



## Amendment Related to Land in Jammu and Kashmir

### Why in News

Recently, the Centre notified '**Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020**', which states that **any Indian citizen can now buy land in Jammu and Kashmir (J&K)** without being a domicile.

## Open for sale

Some of the features of the new laws:

- The new laws end the exclusive rights of permanent residents over land in J&K
- People as well as investors outside the Union Territory can purchase land now
- There will be a bar though on agriculture land to be used for non-agricultural purposes
- Land can be transferred in favour of a person or an institution for the purpose of promotion of healthcare or senior secondary or higher or specialised education

**An Army officer not below the rank of Corps Commander can declare an area as "Strategic Area" for operational and training requirements of the armed forces**

### Key Points

- The introduction of the UT of J&K Reorganisation (Adaptation of Central Laws) Third Order, 2020 has resulted in the **repeal of at least 11 land laws in J&K**, including the J&K Big Landed Estates Abolition Act that had resulted in famous 'Land to tiller' rights.
- **Features of Latest Order:**
  - **No domicile or permanent resident certificate is required to purchase non-agricultural land** in the UT.
    - **People as well as investors** outside J&K can now purchase land in the UT, ending the exclusive rights of locals over the land granted under Article 370 (now abrogated).
    - The Centre has been arguing that Article 370 hampered development in the U.T. as

investors were unable to purchase land prior to 5th August 2019.

- **Amended the Jammu & Kashmir Land Revenue Act, 1996**, under which only agriculturists of J&K can purchase agricultural land.
  - However, **it doesn't bar the agricultural land to be used for non-agricultural purposes**. A District Collector can allow the agricultural land to be used for non-agricultural purposes.
- The Centre also notified the **Real Estate (Regulation and Development) Act, 2016**, which paves the way for the acquisition of land in J&K by all Indian citizens.
  - Previously, **Article 35-A** of J&K Constitution placed prohibitions on the sale of land to those who were not state subjects.
- Abolished the **Big Land Estate Abolition Act, 1950** – this provided for redistribution of land which paved the way for rural prosperity and ended landlordism in J&K.
- Empowers the Centre to declare any area in J&K as 'strategic' and intended for the direct operational and training requirement of the **armed forces**.
  - However, this can be only done by an **army officer of or above the rank of a corps commander**.
- **Spouses** of a J&K domicile shall also be **deemed as a domicile**.
  - Earlier, spouses of domiciles were not considered domiciles.
  - Children of central government officials posted for over ten years in J&K will also continue to be considered domiciles.
- **Issues Involved:**
  - For more than two years now, J&K has been without an elected government. All the changes being introduced in the UT have been steamrolled by the Centre rather than being legislated by elected representatives of the people.
  - This has created suspicions in the J&K that the Centre is gradually disempowering the local population and consolidating control through executive power.

### Land Reforms in Kashmir

- The Kashmir Valley had a history of cruel exploitation of tillers through the periods of Afghan, Sikh and Dogra rule.
- The Sheikh Abdullah's government brought the **Big Landed Estates Abolition Act, in 1950**, through a slogan **land to the tiller**.
  - The Act **placed a ceiling on land ownership** at 186 kanals (about 22 acres).
  - The rest of the **land of a landlord was redistributed** among share-croppers and landless labourers, without any compensation to the landlord.
- This led to most **radical land reform anywhere in the world outside the Communist bloc**. It brought a **social transformation** that has few parallels. It **ended landlordism in J&K and paved the way for rural prosperity**.
- This land reform was so popular in Kashmir that it continued to be pushed for the next quarter-century. The ceiling was gradually decreased until the last of the reform Acts in 1975.

[Source: TH](#)

