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Reconfiguring Land Governance in Jammu and Kashmir Post Independence

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Reconfiguring Land Governance in Jammu and Kashmir Post Independence

Executive Summary

This brief aims to examine Jammu and Kashmir's land reform trajectory, from the land laws implemented during the reign of the Dogra kings in the Valley, how it resulted in land redistribution and property ownership enacted via landmark articles and amendments made post-Independence period and highlights the changes along with the challenges brought about by the revocation of the "special status." It begins with implicitly defining the policy challenge, i.e., the erosion of agricultural land tenure security, with particular focus on the challenges that emerged after 2019. The second section narrates the historical emergence of land laws in the region, highlighting the objective, triumphs and issues of the acts and interconnecting these scenarios with the current literature and scholarly works on land governance. The third section includes the identification and detailed analysis and mapping of various types of stakeholders via a tabular representation. The fourth section is an evaluation of the incumbent policies in place in Jammu and Kashmir, highlighting the issues faced like presumptive titling, weak dispute mitigation mechanisms and an uneven institutional capacity. In the fifth section, these specific challenges are addressed through the proposal of three recommendations: GPS-based resurvey and precise boundary demarcation linked to verified ownership records, a transition to state-guaranteed conclusive land titles to replace the existing deed-registration system and the voluntary dematerialisation of property records through a secure, non-repudiable digital registry. Proposed to be implemented in phased pilots and align with existing national programmes, these reforms seek to reduce litigation, improve access to credit, and rebuild trust in land institutions. While acknowledging that tenure reform alone cannot resolve deeper political and identity-based grievances in the UT, this policy brief argues that secure, enforceable land rights are a necessary precondition for equitable development, institutional legitimacy, and long-term stability in the region.

Defining the Policy Challenge

The state (now Union Territory) of Jammu and Kashmir is considered as a unique case study in gaining an understanding of the evolution and curation of land policies in India. It was the first state in the country to introduce land reforms (Khan, 2018). Sheikh Abdullah's government launched a series of agrarian reforms in the immediate post-Independence era which helped to

break the feudal landholding system and ensure the rights of cultivators. The government took away the fiscal privileges of the big landholders without compensation, starting from 1948 by eliminating jagirs, muafis and mukarraries. These changes were designed to rectify the injustices of the past to which the peasantry had been subjected, and were a crucial part of the National Conference's Naya Kashmir Manifesto (1944) (Prasad, 2014). These efforts culminated in the Jammu and Kashmir Big Landed Estates Abolition Act, 1950 which operationalised the principle of 'land to the tiller' i.e., aimed at eliminating intermediary landlordism and devolving ownership of land to the real tillers which made a fundamental change in the agrarian relations in the region (The Jammu and Kashmir Big Landed Estates Abolition Act, 1950). These reforms aimed to abolish absentee landlordism (Khan, 2018), dismantle the feudal jagirdari system, and impose land ceilings that redistributed land to cultivators (Prasad, 2014), thus substantially reducing rural inequality and strengthening tenure security for the cultivators and land owners. These reforms were facilitated through the constitutional autonomy being granted to the erstwhile State of Jammu and Kashmir through Article 370 and the residency-based land protection mechanism under Article 35A of the Indian Constitution (Constitution of India, 1950). Thus, the state developed a distinct landownership structure which not only stabilised rural livelihoods but also fostered a sense of ownership and agency among small-holders, creating conditions for sustainable agricultural development.

The abrogation of Articles 370 and 35A has disrupted the pre-existing land frameworks. In a written reply to Un-Starred Question No. 286 in the Jammu and Kashmir Legislative Assembly the Jammu and Kashmir Revenue Department has revealed that between October 2019 and 2025, 631 non-residents bought more than 386 kanals (about 19 acres) of land each year, with annual purchases increasing from just 1 kanal in 2020 to 106 kanals in 2025 (Akmali, 2025). The influx of non-resident land purchase in the region has skyrocketed over the years, as it started with a single kanal being purchased by one non-resident in 2020 and in 2025, it climbed to 106 kanals, showing how the land ownership patterns have changed very rapidly since the landmark amendment. Later, the laws and regulations were amended, the restrictions on agriculture land use for non-agricultural purposes were relaxed, and the process of land-use planning and acquisition was simplified, as a result of the Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020 and the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Third Order, 2020 (Press Information Bureau, 2020). While these measures have been justified by the

