



2024

**JAMMU AND
KASHMIR LAND
POOLING POLICY '24:**

Partnering for Progress

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1 Preface

The Union Territory of Jammu and Kashmir stands at a critical juncture in its developmental trajectory. With a rich historical heritage, diverse cultural landscape, and abundant natural beauty, the region has immense potential for growth and modernization. However, to unlock this potential, there is a pressing need for innovative urban planning and sustainable development strategies that can address the challenges of land fragmentation, inadequate infrastructure, and uneven economic development.

In this context, the introduction of a Land Pooling Policy marks a significant milestone. This policy aims to harness the expertise, resources, and efficiency of private developers to create well-planned, vibrant urban spaces that meet the needs of our growing population. By consolidating fragmented land parcels and ensuring equitable development, the policy seeks to transform the urban landscape of Jammu and Kashmir, fostering economic growth, enhancing the quality of life for residents, and preserving the region's environmental and cultural integrity.

The policy is designed with a vision of inclusive and sustainable development. It emphasizes the importance of collaboration between landowners, private developers, and the government to achieve common goals. By ensuring that landowners receive a fair share of the developed land and benefits, the policy aims to promote widespread participation and mitigate potential conflicts. Additionally, it incorporates robust regulatory frameworks and safeguards to address environmental concerns and ensure that development is in harmony with the region's unique ecological and cultural context.

This draft policy is the result of extensive consultations with stakeholders, including landowners, urban planners, environmentalists, and private developers. It reflects a commitment to transparency, fairness, and inclusivity. We believe that with the right implementation and continuous feedback, this policy can serve as a catalyst for the transformation of Jammu and Kashmir's urban areas into modern, livable, and economically vibrant spaces.

As we present this draft policy, we invite further inputs and suggestions from all stakeholders to refine and enhance its provisions. Together, we can pave the way for a brighter, more prosperous future for Jammu and Kashmir, where development is not just an aspiration but a shared reality.

2 Definitions

Consortium – Means a duly registered association having rights, duties & obligations in accordance with law, consisting of multiple landowners who have come together to pool land for unified planning, servicing and subdivision/share of the land or any other defined action for development of sectors under the Land Policy as per prescribed norms and guidelines.

Contiguous Areas – Means an area within the Local Area as notified by the Authority for the operation of Land Pooling Scheme

Designated Land Pooling Officer – Means a Revenue officer of the Development Authority as appointed by the Government/Authority

Development Authority – Means the Development Authority constituted under Section 3(1) of the Jammu and Kashmir Development Act 1970

Developer Entity – Means An entity (developer/business/corporate entity) which represents a group of landowners who have pooled one or more land parcels adding up to a minimum of 2 hectares, through a legally binding agreement.

External Development Charges [EDC] – means the charges to be paid by Consortium/ Developer Entity towards the cost of constructing, laying and installing the public infrastructure and services, including inter-alia roads, water supply, sewerage and drainage systems, electricity supply, greens etc. at the Zonal/city level infrastructure

Implementation Plan – means the plan submitted by the Consortium /Developer Entity, including details of redistribution of developed land/ built space amongst the landowners, or any other form of fair exchange as decided, through a valid contract agreement in accordance with law. The plan shall also include details of the sub projects of more than 2 Ha that intend to developed separately, share of EDC that will be paid by respective Consortium/Developer Entity and strategy for watch and ward of 40% land to be surrendered to Development Authorities /Service Providing Agencies.

Internal Development Charges [IDC] – means the charges to be borne by Consortium towards the cost of constructing, laying, and installing the public infrastructure and services, including inter-alia roads, water supply, sewerage and drainage systems, electricity supply, greens etc. at the neighborhood level infrastructure.

Landowner – Means the legit holder of the legal title and possession of the land.

Land Pooling Scheme – Means a scheme notified by the Development Authority for legal consolidation of land parcels for utilization of such land parcels as per this Policy.

Master Plan – Means the Master Plan prepared as per the Jammu and Kashmir Development Act 1970

Policy – Means the Jammu and Kashmir Land Pooling Policy, '24

Pooled Area – Means 60% of the area in the Contiguous Area that remains with the Consortium.

Service Providing Agencies – Means the government agencies such as JK-PDDL, PHE, PWD, etc.

Zonal Development Plan – Means the Zonal Development Plan prepared as per the Jammu and Kashmir Development Act 1970

3 Aim and Objectives of the Policy

The objective of the Jammu and Kashmir Land Pooling Policy, '24 is to facilitate planned urban development including infrastructure development, by obtaining land through the voluntary participation of land owners who are interested in becoming partners in the development process.

