to the filing of the plaint; or
 - (iii) handed over to a witness merely to refresh his memory.

(8) The list of documents filed with the written statement or counter-claim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document.

(9) the written statement or counter-claim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule (7) (c) (iii), pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the counter-claim, have been disclosed and copies thereof annexed with the written statement or counter-claim and that the defendant does not have in its power, possession, control or custody, any other documents.

(10) Save and except for sub-rule (7) (c) (iii), defendant shall not be allowed to rely on documents, which were in the defendant's power, possession, control or custody and not disclosed along with the written statement or counter-claim, save and except by leave of court and such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counter-claim.

(11) The written statement or counter-claim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same.

(12) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit.

2. Discovery by interrogatories.—(1) In any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or anyone or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose:

Provided further that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

(2) On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the court, and that court shall decide within seven days from the day of filing of the said application, in deciding upon such application, the court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.

(3) In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

(4) Interrogatories shall be in the form provided in Form No. 2 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require.

(5) Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer of other person, any opposite party may apply for any order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

(6) Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited bona fide for the purpose of the suit, or that the matters required into are not sufficiently material at that stage, or on the ground of privilege or any other ground may be taken in the affidavit in answer.

(7) Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within seven days after service of the interrogatories.

(8) Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the court may allow.

(9) An affidavit in answer to interrogatories shall be in the form provided in Form No. 3 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require.

(10) No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the court.

(11) Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or to answer further, as the case may be, and an order may be made requiring him to answer, or to answer further, either affidavit or by viva voce examination, as the court may direct.

3. Inspection.—(1) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counter-claim, whichever is later, the court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(2) Any party to the proceedings may seek directions from the court, at any stage of the proceedings, for inspection or production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

(3) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by court) and hearing.

(4) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(5) No party shall be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of court.

(6) The Court may impose exemplary costs against a defaulting party, who willfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.

4. Admission and denial of documents.—(1) Each party shall submit a statement of admissions or denials of all documents disclosed and of which inspection has been completed, within fifteen days of the completion of inspection or any later date as fixed by the court.

(2) The statement of admissions and denials shall set out explicitly, whether such party was admitting or denying:

- (a) correctness of contents of a document;
- (b) existence of a document;
- (c) execution of a document;
- (d) issuance or receipt of a document;
- (e) custody of a document.

Explanation.—A statement of admission or denial of the existence of a document made in accordance with clause (b) of sub-rule (2) shall include the admission or denial of the contents of a document.

(3) Each party shall set out reasons for denying a document under any of the above grounds and bare and unsupported denials shall not be deemed to be denials of a document and proof of such documents may then be dispensed with at the direction of the court.

(4) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.

(5) An affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.

(6) In the event that the court holds that any party has unduly refused to admit a document under any of the above criteria, costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the court on such party.

(7) The court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.

5. Production of documents.—(1) Any party to a proceeding may seek or the court may order, at any time during the pendency of any suit, production by any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.

(2) Notice to produce such document shall be issued in the form provided in Form No. 7 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908).

(3) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their inability to produce such document.

(4) The court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non-production are not given and order costs.

6. Electronic Records.—(1) In case of disclosures and inspection of electronic records as defined in the Information Technology Act, 2000 (21 of 2000), furnishing of printouts shall be sufficient compliance of the above provisions.

(2) At the discretion of the parties or where required (when parties wish to rely on audio or video content), copies of electronic records may be furnished in electronic form either in addition to or in lieu of printouts.

(3) Where electronic records form part of documents disclosed, the declaration on oath to be filed by a party shall specify –

- (a) the parties to such electronic record;
- (b) the manner in which such electronic record was produced and by whom;
- (c) the dates and time of preparation or storage or issuance or receipt of each such electronic record;
- (d) the source of such electronic record and date and time when the electronic record was printed;
- (e) in case of e-mail ids, details of ownership, custody and access to such e-mail ids;
- (f) in case of documents stored on a computer or computer resource (including on external servers or cloud), details of ownership, custody and access to such data on the computer or computer resource;
- (g) deponent's knowledge of contents and correctness of contents;
- (h) whether the computer or computer resource used for preparing or receiving or storing such document or data was functioning properly or in case of malfunction that such malfunction did not affect the contents of the document stored;
- (i) that the printout or copy furnished was taken from the original computer or computer resource.

(4) The parties relying on printouts or copy in electronic form, of any electronic records, shall not be required to give inspection of electronic records, provided a declaration is made by such party that each such copy, which has been produced, has been made from the original Electronic Records.

(5) The court may give directions for admissibility of electronic records at any stage of the proceedings.

(6) Any party may seek directions from the court and the court may of its motion issue directions for submission of further proof of any electronic record including metadata or logs before admission of such electronic record.”

(E). Insertion of Order XV-A.— After Order XV of the Code, insert the following Order, namely,—

“ORDER XV-A

1. First Case Management Hearing.—The court shall hold the first Case Management Hearing, not later than four week's from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

2. Orders to be passed in a Case Management Hearing.—In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the court may pass an order—

- (a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 (5 of 1908) after examining pleadings, documents and documents produced before it, and on examination conducted by the court under Rule 2 of Order X, if required;
- (b) listing witnesses to be examined by the parties;
- (c) fixing the date by which affidavit of evidence to be filed by parties;
- (d) fixing the date on which evidence of the witnesses of the parties to be recorded;
- (e) fixing the date by which written arguments are to be filed before the court by the parties;
- (f) fixing the date on which oral arguments are to be heard by the court; and
- (g) setting time limits for parties and their advocates to address oral arguments.

3. Time limit for the completion of a trial.—In fixing dates or setting time limits for the purposes of Rule 2 of this order, the court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.

4. Recording of oral evidence on a day-to-day basis.—The court shall, as far as possible, ensure that the record of evidence shall be carried on, on a day-to-day basis until the cross examination of all the witnesses is complete.

