

Government of Jammu & Kashmir

Board of Revenue Jammu & Kashmir

Subject: Jammu and Kashmir Agricultural Land (Conversion for Non Agricultural Purposes) Regulations, 2022.

References:

- I. Decision No.137/16/2021 Dated 15.12.2021 of the Administrative Council.
- II. U.O No. FD-CODES/389/2021-02-1426 dated 15.12.2021 from the Finance Department.
- III. Letter No. Rev-Sett/138/2021(E-70865) dated 28.12.2021 and dated 29-12-2021 from the Revenue Department.
- IV. Letter No. Rev-Sect/138/2021(E-70865) dated: 12-01-2022 from the Revenue Department conveying vetting by the Department of Law, Justice & Parliamentary Affairs and approval of the Competent Authority to the draft regulations.

Notification No. 01- JK(BoR) of 2022

Dated: 14-01-2022

In exercise of the powers conferred by the sub-section (4) of section 133-A read with sub-section (2) of section 5A of the Jammu and Kashmir Land Revenue Act, Samvat, 1996, the Board of Revenue hereby notify the regulations namely Jammu and Kashmir Agricultural Land (Conversion for Non Agricultural Purposes) Regulations, 2022, forming Annexure to this notification.

By order of the Competent Authority.


14/01/2022
(Rishpal Singh)JKAS
Addl. Commissioner (Central) in the
Office of Financial Commissioner, Revenue, J&K

No. FC-LS/Misc-340/2021 (CC no. 98972)

Dated: 14 .01.2022

Copy to the:

1. Ld. Advocate General, J&K.
2. Financial Commissioner (Additional Chief Secretary), Finance, J&K.
3. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
4. Principal Secretary to the Government, General Administration Department
5. Joint Secretary (JKL), MHA, Government of India, New Delhi.
6. Commissioner Secretary to the Government, Revenue Department.
7. Secretary to the Government, Law, Justice and Parliamentary Affairs.

8. All Administrative Secretaries, J&K.
9. Divisional Commissioner, Kashmir/Jammu.
10. Commissioner, Survey & Land Records, J&K.
11. Custodian General, J&K.
12. Inspector General of Registration, J&K.
13. All District Collectors (Deputy Commissioners).
14. Director, Information, J&K.
15. Director Achieves Archaeology and Museum, J&K.
16. All Regional Directors, Survey & Land Records, J&K.
17. Principal, Revenue Training Institute, Jammu/Srinagar.
18. General Manager, Government Press, Jammu/Srinagar with the request to publish in the Government Gazette.
19. Pvt. Secretary to Hon'ble Advisor (B) for kind information of the Hon'ble Advisor
20. Pvt. Secretary to Chief Secretary for information of the Chief Secretary.
21. Order/Notification file.
22. I/C Website, FCR office/Revenue Department.

Jammu and Kashmir Agricultural Land (Conversion for Non-agricultural Purposes) Regulations, 2022

1. Short title and commencement- (1) These regulations may be called the Jammu and Kashmir Agricultural Land (Conversion for Non-agricultural Purposes) Regulations, 2022.

(2) They shall come into force with effect from such date as the Government may publish, by notification, in the official Gazette.

2. Definitions-(1) In these Regulations, unless the context otherwise requires;

- a) **'Act'** means the Jammu and Kashmir Land Revenue Act, Smvt., 1996;
- b) **'Competent authority'** means the District Collector of the district in whose jurisdiction the land falls;
- c) **'Conversion fee'** means the fee prescribed by the Board of Revenue for conversion of agriculture land to non-agriculture purposes;
- d) **'Government'** means Government of the Union Territory of J&K;
- e) **'Market Value'** means market value of land as notified by the District Valuation Committee of the concerned district under the Stamps Act, Samvat 1977.

(2) All words and expressions used but not defined in these regulations shall have the meanings assigned to them in the Act.

