

**The Dispatch**  
D o c u m e n t s

# **Jammu and Kashmir Land Grants Act, 1960**

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**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 extend 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 1[Thirteen Kilometres] from Purani Mandi ;

(b) Srinagar city and its suburbs within a radius of 1[Sixteen Kilometres] 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 village included within the limits of 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 additions to and alterations and improvements of existing buildings, court-yards 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 on the parent; but does not include sons living separately with their wives and children.

**4. Lease of Land.**—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 a person who is not a permanent resident of the State ; except where the Government for reasons to be recorded relax this restriction in the interest of industrial and commercial development :

Provided further that not more than one plot of land shall be granted on 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 area.

2[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 produced before the Registering Authority.]

3[Provided also that in the case of land granted on lease to a religious, charitable, and such educational institution as may be specified by the Government no premium shall be charged under this Act.]

**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.**—  
4[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 Lands in Jammu and Kashmir for Building Purposes (Ailan No. 10 dated 7th Bhadoon,

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1. Substituted by Act XV of 1969 for "four kanals".
  2. Proviso added by Act VI of 1962.
  3. Fifth proviso inserted by Act XV of 1969.
  4. Substituted *ibid*.

1976) or under the Rules for Grant of land at Gulmarg and Pahalgam in Kashmir for Building Purposes or under any instrument executed thereunder] or in the event of earlier determination thereof, the Government shall have the right of re-entry on the land leased and the lessee shall be liable to be evicted therefrom, and the provisions of the Jammu and Kashmir Public Premises (Eviction of Unauthorised Occupants) Act, 1959, shall apply in relation to his eviction.

**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 (Ailan No. 10 dated 7th Bhadun, 1976) and the Rules for grant of Land at Gulmarg and Pahalgam in Kashmir for Building Purposes, or in any instrument executed thereunder or in any other law for the time being in force, the Government or such authority as may be prescribed may, having regard to the circumstances of the leased land and to the market value of similar lands in the neighbourhood, 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 per cent 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 prejudice to the generality of the foregoing power, such rules may provide for—

(a) the conditions of lease;

(b) the authorities in which 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. Other modes of grant or transfer.**—Nothing contained in this Act shall preclude or be deemed ever to have precluded the Government from making any grant or other transfer of land or any interest therein other than a lease under this Act.

**11. 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 heretofore made or hereafter to be made by or on behalf of the Government to or in favour of any person whomsoever ; but every such grant and transfer shall be construed and take effect as if the said Act had not been passed.

**12. Government grants to take effect according to the tenor.**—All provisions, restrictions, conditions and limitations contained in any such grant or transfer as are referred to in section 11 shall be valid and take effect according to their tenor, <sup>1</sup>[subject to the provisions of sections 6 and 12-A of this Act.]

<sup>2</sup>[**12-A.** If any person holding land on lease granted under this Act or under the Rules for Allotment of Building Sites in Srinagar and Gulmarg, Svt. 1962 or under the Rule for Grant of Lands in Jammu and Kashmir for Building purposes (Ailan No. 10 dated 7th Bhadoon, 1976) or under the Rules for Grant of Land at Gulmarg and Pahalgam in Kashmir for Building Purposes or under any instrument thereunder, hereafter effects, or has ever effected before the commencement of the Jammu and Kashmir Land Grants (Amendment) Act, 1969, transfer of such land or any right therein without the permission of the Government or any authority empowered in this behalf, the lease of such land shall determine and shall be deemed always to have determined with effect from the date such transfer is or has been effected.]

**13. Repeal and savings.**—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 (Ailan No. 10 dated 7th Bhadoon, 1976) and the Rules for Grant of Land at Gulmarg and Pahalgam in Kashmir for Building Purposes are hereby repealed. But nothing herein contained shall, except as otherwise provided in this Act, affect any terms or incident of any lease granted under any of the aforesaid Rules.

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1. Substituted by Act XV of 1969.

2. Section 12-A inserted ibid.

**THE JAMMU AND KASHMIR LAND GRANTS  
(AMENDMENT) ACT, 2002.**

**Act No. XXX of 2002.**

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

An Act to amend the Land Grants Act, 1960.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Land Grants (Amendment) Act, 2002.

(2) It shall come into force on the date of its publication in the Government Gazette.

2. *Amendment of section 4, Act XXXVIII of 1960.*—Existing section 4 of the Jammu and Kashmir Land Grants Act, 1960 (hereinafter referred to as 'the principal Act') shall be renumbered as sub-section (I) thereof and :—

(a) in its proviso for the words "industrial and commercial development" the words "industrial and commercial development or in favour of a registered charitable society established for a non-profitable purpose or such registered educational institution of specialized higher education as the Government may specify in any remote and backward area of the State where the Government facilities in such a field are quite deficient and subject to payment of such premium as may be determined in the manner prescribed" shall be substituted ;

(b) for the fifth proviso to sub-section (1) so renumbered, the following proviso shall be substituted, namely :—

Provided also that no land shall be granted under this section in favour of any society unless all the promoters

and the members of such society are permanent residents of the State.

(c) after sub-section (1) so renumbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything to the contrary contained in any 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 appurtenances 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 excepting in favour of a natural inheritor and any transfer made in contravention of the said restriction shall, *ipso facto*, terminate the lease and the land shall escheat to the State along with the appurtenances thereto without any compensation.”

3. Omission of section 10, Act XXXVIII of 1960.—Section 10 of the principal Act shall be omitted.

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