




**Government of Jammu and Kashmir  
Revenue Department, Civil Secretariat,  
Srinagar  
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**Subject:- Policy regarding change of land use**

**Government Order No:-138 -Rev (S) of 2016  
D a t e d:-07 - 10 - 2016**

Whereas, in the State of Jammu and Kashmir, the land is not only an important factor of production but also the basic means of subsistence for majority of the people. Unplanned constructions like raising of colonies, factories, brick kilns, shopping complexes and other commercial establishments, has severely affected the agricultural husbandry of the State.

Whereas, although, sufficient laws are in place which prohibit or restrict the conversion of agricultural land for non-agricultural purposes, but, in the absence of housing policy, the State has witnessed unplanned growth of residential and commercial establishments. Nevertheless, the existing laws do not provide comprehensive procedure to be followed for grant of permission for change of land use (CLU) and by and large it is for the Revenue Minister to either grant or deny permission at his sole discretion, which calls for a well defined, transparent and a simplified procedure as regards grant of permission for CLU.

 Whereas, under Section 133-A of the J&K land Revenue Act, no land growing Shali crop, Vegetable or Saffron Lullis, can be put to any use other than for the purposes mentioned above, without obtaining prior permission of the Revenue Minister. Moreover, under section 13 of the J&K Agrarian Reforms Act-1976, prior permission of the Revenue Minister or an officer duly authorized by him in this behalf is required for conversion of agricultural land. However, upto 02 Kanals no permission is required for residential purposes under the said section. Besides,

under section 6 of the Common Lands (Regulation) Act, the District Collector is competent to declare any area for extension of village abadi including cultivable land. The relevant provisions of the J&K Land Revenue Act, Agrarian Reforms Act and Common Lands (Regulation) Act, are reproduced as under:-

I. **Section 133-A of the J&K Land Revenue Act, Svt, 1996:-**

*"No land which grows or has been growing shall crop, vegetables, or saffron lullis shall be used for any purpose other than agricultural purpose, without permission in writing of the Revenue Minister."*

II. **Section 13 of the J&K Agrarian Reforms Act, 1976**

*"Restriction on utilization of land - (1) after the commencement of this Act no person shall hold land, otherwise than for personal cultivation (except where tenancy is permitted by this Act), or for residential purposes upto two Kanals per family or, subject to the provisions of the Jammu and Kashmir Prohibition on Conversion of Land and Alienation of Orchards Act, 1975, for horticultural purposes or with the previous permission of the Revenue Minister or any officer nominated by him in this behalf for industrial or commercial purposes."*

Whereas, no uniform policy is being followed at present regarding change of land use, with the result the cases are either being delayed unnecessarily or are submitted to the Administrative department without proper examination. In some cases, no minimum yardstick is being followed for grant of permission at the field level. The Housing Policy, by and large, is in force in urban areas because of the presence of Municipal Corporations/Councils/Committees and other Development Authorities viz-a-viz specific Master plans, but in respect of the rural areas, no such scheme has so far been visualized. In the absence of a housing policy, the enforcement of the Land Laws pertaining to the land use has become almost impossible because the violator is left with no option but to take recourse to change of land resource available with him. Therefore, there is a need to prepare a housing policy for rural areas so as to ensure planned growth and to avoid indiscriminate conversion of agricultural land for non-agricultural purposes.

Now, therefore, with a view to streamlining the procedure regarding change of land use, till a comprehensive Housing Policy is formulated, following instructions are issued for compliance by all the concerned:-

I. **Procedure regarding enquiry on the application:-**

- i. Where change of land use is involved in municipal/urban areas, the concerned Development Authority, on receipt of an applicant, shall forward the same to the respective Deputy Commissioner, within two days for accord of permission in accordance with the land use specified in the Master Plan.
- ii. Where, however, the land, permission whereof is sought, falls outside the jurisdiction of urban areas/municipal limits, the applicant shall directly approach the Deputy Commissioner concerned.
- iii. The Deputy Commissioner, concerned, shall process the case and after obtaining reports/recommendations from the revenue field agencies place the case before the District level Committee comprising the following:-

a) Deputy Commissioner concerned	Chairman
b) VC JDA/SDA/CEO Development Authority concerned (as the case may be)	Member
c) Executive Engineer PW (R&B)	Member
d) Executive Engineer I&FC	
e) Executive Engineer PDD	Member
f) District level officer PCB (if required)	Member
- iv. The District Level Committee after considering the genuineness of the claim shall give its recommendations regarding the acceptance or rejection of the request of the applicant. The proceedings of the deliberations of the Committee shall be maintained and annexed with the case for consideration by the competent authority. The District Level Committee shall meet atleast twice a month to consider the cases regarding change of the land use. However, the Deputy Commissioner concerned may arrange additional meetings to dispose off the applications within a



maximum period of 15 days from the date of receipt of the request.