Government of India as promoting “socio-economic growth”, “grassroots democracy”, “comprehensive development”, and “transformative progress” in Jammu and Kashmir (Press Information Bureau, 2024), they simultaneously have unsettled a legacy of tenure security and equitable property ownership rights, potentially increasing land speculation, creating a vacuum in legal and political rights and cementing socio-economic disparities within the local populus, more so in rural areas (International Federation for Human Rights, 2024).

The core policy problem is the erosion of tenure security over agricultural land in the state due to the abrupt reconfiguration of land laws, thus obliterating J&K’s legal framework which had protected land rights for decades, resulting in widespread evictions, property loss, and weakening of tenure security for local landholders by October 2020 (International Federation for Human Rights, 2024). The relaxation of land transfer and agricultural land conversion restrictions, combined with the strengthening of the state's powers in land administration has simultaneously led to greater administrative discretion and uncertainty over the ability to protect the rights of cultivators to agricultural land (International Federation for Human Rights, 2024). This uncertainty is worsened by the fact that India has a presumptive land titling system, where land ownership is determined by a chain of documents, and not guaranteed by the state (Sengupta & Katragadda, 2019). As a result, India's presumptive land titling system leads to extended litigation processes related to land, conflicts over ownership and boundaries, and a greater risk of marginalised communities facing a lack of security due to dispersed and small fragmented landholdings (Mishra & Suhag, 2017).

Cause-Effect Analysis

The historical, political and legal specificities of land governance in Jammu and Kashmir are essential for understanding the relationship between the state-cultivators-landlords in the region and the trajectory of this relationship since the Dogra rule, through the radical reforms after the independence, to the current legal issues, due to the abrogation of Articles 370 and 35A.

(a) Pre-1947: Monarchical and Feudal systems: Feudal and monarchical systems of land tenure dominated in J&K up until the 19th century. The Maharaja/King after the Treaty of Amritsar (1846) became the absolute proprietor of all the land in the state producing a centralized and hierarchical property regime with the peasants on the receiving end. Land was treated as a form of

political and fiscal domination instead of a means of rural welfare or economic growth. The Settlement Operations (1887-1895) led by Sir Walter Lawrence tried to rationalize the tenure of land by giving permanent and hereditary occupancy rights to some cultivators. Nonetheless, these rights were not large in number, unevenly dispersed, and they did not threaten the dominance of the Maharaja and big landlords. On a larger scale, this era strengthened land inequality, absentee landlordism, and insecure tenancy, which would be the primary targets of post-independence reforms (Patnaik, 2019). The State Subject Laws of 1927, which came into force during the tenure of Maharaja Hari Singh, further made exclusivity of land rights as only permanent resident could own property. Although such laws safeguarded domestic interests, they also formalized a stiff legal structure that linked land rights to political specifics with minimal attention paid to socio-economic gains like agrarian output and justice. This is the adoption of a legal-formal approach, i.e., the rules codified that define ownership and rights are not socially constructed through social practice. According to scholars like Deininger and Feder (1998) the regimes which impose such rigidity over concentrate ownership without any enforceable rights to cultivators result in social inequality and inefficient land use patterns.

(b) After 1947: Radical “Land to the Tiller Reforms”: With the Independence of India and the J&K accession, the possibility of radically changing agrarian relations was opened. The cabinet led by Sheikh Abdullah aimed at righting historical wrongs especially the broad inequities, which were practiced during the Dogra rule. The land governance in the state was influenced by a series of legislative interventions. Starting with the Jammu and Kashmir Tenancy Act (1923, amended in 1980) that defined the rights and liabilities of tenants; complementary legislation such as the Land Revenue Act (1939, amended in 1996) controlled the assessment of land revenue, maintenance of Records of Rights, and resolution of disputes; the Alienation of Land Act (1938, amended in 1995) controlled the transfer and sale of agricultural land to local owners; the Utilization of Land Act (1953) facilitated reclamation and productive use of abandoned land; the Common Lands (Regulation) Act (1956) safeguarded communal property and access rights; and the Land Grant Act (1960) regulated government leases and allocation of state and Nazool lands (Khan, 2018). The abolition of absentee landlordism without compensation to previous landlords and redistribution of excess land to cultivators in the form of tenure security in the Big Landed Estates Abolition Act of 1950 were one of the seminal acts of this era (Patnaik, 2019). Other important reforms were establishment of land ceiling of 182 kanals (22.75 acres) per capita, which

