



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

Subject: Transfer of Evacuee's land on proprietary basis in favour of Displaced Persons of PoJK 1947, 1965 & 1971 and West Pakistan displaced Persons (WPDPs) under Clause (I) of Sub Section 2 of Section 9 of the Evacuees' (Administration of Property) Act, Svt. 2006.

Reference: Administrative Council Decision No. 116/07/2024 dated 16.08.2024.

**Government Order No. 105 JK (Rev)2024
Dated. 16.08.2024**


Sanction is hereby accorded to the transfer of Evacuee's land in terms of clause (I) of sub-section (2) of section 9 of the Jammu and Kashmir Evacuees' (Administration of Property) Act, Svt. 2006 to grant proprietary rights in favour of:

- a) Displaced Persons of 1947, 1965 and 1971 who have been granted occupancy tenancy rights over Evacuee's land under section 3-A of the Jammu and Kashmir Agrarian Reforms Act, 1976 or who have continuous recorded personal cultivation of Evacuee's land since allotment of Evacuee's land pursuant to Cabinet Order No. 578-C of 1954;
- b) West Pakistan Displaced Persons who have been in continuous recorded personal cultivation of Evacuee's land since being allowed to retain under Para 15 of Government Order No Reh-371 of 1971 dated 09.09.1971;
- c) Any person who has come in possession of Evacuee's land by virtue of valid instruments of transfer from DPs of 1947 (who were conferred valid occupancy tenancy rights vide Sec 3-A of Agrarian Reforms Act, 1976) and who have continuous recorded personal cultivation of Evacuee's land from the date of registered sale deed/registered mortgaged deed. Registered sale deed /registered mortgaged deed between such DPs of 1947 and the purchaser (who is in present possession of the land) shall be the only valid instrument of transfer of occupancy rights as per Sec 3-A of the Agrarian Reforms Act, 1976. This land shall be the first charge on the total quantum of land to be accounted for while calculating the ceiling of DP.

The transfer of allotted Evacuee's land on proprietary basis in favour of eligible Displaced Persons of PoJK/WPDP's shall be subject to the following terms and conditions:

- (i) In case of Displaced Person of PoJK, the applicant has been conferred with the occupancy tenancy rights over the Evacuee's land under section 3-A of the Jammu and Kashmir Agrarian Reforms Act, 1976 or the Displaced Person has been in continuous recorded personal cultivation of Evacuee's land pursuant to Cabinet Order No. 578-C of 1954 dated 07.05.1954;
- (ii) In case of West Pakistan Displaced Person, the applicant has been in continuous recorded personal cultivation of Evacuee's land since being allowed to retain under Para 15 of Government Order No Reh-371 of 1971 dated 09.09.1971;
- (iii) In case, original Displaced Person in whose favour proprietary rights are to be sanctioned is deceased, the proprietary rights shall be transferred as per the Hindu Succession Act, 1956 /Muslim Personal Law/Other inheritance laws as applicable to the legal heirs of the deceased Displaced Person;
- (iv) Affidavit from the eligible Displaced Person (allottee) that the application has been made by the original Displaced Person or all his legal heirs as per the applicable inheritance laws and no legal heir has been left out;
- (v) The DPs/his legal heirs shall not be entitled to transfer of allotted Evacuee's land in case such allotment had been obtained by them through fake/forged documents or by suppressing the material facts;
- (vi) The total quantum of land shall be as per the land ceiling provided by Cabinet Order No. 578-C of 1954 and the ceiling under the Jammu and Kashmir Agrarian Reforms Act, 1976. However, there shall be no fresh allotment under any circumstances.