3. Permission for Conversion.- A land owner(s) may make an application to the Competent Authority for permission to convert, or change the use of, agricultural land for non-agricultural purposes as under:-

- a) Residential purposes, beyond the 400 Sq meter;
- b) Any other purpose;

4. Form of application and process for permission to convert use of land.-

(1) Every application for permission for conversion of use of land from agriculture to Non agriculture as provided in Section 133-A of the Act, shall be made in the **'Form-I'** to the District Collector concerned. In case, different portions of land are included in the same survey/Khasra number then separate **'Form-I'** for each purpose shall be filled.

- (2) The application shall be filed on the web portal of the District Collector concerned.
- (3) The following documents shall be attached with the application/uploaded on the portal:
- i. Revenue extracts (Jamabandi / Khasra Girdwari / atima);
 - ii. Copy of sale deed/mutation, if any;
 - iii. Key Location plan of the site;
 - iv. Letter of intent from concerned agency if for establishing Petrol pump/gas plant etc.;
 - v. Approval of the concerned department which would regulate the activity for which change of land use has been sought as per the authorization notified in that department.
- (4) The District Collector shall forward the application to the Revenue field agencies for verification and records and shall also endorse a copy of application to Power Development Department, Public Works Department, Irrigation Flood Control, Jal Shakti Department, National Highway of India (as the case may be), Railways/Airport Authority (if required) and any other relevant agency/department for verification and no objection in this regard.
- (5) Thereafter the application shall be placed before the District Level Committee, which shall comprise the following:-
- | | |
|------------------------------------|------------------|
| a) District Collector concerned | Chairman |
| b) Assistant Commissioner(Revenue) | Member Secretary |
- Senior most officers in the District of the following departments:-
- | | |
|--|--------|
| c) Public Works (R&B) | Member |
| d) Irrigation & Flood Control | Member |
| e) Power Development Deptt. | Member |
| f) Pollution Control Committee (if required) | Member |
| g) Agriculture | Member |
| h) Industries and Commerce | Member |
| i) Development Authority of the District | Member |
| j) Forests | Member |
| k) Any other Member (s) co-opted by the Chairman | |
- (6) The District Level Committee after considering the genuineness of the claim shall give its recommendations and the proceedings of deliberations of the Committee shall be maintained by the Assistant Commissioner (Revenue) concerned and annexed with the case for consideration by the competent authority.
- (7) The District Level Committee shall meet on weekly basis, on a fixed day of the week, duly notified for information of the general public and the applicants, to consider the cases regarding change of the land use. However, the District Collector concerned may arrange additional meetings to dispose of the cases.



- (8) In order to ensure timely disposal of the applications, the District Collector shall forthwith communicate deficiencies within a week of receipt of the application, and any additional observations after consideration by the district level committee, preferably after its first meeting and at the most the second meeting. The line departments shall ensure conveying their comments to the District Level Committee well in time to adhere to the timelines indicated herein.
- (9) District Collector shall ensure that decision/comments on the application are necessarily conveyed to the applicant in the prescribed time frame and, preferably, the third meeting after the application, complete in all respects and without any deficiencies, is received and considered by the committee. In case no such communication is issued by the District Collector, he shall ensure that the matter is also brought immediately to the notice of the Oversight Committee in the Revenue Department after three weeks of receipt of the application, complete in all respects.
- (10) All the pending applications shall be reviewed in each meeting irrespective of the stage at which it is pending.
- (11) The District Collector shall issue a demand notice in 'Form-II' to the applicant once the case is recommended by the District Level Committee to deposit the conversion fee of the said land to the government under Account Head 0029 and submit copy of Treasury Challan within 07 days from the date of issuance of demand notice.

5. Conditions for permission.- A permission to convert the use of agricultural land for any non-agricultural purpose may be granted by the District Collector in the 'Form-III', after recommendations from District Level Committee and after depositing of the requisite fee. The permission shall be granted subject to the following among other conditions:-

- a) The grant of permission shall be subject to the provisions of the Jammu and Kashmir Land Revenue Act and Rules made there under;
- b) The land shall not be used for a purpose other than that for which permission is granted;
- c) The applicant shall commence the non agricultural use applied for within one year from the date of the order made by the District Collector in that behalf, failing which, unless the said period is extended by the District Collector from time to time, upto the maximum period of two years from the first date of permission, the permission granted shall be deemed to have lapsed;
- d) The applicant shall be liable to pay such additional levy/conversion fee/charges as may be determined with reference to the altered use/extension of time, as the case may be.