was later cut down to 12.50 acres under the Agrarian Reforms Act, 1976 (Jain, 2019) and vested land in individual possession of those who personally farmed under the system of jagirdari to over 2,00,000 landless peasants, and introduced abolition of jagirdari as a system. These changes as initially envisaged by the leaders of the National Conference, which were outlined in the Naya Kashmir (New Kashmir) Manifesto of 1944, a detailed program of socio-economic, political and cultural reconstruction of the state (Jain, 2019). These reforms are based on land access and equity approach in the land governance theory, which focuses on the redistribution on the land to enhance the efficiency as well as social justice, which is similar to the principles of secure property rights of Ostrom to ensure sustainable use of the resources (Buck & Ostrom, 1992). Implementation was however slowed down by political instability and change of the administration. By early 1975, after Sheikh Abdullah's return to power, the government halted implementation of reforms citing "hardships faced by landlords and tenants" and ordered further investigation (All Research Journal, 2015), thus highlighting a systemic vulnerability in institutional capacity. Over the next few years, initiatives such as the "grow more food" policy encouraged people to cultivate state land to increase agricultural production (Wani, 2023). Later, in 2001, the Roshni Act, formally called the Jammu and Kashmir State Land (Vesting Ownership to the Occupants) Act, was passed to grant ownership rights to people residing on state lands (Wani, 2023), wherein agricultural land was given free of cost (Khan, 2018). It intended to grant ownership rights to occupants of state land in exchange for a fee to fund power projects but was later scrapped following allegations of massive irregularities (Ganaie, 2015). This indicates a weak regulatory oversight, poorly defined institutional responsibilities, inadequate execution capacity, and an opaque process towards reforms, which can heavily undermine the objectives of land reforms even after the initial process has been set in motion.

(c) Post-2019: Reorganization and Legal Integration: The most profound shift occurred after August 2019, when Articles 370 and 35A were abrogated, reorganizing J&K into a Union Territory. These developments effectively disbanded the constitutional safeguards which had traditionally sheltered local land rights and tenure security. It is essential to identify the systemic factors of existing challenges namely:

I. Legal driving factors:

- a. Domicile restrictions were eliminated:* The elimination of protection based on residence allowed all Indian citizens to own the land in the region which was once a protection against the invasion of non-local investors into the owning and transfer of the land.
- b. Amendment of legacy legislation:* Legacy legislation such as the BLEA Act and the J&K Alienation of Land Act were repealed and this removed the legislation on which tenure security had long been based.
- c. Use of central statutes:* State-specific land and property acquisition legislations were substituted with central legislations such as RERA 2016 and the Right to Fair Compensation in Land Acquisition Act 2013 which were not initially designed to address the local socio-economic conditions in J&K, which might cause some confusion in applying the new laws to local cultivators.

The model depicted is the formal-legal approach once again, researchers have continually cautioned that top-down reforms that are homogenously introduced in historically exceptional situations tend to undermine local tenure security and accentuate inequalities (Deininger and Feder, 1998).

II. Institutional Capacity and Governance Issues:

- a. Concentration of land-use actions:* Decisions of zoning and a conversion of land were concentrated in the hands of district collectors and other administrative officers. Although this centralized discretion is supposed to simplify operation, it brings about confusion and chances of corruption or favoritism among political people.
- b. Weak dispute resolution bodies:* Following the abolition of state-based grievance systems, farmers now have to grapple with a new and more complicated litigation system that is currently in the hands of central courts that have little understanding of the local circumstances and the new statutory regulations.
- c. Lapses in implementation:* Both the Acts that were introduced in 1970s and the Roshni Act demonstrate that the reforms can be only as effective as their implementation frameworks. The changes that occurred post 2019 have not been supported with strong institutional monitoring and support systems towards the local stakeholders.

