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**OFFICE OF THE CHIEF TOWN PLANNER
TOWN PLANNING ORGANISATION JAMMU**

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NO: TP/JK/RTI/2021-221374-76

Dated: 25/10/2021

Mr. Shivdeep Singh,
R/o 32, Ranbir Market, Indira Chowk,
Jammu J&K UT.
Mobile No: 9622222262

Subject: RTI application of Mr. Shivdeep Singh, seeking information under RTI Act, 2005.

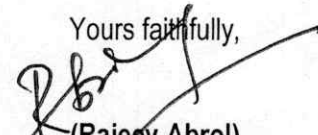
Sir,

Kindly refer your RTI application forwarded to this organization by Administrative Department vide letter no. HUD-MP/10/2021 (C.No.69850) dated: 12/10/2021 regarding the subject cited above. In this context, the requisite information in respect of Town Planning Organization, Jammu is given as under:

S.No	Information Sought	Reply
1.	Are all the lands covered under "Master Plans of Development authorities" of J&K UT Govt. Departments are also governed by rules, provisions, clauses, sections etc. of Order issued by MHA on 26-10-2020, by an order known as "Union Territory of Jammu and Kashmir Reorganisation (Adaptation of State Laws) Fifth Order, 2020."? If not, please specify reasons.	The requisite information is enclosed
2	Does section 133 A of Union Territory of Jammu and Kashmir Reorganization (Adaptation of State Laws) Fifth Order, 2020, also allows the agriculture land falling under "Master Plan of any development authority" to be utilized for residential purpose use after obtaining necessary due permission from office of District Collector? If not, please specify reasons.	

Encl: (08) leaves

Yours faithfully,


(Rajeev Abrol)
Public Information Officer
TPO, Jammu

Copy to:

1. The Principal Secretary to Govt. Housing and Urban Development Department J&K Jammu.
2. The Chief Town Planner, Town Planning Organization, Planner (1st Appellate Authority), TPO, Jammu for information.

o/c



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, अक्टूबर 26, 2020/कार्तिक 4, 1942
NEW DELHI, MONDAY, OCTOBER 26, 2020/ KARTIKA 4, 1942

गृह मंत्रालय

(जम्मू, कश्मीर और लद्दाख विभाग)

आदेश

नई दिल्ली, 26 अक्टूबर, 2020

का. आ. 3807(अ).—केन्द्रीय सरकार, जम्मू-कश्मीर पुनर्गठन अधिनियम, 2019 (2019 का 34) की धारा 96 द्वारा प्रदत्त शक्तियों और इस निमित्त उसे समर्थ बनानेवाली अन्य सभी शक्तियों का प्रयोग करते हुए, जम्मू-कश्मीर संघ राज्य क्षेत्र के सम्बन्ध में निम्नलिखित आदेश करती है, अर्थात:-

1. (1) इस आदेश का संक्षिप्त नाम जम्मू-कश्मीर संघ राज्य क्षेत्र पुनर्गठन (केन्द्रीय विधियों का अनुकूलन) तीसरा आदेश, 2020 है।

(2) यह तुरंत प्रभाव से प्रवृत्त होगा।

2. साधारण खंड अधिनियम, 1897 इस आदेश के निर्वचन के लिए वैसे ही लागू होगा जैसे यह भारत राज्य क्षेत्र में प्रवृत्त विधियों के निर्वचन के लिए लागू होता है।

3. तत्काल प्रभाव से, इस आदेश की अनुसूची में उल्लिखित अधिनियम, जब तक सक्षम विधानमंडल या अन्य सक्षम प्राधिकारी द्वारा निरसित या संशोधित नहीं किए जाते हैं, उक्त आदेश की अनुसूची द्वारा निदेशित

अंतरण

न्यायाधीश के न्यायालय और उच्च न्यायालय के समक्ष लंबित सभी आवेदन यथास्थिति, अधिकरण तथा अपील अधिकरण, को अंतरित हो जाएंगे।

3. दंड प्रक्रिया संहिता, 1973

(1974 का 2)

धारा 24.— उप-धारा (7) में, “उप-धारा (6)” शब्दों के स्थान पर, “उप-धारा (6) अथवा उप-धारा (6क)” शब्द रखें।

धारा 25क.— उप-धारा (4) में “संयुक्त निदेशक” शब्दों के स्थान पर, “अभियोजन निदेशक” शब्द रखें।

[फा. सं. 11012/21/2020-एसआरए]

अजय कुमार भल्ला, गृह सचिव

MINISTRY OF HOME AFFAIRS

(Department of Jammu, Kashmir and Ladakh Affairs)

ORDER

New Delhi, the 26th October, 2020

S.O. 3807(E).—In exercise of the powers conferred by section 96 of the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), and of all other powers enabling it in that behalf, the Central Government hereby makes the following Order in respect of the Union territory of Jammu and Kashmir, namely:—

1. (1) This Order may be called the Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020.