5. Case Management hearings during trial.— The court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

6. Powers of the court in a Case Management Hearing.—(1) In any Case Management Hearing held under this order, the court shall have the power to –

- (a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;
- (b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;
- (c) extend or shorten the time for compliance with any practice, direction or court order if it finds sufficient reason to do so;
- (d) adjourn or bring forward a hearing if it finds sufficient reason to do so;
- (e) direct a party to attend the court for the purposes of examination under Rule 2 of Order X;
- (f) consolidate proceedings;
- (g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;
- (h) direct a separate trial of any issue;
- (i) decide the order in which issues are to be tried;
- (j) exclude an issue from consideration;
- (k) dismiss or give judgment on a claim after a decision on a preliminary issue;
- (l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;
- (m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;
- (n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

- (o) delegate the recording of evidence to such authority appointed by the court for this purpose;
- (p) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;
- (q) order any party to file land exchange a costs budget;
- (r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the court passes an order in exercise of its powers under this order, it may—

- (a) make it subject to conditions, including a condition to pay a sum of money into court; and
- (b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

7. Adjournment of Case Management Hearing.—(1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the court may adjourn the hearing to another date upon the payment of such costs as the court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this rule, if the court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. Consequences of non-compliance with orders.—Where any party fails to comply with the order of the court passed in a Case Management Hearing, the court shall have the power to—

- (a) condone such non-compliance by payment of costs to the court;
- (b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be; or
- (c) dismiss the plaint or allow the suit where such non-compliance is willful, repeated and the imposition of costs is not adequate to ensure compliance”.

(F). Amendment of Order XVIII.—In Order XVIII of the Code,—

(I) in Rule 2, after sub-rule (3), insert the following sub-rules, namely:—

- "(3A) A party shall, within four weeks prior to commencing the oral arguments, submit concisely and under distinct headings written arguments in support of his case to the court and such written arguments shall form part of the record.
- (3B) The written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party.
- (3C) A copy of such written arguments shall be furnished simultaneously to the opposite party.
- (3D) The court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised written arguments within a period of not more than one week after the date of conclusion of arguments.

- (3E) No adjournment shall be granted for the purpose of filing the written arguments unless the court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.
- (3F) It shall be open for the court to limit the time for oral submissions having regard to the nature and complexity of the matter".

(II) In Rule 4, after sub-rule (1), insert the following sub-rules, namely:—

- “(1A) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first Case Management Hearing.
- (1B) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the court.
- (1C) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal:

Provided that any other party shall be entitled to tender as evidence and rely upon any admission made in such withdrawn affidavit".

(G). Amendment to Order XIX.-In Order XIX of the Code, after Rule 3, insert the following new rules, namely –

"4. Court may control evidence.-(1) The court may, by directions regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the court.

(2) The court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties.

5. Redacting or rejecting evidence.-A court may, in its discretion, for reasons to be recorded in writing-

- (i) redact or order the redaction of such portions of the affidavit of examination-in-chief as do not, in its view, constitute evidence; or
- (ii) return or reject an affidavit of examination-in-chief as not constituting admissible evidence.

6. Format and guidelines of affidavit of evidence.-An affidavit must comply with the form and requirements set forth below:—

- (a) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with;
- (b) where the court is of the view that an affidavit is a mere reproduction of the pleadings, or contains the legal grounds of any party's case, the court may, by order, strike out the affidavit or such parts of the affidavit, as it deems fit and proper;
- (c) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject;
- (d) an affidavit shall state—
 - (i) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief; and
 - (ii) the source for any matters of information or belief.
- (e) an affidavit should—
 - (i) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file);

- (ii) be divided into numbered paragraphs;
- (iii) have all numbers, including dates, expressed in figures; and
- (iv) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon".

4. Insertion of Appendix I.— After Appendix H, insert the following Appendix, namely:-

"APPENDIX-I

STATEMENT OF TRUTH

[Under First Schedule, Order XI-Rule 1, sub-rule (3)]

I _____ the deponent do hereby solemnly affirm and declare as under:

1. I am the party in the above suit and competent to swear this affidavit.
2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.
3. I say that the statements made in _____ paragraphs are true to my knowledge and statements made in _____ paragraphs are based on information received which I believe to be correct and statements made in _____ paragraphs are based on legal advice.
4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.
5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.
6. I say that the above mentioned pleading comprises of a total of _____ pages, each of which has been duly signed by me.
7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.
8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.

Place:

Date:

DEPONENT

VERIFICATION

I, _____ do hereby declare that the statements made above are true to my knowledge.

Verified at _____ on this _____.

DEPONENT"

9. THE CODE OF CRIMINAL PROCEDURE, 1973**(2 of 1974)****A. Section 24.—** After sub-section (6), insert the following sub-section, namely:-

“(6A).— Notwithstanding anything contained in sub-section (1) and sub-section (6), the Government of the Union territory of Jammu and Kashmir may appoint a person who has been in practice as an Advocate for not less than seven years as Public Prosecutor or Additional Public Prosecutor for High Court and for the District Courts and it shall not be necessary to appoint Public Prosecutor or Additional Public Prosecutor for the High Court in consultation with High Court and Public Prosecutor or Additional Public Prosecutor for the District Court from amongst the person constituting the cadre of Prosecution for the State of Jammu and Kashmir.”

B. Section 25A.—(i) for sub-sections (1) and (2), substitute—

- (1) The Government of the Union territory of Jammu and Kashmir shall establish a Directorate of Prosecution consisting of a Director General of Prosecution and such other officers, as may be provided in rules to be framed by the said Government; and
- (2) The Post of Director General of Prosecution and all other officers, constituting the prosecution cadre, shall be filled in accordance with the rules to be framed by the said Government.

(ii) in sub-section (3), substitute “Director of Prosecution” with “Director General of Prosecution”;

(iii) for sub-section (4), substitute—

“(4) subject to the control of the Director General of Prosecution, the Deputy Director shall be subordinate to and under the Control of a Joint Director”.

(iv) substitute sub-section (5),—

“Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the Government of the Union territory of Jammu and Kashmir under sub-section (1), or the case may be under sub-section (8) of section 24 to conduct cases in the High Court shall be subordinate to the Advocate General.”;

(v) for sub-section (7), substitute—

“(7) The powers and functions of the Director General of Prosecution and other officers of the prosecution cadre shall be such as may be provided by the rules”.

C. Amendment of The First Schedule.— In the First Schedule of the Code of Criminal Procedure, 1973 after the entries relating to section 354E, insert the following entries, namely,—

1	2	3	4	5	6
354E	Sextortion	Imprisonment of not less than 3 years but which may extend to five years and with fine.	Cognizable	Non-bailable	Magistrate of the First Class

10. THE COLLECTION OF STATISTICS ACT, 2008

(07 of 2009)

Section 1.— In sub-section (2), the proviso thereto shall be omitted.**11. THE COMMISSIONS OF INQUIRY ACT, 1952**

(60 of 1952)

Section 2.— in clause (a), in sub-clause(ii), omit the Proviso.Omit **Section 2A.****12. THE COURT-FEES ACT, 1870**

(7 of 1870)

Section 26.— Section 26 shall be numbered as sub-section (1) thereof, and after sub-section (1) so renumbered, insert the following sub-section, namely:—

“(2) For the purposes of sub-section (1), and section 25, “stamp” means any mark, seal or endorsement by any agency or person duly authorised by the Appropriate Government, and includes an adhesive or impressed stamp, for the purposes of court fee chargeable under this Act.

