

**Government of Union territory of Jammu & Kashmir
Office of the Financial Commissioner (Revenue)**

Circular No.: **01- FC(Revenue) of 2023**
Dated: 01.08.2023

It has been observed that cases of land acquisition/ land transfer are being processed by the Dy. Commissioners/ Divisional Commissioners and submitted to the office of Financial Commissioner, Revenue J&K even though the indent has not been placed by the competent authority. Also, the due diligence in order to ensure that state land is preferred over propriety land, and that the quantum is the minimum necessary to serve the public purpose, is often missing.

It is, therefore, considered appropriate to reiterate certain directions issued over the years for strict adherence by Revenue Officers associated with processing of land acquisition/ transfer matters, as below:-

1. **Competent Authority:** As per Revenue Department Circular dated 30.12.16, competent authority for placing indent for **transfer** of state land is the Administrative Department while for **acquisition** it is the HOD who has to certify that he/she has been authorized by the Administrative Department. In either case, the concerned Administrative Department has to approve first, unarguably since it is also the competent authority to approve plans and grant Administrative Approval (AA) for a work/ scheme. Case in point is that of Fire and Emergency Station at Srigufwara where the HOD has placed the indent, without approval of the Home Department.
2. **Kahcharie land:** In respect of Kahcharie land, since the panchayat has to be compensated, it is not free of cost to the indenting Department. Therefore, the indenting department should necessarily certify that it is the minimum required quantum.
3. **Preference to State Land/ Kahcharie Land over propriety land:** Reference is invited to Financial Commissioner, Revenue, J&K, Circulars dated 03.03.2022 and 03.02.2023 (copies enclosed) whereby it has been advised that acquisition of proprietary land should only be the last resort. The onus rests upon the DC who has to certify that there is no availability of suitable state/ kahcharie land. Further, the quantum has to be the minimum necessary to serve the public purpose and the

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1.8.2023



collector is expected to satisfy himself/ herself regarding the same. Mere availability of state/ kahcharie land should not be the reason to recommend without due diligence as larger area does require higher commitment of the state's resources at execution stage even if cost of land is minimal. Also, the stock of land being finite, with multiple alternative use, prudence is advisable.

4. **Public purpose:** Before processing any case, the definition of public purpose in terms of provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (LARR Act) should be checked.

All concerned are advised to adhere to these instructions in letter and spirit.

Sd/-
(Shaleen Kabra), IAS
Financial Commissioner (Revenue),
J&K

NO:- FCR/LAND/32/2022 (138185)


Dated:- 01 .08.2023

Encl: as above.

Copy to the:-

1. Divisional Commissioner, Kashmir/ Jammu for information and n/a.
2. All District Collectors [Deputy Commissioners] for information and n/a and for circulation to all Collectors under their supervision.
3. Incharge website for uploaded the circular on the website of FCR.

Copy also to: All Administrative Secretaries for information.


01/08/2023
(Rishpal Singh)JKAS
Addl. Commissioner (Central)
With Financial Commissioner (Revenue),
J&K, Jammu.



Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue) J&K

Website: www.jkfcrr.nic.in E-mail: jkfinancialcr@gmail.com

Subject:- Acquisition of proprietary land due diligence thereof.

Reference: Circular No. FCR-Land/32/2022 (138185) dated:03.03.2022

CIRCULAR

1. It has been observed that District Collectors (Deputy Commissioners) are processing cases for acquisition of proprietary land for different Departments, for Public purposes, as per the indents placed by the Departments. This entails financial implication for the Government, delay in commissioning of the project serving the avowed public purposes due to lengthy process involved, rate determination and related disputes and some times, litigation apart from depriving the land owner of his/her land.
2. Taking note of this, a circular has already been issued by this office vide No. FCR-Land/32/2022 (138185) dated:03.03.2022, wherein it has been directed to the District Collectors (Dy. Commissioners) that before initiating the process for acquisition of proprietary land, they shall ensure that state land/Govt. land/ common land available in the District which may be suitable for the public purpose be given preference and first priority.
3. District Collectors shall also emphasize upon proposing retrieved State / Roshni Land and its proper utilization as per the suitability & demand of the concerned indenting department, rather than proposing Shamilat/Kahcharai Land.
4. The directions shall be applicable to all land acquisition cases.

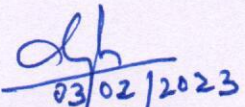
Sd/-
Shaleen Kabra (IAS)
Financial Commissioner (Rev)
J&K Govt.

No:-FCR-Land/32/2022(138185)

Dated:- 03-02-2023

Copy to the:-

1. Commissioner/Secretary . to Govt., Revenue Department J&K
2. Divisional Commissioner Jammu/Kashmir.
3. All District Collectors (Deputy Commissioners)UT J&K for immediate necessary action.


03/02/2023
Rishpal Singh (JKAS)
Addl. Commissioner (Central)
With Financial Commissioner (Rev)
J&K

Government of Jammu & Kashmir
Office of the Financial Commissioner (Revenue) J&K
Website:- www.jkfcrr.nic.in E-mail Id:- jkfinancialcr@gmail.com

Subject: Acquisition of Proprietary Land – due diligence thereof

C I R C U L A R

It has been observed that District Collectors (Deputy Commissioners) are processing cases for acquisition of proprietary land for different Departments, for public purposes, as per the indents of the Departments. This entails financial implication for the government, delay in execution of the project serving the avowed public purpose due to lengthy process involved, rate determination and related disputes, and sometimes, litigation apart from depriving the landowner of his/her land.