(2) It shall come into force with immediate effect.

2. The General Clauses Act, 1897 applies for the interpretation of this Order as it applies for interpretation of laws in force in the territory of India.

3. With immediate effect, the Acts mentioned in the Schedule to this Order shall, until repealed or amended by a competent Legislature or other competent authority, have effect, subject to the adaptations and modifications directed by the Schedule to this Order, or if it is so directed, shall stand repealed.

4. Where this Order requires that in any specified section or other portion of an Act, certain words shall be substituted for certain other words, or certain words shall be omitted, such substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that section or portion.

5. The provisions of this Order which adapt or modify any law so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not

CHAPTER XI
OFFENCES AND PENALTIES

Offences and Penalties.

119-D.—Notwithstanding anything contained in this Act or the rules made thereunder whoever commits any of the offence specified in column (2) of the Table below, shall on conviction by a Judicial Magistrate of first class for each of such offence be punishable with the sentence indicated in column (3) of the said Table, namely:—

Table

S.No.	Offence	Punishment
(1)	(2)	(3)
1.	Whoever cheats and thereby dishonestly creates documents for the purpose of selling, mortgaging or transferring by gift or otherwise of any Government land.	Imprisonment for three years and fine of ten thousand rupees.
2.	Whoever creates a forged document regarding Government land with an intention to use it for that purpose or to grab such land.	Imprisonment for three years and fine of five thousand rupees

Punishment under other laws not barred.

119-E.- Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act:

Provided that no person shall be so prosecuted and punished for the same offence more than once.

Offences by companies.

119-F.—Where an offence under this Act is committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

119-G.The Board shall be competent for upward revision of the fines provided under this Act from time to time.”.

- Section 127.-** In clause (b), for “land-holders or tenant” substitute “land-holders or occupant”.
- Section 128.-** In sub-section (1), for “a tenant” substitute “an occupant”.
- Section 129.-** Omit.
- Section 130.-** Omit.
- Section 131.-** Omit.
- Section 132.-** In sub-section (1), for “rupees two thousand” and “rupees one thousand” , substitute respectively “rupees fifty thousand” and “rupees five thousand”.
- Section 133.-** (1) For sub-section (2), substitute -

“(2) Prevention of encroachments on or cultivation of common land, or land reserved for public purposes or of which cultivation has been prohibited or is objectionable, or, by person, not entitled to, bring it under cultivation.—

(a) Subject to any law, agreement, custom, usage or any decree or order of any Court or other authority, for the time being in force, every person shall exercise the right of user in respect of any road, street, lane, path, Water Channel, Water Course and Water Source and other common land defined as such in any law or declared as such by the Government or the Board;

(b) The right of user permitted by clause (a) shall not be deemed to include or otherwise confer, create or assign any right of encroachment, whether by means of construction, including fencing, walling or putting any barrier or by breaking up of land, diversion or otherwise.

(2-A) Penalty for denial of or obstruction in the exercise of right or for encroachment.—(a) Where any person is denied, or obstructed in, the lawful exercise of his right of user as provided in subsection (1), or where any person has taken possession of or brought under cultivation or otherwise encroached upon any common land as described above, or when any person, without due authority, has taken possession of land belonging to the Government, a Revenue Officer may, on his own motion or on the application of any person interested and after such enquiry as may be deemed necessary,—

(i) direct the free exercise of the right of user and the removal of the obstruction, where the exercise of such right is found to have been denied or obstructed;

(ii) eject the person who has taken possession of or brought under cultivation or otherwise encroached upon such common land and take possession of such land without paying any compensation for crops or improvements, and may also, by order duly proclaimed, forbid repetition of the encroachment;

(iii) inflict a fine not less than twenty five thousand rupees and as prescribed by Board from time to time, on such person or persons as are found to have denied or obstructed the exercise of the right of user in respect of or to have taken possession of or brought under cultivation or otherwise encroached upon such common land.

(b) Orders of removal of obstruction or ejection under sub-section (3) shall be enforced in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908).

(c) Where the Government land has been encroached upon, the person committing the offence, on conviction by a Judicial Magistrate of first class shall, for each of such offence, be punishable with imprisonment of one year or a fine of not less than twenty-five thousand rupees or both.

(2) Omit sub-sections (4-a), (4-b) and (5).

(3) After sub-section (5), insert -

“(6) In enforcing these orders a Revenue Officer shall have all the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree; and

(7) Any fine, if not paid in cash, shall be recovered as an arrear of land revenue.”