- e) Any other reasonable conditions which the District Collector may deem fit to impose having due regard to the sanctioned use of the land;
- f) The action for any violation shall be taken by the ACR/SDM concerned under the provisions of the Act.
- 6. Conversion Fee-** For conversion, the concerned land owner shall be charged a fee equivalent to an amount of rupees five (5) percentum of the market value of the land as notified for the purpose under the Stamps Act. If subsequently land use is changed for a purpose other than that for which permission has been given, then the fee, if applicable on the differential market value shall be charged after permission for the purpose is accorded by the District Collector concerned.
- 7. Time Period.-** The time period for deciding application for grant of permission shall ordinarily be 30 days;

Provided that if no decision/comment is conveyed within a period of 30 days after receipt of application complete in all respects, the District Collector shall, deeming due consideration, grant permission exercising the powers vested in him. He shall also report the details of such cases with explanatory note to the Revenue Department;

Provided further that the period of 30 days shall be counted from the date of addressing all the deficiencies as may be communicated by the District Collector.

- 8.** The District Collector shall furnish a statement on a prescribed '**Form-IV**' to the Divisional Commissioner, Board of Revenue and the Revenue Secretary on monthly basis.
- 9. Monitoring of implementation of these Regulations-** (1) The Assistant Commissioner (Revenue), Sub-Divisional Magistrate and Tehsildar concerned shall be responsible for monitoring the implementation of these regulations within their respective areas of jurisdiction.
- (2) If any violation is noticed by, or reported to, the Assistant Commissioner (Revenue), SDM or Tehsildar concerned as the case may be, action as required under the Act shall be taken.
- (3) It shall be also the duty of every Agriculture Extension Officer to report violations of these regulations in their respective areas of jurisdiction to the Assistant Commissioner (Revenue), SDM or the Tehsildar concerned and in case he fails to do so and he shall be treated as a dereliction of duty on his part and he shall be liable to disciplinary action for such dereliction.
- 10. Action for land converted in violation:-** In case any land is converted in violation of the provisions of the section-133-A of the Act and these regulations,



then action as warranted under 133-C of Act shall be taken recourse to by the District Collector concerned.

[Handwritten Signature]
Member
Board of Revenue .

FORM- I

Form of Application for conversion of agricultural land for non-agricultural purpose under sub-section (4) of Section 133 of the J&K Land Revenue Act.

To

The District Collector of _____

District

Sir,

We _____ I /
residing at village /Ward _____ Tehsil _____ & District _____, is
want to use Agricultural land for non-agriculture purpose.

I/We shall deposit the conversion fee for conversion of agriculture land to nonagriculture purpose as prescribed by Board of Revenue.

I/We annex to this application, certified copy of revenue records (in triplicate) i.e copy of Mutation, Jamabandi, Aks Tatima, Khasra Girdawari and a sketch lay out of the site showing the location of the proposed land for which permission is sought. I/We also furnish the following information:-

S.No.	Item	Particulars
1	Full name & parentage of the applicant(s)	
2	Full postal address	
3	Contact No.	
4	E.Mail ID	
5	Occupation	
6	Village, Tehsil & District where the land is situated	
7	Khasra No.	
8	Khata No. & Khewat No.	
9	Mode of ownership of land (inheritance, sale deed/ gift deed or any other)	
10	Purpose for which land is to be used.	
11	Total area proposed for conversion.	
12	Present use of the land i.e whether any building exist (residential, industrial, commercial, any other nonagriculture purpose).	
13	Whether the land is situated in urban area/rural area.	

