

THE JAMMU AND KASHMIR LAND GRANTS ACT, 1960

(ACT NO. XXXVIII of 1960)

[Received the assent of the Sadar-i-Riyasat on 14th October, 1960 and published in Government Gazette dated 24th October, 1960.]

An Act to provide for grant of lands by Government.

Be it enacted By the Jammu and Kashmir State Legislature in the Eleventh Year of the Republic of India as follows :-

1. Short Title, extent and Commencement

- (1) This Act shall be called the Jammu and Kashmir Land Grants Act, 1960.
- (2) It shall extent to the state of Jammu and Kashmir.
- (3) It shall come into force at once.

2. Application

This Act shall apply to the following areas, namely –

- (a) Jammu City and its suburbs within a radius of [Thirteen kilometer from Purani Mandi;
- (b) Srinagar City and its suburbs within a radius of [Sixteen Kilometers]from Shergarhi;
- (c) All Town Areas and Notified Areas; and
- (d) Such other areas as the Government may, from time to time notify;

But it shall not apply to areas in villages recorded as abadi deh under the provisions of the Jammu and Kashmir Land Revenue Act, Svt. 1996, other than the villages included within the limits of the Municipalities, Town Areas or Notified Areas.

3. Definitions

In this Act, unless the context otherwise requires :-

- (a) “building purposes” means construction of a building or buildings for residential, commercial or industrial purposes and includes addition to or alterations and improvement of existing buildings, courtyards and compounds;
- (b) “Land” means land which belongs to Government and includes buildings standing on such land;
- (c) “Prescribed” means prescribed by rules made under this Act;
- (d) “Single Family” includes a person or wife or her husband and children living with and dependent upon the parent, but does not include sons living separately with wives and children.

1. Substituted by Act VIII of 1973, S.2.
2. substituted ibid

4. Lease of Land

- (1) The Government shall determine the extent of land available for building purposes and may grant land on lease for such purposes on such conditions including those relating to premium and ground rent as may be prescribed :

Provided that no such land shall be granted on lease to the person, who is not a permanent residence of the state; except where the Government for the reasons to be recorded relax this restriction in the interest of industrial or commercial development or in the favor of a registered charitable society established for non-political ,non-profitable purpose or such registered institute of higher education.

Provided further that not more than one plot of land shall be granted on a lease to a single family for residential purposes :

Provided also that no plot of land granted on lease for residential purposes shall exceed[Two Kanals] in areas:

Provided however that no deed transferring the rights of such a lessee to any one else shall be admitted to registration, unless a certified copy of the Government Order sanctioning such a transfer of the lease is provided before the Registering Authority.

- (2) Notwithstanding anything to the contrary contained in the law for the time being in force —
 - (i) the lease granted under sub-section (1) shall, ipso facto, get terminated and the land including all the apartments shall escheat to the state without any compensation, if any person who is not a permanent resident of the state is introduced as a promoter or a member of such society.
 - (ii) No person shall transfer the lease hold rights granted under sub-section(1), in any manner whatsoever expecting in favor of a natural inheritor and any transfer made in the contravention of the said restriction shall, ipso facto, terminate the lease and the land shall escheat to the state.

5. Dues recoverable as arrears of land revenue

All dues payable under this Act shall be recoverable as arrears of land revenue.

6. Government to have a right of re-entry on expiry of Lease

On the expiry of the period of lease granted under this Act or under the rules for Allotment of building sites in Srinagar and Gulmarg Svt.1962, or under the rules for Grant of land in Jammu and Kashmir for Building purposes or under the rule for Grant of Land at Gulmarg or Pahalgam in Kashmir for building purposes or under any instrument executed there under.

7. Power to enhance ground rent

Notwithstanding anything contained in the Rules for the allotment of Building Sites in Srinagar and Gulmarg, Svt.1962, the rules for Grant of Lands in Jammu and Kashmir for building purposes and the rules for the grant of Land in Kashmir, Gulmarg and Pahalgam for building purposes, or in any instrument executed there under or in any other law, for the time being in force, enhance the ground rent in respect of a lease subsisting on the date of commencement of this Act at the time of its renewal by an amount not exceeding one hundred and fifty percent of the rent fixed for the term of the lease immediately preceding its renewal.

8. Management and Administration of lands

The management and administration of lands under this Act shall be vested in such authorities and the records connected therewith shall be maintained in such form and in such manner as may be prescribed.

9. Power to make rules

- (1) The Government may, make rules for the purposes of carrying out the provisions of this Act.
- (2) Without the prejudice to the generality of the foregoing power, such rules may provide for –
 - (a) the conditions of a lease;
 - (b) the authorities in which the management and administration of land shall be vested, and the powers and functions to be exercised by such authorities; and
 - (c) forms, registers and maps to be maintained under this Act.

10. Transfer of Property Act, Svt.1977 not to apply to Government Grants

Nothing contained in the transfer of Property Act, Svt.1977 shall apply or be deemed ever to have applied to any grant or other transfer of land or any interest therein here to fore made or hereafter to be made by or on behalf of the Government to or in favor of any such person whomsoever, but every such grant and transfer shall be constructed and take effect as if the said Act had not been passed.

11. **Repeal and Savings:** - The Rules for the allotment of Building Sites in Srinagar and Gulmarg Svt. 1962, the Rules for the grants of lands in Jammu and Kashmir for building purposes and the rules for the Grant of Land at Gulmarg and Pahalgam in Kashmir for building purposes are hereby repealed. But, nothing herein shall except as otherwise provided in this Act, affect any terms or incident of any lease granted under any of the aforesaid Rules.