4 Short Title:

This policy may be called the 'The Jammu and Kashmir Land Pooling Policy, '24'

5 Applicability of Policy

The Government may by notification publish the applicability of this Policy to any Areas notified under the Jammu and Kashmir Development Act 1970 as it deems fit.

A Development Authority may notify Contiguous Areas of minimum 50 Ha or more Ha each within its Local Area for the operation of each Land Pooling Scheme. The Authority may do so on its own or upon requests received from owners of the contiguous lands, making minimum 50 Ha or more in total.

This Policy is applicable as above except;

- 1 Land under unauthorized colonies (which are yet to be regularized);
- 2 Lands under litigation including lands under acquisition proceedings, till the case is settled
- 3 land under forests, natural drains, natural water bodies, heritage sites, flood and irrigation department, railways and airport, etc.

6 Guiding Principle

- 1 The Policy is open to all landowners who own land in the areas notified by Development Authority/ Government under the Policy. Landowners with any size of land may register and express their interest to participate as per the application process.
- 2 Further, any Developer Entity with an intention to develop a parcel of land subject to the provision of this policy may also register and express its interest, provided that the Developer Entity has a pool of landowners who have consented to constitute a Consortium as prescribed and render their lands free from all encumbrances to form part of the Land Pooling Scheme.
- 3 Also, the Development Authority after notification of the Contiguous Area and as soon as may be 70% of the Contiguous Area land is assumed to be ready for the Land Pool, may exercise the verification of land records from the Revenue Department and shall issue a notification to all the Landowners individually or through the Developer Entity as the case may be, to register their Consortium under the Society Registration 1860.
- 4 In each Land Pooling Scheme, the Consortium may retain 60% of the Contiguous Area and hold the remaining 40% on behalf of the Development Authority to be surrendered (free of encumbrances) as and when required by the Development Authority / Service Providing Agencies for development of city level physical infrastructure, recreational and public/semi-public (PSP) facilities as per the Master

Plan or Zonal Development Plans. Each landowner will surrender land proportionate to the area of land pooled, irrespective of land uses assigned to their original land in the Master Plan or Zonal Development Plans.

- 5 The remaining 60% land shall be utilized by Consortium / Developer Entity for development of residential, commercial, public and semi-public facilities at neighborhood level as per the Policy.
- 6 The Consortium /Developer Entity shall mutually or upon already agreed terms and conditions as the case may be, decide a formula for redistribution of developed land/ built space, or any other form of fair exchange as part of an "Implementation Plan" and convey the same to the Development Authority with the consent of all landowners.
- 7 The 60% land can also be developed as separate sub-projects by the Consortium /Developer Entity only after the overall integrated planning has been completed with respect to the Land Pooling Scheme and all due approvals have been obtained. To ensure adequate return of land for development. Development of such separate sub-projects is allowed only upon a Consortium /Developer Entity proposes to do so on a parcel of land admeasuring not less than 2 Ha each.
- 8 Adequate provision of EWS housing shall be ensured in the new development area as per the Jammu and Kashmir Development Act 1970 and The Jammu & Kashmir Housing, Affordable Housing, Slum Redevelopment and Rehabilitation and Township policy 2020.
- 9 External Development Charges [EDC] shall be applicable on the entire Contiguous Area to cover the actual cost of providing city-level infrastructure in the land kept reserved for Development Authority, that may be paid as arrears of revenue and may also be done away with in lieu of further land of value proportionate to the cost of infrastructure as per actuals in addition to administrative charges that may be decided from time to time by the Development Authority of land by the Consortium.
- 10 Internal Development Charges [IDC] shall be applicable on the entire Pooled Area to cover the actual cost of providing neighborhood level infrastructure in the land kept reserved for Consortium, that may be paid as per actuals by the individual landowner distributed proportionately to the area of reconstituted plot size of each landowner. The same may also be done away with in lieu of further land or Built-up Area proportionate to the cost of infrastructure as per actuals in addition to the fees/charges as agreed between the Consortium and the Developer Entity.
- 11 The typical landuse distribution of the area remaining with the Consortium shall be as per the provisions of Master Plan/Zonal Development Plan of the notified areas or other applicable bye laws

7 Eligibility

The following will be eligible to be a part of this Policy.

- 1 Land parcels of any size can be brought under pooling, provided they fall in the Areas notified by the Development Authority under this Policy. Landowners with any size of land may register and express their interest to participate in Land Pooling in the Policy.
- 2 The land parcels being offered for pooling must be free from all encumbrances and the landowner shall have a valid and lawful ownership and physical possession of the land parcel proposed for pooling

- 3 The Notified Area may become eligible for Land Pooling as soon as a minimum of 70% of the land within the Contiguous Area has been pooled.
- 4 The land parcels in the Contiguous Areas that may remain un-pooled may be allowed to develop at a later stage subject to:
 - a) Workability of the proposed layout plan in terms of accessibility and other functional requirements.
 - b) Making 45% land available for city level infrastructure/facilities or as determined by the Authority from time to time.
 - c) Payment of updated applicable EDC or in lieu of land for infrastructure and services.