Explanation:—“impressed stamp” includes impression by a franking machine or another machine, or a unique number generated by e-stamping or similar software, as the Appropriate Government may, by notification in the official Gazette, specify”.

13. THE DENTISTS ACT, 1948

(16 of 1948)

Omit **Section 2A.****Section 33.—** In sub-section (1), in third proviso thereto, omit clause (c).**14. THE FAMILY COURTS ACT, 1984**

(66 of 1984)

Section 1.— In sub-section (2), omit “except the State of Jammu and Kashmir”**Section 19.-** Omit sub-section (6)**15. THE GOVERNMENT SECURITIES ACT, 2006**

(38 of 2006)

Omit **Section 33.****16. THE HIGH COURT JUDGES (SALARIES AND CONDITIONS OF SERVICES) ACT, 1954**

(28 of 1954)

Omit **Section 23C.****17. THE HOMEOPATHY CENTRAL COUNCIL ACT, 1973**

(59 of 1973)

Section 2. -Omit sub-section (2)

18. THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

(104 of 1956)

Omit Section 2A.

19. THE INCOME-TAX ACT, 1961

(43 of 1961)

Omit Section 269S.

20. THE INDIAN FOREST ACT, 1927

(16 of 1927)

Section 2.—

(i) for clause (1), the following clauses shall be substituted, namely:—

“(1) **“authorised officer”** means an officer authorized under sub-section (2) of section 52;(1A) **“cattle”** include elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, ram, ewes, sheep, lambs, goats and kids;(1B) **“forest based industry”** means an industry or unit in which any forest produce is used as raw material or as a source of energy”;

(ii) for clause (4), the following clause shall be substituted, namely:—

“(4) **“forest-produce”** includes—(a) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, kuth, myrobalans, dioscorea, firewood, humus, rasaunt, morels (*Morchella* spp), *Aconitum* spp, *Podophyllum* spp, *Picrorhizaspp*, *Trillium* spp, *Nardostachys* spp, *Taxus* spp, *Valerianassp*, *Rheum* spp, wild animals, skins, tusks, horns, bones and all other parts or produce of wild animals whether found in, or brought from, a forest or not; and

(b) the following when found in, or brought from, a forest, namely:—

(i) trees and leaves, flowers and fruits, roots and all other parts or produce of trees not specified in clause (a);

(ii) plants not being trees (including grass, bamboos, creepers, reeds and moss and lichen), and all parts or produce of such plants;

(iii) silk, cocoons, honey and wax; and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);”.

(iii) after clause (5), insert the following clause, namely:-

“(5A) **“saw mill”** means any plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which sawing is carried on with the aid of electrical or mechanical power;”.

(iv) after clause (6), insert the following clause, namely:-

“(6A) **“transporter”** includes a person, a private agency, a Government Department, Corporation or any other agency engaged in transport of forest produce whether on his own or on behalf of any other person”;

- (v) after clause (7), insert the following clause;
- “(8) “wild animal” shall have the same meaning as assigned to it in the Wild Life (Protection) Act, 1972.”.

Section 20A.— After section 20, insert the following section—

“20A. Demarcated forests deemed to be reserved forests.— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any forest which has been notified as a demarcated forest under the erstwhile Jammu and Kashmir Forest Act, 1987 (1930 A.D.), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019, shall be deemed to be a reserved forest under this Act.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as demarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to reserved forests shall apply to forest to which the provision of sub-section (1) are applicable”.

Section 26. – In sub-section (1)–

- (i) in clause (e), substitute the word “dragging” with the words “dragging or removing”;
- (ii) in clause (f), substitute the words “the same” with the words “the same or any forest produce”;
- (iii) for clause (h), substitute the following clause, namely:—
- “(h) clears or breaks up any land or erects a fence, enclosure or any structure for cultivation or cultivates or attempts to cultivate any land in any other manner in any reserved forest, or for any other purpose”;
- (iv) in the long line, for the words “six months, or with fine which may extend to five hundred rupees,”, substitute the words “two years, or with fine which may extend to twenty five thousand rupees,”;

Section 28.–

- (i) in sub-section (1), for the word “reserved forest”, substitute the words “reserved forest or declared a protected forest or is a land which has been entered in settlement records as khalsa land”;
- (ii) in sub-section (3) after the words “reserved forests”, insert the words “or protected forests, as the case may be”.

Section 29A.– After section 29, insert the following section—

“29A. Undemarcated forests deemed to be protected forests.— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any undemarcated forest (which means and includes all forest land other than demarcated forest which is the property of the Government of Union territory of Jammu and Kashmir and is not appropriated for any specific purpose and includes all the undemarcated and berun line forest vested in the Forest Department under the provisions of section 48 of the Jammu and Kashmir Village Panchayat Act, 1958 or any other law for the time being in force), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019, shall be deemed to be a protected forest under this Act.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as undemarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to protected forests shall apply to forest to which the provision of sub-section (1) are applicable”.

Section 33.— In sub section (1).—

- (i) in clause (c), after the words “or clears”, insert the words “or attempts to break-up or clear”;
- (ii) in clause (f), after the word “drags” , insert the words “or removes”;
- (iii) in the long line for the words “six months, or with fine which may extend to five hundred rupees”, substitute the words “two years, or with fine which may extend to twenty-five thousand rupees”.

Section 42.— In sub-section (1), for the words “six months” and “five hundred rupees”, substitute the words “two years” and “twenty-five thousand rupees” respectively.

Section 51.— In sub-section (2), for the words “six months, or with fine which may extend to five hundred rupees”, substitute the words “two years, or with fine which may extend to twenty-five thousand rupees”.