[Explanation: The extent of Evacuee's land transferred shall be subject to the ceiling fixed under Cabinet Order No. 578-C 1954 dated 07.05.1954. For the purpose of determination of ceiling under Cabinet Order No 578-C 1954 dated 07.05.1954, both Evacuee's land (s) and state land (s) whether held as owner, occupancy tenant or authorized allottee, as the case may, be shall be taken into account. But the land (s) acquired by the families of the eligible persons through purchase or inheritance or gift after securing allotment under Cabinet Order No. 578-C of 1954 shall not be taken into account. However, any acquired land shall be taken into account to calculate the overall ceiling prescribed under the Jammu and Kashmir Agrarian Reforms Act, 1976. Besides, any land (Evacuee's or state) held by the Displaced Persons as authorized allottee/owner/occupancy tenant and later on alienated or acquired for



public purposes, after due compensation by the Government, shall also be taken into account while determining the ceiling prescribed above]

- (vii) The family members of eligible persons shall be as defined/explained in explanation of Para 2 of Cabinet Order No. 578-C of 1954 dated 07.05.1954 read with Govt. Order No. Reh 371 of 1971 dated 09.09.1971;
- (viii) Allotted Evacuee's land situated within the limits of Municipal Corporation/Committees shall not be transferred;
- (ix) No transfer shall be sanctioned in favour of illegal encroachers of Evacuee's land (s);
- (x) The Displaced Person (allottee) has not sublet the land or created any unauthorised third-party interest therein (However any legal transfer only through sale deed of occupancy tenancy rights conferred on DPs in terms of Section 3-A of Agrarian Reforms Act, 1976 shall be permitted);
- (xi) Power of attorney shall not be considered as a valid document for transfer of occupancy tenancy rights in case of DPs of 1947;
- (xii) The Displaced Person has not converted the land for use other than agriculture except for residential purpose/ agriculture allied activities as permitted under the Jammu and Kashmir Land Revenue Act, Svt. 1996;
- (xiii) Application shall be made by eligible person (s) before the concerned Tehsildar, duly supported by the following documents:-

1. In case of Displaced Persons of PoJK of 1947:

A)

a. Mutation under section 3-A of the Jammu and Kashmir Agrarian Reforms Act, 1976;

OR

b. Any allotment order by Joint Rehabilitation Board prior to Cabinet Order No. 578-C of 1954 dated 07.05.1954, Form – A (Alif), or copy of cancellation Register, in case of DPs of 1947;

and

B) Attested copy of Revenue record of the land (Khasra Girdawri of any year before Khariet 1971) depicting continuous recorded possession of Displaced Person since allotment.

2. In case of Displaced Persons of PoJK of 1965 and 1971:

- a. Attested copy of Revenue Record depicting continuous personal recorded cultivation of Evacuee's land since allotment ; or
- b. Attested copy of receipt of financial assistance provided by the DMRRR under Government Order No. 22-DMRRR of 2017, dated 27.03.2017.



3. **In case of WPDPs:**

- a. Copy of Revenue Record depicting continuous personal recorded cultivation of Evacuee's land since the retention/allotment in terms of Para 15 of Government order Reh-371 of 1971 dated 09.09.1971; or
- b. Attested copy of receipt of financial assistance provided under Government Order No. 57-DMRRR of 2018, dated 11.10.2018.

4. In case of a person who has come in legal possession of land by virtue of registered Sale deed through legal process from DPs of 1947

- a. Original registered sale deed (any other instrument of transfer including Power of attorney shall not be considered a valid document for this purpose) and
- b. Copy of Revenue Record depicting continuous personal recorded cultivation of the purchaser from the date of purchase (as per registered sale deed)

[Explanation: In case of subsequent sale of such Evacuee's land which was initially allotted to DP's of 1947 and transferred through valid instrument of transfer i.e. Registered sale deed, the subsequent registered sale deeds shall be produced along with the relevant Khasra Girdawari reflecting the continuous personal recorded cultivation of the purchasers during their respective periods of possession, ensuring that all such sale deeds and Khasra Girdawaris from the date of allotment to the original DP of 1947 and the present legal possessor of land are placed on record]

- (xiv) The Tehsildar concerned shall receive each case from the applicant, complete in all respects, properly diarize it and thereafter submit it, after full and proper enquiry and scrutiny, and with clear recommendations to the ACR/SDM as the case may be.
- (xv) The Assistant Commissioner Revenue of the District concerned/SDM concerned shall check the original mutation order (part sarkar) passed under Section 3-A of the Agrarian Reforms Act 1976 and shall also verify all original documents so that no forged/fabricated mutation or revenue records are used for processing of these cases.
- (xvi) The Assistant Commissioner Revenue of the District concerned/SDM concerned after the necessary examinations/due diligence under norms, and with the prior approval of the Deputy Commissioner