2. Taking note of this, it is enjoined upon the District Collectors that before initiating the process for acquisition of proprietary land, they shall ensure that State land/ Govt. land/ common land available in the District which may be suitable for the public purpose be given preference and first priority.

3. The District Collector shall furnish a certificate that there is no state land/ government land/ common land available which would serve the public purpose. The District Collector shall also undertake consultation with the indenting deptt, ensure field visit at appropriate level and if the indenting deptt insists upon acquisition of proprietary land, the District Collector shall record his independent opinion while submitting the case.

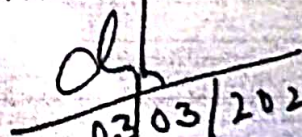
4. The direction shall be applicable to all land acquisition cases.

Sd/-
Financial Commissioner (Revenue)
J&K

NO:- FCR-Land/39/2022 ce No (138/85) Dated:- 03-03-2022

Copy to the:-

1. Commissioner/Secretary to Govt., Revenue Department for information.
2. Divisional Commissioner Jammu/Kashmir shall follow it up and conclude this exercise in respect of current cases by 31st March, 2022.
3. All District Collectors (Deputy Commissioners), UT J&K for immediate necessary action.


03/03/2022
(Rishpal Singh) JKAS
Addl. Commissioner (Central)
with Financial Commissioner (Revenue)
J&K



**Government of Jammu and Kashmir,
Civil Secretariat, Revenue Department**

CIRCULAR

It has generally been observed that the Collectors are initiating proceedings for acquisition of land for various purposes under the provisions of the State Land Acquisition Act, without verifying the competence of the officer placing the indent. They are also not verifying the competence of the department/agencies to acquire the land within the State. Such action on part of Collectors, at times, not only violates the substantive provisions of State constitution other laws like Land Acquisition Act and Transfer for Property Act etc, but, also creates legal complications vitiating the whole process of acquisition.

It has also come to the notice of the Government that officers who are not authorized by the Administrative Department concerned are placing the requisitions/indents with the respective Collectors, which is very disturbing, particularly in view of the fact that funds are not provided to the Collector on time to complete the acquisition proceedings for payment of compensation to the affected land owners/interested parties for want of competence of the officer in making such a requisition.

Moreover, the Deputy Commissioners are also entertaining requisitions for transfer of State land to various Government Departments without ascertaining the actual/minimum requirement of land, which has been putting a lot of strain on the available State land resources and the Revenue department is finding it difficult to meet the requirement of land for each and every department for various developmental activities in view of huge scarcity of suitable State land.

With a view to streamlining the procedure for acquisition and transfer of land, it is impressed upon all the concerned that:-

- I. henceforth, the indent for acquisition of land under the provisions of the State Land Acquisition Act shall not be entertained if it has not been placed by the respective Head of the Government Department/Agency/Corporation, addressed to the District Collector only.
- II. while placing the indent, the HOD concerned shall specifically certify that he/she has duly been authorized by the Administrative Department concerned for acquisition of the land on behalf of the said department.
- III. Requisitions for transfer/lease of the State land shall be placed by the Administrative Secretary concerned to the District Collector, specifically indicating therein the actual/minimum requirement of land for the purpose alongwith a map having duly been approved by the competent authority.
- IV. in respect of the Departments/Agencies of the Government of India, the requisition for acquisition/transfer of State/proprietary land shall have to come from the concerned Union Ministry in accordance with Article 256 (2) of the Constitution of India, as applicable to the State, except in respect of the Defence Ministry, which has already authorized the respective Defence Estates Officer for the purpose.
- V. in respect of the Autonomous Bodies/Corporations /Agency under the Government of India, the indent shall be placed by the respective Head of the Autonomous Body/Corporation/Agencies, subject to the condition that the transfer of immovable property to such Autonomous Body/Corporation/agency is permissible under section 140 of the Transfer of Property Act, Samvat 1977.



VI. before entertaining any requisition/indent for acquisition/transfer/lease of land, it shall be incumbent upon every Deputy Commissioner to ensure that such a requisition/indent has been made for a public purpose as defined in the Land Acquisition Act.

All the concerned are advised to adhere to these instructions in letter and spirit.

Sd/-

(Mohammad Ashraf Mir)
Commr/Secretary to Government
Revenue Department
Dated:- 30-12-2016

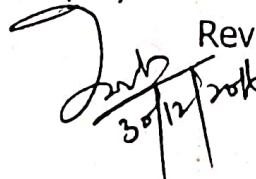
No:- Rev/LAJK/374/2016

Copy to the:-

1. Financial Commissioner, Planning, Development and Monitoring Department.
2. Principal Secretary to the Hon'ble Chief Minister.
3. Director General of Police, J&K, Jammu.
4. Financial Commissioner, Revenue, J&K, Jammu.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. All Administrative Secretaries_____.
7. Divisional Commissioner Jammu/Kashmir.
8. All Deputy Commissioners_____.
9. All Heads of the Departments_____.
10. Vice Chairman Jammu Development Authority.
11. Vice Chairman Srinagar Development Authority.
12. Commissioner Jammu/Srinagar Municipal Corporation.
13. All Collectors of Land Acquisition_____.
14. Private Secretary to the Hon'ble Minister for Revenue.
15. Private Secretary to the Hon'ble MoS Revenue.
16. Private Secretary to the Commissioner/Secretary to Government Revenue Department.
17. Office file.

(Ghulam Rasool) KAS

Deputy Secretary to Government
Revenue Department


30/12/2016