Jammu and Kashmir Land Grants Rules, 2022

Why in news?

The Jammu & Kashmir (J&K) Lieutenant Governor's administration notified fresh land rules under J&K Land Grant Rules-2022 and replaced the J&K Land Grants Rules-1960.

What is the J&K Land Grants Rules 1960?

- It dealt with the special rules to grant government land on lease in erstwhile State of J&K.
- Prime location such as Srinagar, Jammu, Gulmarg and Pahalgam were opened up for construction of hotels, commercial structures and residential buildings.
- No such land shall be granted on lease to a person, who is not a permanent resident of the State.
- **Need for new rules** - The previous land laws were regressive.
- The present land holders just paid Rs.5 to enjoy profits from Rs.100 crore property.

What does the new land law entail?

- According to the new land laws, the leases of current land owners will not be extended in case of their lease expiry.
- It reads that all leases, except the subsisting or expired residential leases, expired or determined prior to the coming into force of these rules or issued under these rules shall not be renewed.
- Unlike the previous up to 99 years of lease, the **lease period has been reduced to 40 years**.
- The people returning their expired leased land will be recompensed after valuation for any improvement carried out or structure constructed on the plot.
- The government has asked the **outgoing lease holders to evict properties** or else face evictions under the new rules.
- However, the current land holders termed these rules exclusive to J&K where the first right to lease-holders has not been granted and revised rates negotiated.

What is the L-G administration's plan for lease now?

- An expert committee will enlist all properties where lease had ended. It will be e-auctioned afresh.
- The rules open bidding to any person legally competent under the Section 11 of the Indian Contract Act, 1872.
- These rules deem a person or an entity in default of Government Revenue accrued to the government under J&K Land Grant Act, 1960 or Government-convicted under Prevention of Money Laundering Act, 2002 shall not be eligible to participate in auction.

- According to now-repealed land laws, no such land shall be granted on lease to the person, who is not a permanent residence of the State.
- However, land can be leased when the government relaxes this restriction in the interest of industrial or commercial development or in the favour of a registered charitable society.

Who all are eligible for lease rights in J&K after amendments?

- The L-G administration has diversified the use of land on lease to education, healthcare, agriculture, tourism, skill development and development of traditional art, craft, culture and languages.
- The land could be leased for hydro-electric projects, stadiums, playgrounds, gymnasiums or other recreational purposes.
- It included provisions for self-employment or for housing purposes of ex-servicemen, war widows and the families of martyrs, one who has sacrificed his life in the line of duty.
- In a first, the land could also be used for facilities of migrant workers, buildings and other construction workers.

What will be the immediate impact of the amendments?

- The new rules have hundreds of properties open for fresh auction, where outsiders could also participate.
- The government has not yet released the list of properties where lease has ended.
- The impact will be of great significance in tourist hotspot Gulmarg, where 56 hotels out of 59 have their leases expired already.

Why are regional parties opposing these amendments?

- The parties state that the first right to these lease properties belongs to those who were already settled here.
- They believe that the move will bring rich outsiders to buy primer property in J&K at the cost of local businesses and their interests.
- They fear that no local could participate in the e-auction given the condition business houses were in due to the uncertain situation of the past 30 years.
- **Impact** - Kashmir's two key traders' bodies, the Jammu Kashmir Hoteliers Club (JKHC) and the Chamber Of Commerce Industry Kashmir (CCIK), said J&K's economy would come to a grinding halt.
- They estimate that the L-G's move will leave 7 lakhs locals unemployed and will hit Kashmir's economy badly.

References

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3. Business Standard | Those supporting terror will face action



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