- concerned, shall forward the case, with recommendations, to the concerned Custodian Evacuee's Property.
- (xvii) The Custodian Evacuees' Property, shall verify all relevant original documents so that no forged/fabricated mutation or revenue records are used for processing of these cases.
- (xviii) The Custodian Evacuee's Property, with prior approval of Custodian General J&K, shall issue orders for transfer of allotted Evacuee's land to the eligible displaced persons under Clause (l) of sub section 2 of Section 9 of the J&K Evacuees' (Administration of Property) Act, Svt. 2006, and shall also de-notify such land from the records maintained by the Evacuee's Property Department with the approval of the Custodian General J&K.
- (xix) The transfer of Evacuee's land by the Custodian concerned after prior approval of the Custodian General, J&K shall confer similar proprietary rights to the DPs as conferred on State Land vide G.O. No. 254C of 1965 dated 07.07.1965 read with G.O. No. LB 66 of 2000 dated 26.04.2000, G.O. No 100 of 2024 dated 02.08.2024 and G.O. No 101 of 2024 dated 02.08.2024.
- (xx) The order so passed by Custodian Evacuee's Property shall be made available to the concerned Tehsildar for effecting the mutation in favour of the applicant (Displaced Person) in the revenue record.
- (xxi) The timeline for processing of the application from the time it is submitted to the Tehsildar till the final order is passed by the Custodian Evacuee's property, after prior approval of Custodian General, J&K shall preferably be 30 days
1. Tehsildar to process the application and submit the recommendations to the AC(R)SDM concerned within 10 days.
 2. AC(R) / SDM to process the application and submit the same, with prior approval of the Deputy Commissioner, to the Custodian Evacuee's Property concerned within 10 days.
 3. Custodian Evacuee's Property concerned shall pass the orders with prior approval of the Custodian General, J&K within 10 days.
 4. Custodian General J&K shall record in writing the reasons for delay, if any.
- (xxii) The Deputy Commissioner concerned shall submit the monthly progress report of these mutations to the Divisional Commissioner/Financial Commissioner (Revenue) and shall ensure that Tehsildar(s)/ACR/ SDM shall hold weekly camps in the villages/areas where such Displaced Persons are in possession of the land as per revenue records and shall ensure that no eligible person is left out of the instant policy framework.



- (xxiii) The Deputy Commissioner concerned shall take effective measures to prevent any misuse particularly unauthorized possession/encroachments on Evacuees' land.
- (xxiv) The Custodian Evacuee's Property shall also hold the weekly camps in such villages/area where such Displaced Persons are in possession of the land and shall ensure that no eligible person is left out of the instant policy framework.
- (xxv) The Custodian General, J&K shall issue necessary clarification/guidelines if any, required for smooth implementation of this policy.
- (xxvi) The whole exercise of transfer of evacuee's land on proprietary basis to the Displaced Persons of 1947, 1965, 1971 and WPDPs shall be completed **within a period of six months**.

By Order of the Government of Jammu and Kashmir

Sd/-


(Kumar Rajeev Ranjan) IAS
Secretary to the Government

Dated 16.08.2024

No.Rev/EP/2/2024(7406464)

Copy to the:

1. Financial Commissioner (Revenue), J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner/Secretary to the Government General Administration Department.
5. Divisional Commissioner, Kashmir.
6. Divisional Commissioner, Jammu.
7. Commissioner Secretary to the Government, Department of Law, Justice and PA.
8. Secretary to the Government, Information Department.
9. Deputy Commissioner (All).
10. Commissioner Survey and Land Records J&K.
11. Custodian General, J&K.
12. Director, Archives Archaeology and Museum, J&K.
13. Directory, Information, J&K.
14. Pvt. Secretary to Chief Secretary.
15. Pvt. Secretary to Hon'ble Advisor(B) for kind information of the Hon'ble Advisor.
16. State Informatics Officer, NIC, J&K.
17. Pvt. Secretary to Secretary to the Government, Revenue Department.
18. Government order file.
19. I/c Website.


(Surjeet Singh) 16/08/2024

Under Secretary to the Government