Section 52.— Substitute section 52 with the following section, namely:—

“52. **Seizure of property liable to confiscation and procedure thereof.**— (1) When there is reason to believe that a forest offence has been committed in respect of any reserved forest, protected forest, village forest or forest produce, the forest produce, together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any such offence, may be seized by a Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure before an officer not below the rank of the Divisional Forest Officer (hereinafter referred to as the 'authorised officer'):

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) Subject to sub-section (5), where the authorised officer upon receipt of report about seizure, is satisfied that a forest offence has been committed in respect thereof, he may, by order in writing and for reasons to be recorded, confiscate forest produce so seized together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing such offence and a copy of the order of confiscation shall be forwarded without any undue delay to the person from whom the property is seized and to the Conservator of Forest Circle in which the forest produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article as the case may be, has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer,—

- (a) sends an intimation in writing about initiation of proceedings for confiscation of the property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;
- (b) issues a notice in writing to the person from whom the property is seized and to any other person who may, in the opinion of the authorised officer to have some interest in such property;
- (c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and
- (d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.

(5) No order of confiscation under sub-section (3) of any tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article (other than timber or forest produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article were used without his knowledge or connivance or, as the case may be, without the knowledge or

connivance of his servant or agent and that all reasonable and necessary precautions had been taken against the use of objects aforesaid for commission of forest offence.

(6) Where the cattle are involved in the commission of a forest offence, the same after seizure by any officer, shall be entrusted to any responsible person under a proper receipt on an undertaking to produce the same when required in case there is no cattle pound within a radius of five kilometres from the place of such offence:

Provided that notwithstanding anything contained in section 57, in case of unclaimed cattle a Forest Officer not below the rank of Range Officer, after giving sufficient publicity in the vicinity of the place of offence for the owner to come forward to claim the cattle within seven days from the date when such publicity has been given, may dispose them of by public auction.

(7) The provisions of the Cattle Trespass Act, 1871 (1 of 1871), shall apply in respect of the charges to be levied for the upkeep and fee of the cattle.”

Insertion of section 52A to 52D.— After section 52, insert the following sections, namely:—

“52A. Revision before Court of Sessions against order of confiscation.— (1) Any party aggrieved by an order of confiscation under section 52 may within thirty days of the order or if facts of the confiscation have not been communicated to him, within thirty days of knowledge of such order submit a petition for revision to the Court of Sessions Division whereof the headquarters of Authorised Officer are situated.

Explanation I.—In computing the period of thirty days under this sub-section, the time required for obtaining certified copy of the order of Authorised Officer shall be excluded.

Explanation II.—For the purposes of this sub-section a party shall be deemed to have knowledge of the order of confiscation under section 52 on publication of such order in two daily newspapers having circulation in the State.

(2) The Court of Sessions may confirm, reverse or modify any final order of confiscation passed by the Authorised Officer.

(3) Copies of the order passed in revision shall be sent to the Authorised Officer for compliance or passing such further order or for taking such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973.

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974) the order of Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52B. Bar to jurisdiction of Courts etc. under certain circumstances.— (1) On receipt of report under sub-section (4) of Section 52 about intimation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject matter of confiscation, has been made, no Court, Tribunal or Authority other than Authorised Officer and Court of Sessions referred to in sections 52 and 52A shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under section 52, notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force.

Explanation.— Where under any law for the time being in force, two or more Courts have jurisdiction to try the forest offences, then receipt of intimation under sub-section (4) of section 52 by one of the Courts shall operate as bar to exercise jurisdiction on all such other Courts.

(2) Nothing in sub-section (1) shall affect the power saved under section 61 of the Act.

52C. Power of search and seizure.- (1) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle.

(2) Any forest officer not below the rank of Range officer, having reasonable grounds to believe that forest produce is, in contravention of the provisions of this Act, in the possession of a person in any place, may enter such place with the object of carrying out a search for the forest produce and its confiscation:

Provided that such search shall not be conducted otherwise than in accordance with the provisions of the Code of Criminal Procedure, 1973.

52D. Penalty for forcibly opposing seizure.- Whosoever opposes the seizure of any forest-produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article liable to be seized under this Act, or forcibly receives the same after seizure, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.”.

Section 53.—

For section 53, substitute the following section, namely:—

“53 Power to release property seized under section 52.- Any forest officer of a rank not inferior to that of a Range Officer, who, or whose subordinate, has seized any tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any forest offence, including the forest produce, under section 52, may release the same on the execution by the owner thereof, of a security in a form of a bank guarantee, of an amount not less than the value of such property, as estimated by such officer, for the production of the property so released when so required by the Magistrate having jurisdiction to try the offence or by the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made:

Provided that when any forest produce is seized at a remote location from where it is not practicable to transport it immediately, the officer who, or whose subordinate has effected such seizure under section 52, may entrust the same (Supardnama) to any responsible person on the execution of a bond thereof, by such person, for the production of the property so entrusted if and when required by the Magistrate having jurisdiction to try the offence or before the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made.”.

Section 54.—

For section 54, substitute the following section, namely:—

“54 Receipt of report of seizure by Magistrate and procedure thereupon.- Upon the receipt of any report under sub-section (4) of section 52, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law:

Provided that before passing any order for disposal of property the Magistrate shall satisfy himself that no intimation under sub-section (4) of section 52 has been received by his court or by any other court having jurisdiction to try the offence on account of which the seizure of property has been made.”.

Section 55.—

For sub-section (1), substitute the following sub-section:—

“(1) All timber or forest produce which in either case is not the property of the Government and in respect of which a forest offence has been committed, and all tools, arms, boats, carts, equipment,

ropes, chains, machines, vehicles, cattle or any other article, in each case used in committing any forest offence shall, subject to the provisions of section 52, 52A and 52B, be liable to confiscation upon conviction of the offender for such offence.”.

Section 56.— For the words “When the trial of”, substitute the words, figures and letter, “Without prejudice to the provisions of section 52C, when the trial of”.

Section 57.— For section 57, substitute the following section, namely:—

“57. Procedure when the offender is not known or cannot be found.- When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed, but subject to section 52B, order the property in respect of which offence has been committed, to be confiscated or forfeited together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing the offence, and taken charge of by the Forest officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that, no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.”

Section 58.— For section 58, substitute the following section, namely:—

“58. Procedure as to perishable property seized under section 52.- The Authorised Officer under sub-section (2) of section 52, or the Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt had it not been sold”.

Section 60.— Renumbered as sub-section (2) thereof, and, before sub-section (2) as so renumbered, insert the following sub-section, namely:—

“(1) Property ordered to be confiscated by an authorised officer under section 52, subject to the result of revision before Court of Sessions under section 52A shall upon conclusion of proceedings in revision, vest in the Government free from all encumbrances:

Provided that if no revision is preferred under section 52A, such vesting shall take effect on expiry of period specified for the submitting petition for revision under section 52A”.