III. Structural and Socio-Economic Drivers founded on Historical Legacies:

- a. Gendered land access restrictions:* Historical reforms overlooked women property rights (the J&K Disqualification Bill, 2004), they have been neglected in general when land ownership is transferred to a member of the benefited family in their name (Khan, 2018). Reforms after 2019 have the danger of increasing gender disparities in land ownership and inheritance.
- b. Poor institutional enforcement:* The local revenue and land administration authorities frequently have the capacity or inconsistency to enforce regulations, even in areas with laws, thus there is a discrepancy between the provisions in the law and the reality.
- c. Land speculation and market capture:* The opening up of local land to both the non locals and foreigners will encourage speculation, land overpricing, and concentration of ownership in the hands of the outsiders at the expense of the locals.
- d. Disaggregation of policy intent:* Various overlapping acts and ad hoc notifications (removal of domicile restrictions, application of central laws) compromise coherent policy goals and it becomes more difficult to strike a balance between development and social equity.
- e. Land classification/re-zoning conflict:* Re-zoning of agricultural and non-agricultural lands together with the centralization of the re-zoning authority may lead to conflict between farmers, investors and the government.
- f. Legacy of uneven compensation and enforcement:* Past reforms like BLEAA and Roshni Act had inconsistent implementation and compensation mechanisms, leaving historical grievances that affect current policy trust.

These drivers can be explained by Ostrom's framework for managing common-pool resources, emphasizing on the importance of clear boundaries, participatory decision-making, and effective enforcement (Buck & Ostrom, 1992). In the case of Jammu and Kashmir, the abrogation of Articles 370 and 35A undermined these foundations.

Identification and Mapping of Stakeholders

Stakeholders or the “Affected Groups” constitute a major component of any policy brief, with the analysis of the same resulting in a thorough understanding of the crux of the policy challenge/s. In the context of land reform challenges post the abrogation, there are various categories of stakeholders who influence this issue either in a direct or indirect manner, with a set of issues/concerns faced by the group which will be elaborated on.

Official Stakeholders: Official stakeholders are government bodies, sub-agencies and institutions under the government or recognized as a government entity are directly responsible for designing, implementing, or enforcing land governance policies. This includes central ministries (MoRD, MHA, MoA&FW), UT administrative departments (Revenue Department of J&K, District Collectors, Tehsildars), and judicial bodies (Supreme Court, J&K High Court). These bodies have formal authority, legal mandates, and direct control over how any policy related or interconnected with land are executed and regulated, and face direct repercussions when they fail to meet the objectives or address essential public concerns.

Indirect Stakeholders: Indirect stakeholders are the actors who do not directly enforce or implement policy but can significantly influence its design, interpretation, and acceptance among masses. This group includes organizations like regional and national political parties (JKNC, PDP, PAGD, JKAP, and JKPM), technical and advisory institutions, as well as legal or professional organizations.

Unofficial/External Stakeholders: These are actors outside the formal policymaking set-up or administrative framework but whose interests, influence, or even pressure can significantly affect policy outcomes. They do not create or enforce the policy but have the power to shape its outcome as acceptance or contestation, and question its effectiveness through advocacy, litigation, public opinion, or economic influence.

Stakeholder	Category	Why They Fall in This Category	Key Issues / Concerns	Potential Impact on Policy Model
Ministry of Rural Development (MoRD)	Official / Central Government	Primary policy authority responsible for rural land governance, land records, and tenure frameworks	Effective implementation of land reforms, balancing local tenure security with central policies	Shapes policy design, resource allocation, and tenure frameworks; legitimacy of reforms depends on MoRD engagement
Ministry of Home Affairs (MHA)	Official / Central Government	Oversees UT governance and coordinates legal notifications	Ensuring legal compliance of land reforms, smooth implementation of post 2019 changes	Centralizes decision-making, influencing how local actors perceive legitimacy
Ministry of Agriculture & Farmers' Welfare	Official / Central Government	Deals with agricultural land rights linked to livelihoods	Farmer protections, sustainable agriculture, land tenure clarity	Advises on agrarian impacts; policy may adjust to safeguard productivity and livelihoods

