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# **LAND GRANTS ACT, 1960**

**(Act No. XXXVIII of 1960)**

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**THE 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 <sup>1</sup>[Government of the Union territory of Jammu and Kashmir].**

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 <sup>2</sup>[Union territory of Jammu and Kashmir].

(3) It shall come into force at once.

<sup>3</sup>[2. *Application.*— This Act shall apply to whole of the Union territory of Jammu and Kashmir.]

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, courtyards and compounds ;
- (b) “land” means land which belongs to <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] 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.

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1. Substituted by S.O. 3808(E) dated 26.10.2020 for “Government”.

2. Substituted *ibid* for “State of Jammu and Kashmir”.

3. Section 2 substituted *ibid*.

<sup>1</sup>[4. *Lease of Land*. —(1) The Government shall determine the extent of land available for building purposes and <sup>2</sup>[may make rules for grant of land on lease] for such purposes on such conditions including those relating to premium and ground rent as may be prescribed.

<sup>3</sup>[x x x x]

<sup>4</sup>[(2) Notwithstanding anything to the contrary contained in any law for the time being in force—

<sup>5</sup>[x x x x]

- (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.]

<sup>6</sup>[(3) The Government may notify the competent authority or authorities for granting lease under sub-section (1) to different categories of persons for such purposes and in such areas as may be specified. Subject to the general and specific direction of the Government, the competent authority so notified shall grant the land on lease subject to the rules notified under sub-section (1) and also subject to land use defined under the Master Plan, Zonal Plan or Regional Plan by development authority prescribed under the Development Act, 1970 and Land Revenue Act, Samvat 1996 as the case may be.]

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*.— <sup>7</sup>[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 Buildings Purposes (Ailan No. 10 dated 7th Bhadoon, 1976) or under the Rules for Grant of land at

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1. Section 4 re-numbered as sub-section (1) by Act XXX of 2002, s. 2.
  2. Substituted by S.O. 3808(E) dated 26.10.2020 for “may grant land on lease”.
  3. Provisos omitted by Jammu and Kashmir Reorganisation Act, 2019 (Act No. 34 of 2019, Table-2.
  4. Sub-section (2) inserted by Act XXX of 2002, s. 2.
  5. Clause (i) omitted by Act No. 34 of 2019, Table-2.
  6. Sub-section (3) inserted by S.O. 3808(E) dated 26.10.2020.
  7. Substituted by Act XV of 1969.

Gulmarg and Pahalgam in Kashmir for Building Purposes or under any instrument executed thereunder] or in the event of earlier determination thereof, the <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] 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 Unauthorized 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 <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] 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 <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] 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.

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1. Substituted by S.O. 3808 (E) dated 26.10.2020 for “Government”.

<sup>1</sup>[10. X X X].

11. <sup>2</sup>[*Transfer of Property Act, 1882 (4 of 1882) not to apply to Government grants.*— Nothing contained in the <sup>2</sup>[Transfer of Property Act, 1882 (4 of 1882)] 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 <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] 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>4</sup>[subject to the provisions of sections 6 and 12-A of this Act.]

<sup>5</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 <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] 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. Section 10 omitted by Act XXX of 2002, s. 3.

2. Substituted by S.O. 3808 (E) dated 26.10.2020 for “Transfer of Property Act, Svt. 1977”.

3. Substituted *ibid* for “Government”.

4. Substituted by Act XV of 1969.

5. Section 12-A inserted by *ibid*.