

J and K Development Act

October 31, 2020

After the repeal of Article 370, now J&K has got a new land law. But with the passing of the order, the government has been blamed for taking a unilateral stand. A robust political process that enables people's participation is necessary which ensures regional stability with growth and development.

In news: The Centre has notified new land laws for J and K.

Placing it in syllabus: Law and policy

Dimensions

1. Provisions of the order
2. Importance
3. Criticisms

Content:

Provisions:

- The Centre has notified the Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020.
- Under the new arrangements, **no domicile or permanent resident certificate is required to purchase non-agricultural land in the UT.**
- The Real Estate (Regulation and Development) Act, 2016, has been notified paving way for the acquisition of land in J&K by all Indian citizens.
- Previously, **article 35-A of J&K Constitution** which was repealed in November, 2019, **placed prohibitions on the sale of land** to those who were not state subjects.
- The latest order also empowers the government to **declare any area in J&K as 'strategic'** and intended for the direct operational and training requirement of the armed

forces at the behest of an army officer of or above the rank of a corps commander.

- The order has **abolished the historic Big Land Estate Abolition Act, 1950** – through which the former state witnessed the radical redistribution of land, which paved the way for rural prosperity and ended land lordism in J&K.
- The new rules make it clear that the government, if it deems necessary, **can allow transfer of agricultural land for non-agricultural purposes and a district development commissioner has been empowered to sanction such transfers.**
- The Union Territory of Ladakh Reorganization (Adaptation of Central Laws) Second Order, 2020 has been notified according to which certain laws from the erstwhile state of Jammu and Kashmir which were applicable on Ladakh, will stand amended or repealed with immediate effect.

Importance:

- The changes would encourage investment and advance peace and progress in J&K.
- Free movement of people, and an integrated national market can advance development.

Criticisms:

- Since 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.
- The local consent is not sought.
- The fresh notifications also allow for spouses of individuals who become domiciles to be deemed as domiciles, further liberalising the criteria for acquiring residency permits in the UT.
- There are several States which have provisions to regulate ownership and transfer of land under Article

370 of the constitution, which have been now denied to J&K.

- The abolition of the historic land to tiller Act, that is, the Big Estates Abolition Act has been criticized.
- Ladakh has not been included in the new land ownership order.
- New domicile rules, introduced earlier in 2020, had reserved land rights for people who could prove to have worked or lived in J&K between 7-15 years. But with the new rules, the domicile rules are now history.
- It is accused that the BJP is attempting to change the Muslim-majority character of J&K.

The Big Land Estates Abolition Act placed a maximum ceiling of 22.75 acres on land holdings. Proprietors could, however, retain orchards and fuel and fodder reserves. Land exceeding this limit was automatically transferred to the tiller, who was not supposed to pay any compensation to the original owner. Consequently, more than 9,000 proprietors were divested of their excess land in J&K.