Ministry of Housing & Urban Affairs (MoHUA)	Official / Central Government	Manages peri-urban and urban settlements overlapping rural land	Urban expansion, land-use conflicts, informal settlements	Can influence land-use planning; may push reforms in peri-urban zones
Ministry of Environment, Forest & Climate Change (MoEFCC)	Official / Central Government	Oversees forest, grazing, and common lands	Preservation of common resources, ecological compliance	Limits or modifies policy implementation in environmentally sensitive areas
Jammu & Kashmir Revenue Department	Official / UT Administration	Implements land records, mutation, and dispute resolution on the ground	Record digitisation, encroachment issues, disputes over titles	Directly affects the accuracy, fairness, and perception of reforms
District Collectors / Tehsildars / Revenue Officers	Official / UT Administration	Frontline administrators handling land transactions	Local resistance, disputes over ownership, enforcing new laws	Can facilitate or block policy implementation at grassroots level

Land Records / Cadastral Mapping Agencies	Official / Technical Body	Maintain cadastral records and ownership data	Accuracy of land maps, digitisation challenges	Critical for operationalising tenure security; errors can undermine reforms
Supreme Court of India	Judicial / Legal	Adjudicates constitutional and legal challenges to reforms	Validity of post-2019 notifications, public interest litigations	Can uphold or strike down reforms; influences national precedent
J&K High Court	Judicial / Legal	Deals with local land disputes and interim orders	Interpretation of post-abrogation land laws, disputes over tenure	Can delay or reshape reform implementation locally

Table 1.1 showing the official stakeholders, the category they fall into, the reasons why they are categorised in a specific group, the key issues or concerns faced by them and the potential impact they have on the policy issue.

Source: Sodhi, P. P. (2025). *Abrogation of Article 370 and its constitutional implications*. *International Journal of Civil Law and Legal Research*, 5(2), 194–199.

<https://www.doi.org/10.22271/civillaw.2025.v5.i2c.159>; Rajagopal, P. K., & Sreekala, K.

(2025). Beyond Article 370: Examining The Social and Political Changes in Jammu and Kashmir. *Society and Culture Development in India*, 5(1), 103–116. <https://doi.org/10.47509/SCDI.2025.V05i01.07>;

SHUCHISMITA. (2022, January 14). *J&K Agricultural Land Regulations, 2022 Notified*. Greater Kashmir.

<https://www.greaterkashmir.com/uncategorized/jk-agricultural-land-regulations-2022-notified/>

Stakeholder	Category	Why They Fall in This Category	Key Issues / Concerns	Potential Impact on Policy Model
J&K National Conference (JKNC)	Political / Regional	Historic role in land reforms; opposes some post-2019 changes	Protection of local land rights, opposition to deregulation	Can mobilize political opposition, influence public opinion, and legislative resistance
Peoples Democratic Party (PDP)	Political / Regional	Advocates restoration of protections for locals	Tenure security, restoration of pre 2019 rights	Pushes back against central directives; can engage in litigation and advocacy
People's Alliance for Gupkar Declaration (PAGD)	Political / Coalition	Coalition resisting abrogation of Article 370	Restoration of special status, protective land laws	Influences political legitimacy and local acceptance of policy

Jammu & Kashmir Apni Party (JKAP)	Political / Regional	Advocates economic development while noting local land concerns	Balancing modernization with domicile/land rights	Can mediate between central policies and local acceptance
Jammu & Kashmir People's Movement (JKPM)	Political / Regional	Active in post 2019 land law litigation	Legal clarity, local land rights	Drives litigation and debate; shapes discourse around reform fairness
Bharatiya Janata Party (BJP)	Political / National	Central ruling party pushing statutory changes post 2019	Implementation of new land regime, integration of UT	Policy design and enforcement; legitimizes reforms through central authority
Indian National Congress (J&K unit)	Political / National	Critiques post 2019 reforms; supports local rights	Protection of tenure security, opposition to deregulation	Shapes public debate, may influence political resistance to reform