8 Role of Development Authority and Government of Jammu and Kashmir

- 1 Ensure smooth and fair implementation of the Policy.
- 2 Overall planning with respect to Master Plan and Zonal Development Plan and the land to be utilized by the Development Authority and service providing agencies for provision of city level physical infrastructure, recreational and public/semi-public (PSP) facilities.
- 3 Revision of Master Plan and Zonal Development Plans as and when required for new development areas.
- 4 Facilitation of the entire process of planning and development by Land Owners/Group of Land Owners/ Development Entities through a Single Window System for application, verifications, approvals, etc. in a time bound manner.
- 5 Overall monitoring of provision of relevant infrastructure for water supply, sewerage, drainage power, transportation etc., by service providing agencies in a time bound manner.
- 6 Acquisition of any land, which has not been offered under this policy and is required for effectuating the policy in the Contiguous Area, in accordance with law. The cost of such acquisition shall be borne by the Land Owners/Group of Land Owners/ Development Entities.
- 7 Ensuring sale of EWS housing stock handed over by the Land Owners/Group of Land Owners/ Development Entities as per Policy.
- 8 Setting up and operation of a robust and credible dispute resolution mechanism to address grievances/disputes that may arise during the implementation of the Policy.

9 Eligibility and the Role of a Developer Entity

- 1 The Developer Entity intending to undertake a Land Pooling Scheme shall obtain a License from the Development Authority to formulate and implement a Land Pooling Scheme as per the Policy only after a notification is issued by the Development Authority specifying the Contiguous Area.
- 2 The Developer Entity shall be registered promoter with JK RERA.

- 3 The Developer Entity shall arrange to aggregate the land as specified in the notification through consent of the landowners in a specified agreement on Rs.10 Non-Judicial Stamp Paper.
- 4 The Developer Entity shall facilitate formation of the Consortium as per the requirements of this policy.
- 5 The Developer Entity shall make the Land Pooling Scheme [Layout Plan] in accordance with the Master Plan or the Zonal Development Plan duly specifying the land reserved for the Development Authority containing but not limited to the following;
 - Proposed Landuse of the Land Pooling Scheme [60% of the Contiguous Area].
 - Location, numbering and area in sq.m., ownership of the proposed reconstituted land parcels.
 - Proposed Builtup area to be distributed among owners and retained by the Developer Entity
 - Proposed infrastructure facilities in the Land Pooling Scheme
 - Proposed Implementation Plan of the Area with the Consortium along with phasing or time frame
 - Break Up pf the total cost of infrastructure development in the area left with the Consortium.
 - All the base documents including but not limited to affidavits of consent forms gathered from the owners of lands
- 6 The Developer Entity shall obtain all the necessary approvals required for the formulation and implementation of the scheme
- 7 The Developer Entity to facilitate deregister and reregister of the original land parcels and newly reconstituted land parcels respectively with the revenue department and submit the ledger duly authenticated by the revenue department to the Development Authority

10 Process of Land Pooling

Subject to the other provisions of this Policy land pooling process shall be governed by the following guidelines;

- 1 Upon Notification of the Contiguous Area by the Development Authority, the landowners may be notified to form a Consortium for the purpose of this Policy within 60 days which may be extended by the Development Authority, if they so deem it necessary, for further period not exceeding 30 days.
- 2 The Consortium either by itself or by the Developer Entity to propose the Land Pooling Scheme and get it approved by the Development Authority
- 3 Each landowner will surrender land proportionately, free of encumbrances as and when required for city level services, as needed for city level infrastructure in a sector, irrespective of land uses assigned to their original land in the Master Plan. Development Authority and the Service Providing Agencies will develop city level physical infrastructure, recreational and public/semi-public (PSP) facilities on

minimum 40% of the pooled land on payment of EDC charges or in further lieu of land by the Consortium/Developer Entity on the total pooled land.