For section 133-A, substitute –

Restriction on conversion of agricultural land and process for permission of non-agriculture (NA) use.

“133-A.—(1) Subject to the procedure notified in sub-section (4), no land used for agriculture purposes shall be used for any non-agricultural purposes except with the permission of the District Collector:

Provided that the permission for conversion of land notified as Saffron Belt shall be made as per procedure prescribed under the Jammu and Kashmir Saffron Act, 2007:

Provided further that holder of any agriculture land may construct a residential house or erect farm building, grain storage, primary processing of agriculture produce, wells or tanks or make any other improvements thereon for residential purpose or agricultural improvement, on intimation to the Tehsildar concerned, however, the plinth area of such building or improvement shall not exceed four hundred Square meters in total:

Provided also that any attempt to convert agriculture land for non-agriculture use by contravening the aforesaid provisos by way of fragmenting the land or otherwise shall be considered violation of the provisions of this Act.

- (2) Notwithstanding anything contained in sub-section (1), an owner or occupant, who wishes to put his agricultural land into non-agricultural uses as provided in the regional plan, development plan or master plan as the case may be, shall do so it after payment of conversion charges as prescribed by the Board from time to time.
- (3) Notwithstanding anything contained in sub-sections (1) and (2), no such permission shall be granted in the areas notified as Eco-sensitive Zone by the Government.
- (4) The Board shall notify detailed procedure, prescribe forms and fix fee for conversion of agriculture land to non-agricultural purpose.”.

Insertion of new Section-

After section 133-B, insert –

Restriction on use of grazing land, etc. and prohibition on transfer

“133-BB. (1) The land which is in the form of grazing land, arak, kap or kah-i-krisham or which grows fuel or fodder and belongs to such class as is notified by the Government shall not be used for any other purpose except with the permission of the District Collector who shall accord permission only in accordance to the regulations notified by the Board :

Provided that such permission shall be deemed to be accorded where land is being acquired permanently or hired temporarily for public purposes under the relevant Act.

Provided further that the transfer of such land or any interest therein shall not be permissible and no documents relating to the transfer of such land shall be admitted to registration;

(2) The Board shall be competent to notify regulations for the purposes of *this section.*”

For section 133-C, substitute –

Land converted in violation to escheat to Government

“133-C. (1) Any land converted for other purposes in violation of the provisions of section 133-A or section 133-B or 133-BB shall escheat to the Government.”

(2) The Collector or any other officer as he may authorise, may direct such person to remove the contravention and restore the land or water-surface or water field or floating field, as the case may be, to its original condition by a particular date and if such person fails to do so, within the prescribed time, the Collector or such officer may, remove or cause to be removed the contravention and in doing so, may use such force as may be necessary and impose the cost of restoration thereof on the violator.

(3) Without prejudice to the provisions of sub-section (1) or sub section (2), the person found to have contravened the provisions of section 133-A or section 133-B or Section 133-BB, shall be punishable by the Collector or any officer not below the rank of an Assistant Collector of the first class as may be authorised by him with penalty which may extend to twenty-five thousand rupees and till such time such contravention is removed he shall be punished further with a penalty of five thousand rupees for each day during which the contravention continues.

87

**3. THE JAMMU AND KASHMIR ALIENATION OF LAND ACT
(V of Samvat 1995)**

Repeal as a whole.

**4. THE JAMMU AND KASHMIR BIG LANDED ESTATES ABOLITION ACT
(XVII Samvat 2007)**

Repeal as a whole.

**5. THE JAMMU AND KASHMIR COMMON LANDS (REGULATION) ACT, 1956
(XXIV of 1956)**

Repeal as a whole.

**6. THE JAMMU AND KASHMIR CONSOLIDATION OF HOLDINGS ACT, 1962
(V of 1962)**

Repeal as a whole.

**7. THE JAMMU AND KASHMIR DEVELOPMENT ACT
(XIX of 1970)**

Throughout the Act, for "State" substitute "Union territory of Jammu and Kashmir".

Section 1.—

In sub section (2), for "whole of the State", substitute "whole of the Union territory of Jammu and Kashmir".

Section 2.—

(i) in clause (da);-

(a) omit "being permanent resident of the State"; and

(b) for "4 meter x 7.5 meter and carpet area within the range of 25 square meter to 30 square meter", substitute "as may be prescribed";

(ii) in clause (ea);-

(a) omit "being permanent resident of the State"; and

(b) for "4.5 meter x 10 square meter of floor area of about 50 square meter in case of flatted accommodation", substitute "as may be prescribed";

(iii) in clause (l), for "section 3 of the Land Acquisition Act, 1990" substitute "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)"; and

(iv) after clause (l), add:-

“(m) “Strategic Areas” means an area notified as Strategic Area under sub-section (3) of section 3 of this Act.”