National Institute of Rural Development and Panchayati Raj (NIRDPR)	Technical / Advisory	Provides expertise on rural land governance	Data-driven policy advice, institutional reform	Enhances policy effectiveness and design; may identify gaps in implementation
Survey of India / National Remote Sensing Centre (ISRO)	Technical / Advisory	Responsible for cadastral mapping and digitisation	Accurate land documentation, technical mapping challenges	Critical for land record integrity and monitoring reform impact
Bar Associations	Legal / Advisory	Represent landholders in courts	Legal challenges to reforms, protecting client interests	Can influence litigation outcomes; pressure on policy adjustments
Public Interest Litigants / NGOs	Legal / Advisory	Advocate for vulnerable landholders	Tenure security, equity, protection against dispossession	Drives judicial scrutiny and policy accountability
Small and Marginal Farmers	Community / Primary	Directly affected by tenure insecurity	Risk of dispossession,	Acceptance of reforms depends on how well they

			unclear titles, access to benefits	protect these stakeholders
Tenant Cultivators	Community / Primary	Occupy land without formal ownership	Eviction risk, limited legal recourse	May resist reforms if policies undermine their rights
Horticulture Associations (Apple, Saffron growers)	Community / Primary	Specialized agricultural producers	Protection of orchards, clarity on land ownership	Influence lobbying; economic impact on reforms depends on their cooperation
Pastoral & Tribal Communities (Gujjars, Bakarwals)	Community / Primary	Marginalized groups with customary land claims	Access to grazing lands, tenure security	Reforms may unintentionally marginalize them; advocacy needed to prevent exclusion
Land Rights Organisations / NGOs	Civil Society / Expert	Advocate for equitable land policies	Monitor policy impact, support vulnerable groups	Can drive accountability, inform evidence- based reform adjustments

Human Rights Groups	Civil Society / Expert	Protect citizen rights, including land rights	Tenure insecurity, forced integration impacts	Shape discourse, may trigger legal or public pressure
Community-Based Organisations	Civil Society / Expert	Localised stakeholders facilitating community advocacy	Inclusion in policymaking, protecting local tenure	Help with local-level acceptance and feedback mechanisms
Regional and National Media	Civil Society / Expert	Inform public, shape narratives	Coverage of land reforms, highlighting disputes	Can influence perception, legitimacy, and political pressure
Real Estate Developers	Private / Market	Seek commercial opportunities on land	Access to land, regulatory clarity	Drive economic pressure for liberalization; may conflict with tenure security
Agribusiness Investors	Private / Market	Interested in land for agribusiness projects	Legal clarity, land acquisition	Economic incentives may push for reform acceleration or modification

Business Associations / Chambers of Commerce	Private / Market	Economic stakeholders affected by land regulations	Land lease rules, market utility	Can lobby for policy adjustments; affect reform priorities
Separatist / Identity Groups (Hurriyat)	Unofficial / Political	Outside formal channels, influence public sentiment	Self-determination, autonomy, identity rights	Affect legitimacy and local acceptance; potential resistance

Table 1.2 showing the unofficial and external stakeholders, the category they fall into, the reasons why they are categorised in a specific group, the key issues or concerns faced by them and the potential impact they have on the policy issue.

Source: Sidiq, N. (2020, November 4). *Kashmiri leaders flay India's 'demographic change' plan*. Anadolu Agency. Retrieved from <https://www.aa.com.tr/en/asia-pacific/kashmiri-leaders-flay-indias-demographic-change-plan/2030964>; Zargar, A., & Kissu, S. (2020, November 7). *Fear and loathing in Jammu and Kashmir as govt brings new land laws*. NewsClick. Retrieved from <https://www.newsclick.in/fear-loathing-jammu-kashmir-govt-brings-new-land-laws>

