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separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS

Jammu, the 26th April, 2012.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 25th April, 2012
and is hereby published for general information.

**THE JAMMU AND KASHMIR DEVELOPMENT
(AMENDMENT) ACT, 2012.**

(Act No. XII of 2012)

[25th April, 2012.]

An Act to amend the Jammu and Kashmir Development Act, 1970.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Development (Amendment) Act, 2012.

(2) It shall come into force from the date as the Government may, by notification in the Government Gazette, appoint.

2. *Amendment of section 2, Act XIX of 1970.*—In section 2 of the Jammu and Kashmir Development Act, 1970 (hereinafter referred to as the ‘principal Act’)—

(i) after clause (d), the following clauses shall be inserted, namely :—

“(da) “economically weaker section” means such class of persons, being permanent residents of the State, as may be notified by the Government from time to time, for the purpose of providing housing sites of the dimension 4 meter x 7.5 meter and carpet area within the range of 25 square meter to 30 square meter ;

(db) “floor space index” means the area that can be constructed on a piece of land divided by the total area of the land ;

(dc) “group housing” means more than two buildings on a plot with one or more floors and with one or more dwelling units in each floor.”.

(ii) after clause (e), the following clauses shall be inserted, namely :—

“(ea) “low income group” means such class of persons, being permanent resident of the State, as may be notified by the Government from time to time, for the purpose of providing housing sites which may be of dimension 4.5 meter x 10 square meter of floor area of about 50 square meter in case of flatted accommodation.”.

(iii) after clause (i), the following clauses shall be inserted, namely :—

“(ia) “shelter fee” means fee levied and collected in lieu of the reservation of land or floor area, as the case may be, being an amount equal to the market value of the land or floor area determined on the basis of the rates notified by the Government which is required to be reserved for the economically weaker section and the lower income groups.”.

3. *Amendment of section 4, Act XLIX of 1970.*—In section 4 of the principal Act, in sub-section (1), for figure “9”, the figure “12” shall be substituted.

4. *Insertion of section 18-A, Act XLIX of 1970.*—After section 18 of the principal Act, the following section shall be inserted, namely :—

“18-A. Reservation of Land for housing to economically weaker sections and low income groups in scheme and projects developed by the Development Authority or private developer.—(1) In any Housing Scheme or Land Development/Land Re-adjustment Scheme, whether undertaken by any authority or private developer, there shall be reservation of not less than ten per cent of the gross land area under each scheme for the purpose of providing housing accommodation to the members of economically weaker sections and low income groups.

(2) In all residential layouts of extent above 4000 square meters, not less than ten per cent of the gross area shall be earmarked for economically weaker sections and low income groups :

Provided that where the total extent of land is between 1000 square meters and 4000 square meters, either land may be reserved for economically weaker sections and low income group or shelter fee may be collected.

(3) All residential layouts of extent below 1000 square meters may be exempted from reservation of land as well as payment of shelter fee.

(4) The size of the plot reserved under sub-sections (1) and (2) for economically weaker sections and low income groups shall not be less than 30 square meters or higher as may be prescribed by the Government.

(5) In all residential buildings with total plot area above 1000 square meters, not less than ten per cent of the floor area shall be reserved for economically weaker sections and low income groups by way of flats :

Provided that where the total plot area is between 500 square meters, and 1000 square meters, either floor area may be reserved for economically weaker sections and low income groups or shelter fee may be collected.

(6) All residential buildings with plot area below 500 square meters may be exempted from reservation of floor area as well as payment of shelter fee.

(7) The size of the unit reserved under sub-section (5) for economically weaker sections and low income groups shall not be less than 25 square meters of carpet area or higher, as may be prescribed by the Government.

(8) The earmarking in sub-sections (1) and (5) shall be such that a minimum of 20 per cent of developed land or 20 per cent of floor space index in all land development or housing projects both by public and private agencies is reserved for the economically weaker sections and low income groups category taking into account the reservation at area plan or layout approval stage or group housing approval stages together.

18-B. Identification of Eligible Persons and Determination of cost of land or houses.— (1) A Government Department or agency of the Government, as may be prescribed, shall maintain an inventory of all the plots or houses, as the case

may be, reserved for the economically weaker sections and low income groups and ensure its protection from encroachment.

(2) For the allotment of plots or houses to the economically weaker sections and low income groups, the procedure for the selection of eligible persons and the determination of the cost of such plots or houses shall be such as may be prescribed by the Government.

18-C. Incentives to Developers.—Every developers who makes provision for earmarking of land or floor area, as the case may be, for economically weaker sections and low income groups housing, shall be incentivized through a scheme of cross-subsidization, which shall be such, as may be prescribed by the Government including land use concessions through conversion of part of residential use for commercial use, Higher Floor Space Index, Transferable Development Right, etc. and/or higher prices charged from Higher Income Groups.

18-D. Non-residential development.—The Government shall consider levy of suitable fee like impact fee on all non-residential land development and buildings above 1000 square meters to generate resources for the shelter fund which may be used for provision of land, housing, basic service, etc. to the urban poor.

18-E. Utilization of Shelter Fee.—The shelter fee collected shall be maintained in a separate account and will be utilized as per guidelines for the acquisition of land, development of land and construction of houses and in such other ways so as to provide for housing to economically weaker sections and low income groups.”.

(Sd.) ACHAL SETHI,

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