Section 3.—

After sub-section (2), insert-

“(3) Notwithstanding anything contained in this Act, the Government may on the written request of an Army officer not below the rank of Corp Commander, declare an area as Strategic Area within a local area, only for direct operational and training requirements of armed forces, which may be excluded from the operation of this Act and rules/regulations made there under in the manner and to the extent

88

specified in the declaration and the Government may satisfy itself about the reasons cited for declaring the area as strategic area and will have such area notified accordingly with such conditions as may be required."

- Section 5.—** Substitute "The Authority" with "Subject to any rule, regulation, order or instruction issued in this behalf by the Government, the Authority".
- Section 8.—** In sub-section (1), for "for each of the zones into which the local area may be divided" substitute "for such zones which are declared as development areas under section 13" and for "each zone", substitute "each such zone".
- Section 11.—** For "master and a zonal plan", substitute "master or a zonal plan"

Insertion of new Section 11 A .

After section 11, insert-

- Permitted land use and levy of land use charges** "11A(1) Upon coming into operation of the master plan or a zonal plan, the land use permitted in the area covered thereunder shall only be as provided in terms of such master or zonal plan. The provisions of the Jammu and Kashmir Agrarian Reforms Act, 1976, Jammu and Kashmir Land Revenue Act, Samvat 1996 or any other law for the time being in force requiring any permission to change the usage of any land, shall not be applicable to any land so covered.
- (2) The Government may, by notification in the Official Gazette, notify a scheme for levy of charges for use of land as permitted in the master plan or the zonal plan, the proceeds whereof shall form part of the fund of the Authority and may be used to defray the expenses incurred on acquisition of land that may be required to be acquired in terms of section 50."

For section 13, substitute-

- Declaration of development area and permission for development etc.** "13. (1) After a notice approving the date of operation of plan is published under section 11, the Authority may, with prior permission of the Government and by notification in the Official Gazette, declare any zone or part thereof as development area for the purposes of this Act.
- (2) Notwithstanding anything to the contrary contained in any law for the time being in force, consequent upon such notification, no person including a Department of the Government shall undertake or carry out development of any land or building in the zone unless permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act:
- Provided that the development of any land undertaken by a Department of the Government or any local authority before the 31st day of October, 2019 may be completed by that Department or local authority.
- (3) No person or entity, whether private or public, including a Department of the Government or any authority, shall undertake the implementation of any street or layout plan, in any form whatsoever, in the local area outside the limits of a Municipal Corporation established under the provisions of the Jammu and Kashmir Municipal Corporation Act, 2000, without the prior written permission of the Authority:
- Provided that for the purposes of such permission, the Authority shall follow the procedure laid down in Chapter XIII of the Jammu and Kashmir Municipal Corporation Act, 2000, and any reference therein to the Corporation or the Commissioner shall be construed as reference to the Authority or the Vice-Chairman of the Authority, respectively:

Provided further that the restriction under this sub-section shall not apply to the development undertaken by or on behalf of the Metropolitan Region Development Authority established under the Jammu and Kashmir Metropolitan Region Development Authorities Act, 2018, or to a town planning scheme implemented under the provisions of the Jammu and Kashmir Town Planning Act, 1963.”

- Section 15.—** For “a plan in a zone”, substitute “a master or zonal plan in a zone”.
- Section 16. —** For “Land Acquisition Act, 1990”, substitute “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)”.
- Section 17. —** In sub-section (1), omit “permanent resident of the State”.
- Section 21. —** In sub-section (4), for “both Houses of the Legislature”, substitute “the Legislative Assembly of the Union territory of Jammu and Kashmir”.
- Section 22. -** In sub-section (2), for “Provident Funds Act, Svt. 1998”, substitute “The Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).”.

Insertion of new Chapter-

Chapter VII-A. — After section 22, insert the following new Chapter:-

“CHAPTER VII-A

JAMMU AND KASHMIR INDUSTRIAL DEVELOPMENT CORPORATION.

Definitions

22-A. In this Chapter, unless the context otherwise requires,—

- (a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Government Gazette, specify to be an amenity for the purposes of this Chapter;
- (b) "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
- (c) "Collector" means the Collector of a district, and includes any officer specially appointed by the Government to perform the functions of a Collector under this Chapter;
- (d) "commercial centre" in relation to any industrial area or industrial estate means any site selected by the Government where the Corporation builds shops and other buildings and makes them available for any commercial activity;]
- (e) "Corporation" means the Jammu and Kashmir Industrial Development Corporation or any other corporation(s) as notified by Government established under section 22-B;