Policy Evaluation and Alternatives

Land reforms in the region of Jammu and Kashmir have been a cyclic process, with the end target landing on square one with the discovery of more structural issues surrounding tenure insecurity, administrative ambiguity, and accountability. A notable policy reaction has been the digitalisation of land records provided by centrally-led programmes, such as the expansion of the Digital India Land Records Modernisation Programme (DILRMP) to the Union Territory. Digitisation on paper would be clear, efficient, and minimise disagreements; in reality however, it turned out to digitalise the unsure information. Paper records that had been created by patwaris (who were usually drawing boundaries based on pre-established demarcators or oral histories or

obsolete settlement maps) were scanned or uploaded without addressing the underlying ambiguities. As a result, digitisation only provided enhanced access without the guarantee of accuracy, thus replicating the historical errors yet again in a digital format. This strategy did not address the source of tenure insecurity, which was lack of accuracy, verifiability and enforceability of property boundaries. Although the reform has managed to achieve its goal of making the transaction time shorter and more convenient to the administration, it has also created unintended side effects such as a false appearance of legal certainty, which fails to hold in court and only intensifies conflicts when digital records are compared with ground realities.

The second significant policy action has been the liberalisation of land use and ownership laws following the abrogation of Article 370 and 35A, which were based on economic development, investment attraction and integration with national markets. The policy also intended to open up land as an economic asset by letting non-residents purchase land under some purposes and relaxing the conversion norms. However, this strategy did not pay much attention to the socio-political reality that Jammu and Kashmir is not only a factor of production but also a repository of an unstable identity, ongoing issues around national security, and historical rights. The reform was inadequate in considering any form of deep-rooted tenure fears, grievances left by past schemes like Roshni Act, and the powerlessness of the smallholders and informal tenants. Theoretically the policy might have enhanced investor confidence, at the same time enhanced local notions of dispossession and marginalization. Hence, trust in state institutions was being undermined. Lack of a significant consultation, which was enhanced by the abolishment of the legislative assembly during the moment of the reform, undermined the legitimacy even further. Effectively, instead of creating stability, the policy reinforced the institutional ineffectiveness of land governance and created opposition to the policy.

The third reaction has been that of retaining the use of deed-based registration systems whereby the state registers the transactions but does not assure of ownership. This system, which was left behind by the colonial land administration, gives the citizens, the courts and the buyers the responsibility of verification, which is a good breeding ground of litigation, fraud and dispute. Although deed registration has been a source of procedural simplicity and revenue collection in terms of stamp duties, it has not been able to bring any solution to the issue of the chronic uncertainty on land titles in Jammu and Kashmir. Courts are still overwhelmed with land cases,

banks are reluctant to lend on the rural land and citizens incur expensive cost of transactions and litigation. The system has been limited in its success due to its continuity and familiarity to the administration, although the major limitation is structural; registration minus state-conferred title provides no security.

Policy Recommendation Package and Implementation Strategy

While the situation of land tenure insecurity persists even after the repeal of Articles 370 and 35A of the Constitution, it is clear that administrative reforms are not enough. A long-term solution will involve strengthening land governance in a phased manner as part of a package of reforms in accordance with the Digital India Land Records Modernisation Programme (DILRMP) and the Ministry of Rural Development. The suggested policy interventions presented in this short document are three complementary ones: (i) GPS-based cadastral mapping, (ii) conclusive state-guaranteed land titles, and (iii) voluntary dematerialisation of land records.

The first suggestion is the replacement of the descriptive land records with GPS-based land demarcation. It is recommended to use GPS-based Cadastral maps instead of descriptive land records and have them linked to Jamabandi and Mutation records. It would be beneficial if there was a state led resurvey, with the help of Survey of India and NRSC–ISRO, which would increase the accuracy of boundaries and decrease land disputes while providing an open and accessible cadastral database. This is administratively feasible as this builds on the existing DILRMP infrastructure.

The second pillar is the introduction of conclusive state-guaranteed land titles, in lieu of the current model of deed-registration. The current system places the responsibility of the accuracy of ownership of the transactions on to citizens and courts as the state records the transactions but does not claim ownership. Conclusive titling turns the argument around and forces the state to bear the legal responsibility to title validity after the completion of due process. It should be implemented on a notification-based model and should be initiated at first with pilot districts where the level of disputes is not high, and then extended throughout UT. This reform would increase tenure security, cut down on litigation and enhance access to formal credit by transferring the legal duty to verify titles to the state. While implementation will need institutional and legal changes, the long-term benefits are anticipated to overcome initial administrative expenses.