Section 63.— For the words, “or with fine”, substitute the words “or with fine which may extend to twenty-five thousand rupees”.

Insertion of section 64A .— After section 64, insert the following section, namely:-

“64A. Offences non-bailable.-Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act other than those compoundable under section 68 shall be non-bailable”.

Insertion of section 65A and 65B.—After section 65, insert the following sections, namely:—

“65A.Requisition for police assistance.-Any forest officer may requisition the services of any police officer to assist him for all or any of the purposes specified in sections 52,63 and 64 and it shall be the duty of every such officer to comply with such requisition.

65B. Police officers bound to seek technical clearance from Authorized Officer.-Any police officer seizing any property under the provisions of this Act or rules framed there under shall be bound to seek technical clearance of the authorized officer to lodge a complaint to the magistrate under section 52 of this Act.”

- Section 67.—** For the words “not exceeding six months, or fine not exceeding five hundred rupees”, substitute the words “not exceeding two years or with fine not exceeding twenty five thousand rupees”.
- Section 68.—** For section 68, substitute the following section, namely:—
- “68. Power to compound offences.-** (1) The Government may, by notification in the Official Gazette, empower any forest officer not below the rank of Assistant Conservator of Forests-
- (a) to accept from any person against whom a reasonable suspicion exists, that he has committed any forest offence involving damage not exceeding fifty thousand rupees, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence, which such person is suspected to have committed:
- Provided that the sum of money accepted by way of compensation shall in no case be less than double the amount involved in the loss caused by such offence; and
- (b) when any property has been seized as liable to confiscation, release the same on payment of the value thereof, in addition to the compensation referred to in clause (a) of this sub-section, as estimated by such officer.
- (2) On the payment of such compensation and such value, to such officer, the suspected person if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property”.
- Section 69.—** For the words, “contrary is proved”, substitute the words “contrary is proved by the accused”.
- Section 69-A.—** After section 69, insert the following section, namely:—
- “69-A. Double penalties for offences.-**The penalties which are double of those mentioned under the provisions of this Act or rules framed thereunder shall be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence”.
- Section 71.—** For the words “ten rupees”, “two rupees”, “one rupee” and “eight annas”, substitute the words “one thousand rupees”, “two hundred and fifty rupees”, “one hundred rupees” and “fifty rupees” respectively.
- Section 72.—** For section 72, substitute the following section, namely;
- “72. Government of Union territory of Jammu and Kashmir may invest Forest officers with certain powers.-** (1) The forest officers shall have the following powers, namely:—
- (a) power to enter upon any land and to survey, demarcate and make a map of the same.
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;
- (c) power to hold an inquiry into forest offences and in the course of such inquiry, to receive and record evidence; and
- (d) power to issue search warrants under the Code of Criminal Procedure, 1973 (2 of 1974):
- Provided that powers under clause (b) and (c) shall not be exercised by a forest officer below the rank of a Range Officer:
- Provided further that the powers under clause (d) shall not be exercised by a forest officer below the rank of a Divisional Forest Officer.
- (2) Any evidence recorded under clause (c) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, if that it has been taken in the presence of the accused person.

(3) Any forest officer not below the rank of a Range Officer may delegate his powers of inquiry to an officer of the rank of Forester if the offence is compoundable under section 68 of this Act.”

Section 74.—

For section 74, substitute the following section, namely:-

“**74. Indemnity for acts done in good faith.**—(1) No suit, prosecution or other legal proceedings shall lie against any public servant for anything done in good faith or omitted to be done likewise, under this Act or the rules or orders made thereunder.

(2) No Court shall take cognizance of any offence alleged to have been committed by a forest officer while acting or purporting to act in the discharge of his official duty except with the previous sanction of the Government of Union territory of Jammu and Kashmir”.

Section 76A.—

After section 76, insert the following section, namely:-

“**76A. Power to regulate manufacture and preparation of articles based on forest produce.**-(1) The Government of Union territory of Jammu and Kashmir may make rules,—

- (a) to provide for the establishment, and regulation by licence, permit or otherwise (and the payment of fees thereof), of saw mills, timber depots, firewood depots and other units including the factories or industries engaged in the consumption of forest produce or manufacture or preparation of the following articles:-
- (i) katha (catechu) or kutch out of khairwood;
 - (ii) rosin, turpentine, other products out of resin, and wood oil;
 - (iii) plywood, veneer and wood-based products;
 - (iv) match boxes and match splints;
 - (v) boxes including packing cases made out of wood;
 - (vi) joinery and furniture items made out of wood;
 - (vii) charcoal, lime stone and gypsum;
 - (viii) such other articles based on forest produce as the Government of Union territory of Jammu and Kashmir may, by notification in the Official Gazette, from time to time, specify;
- (b) to provide for the regulation by licence, permit or otherwise, of procurement of raw material for the preparation of articles mentioned in clause (a), the payment and deposit of fees therefor and for due compliance of the condition thereof, the forfeiture of the fees so deposited or any part thereof for contravention of any such condition and adjudication of such forfeiture by such authority as the Government of Union territory of Jammu and Kashmir may, by notification, specify.

(2) The Government of Union territory of Jammu and Kashmir may provide that, as the contravention of any rules made under this section shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or both.”

Section 77.—

For the words “extend to one month, or fine which may extend to five hundred rupees”, substitute the words “extend to two years or with fine which may extend to twenty five thousand rupees”.

Section 79.—

In sub-section (2), in the long line, for the words “shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees” substitute the words, “shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees”.

Insertion of sections 79A to 79C.—After section 79, insert the following sections, namely:—

“79-A. Penalty for unauthorisedly taking possession of land constituted as reserved or protected forest.- (1) Any person who unauthorisedly takes or remains in possession of any land in areas constituted as reserved forest or protected forest under section 20 or section 29 as the case may be, may, without prejudice to any other action that may be taken against him under any other provision of this Act, be summarily ejected by order of a forest officer not below the rank of a Divisional Forest Officer and any crop which may be standing on such land or any building or other work which he may have constructed thereon, if not removed by him within such time as such forest officer may fix, shall be liable to forfeiture:

Provided that no order of ejection under this sub-section shall be passed unless the person proposed to be ejected is given a reasonable opportunity of showing cause why such an order should not be passed.

(2) Any property so forfeited shall be disposed of in such manner as the forest officer may direct and the cost of removal of any crop, building or other work and, of all works necessary to restore the land to its original condition shall be recoverable from such person in the manner provided in section 82.

