

Roshni Act [Current Affairs for UPSC & Govt. Exams]

The Roshni Act is seen frequently in the daily news off late. The state act has been mired in controversy and has been repealed by the then Governor of Jammu & Kashmir. In this article, you can read all about the Roshni Act, the controversy surrounding the legislation and the irregularities associated with it, for the [UPSC exam](#).

What is Roshni Act?

The Roshni Act is formally known as the J&K State Lands (Vesting of Ownership to the Occupants) Act, 2001.

- It was enacted in 2001 by the then J&K state government led by Farooq Abdullah (National Conference) and sought to regularise unauthorised land.
- As per the Act, the ownership rights of land would be transferred to its occupants on the payment of a fee fixed by the government.
- 1990 was set as the cut-off date for encroachment on state land.
- The state government projected a target of Rs.25000 crore to be earned by selling the land to the occupants.
- The proceeds were to be used for hydropower projects for generating electricity, hence the name, Roshni (meaning light).
- In 2005, the PDP-Congress coalition government changed the cut-off year to 2004 from 1990 by an amendment to the Act.
- In a later amendment, the Ghulam Nabi Azad government set the premium at 25% of the market rate and the cut-off date at 2007.
- In the case of agricultural land, the ownership was given for free and the occupants only had to pay a minor documentation fee.

However, the government did not earn Rs.25000 crore as touted and the total area of land transferred was also much less than the targeted area.

- When the Act was passed in the J&K Assembly, the government expected to make a transfer of 20.46 lakh kanals (1.02 lakh hectares) of land.
 - This included 4.44 lakh kanals in Kashmir and 16.02 lakh kanals in Jammu.
- But approval for transfer of land was accorded to only 6.04 lakh kanals (5.71 lakh kanals in Jammu and 33,392 kanals in Kashmir).
- Actual transfer was done only for 3.48 lakh kanals of land.
- From the proclaimed target of Rs.25000 crore, the government made a revised target of Rs.317.55 crore and the actual earning was only Rs.76.46 crore.
- In Kashmir area, most of the land transferred under the Roshni Act had been leased out for residential purposes and to business houses.

Also read about the various other [important acts and bills for the UPSC exam](#) in the linked article.

Roshni Act - What is the controversy?

In 2014, the CAG report highlighted irregularities in the scheme and called it a scam. The Act was alleged to fuel corruption and the unauthorised usurpation of public lands in J&K.

- The report alleged that the reduction in prices of the land was done arbitrarily and in a manner that benefited politicians and influential people.

- It also flagged the meagre amount of revenue collected by the government (Rs.76.46 crore), when compared to the touted Rs.25,000 crores.
- In 2015, the state vigilance organisation filed FIRs against some people who amassed vast quantities of land under the scheme but had failed to satisfy the eligibility criteria.
 - A prominent case came to be known as the Gulmarg land scam, in which several top bureaucrats are accused of illegally transferring land of the Gulmarg Development Authority to private parties.
- In October 2018, the then Governor of J&K, Satya Pal Malik repealed the Act prospectively, which meant that all pending allotments were cancelled. And, people who were already given the allotments were allowed to retain them.
- In 2019, Malik ordered a probe by the state Anti-Corruption Bureau into all dealings under the Roshni Scheme.
- After this, a petition was filed in the High Court that sought the transfer of the probe to the [Central Bureau of Investigation \(CBI\)](#).
- Certain groups were against the Act because they alleged that it was a ploy to bring around a demographic change in the Jammu region.

High Court Ruling

- The High Court, in October 2020, ruled the Act as unconstitutional, illegal and unsustainable.
- The HC held all allotments made under the Roshni Act as void ab initio.
- It also asked the CBI to probe into the irregularities committed under the Act and directed the government to publicise the names of the prominent people that benefited under the Act.
- As per this order, the J&K government decided to declare all the actions taken under the Act to be 'null and void' and to retrieve the land that was given by six months.
- It also made public the names of the influential people who were allotted land under the Act.

Roshni Act - Latest News

However, in a U-turn of sorts, the J&K government, in a review petition, has pleaded for modifications to the HC judgement of Oct 2020.

- The petition says that declaring all allotments null and void would cause a lot of common people to suffer unintentionally.
 - It argues that landless cultivators and individuals who are living in small dwelling areas could not be clubbed with rich and wealthy land grabbers.
 - According to the government, this is to allow the CBI to focus its investigation on 'powerful and influential people who defrauded the state'.
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