The third pillar and perhaps the most revolutionary is enabling land titles to be voluntarily dematerialised much like demat shares in capital markets. This does not require digitisation but enables owners to choose to subscribe to a non-repudiable digital registry that is secure and which the banks, buyers and courts can trust. The registry must also be interoperable with the banking systems and secured with layer authentication and not obligate Aadhaar as long as ownership claims are made. A specialized Land Titling Authority of the UT government would be the implementing authority, and the implementation would be assisted by NIC and funded by a combination of central grants and transaction fees on the services. The most important thing here is trust: it needs to be a gradual process, transparent and reversible during initial stages.

Below is a comparative assessment of the policy options suggested on the following parameters: feasibility, cost, legality and political risk.

Policy Option	Feasibility	Cost	Legality	Political Risk
GPS-Based Land Demarcation & Cadastral Mapping	High: Builds upon DILRMP and existing geospatial mapping initiatives.	Moderate: Requires investment in surveys, GIS mapping, and public verification.	High: Compatible with the existing legal framework.	Low: Improves transparency without altering ownership rights.
State-Guaranteed Conclusive Land Titling	Moderate: Requires legislative reforms and phased implementation.	Moderate: Requires legal verification, dispute resolution, and title insurance.	Moderate–High: Needs statutory amendments but aligns with national land	Moderate: May face resistance during transition due to changes in

			governance reforms.	ownership verification.
Voluntary Dematerialisation of Land Records	Moderate: Requires institutional coordination and digital infrastructure.	Moderate: Initial technology and cybersecurity investments required.	High: Can be introduced administratively without altering substantive ownership rights.	Low: Voluntary adoption reduces political opposition while encouraging gradual transition.

Table 1.3 presents a comparative assessment of the suggested policy recommendations based on the four criteria mentioned above.

Source: Author's analysis of the policy alternatives discussed in this study.

Given the three options, GPS-based cadastral mapping, in combination with phased implementation of conclusive land titling, is the most feasible and legally sound approach to enhance tenure security in Jammu and Kashmir, whereas dematerialisation of land registers should be explored as a complementary reform measure in the longer run.

The implementation should preferably include the following stages:

Phase I (initial 18 months): Deals with resurvey, digitisation of boundaries and public verification.

Phase II (18 - 36 months): This phase brings in conclusive titles in pilot districts, as well as fast-tracking dispute resolution.

Phase III (36 - 60 months): Facilitates voluntary dematerialisation and incorporation into credit markets.

The major impediment will be political resistance especially by groupings that feel threatened by demographics or ownership. This may be countered by legal protections against involuntary conversion expressed in law, effective communication measures and visible rewards to smallholders, including easier access to crop credits. On an economic front, capacity bottlenecks and financial strains might delay efforts; this can be overcome by matching funds to current DILRMP outlays and by avoiding the creation of parallel institutions.

Monitoring and evaluation need to be instilled at the onset. The main indicators must be reduction of land related litigation, mutation and registration time lag, the percentage of the land parcels that have GPS verified boundaries, the number of conclusive titles issued and the rates of uptake of dematerialised records. Transparency and credibility may be improved by periodically phased third-party audit and public dashboard. Significantly, digitisation goals should not be taken as the only measure of success, but whether land will become more secure, conflicts will fall, and citizens will have confidence in the system.

Conclusion and Call to Action:

In this policy brief, it has been shown that the land tenure crisis in the UT is a result of deep structural ruptures which need to be looked into. Although past reforms have previously made cultivators more empowered due to the reduction in economic inequality, the new framework has brought back the element of uncertainty with legal ambiguity, administrative discretion, centralization, and ineffectiveness in the enforcement of property rights. This policy brief shows that unless the root causes of the failure of land demarcation, titling and transaction systems, additional liberalization will only serve to reify dispossession as opposed to development. An incremental process of moving to GPS-based boundaries, state-assured final titles and voluntary dematerialisation will provide a workable and institutionally feasible way out of rebuilding trust, reducing litigation, and protecting livelihoods. The immediate call to action is for the Jammu and

Kashmir administration and central ministries to pilot these reforms transparently, consult affected communities, and prioritize tenure security as a mandate for equitable growth and long-term stability in the region.

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