- 4 The remaining 60% land shall be utilized by the Consortium/ Developer Entity as per the provisions of Master Plan or Zonal Development Plan.
- 5 The land that would be returned to the individual landowners will be in proportion to the land pooled by each land owner, however the same shall be done as follows
- 6 Individual Landowner shall be entitled to the reconstituted plots based on the previously agreed terms and conditions.
- 7 The allotment of plots shall be done through a random draw of lots in the earmarked area for land allotment for such purpose in the Pooled Area. The allotment of plots to the landowner shall be for a residential or commercial or PSP plots or multiple of such plots of standard size equal to or within a range of 10% of the entitled allotment share of developed plots.
- 8 The equivalent saleable area in the Land Pooling Scheme for residential purposes shall be taken as sum total of the area actually identified in the layout plan for residential purposes, two and a half times of the area actually identified in the layout plan for commercial purposes and one-half of the area actually identified in the layout plan for PSP purposes.
- 9 In cases where the entitlement as per the allotment share of the landowner for residential or commercial or PSP plot works out to be outside the 10% band of the standard size of the residential or Commercial or PSP plot or integral multiple of such plots as per the layout plan, then only the redemption of value through monetary benefit for the entitled area less plot allotted area shall be provided.
- 10 In cases where the allotted area of all plots allotted to a land owner is greater than the entitled share of developed plot area as a result of falling within the 10% band of standard size of the residential or industrial plot or integral multiple of such plots as per the layout plan, the land owner shall pay a sum equal to the weighted average price for developed plots received in the auction conducted by the Development Organization over a period of the first year from the initiation of the auction process
- 11 In cases where the entitled share is less than the smallest developed plot area and not in the purview of Point 9 and 10 above, the owner shall be given the option to opt for equivalent Builtup Area or opt for joint ownership of a plot with other such owners or opt for auctioning the area with previous approval of the Development Authority with monetary benefits.

11 Grievance Redressal Mechanism

A two-stage Grievance Redressal Mechanism shall be in place to resolve all disputes and anomalies emerging from the implementation of the Policy as following.

First stage Grievances Redressal Committee headed by the Designated Land Pooling Officer with the Development Authority, consisting of such members as may be published vide notification .The committee will dispose of the grievance within 30 days of receipt of grievance.

If any Landowner/ Group of Landowners/Developer Entity is aggrieved by the decision of the first stage Grievance Redressal Committee, the same may be represented before the Second Grievances Redressal Committee within 30 days. This Committee will be headed by the Chairman of the Development Authority and such other members as may be notified.

No provision in the policy bars any of the aggrieved to take recourse to the Courts of legit jurisdictions.

12 Planning Norms

The Land Pooling Scheme shall be formulated and implemented as per the provisions of the Master Plan and Zonal Development Plans and only upon notification of such Contiguous Areas by the Development Authority.

All the development in the Pooled Area has to be in conformity with the provisions of the Jammu and Kashmir Unified Building Bye Laws, 2021 or such Development Control Regulations as notified in the Master Plan or Zonal Development Plans by the Development Authority from time to time.

13 Online Process for Land Pooling Schemes

The Government of Jammu and Kashmir intends to make the complete process online, right from inception of the policy, to enable efficiency and transparency in the entire process. All the data/permissions/approvals, etc., related to Land Pooling Schemes shall be created, stored and conveyed in digital format only through an application to be developed exclusively for the purpose. However, during the intervening time in which such online process gets ready for use, the applications may be accepted and processed manually subject to condition that the same shall be integrated with the online system as and when it is functional.

14 Time Frame for Completion of the Scheme

As soon as may be the Development Authority deems fit upon completion of the scheme, it shall notify through publication.

Any Land Pooling Scheme may be completed in phases however, the cumulative time frame may not be extended beyond 5 years from the date of formation of the Consortium.

#	Activity	Time Frame
1.	Formation of Consortium	60 days extended up to further 30 days
2.	Submission of Land Pooling Scheme to the Development Authority for Approval by the Consortium/Developer Entity	6 Months from the date of formation of Consortium
3.	Handing over of possession of Pooled Land parcels to the Consortium/Developer Entity	6 months from the date of approval from the Development Authority
4.	Handing over of possession of 40% land of the Contiguous Area	Reserved as plan and As and when required by the Development Authority
5.	Creation of infrastructure and Built up area as per agreed terms and conditions	3 years from the date of handing over of possession of the Pooled land to the Developer Entity

#	Activity	Time Frame
6.	Handing over of possession back to the legit owners of the reconstituted plots	Within 3 months from the end of 3 years of creation of infrastructure period.

15 Operation and Maintenance

Operation and Maintenance of the neighbourhood level infrastructure created shall be responsibility of the Developer Entity until all the reconstituted plots and builtup areas are handed over to the landowners.

Further, after, all the reconstituted plots and builtup areas are handed over to the landowners, the operation and maintenance of the infrastructure at neighbourhood level shall be the prerogative of the Development Authority or the Residential Welfare Associations as the case may be upto a time period of 1 to 5 years as determined by the Development Authority.

Subsequently, the task of maintenance of the infrastructure shall be taken up by the respective Urban Local Body.