(3) Any person aggrieved by an order of the forest officer under sub-section (1) may, within sixty days from the date of such order prefer an appeal by petition in writing to the concerned Chief Conservator of Forests in person or through a duly authorized agent and such petition shall be accompanied by a certified copy of the order appealed against.

(4) On receipt of the appeal and after summoning the parties and perusing the record of the proceedings, the Chief Conservator of Forests shall fix a date and convenient place for hearing the appeal and shall give notice thereof to the parties, and shall hear the appeal accordingly.

(5) The order passed on the appeal by the Chief Conservator of Forests shall be final.

79B. Summary action by Deputy Commissioner in fire cases.- If in any case under clauses (a) and (b) of sub-section (1) of section 79, it appears to the Deputy Commissioner of the district within which the forest concerned is situated after local enquiry made in a summary and administrative manner, either by himself, or through a Tehsildar deputed by him for the purpose, that any such person or village or other community has neglected to give such information or to render such assistance as is required thereby, he may impose a fine not exceeding one thousand rupees on, as well as direct payment of compensation for damage to Government's property by, such person, village or other community or such individual member of such village or other community as may be determined in consultation with the Divisional Forest Officer and all fines imposed under this section shall be recoverable as arrears of land revenue.

79C. Appeal against order of Deputy Commissioner.- An appeal against every order passed under section 79B may be made to the concerned Divisional Commissioner whose decision thereon shall be final.”

Section 82.—

For section 82, substitute the following section, namely:—

“82. Recovery of money due to Government – All money payable to the Government under this Act or under any rule made under this Act, or on account of the price of timber, or other forest produce, or of expenses incurred in execution of this Act in respect of timber and other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable there under for breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of

tenders, issued by or under authority of a forest officer and all compensation awarded to the Government under this Act shall, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land revenue”.

Insertion of Sections 82-A to 82-H.—After section 82, insert the following sections, namely:—

“82-A. Recovery of penalties due under a bond.— When in respect of any forest lease any person binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servant and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof shall notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

82-B. Restoration of advantage or benefit or payment of compensation.—Notwithstanding anything contained in this Act or in the Indian Contract Act, 1872, or in any other law for the time being in force,—

- (a) where any transaction or lease relating to sale of forest produce or extraction of timber from any forest is or is discovered to be void only on the ground that the transaction or lease is not in conformity with the provisions of article 299 of the Constitution of India or any order or direction issued thereunder, any person who has received any advantage or has enjoyed any benefit by virtue of such transaction or lease shall be bound to restore it or to make compensation for it, to the person or party from whom he received it;
- (b) the extent of any advantage or benefit or the amount of compensation payable in lieu thereof, referred to in clause (a), shall be determined in accordance with the provisions of this Act and the value of the advantage or benefit or the amount of compensation so determined shall be recoverable as arrears of land revenue.

82-C. Constitution of Authority.—For the purposes of determining the extent of advantage or benefit or the value thereof or the amount of compensation under section 82-B, the Government of Union territory of Jammu and Kashmir shall, by notification in the Official Gazette, constitute, as and when necessary, an Authority consisting of one or more members having such qualification and experience and on such terms and conditions as may be prescribed and where the Authority consists of more than one member, one of them may be appointed as Chairperson thereof.

82-D. Powers of the Authority.— (1) The Authority shall, for purposes of holding inquiry for determining the extent of advantage or benefit or value thereof or the amount of compensation, as the case may be, under section 82-B, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person or witness and examining him on oath or solemn affirmation;
- (b) requiring the discovery or production of any document relating to the subject matter of inquiry;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof relating to the subject matter of inquiry from any court or office; and
- (e) issuing commissions for examination of witnesses, documents or other books of accounts relating to the subject matter of inquiry.

(2) The Authority shall also have power to issue a commission to such person as it considers fit for local investigation which may be requisite or proper for the purpose of elucidating any matter which is the subject matter of inquiry or of ascertaining the market value of any property.

(3) The person directed to execute a commission for any purpose under this section shall have all the powers of a commissioner appointed by a Civil Court in pursuance of the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

(4) The Authority shall have the power to pass such orders as it thinks fit for the seizure, attachment, management, preservation, interim custody or sale of any forest produce or timber (wherever it may be in the State) which may be the subject matter of proceedings before it including the appointment of a receiver for any of the aforesaid purposes.

82-E. Restriction on alienation.—(1) Notwithstanding anything contained in any law for the time being in force,—

- (a) where at any stage of the inquiry, the Authority is satisfied by affidavit or otherwise that a person liable to restore any advantage or benefit or to pay compensation in lieu thereof under any transaction or lease referred to in section 82-B, is likely to alienate his movable or immovable property with intent to evade payment or to defeat the recovery, of the advantage or benefit or the value thereof or the amount of compensation, that may be determined by him, it may by order in writing direct that such person shall not alienate his movable and immovable property or such portion thereof, as it may specify in the order, during the pendency of the inquiry;
- (b) any alienation of property made in contravention of any order or direction issued under clause (a) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

Explanation.—For the purposes of this section "alienation" includes mortgage, sale, gift, bequest, benami transaction, family settlement or any other mode of transfer of any right, title or interest in the property.

(2) For removal of doubts it is hereby declared that restrictions imposed under this section on the rights conferred by clause (1) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

82-F. Procedure to be followed by the Authority.— (1) The Authority shall, subject to any rules made by the Government of Union territory of Jammu and Kashmir in this behalf, have power to regulate its own procedure in all matters arising out of or connected with the discharge of its functions, in consonance with the principles of natural justice.

(2) The parties shall have a right of being represented by counsel.

82-G. Appeal.— (1) Any person aggrieved by a final order of the Authority, determining the extent of advantage or benefit or value thereof or the amount of compensation under section 82-B, may, within thirty days of the date of the order, file an appeal against such order before the High Court and every such appeal shall be heard by a Division Bench of the High Court.

(2) No other order of the Authority shall be appealable.

(3) The order of the Authority shall, subject to the decision of the High Court under sub-section (1) in appeal, be final and shall be deemed to be a certificate within the meaning of section 90 of the Jammu and Kashmir Land Revenue Act, 1996.

(4) No further appeal shall lie against the decision of the High Court.

82-H. Exclusion of jurisdiction of Civil Court.- No Civil Court shall have jurisdiction to entertain any suit or other proceeding in respect of any matter which the Authority has taken cognizance of under section 82-B.”