- v. After the case is cleared by the Committee, the Deputy Commissioner concerned shall submit the case alongwith his recommendations to the Divisional Commissioner for further necessary action.
- vi. The Divisional Commissioner shall, within 10 days from receipt of the case from Deputy Commissioner, submit the same alongwith his specific recommendations to the Administrative Department alongwith his opinion/recommendations.
- vii. Following check list of the documents/certificates shall invariably be annexed/recorded in each case concerning the proposed change of the land use:-
  - a) Consent of the adjoining land owners.
  - b) NOC of Power Development, Irrigation and Flood Control, PW (R&B) Department/National Highway Authority of India/Railways (as the case may be) and Pollution Control Board (if required).
  - c) Letter of intent from the Oil Company where the proposed change of land use is sought for establishing of the petroleum outlet.
  - d) Press cutting regarding seeking of objections from the general public and objections, if any, pursuant to the notice.
  - e) Site plan/Google (Satellite) images of the proposed land.



II.

No case shall be processed for grant of permission for conversion of land which is;

- (i) used for cultivation of saffron;
- (ii) within such distance from the centre of the railway line or the road, as the case may be, as specified under the Railways Act, 1989 (Central Act No.24 of 1989), the National Highways Act, 1956 (Central Act 48 of

1956) or any other law on the subject for the time being in force, in case of a railway line or a National Highway;

- (iii) within a distance of one hundred feet from the centre of the road, in case of State Highways and inter-district roads; and
  - (iv) within such distance from the centre of the road as specified under the Prevention of Ribbon Development Act, Svt 2007, in case of local roads maintained by the Government or any Local Authority in the State;
  - (v) is against the use specified in the master plan of any development authority.
  - (vi) irrigated lands where the proposed change of land use is likely to obstruct, bisect or disturb
  - (vii) any irrigation channel, kuhl, canal or any other source of irrigation of the surrounding land holdings.
  - (viii) irrigated lands where the un-irrigated land is available for the proposed use.
- III. No permission is required for change of the land use in respect of lands except paddy, saffron and vegetable growing lands, for residential purposes subject to the maximum ceiling of 02 Kanals prescribed in section 13 of the Agrarian Reforms Act, 1976. However, utilization of the land falling within the municipal limits or within the jurisdiction of Development Authorities shall strictly be restricted to the land use specified in the respective Master Plan.



IV. **Conversion Fee**

For change of the land use from agricultural to non-agricultural purposes, the concerned land owner shall be charged a fee equivalent to an amount of rupees five (5) percentum of the value of the land notified for stamp duty for commercial purposes and at the rate of three (3) percentum for residential and other purposes.

- V. This policy shall not be applicable to the cases regarding change of land use, which are already under process in the Administrative Department and shall be disposed off on merits of each case, accordingly, without charging any conversion fee.

The policy shall be applicable to both urban as well as rural areas throughout the State.

By order of the Government of Jammu and Kashmir.

Sd/-

(Mohammad Ashraf Mir)

Commissioner/Secretary to the Government

Revenue Department


Dated: 07 - 10 - 2016

No:- Rev/S/270/2016

Copy to the:-

1. Principal Secretary to the Chief Minister.
2. Financial Commissioner, Revenue, J&K, Srinagar.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Hon'ble Governor of Jammu & Kashmir.
5. All Administrative Secretaries to the Government.
6. Divisional Commissioner, Jammu /Kashmir.
7. Commissioner Survey and Land Records (Ex-Officio Settlement Commissioner), J&K.
8. All Heads of Departments.
9. Custodian General, J&K, Srinagar.
10. All Deputy Commissioners.
11. All Regional Directors Survey and Land Records (Ex-Officio Settlement Officers).
12. Director Information, J&K, Srinagar, for wide publicity in all daily newspapers both in Kashmir and Jammu Divisions.
13. Vice Chairman Srinagar/Jammu Development Authority.
14. Commissioner Jammu/Srinagar Municipal Corporations.
15. All CEOs of Tourism Development Authorities.
16. All Additional Deputy Commissioners.
17. All Assistant Commissioners, Revenue.
18. All Sub-Divisional Magistrates.
19. Special assistant to the Minister of State for Revenue for information of the Hon'ble Minister.
20. Private Secretary to the Minister for Revenue for information of the Hon'ble Minister.

21. All Tehsildars.
22. Pvt. Secretary to Commissioner/Secretary to the Government, Revenue Department.
23. All Executive Officers of Municipal Committees/Town Area Committees.
24. Govt. Order file/Stock file.

  
(Ghulam Rasool) KAS  
Deputy Secretary to Government  
Revenue Department

7/1/2016