14	Whether the land is near Airport, Railway Station, Railway line, National Highway, Defence Area, Health/ Education Institution, Jail/Prison, Jal Shakti utility, Transmission line any public office or cremation or burial ground. If so its approximate distance.	
15	Whether the land is under acquisition for any developmental activity, if so details.	
16	Is there a road from where the land is easily assessable (indicate name of the road and distance of the proposed) building from centre of the road. If no road adjoining to land, how it is proposed to provide access to the site.	
17	Was a similar application made in the past for nonagricultural use of this land, was it is rejected? If yes, Why?	

I/We shall obtain all the requisite NOCs as required for grant of permission from the concerned department.

I/We solemnly affirm that the information given above is true to the best of my knowledge and belief.

I/We therefore, request you to kindly grant permission for conversion of my/our agriculture land mentioned above to non-agriculture purposes in accordance with the section 133-A of J&K Land Revenue Act, 1996 (Samvat) as amended vide Adaptation Order SO 3808(E) dated 26.10.2020.

Yours faithfully,

Dated:

Signature(s) of applicants

Receipt

Receipt No. _____

Dated _____

Received the application form from Sh. _____ S/o
 _____ R/o _____ for conversion of Khasra No.
 _____ in village _____

Signature of the Receipt Clerk
 of District Collector _____

FORM-II

Office of the District Collector _____

Notice No. _____

Dated _____

Sh. _____

You are hereby informed through this notice that the change of land use case placed before the District level Committee on _____ and has been recommended for consideration by the competent authority.

Further, you are hereby directed to deposit the conversion fee amounting to Rs. _____ in the Account Head 0029 and furnish a copy of challan to this office within 07 days from the date of receipt of this notice.

Signature of the prescribed authority
District Collector _____

FORM-III

Office of the District Collector _____

Order No. _____

Dated _____

Whereas, an application has been filed under section 133-A of J&K Land Revenue Act Smt 1996 by Sh. _____ for permission to use land measuring _____ kanal under Khasra No. _____ situated at village _____ Tehsil _____ District _____ for non-agriculture purpose; and

Whereas, after obtaining the necessary NOCs of the different departments, reports of revenue field formation and their recommendation, the case was placed before District level Committee in its meeting held on _____ found the case genuine and recommended for consideration of the case by the competent authority; and

Whereas, the applicant has deposited conversion fee of the said land to the government under Account Head 0029 vide Treasury Challan No. _____ Dated _____.

Now therefore, permission is hereby granted to use agriculture land for non-agriculture purpose _____ as per the particulars given below:-

S.No	District	Tehsil	Village	Khasra No.	Quantum of Land	Purpose of conversion	Remarks
1							

The permission for conversion of above land shall be subject to the following conditions:-

1. The applicant shall make the land suitable for the particular non-agriculture purpose for which permission is granted and prevent any insanitary conditions.
2. The land shall be used only for the purpose for which permission has been accorded and shall not be used for any other purpose without obtaining prior permission of the competent authority.

3. The land shall be put to use for converted purpose within a period of one year from the date of issuance of this permission order, failing which unless said period is extended by the District Collector from time to time, the permission granted shall be deemed to have lapsed.
4. The applicant shall raise construction/building on the said land only after obtaining the permission from the concerned municipal bodies.
5. The applicant shall abide by all the Act/Rules and Regulations applicable on such lands.

Signature of the prescribed authority

District Collector _____

File No. _____

Dated: _____

Copy to the:-

1. Financial Commissioner, Revenue/Ex-officio Chairman Board of Revenue.
2. Divisional Commissioner, Kashmir/Jammu.
3. Assistant Commissioner, Revenue/Sub Divisional Magistrate _____
4. Chief Agriculture Officer _____
5. Tehsildar _____ for affecting necessary entry into the revenue records.

FORM-IV

Subject: Format to be maintained by District Collector and to submit copy to Board of Revenue on monthly basis.

S. No	District	Tehsil	Village	Khasra No(s)	Quantum of land for which permission has been granted.	Name of applicant(s) and his complete details	Order No. / Date	Purpose for which permission is granted	Conversion Fee	Quantum of land of which permission has been granted earlier	Remarks