Insertion of section 83A.—After section 83, insert the following section, namely:—

“83A. Restriction on alienation.—(1) Notwithstanding anything contained in the Transfer of Property Act 1882, or in any other law for the time being in force, no property offered by a forest lessee or by any other person on behalf of a forest lessee, as security for payment of royalty, interest, compensation, penalty or any other amount chargeable from the forest lessee, under any lease deed, bond or instrument shall be alienated without the previous permission of the Government of Union Territory of Jammu and Kashmir, till such time as the Chief Conservator of Forests certifies that such forest lessee has duly performed all the obligations devolving upon him under such lease deed, bond or instrument.

(2) Any alienation of property made in contravention of sub-section (1) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

(3) Any amount of royalty, interest, compensation or penalty or any other sum falling due from a forest lessee under any lease deed, bond or instrument shall be recoverable as arrears of land revenue in accordance with the law for the time being in force, from the property offered by him or on his behalf as security and from any other movable or immovable property owned by the forest lessee.

Explanation.— For the purposes of this section,

- (a) "alienation" includes sale, gift, exchange, bequest, mortgage, benami transaction, family settlement or any other mode of transfer of any right, title or interest therein or creation of any encumbrance thereon;
- (b) the expression "forest lessee" shall be construed to mean a person in whose favour a right to convert and remove forest produce from any forest has been granted under any lease deed, bond or instrument.

(4) For removal of doubts it is hereby declared that restriction imposed under this section on the rights conferred by clause (1) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.”

Insertion of section 84A.—After section 84, insert the following section, namely:-

“84A. Application of the Act to land.- The Government may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to any land which is the property of the Government of the Union territory of Jammu and Kashmir or the Central Government, and thereupon such provisions shall apply to such land accordingly.”

21. THE INDIAN MEDICINE CENTRAL COUNCIL ACT, 1970

(48 of 1970)

Omit sub-section (2) of Section 2.

22. THE INDIAN PENAL CODE, 1860

(45 of 1860)

354E .— After section 354D, insert the following section, namely:-

“354E. Sextortion.—(1) Whoever,—

- (a) being in a position of authority; or
- (b) being in a fiduciary relationship; or
- (c) being a public servant,

abuses such authority or fiduciary relationship or misuses his official position to employ physical or non physical forms of coercion to extort or demand sexual favours from any woman in exchange of some benefits or other favours that such person is empowered to grant or withhold, shall be guilty of offence of sextortion.

Explanation.—For the purpose of this section, ‘sexual favour’ shall mean and include any kind of unwanted sexual activity ranging from sexually suggestive conduct, sexually explicit actions such as touching, exposure of private body parts to sexual intercourse, including exposure over the electronic mode of communication.

(2) Any person who commits the offence of sextortion shall be punished with rigorous imprisonment for a term which shall not be less than three years but may extend to five years and with fine.”

23. THE INSOLVENCY AND BANKRUPTCY CODE, 2016

(31 of 2016)

Section 1.— In sub-section (2), omit the proviso.

24. THE LIMITATION ACT, 1963

(36 of 1963)

Insertion of Section 30A .— After section 30, insert the following section, namely:-

“30A. Provision for suits, etc., for which the prescribed period is shorter than the period prescribed by the Limitation Act, samvat 1995.—Notwithstanding anything contained in this Act,—

- (a) Any suit for which the period of limitation is shorter than the period of limitation prescribed by the Limitation Act, Samvat 1995, may be instituted within a period of one year next after the commencement of the Jammu and Kashmir Reorganisation Act, 2019 or within the period prescribed for such suit by the Limitation Act, Samvat 1995, whichever period expires earlier:

Provided that if in respect of any such suit, the said period of one year expires earlier than period of limitation prescribed therefor under the Limitation Act, Samvat 1995 (now repealed) and the said period of one year together with so much of the period of limitation in respect of such suit under the said Act, as has already expired before the commencement of the Jammu and Kashmir Reorganisation Act, 2019 is shorter than the period prescribed for such suit under the Limitation Act, 1963, then, the suit may be instituted within the period of limitation prescribed therefor under the Limitation Act, 1963;

- (b) Any appeal or application for which the period of limitation is shorter than the period of limitation prescribed by the Limitation Act, Samvat 1995, may be preferred or made within a period of ninety days next after the commencement of the Jammu and Kashmir Reorganisation Act, 2019 or within the period prescribed for such appeal or application by the Limitation Act, Samvat 1995, whichever period expires earlier.”

25. THE NATIONAL CO-OPERATIVE DEVELOPMENT CORPORATION ACT, 1962

(26 of 1962)

Omit Section 2A.

26. THE OFFICIAL LANGUAGES ACT, 1963

(19 of 1963)

Omit Section 9.

27. THE PRESS AND REGISTRATION OF BOOKS ACT, 1867

(25 of 1867)

In section 1, omit sub-section (2).

28. THE PRESS COUNCIL ACT, 1978

(37 of 1978)

Section 3.— Omit “Jammu and Kashmir or”.

29. THE PREVENTION OF CORRUPTION ACT, 1988

(49 of 1988)

Insertion of section 17B.— After section 17A, insert the following section, namely:-

“17B. Establishment of Anti-Corruption Bureau for the Union territory of Jammu and Kashmir.—(1) Notwithstanding anything contained in this Act, the Government of Union territory of Jammu and Kashmir shall, by notification in the Official Gazette, establish a Bureau for investigation of offences under this Act under the name of ‘Anti-Corruption Bureau’.

(2) The Bureau shall consist of the Director and such other officers and staff subordinate to him as the Government of Union territory of Jammu and Kashmir may from time to time think fit to appoint.

(3) The qualification of officers (other than the Director) shall be such as may be prescribed by the Government of Union territory of Jammu and Kashmir:

Provided that till qualification of officers (other than the Director) is prescribed by the Government of Union Territory of Jammu and Kashmir, the rules notified by the Government in this regard under the Prevention of Corruption Act, Samvat, 2006 (now repealed) shall continue to govern the qualification of such officers.

(4) The Director and the officers and staff subordinate to him shall hold office for such term and on such conditions as the Government of Union Territory of Jammu and Kashmir may from time to time determine.”

Explanation:—The Anti-Corruption Bureau established under the Prevention of Corruption Act, Samvat, 2006 (now repealed) shall deemed to be Anti-Corruption Bureau established

under the provisions of this Act, as if the same has been established under the provisions of this Act and any reference to the Anti-Corruption Bureau in any law, order, notification or rules in force in the Union Territory of Jammu and Kashmir shall be construed to mean the Anti-Corruption Bureau established under the provisions of this Act.

