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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR,  
JAMMU DEVELOPMENT AUTHORITY,  
Vikas Bhawan, Rail Head Complex, Jammu.

**Policy for allotment of JDA land for Social, Religious,  
Charitable and Community purposes to the Trusts/Private  
Institutions/NGOs.**

**1. Short Title, Extent and Commencement.—**

- (i) This policy shall be called the "Policy for allotment of JDA Land for Social/Religious/Charitable/Community purposes to the Trusts/Private Institutions/NGOs."
- (ii) This policy shall be applicable only in respect of the land belonging to the Jammu Development Authority.
- (iii) The policy shall come into effect from the date notified by the Jammu Development Authority by way of publication in the official gazette.

**2. Objective.**—To provide land of JDA for Social/Religious/Charitable/Community purposes to Trusts/Institutions/NGOs for fulfilling the religious/Social/Community objectives.

**3. Salient features of the policy.**—The organisation shall belong to any of the two categories of applicants mentioned herein after. The other features shall be,—

- (i) JDA would consider the allotment of land only at places where the land is available and this policy does not entitle anybody to demand allotment of land for the said purpose as a matter of right in any manner.
- (ii) JDA land upto maximum size of 32291 square feet (6 kanal) would be allotted and no deviation shall be allowed.
- (iii) The allottee agency shall be required to execute the lease deed with Jammu Development Authority containing the terms and conditions of the lease and shall be duly registered in the office of the concerned Sub-Registrar for which the stamp Duty shall be payable by the allottee agency.
- (iv) The construction on the said piece of land shall be governed by the provisions laid down in the Master Plan, 2032 of the site area which shall provide for the Building Zone, maximum ground coverage, maximum height, FAR, Parking area, type of boundary wall and gate etc. Besides specifying the use of plot or any other terms and conditions as prescribed under the relevant law/rules/instructions of the Government.
- (v) The building on the allotted land shall be constructed after getting the building plans approved from the competent authority. Proper parking facilities shall be developed/made available by the allottee agency.
- (vi) The site shall be used only for the purpose for which it is allotted and any violation on this account may entail resumption of the site by JDA without payment of any compensation to the allottee Agency. The allottee agency shall at all times maintain the facility and ensure therein that the surroundings are in good and clean conditions and fit for public use.
- (vii) The allottee shall be required to make the facility operational within a period of 3 years from the date of handing over

the possession of the site, which may be extended further for a period not exceeding 2 years. The extension shall be permissible only where construction is under substantial progress at the time of completion of 3 years i. e. at least 40% construction has been completed.

- (viii) In case, the site remains un-utilized for a period of 3 years from the date of handing over of the possession, the said site shall be liable to be resumed and the amount deposited would stand forfeited.
- (ix) The allottee agency shall not transfer the site in favour of any third party in any manner and no permission shall be granted for this purpose.
- (x) The allottee agency shall pay all rates, taxes and charges payable in respect of the premises and building thereon.

**4. Category of applicants.**—The applicant organisation for allotment of land for Social/Religious/Charitable and Community purposes shall be divided into two broad categories :—

**I. Profitable organisations :**

The organisations engaged in Social/Religious/Charitable and Community activities not qualifying under criteria for Category-II.

**II. Non-profitable organisations like Trusts, NGOs, Societies etc :** The criteria for such organisation shall be,—

- a. The non-profitable organization should be registered for a minimum of 3 years under Societies Registration Act, 1860 or Indian Trust Act, 1882 or Companies Act, 2018 and should have at least a total of 5 years experience in the field. The certificate from the Chartered Accountant be also accompanied by the application specifying that the organization is non-profitable.
- b. Must be working in the field of differently abled people, poor/destitute women/orphan/animal welfare with a good track record in the relevant field.

**5. Procedure.**—

- i. The private institutions/entities desirous of getting JDA land for social/Religious/Charitable Trusts/Institutions/NGOs shall place their requisition before Jammu Development Authority.

- ii. The Director Land Management Wing of JDA shall identify the land and certify that the said land is available for allotment without any encumbrances.
- iii. The papers of the land identified be sent to the Town Planning Wing of JDA for certifying the land use of the said patch of land as per the purpose for allotment to the Institutions concerned.
- iv. The Vice-Chairperson, JDA shall keep the following in mind while assessing the case of the Institutions :—
  - a. That the applicant organization belongs to either of the applicant categories mentioned above ;
  - b. The Organization has a good track record in the related field ;
  - c. He or She shall also examine last 3 years duly audited and properly-maintained accounts statement, income tax returns and published Annual reports and would ensure that the organisation has proof of at least one third of total funds required for investment of land and building in the said project. Once the steps are completed, the site map be prepared showing therein its location, the dimensions of the site area.

**6. Special zones.**—There will be special zones for allotment of land for such organizations reflected in the category I (profitable organization) and II (not for profit organization) above. The selection of the such zones shall be governed by the following :—

- a. The selected areas should not be of prime value to JDA ;
- b. The land shall be allotted to the applicant organization in earmarked special zones outside JMC limits which are of no prime value to JDA subject to the land use of the identified patch is being concomitant to the use proposed by the organizations.

**7. Pricing.**—After fulfilling the above zoning criteria,—

- (a) The mode of allotment of land for organisation under the category I (profitable organisation) shall be through an open auction. The reserve price for auction should be based on the last highest bid price of that area or the stamp duty rate, whichever is higher ;

- (b) The allotment of land to organisations under category II, shall be on 50% of the stamp duty rate of that village and of that type of land use, notified as per stamp duty rates by the District Collector. However, for Govt owned (100% ownership) institutions viz. Orphanages, Asylum, Nari Niketan, Old-Age Homes, Schools for Deaf and Dumb, Blind, Mentally Retarded and Handicapped, the allotment of land shall be free of cost.

**8. Registration of Deed.**—The lease deed shall be executed between the Jammu Development Authority and the authorised signatory of the allottee agency and should be duly registered in the office of the concerned sub-registrar at the cost of allottee agency.

**9. Special Provision.**—Besides above, in the matter so emergent of social responsibility or need, which is not covered under the above provisions of this policy, shall be placed before the sub-committee comprising of following officers for appropriate decision :—

Divisional Commissioner, Jammu (Chairperson).

Additional CEO, JMRDA.

Deputy Commissioner, Jammu.

Commissioner, Jammu Municipal Corporation.

Vice-Chairman, Jammu Development Authority (Member Secretary).

Chief Town Planner, Jammu.

Representative of the Finance Department (not below the rank of Additional Secretary).

Besides, all pending cases in which the land has been identified shall be placed before the Sub-Committee for appropriate recommendations before placing them before the Board.

(Sd.) .....

Secretary,  
Jammu Development Authority, Jammu.