Insertion of section 17C to 17G .— After section 17A, insert the following sections, namely:—

“17C. Powers of attachment of property. – (1) If an officer (not below the rank of Deputy Superintendent of Police) of the Anti-Corruption Bureau, investigating an offence committed under this Act, has reason to believe that any property in relation to which an investigation is being conducted has been acquired by resorting to such acts of omission and commission which constitute an offence of ‘criminal misconduct’ as defined under section 5, he shall, with the prior approval in writing of the Director of the Anti-Corruption Bureau, make an order seizing such property and, where it is not practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order or of the Designated Authority to be notified by the Government of Union territory of Jammu and Kashmir before whom the properties seized or attached are produced and a copy of such order shall be served on the person concerned:

Provided that the Investigating Officer may, at any stage of investigation after registration of F.I.R. in respect of any case under the Act where he has reason to believe that such property is likely to be transferred or otherwise dealt with to defeat the prosecution of the case direct that such property shall not be transferred or dealt with for such period, not exceeding ninety days, as may be specified in the order except with the prior approval of the Designated Authority.

Explanation.— For the purposes of this section, “attachment” shall include temporarily assuming the custody, possession and/or control of such property].

(2) The Investigating officer shall inform the Designated Authority, within forty eight hours, of the seizure or attachment of such property together with a report of the circumstances occasioning the seizure or attachment of such property, as the case may be.

(3) It shall be open to the Designated Authority before whom the seized or attached properties are produced either to confirm or revoke the order of seizure or attachment so issued within [thirty days]:

Provided that an opportunity of being heard shall be afforded to the Investigating Officer and the person whose property is being attached or seized before making any order under this sub-section:

Provided further that till disposal of the case the Designated Authority shall ensure the safety and protection of such property.

(4) In the case of immovable property attached by the Investigating Officer, it shall be deemed to have been produced before the Designated Authority, when the Investigating Officer notifies his report and places it at the disposal of the Designated Authority.

(5) Any person aggrieved by an order under the proviso to sub-section (1) may apply to the Designated Authority for grant of permission to transfer or otherwise deal with such property.

(6) The Designated Authority may either grant, or refuse to grant, the permission to the applicant.

(7) The Designated Authority, acting under the provisions of this Act, shall have all the powers of a civil court required for making a full and fair enquiry into the matter before it.

17D. Appeal against the order of Designated Authority.—

(1) Any person aggrieved by an order made by the Designated Authority under sub-section (3) or sub-section (5) of section 17C may prefer an appeal, within one month from the date of receipt of the order, to the Special Judge and the Special Court may either confirm the order of attachment of property or seizure so made or revoke such order and release the property or pass such order as it may deem just and proper within a period of sixty days.

(2) Where any property is seized or attached under section 17C and the Special Court is satisfied about such seizure or attachment, it may order forfeiture of such property, whether or not the person from whose possession it is seized or attached is prosecuted in the Special Court for an offence under this Act.

(3) It shall be competent for the Special Court to make an order in respect of property seized or attached, –

- (a) directing it to be sold if it is a perishable property and the provisions of section 459 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, as nearly as may be practicable, apply to the net proceeds of such sale;
- (b) nominating any officer of the Government, in the case of any other property, to perform the function of the Administrator of such property subject to such conditions as may be specified by the Special Court.

17E. Issue of show-cause notice before forfeiture of the property. –

No order under sub-section (2) of section 17D shall be made by the Special Court –

- (a) unless the person holding or in possession of such property is given a notice in writing informing him of the grounds on which it is proposed to forfeit such property and such person is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of forfeiture and is also given a reasonable opportunity of being heard in the matter;
- (b) if the person holding or in possession of such property establishes that he is a bona fide transferee of such property for value without knowing that such property has been so acquired.

17F. Appeal.—

(1) Any person aggrieved by order of the Special Court under section 17D may within one month from the date of the receipt of such order, appeal to the High Court of Jammu and Kashmir.

(2) Where any order under section 17D is modified or annulled by the High Court or where in a prosecution instituted for the contravention of the provisions of this Act, the person against whom an order of the special court has been made is acquitted, such property shall be returned to him and in either case if it is not possible for any reason to return the forfeited property, such person shall be paid the price therefor as

if the property had been sold to the Government with reasonable interest calculated from the date of seizure of the property and such price shall be determined in the manner prescribed.

17G. Order of forfeiture not to interfere with other punishments.—

The order of forfeiture made under this Act by the Special Court, shall not prevent the infliction of any other punishment to which the person affected thereby is liable under this Act.”

30. THE PROTECTION OF HUMAN RIGHTS ACT, 1993

(10 of 1994)

- Section 21.—**
- (i) in sub-section (5), omit the second Proviso;
 - (ii) in sub-section (7), for “other than Union territory of Delhi” substitute “other than Union territory of Delhi, Union territory of Jammu and Kashmir and Union territory of Ladakh”; and
 - (iii) in sub-section (8), for “Union territory of Delhi” substitute “Union territory of Delhi, Union territory of Jammu and Kashmir and Union territory of Ladakh”.

31. THE PUBLIC DEBT ACT, 1944

(18 of 1944)

Omit Section 31.

32. THE RAILWAY PROPERTY (UNLAWFUL POSSESSION) ACT, 1966

(29 of 1966)

Omit Section 15.

33. THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

(16 of 2016)

- Section 2 .—** In clause (g), in sub-clause (ii), for ‘Puducherry’ substitute ‘Puducherry and Union territory of Jammu and Kashmir’.

34. THE REPRESENTATION OF PEOPLE ACT, 1950

(43 of 1950)

- Section 27A.—** After sub-section (4), insert the following sub-section, namely:-

“(5) The electoral college of the Union territory of Jammu and Kashmir shall consist of the elected members of the Legislative Assembly constituted for that territory under the Jammu and Kashmir Reorganization Act, 2019 (34 of 2019)”.

35. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

(30 of 2013)

- Section 3.—** In clause (e):-
- (i) in sub-clause (ii), after “except Puducherry”, insert “and Jammu and Kashmir”;
 - (ii) in sub-clause (iii), after “Union territory of Puducherry” occurring at both the places, insert “and Union territory of Jammu and Kashmir”.

36. THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002

(54 of 2002)

Omit Section 17A and Section 18B.

37. THE TEXTILES COMMITTEE ACT, 1963

(41 of 1963)

Omit Section 2A.

[F.No. 11014/05/2014-K.I]

AJAY KUMAR BHALLA, Home Secy.