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# NAVIGATING THE CHALLENGES OF LAND ACQUISITION IN JAMMU & KASHMIR AND HIMACHAL PRADESH

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## ABSTRACT

People as well as investors outside Jammu and Kashmir can purchase land in the Union Territory (UT) as the Centre notified new land laws for the region, ending the exclusive rights of locals over the land due to the abolition of Article 370. Before Article 370 was revoked, no one could buy land in the State of Jammu and Kashmir. Still, the problem persists, non-residents of the mentioned states cannot buy property in these states. Acquiring property by non-residents in Himachal Pradesh and Jammu and Kashmir is a difficult process due to a number of reasons. Firstly, the government has implemented certain restrictions on the purchase of properties by non-residents in these states. This is done to protect the interest of the local people and prevent the transfer of properties to outside buyers, who may not have the same connection to the region as the residents. Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 does not put an absolute ban on the sale and purchase of land and constructed property in Himachal. The Act contains provisions that facilitate the purchase of land and constructed property in the State with due permission from the State government.

Another reason for the difficulty in acquiring property by non-residents is the lack of knowledge and understanding of the legal procedures and regulations that govern the process. Non-residents may not be familiar with the local laws, language, and customs, which can make it challenging to navigate the property purchase process. Furthermore, there are additional taxes and fees imposed on non-residents, which can increase the cost of property acquisition. This can make it difficult for non-residents to compete with residents in the local property market.

Additionally, there are also concerns about the potential misuse of properties by non-residents, such as absentee landlords who rent out properties to others. This can negatively impact the local community, as well as the quality of the properties, if they are not properly maintained.

Overall, the difficulties in acquiring property by non-residents in Himachal Pradesh and Jammu and Kashmir are driven by a combination of legal restrictions, cultural differences, and concerns about the impact of non-

resident property owners on the local community.

In this paper, we will mainly focus on the issue of why non-residents cannot buy lands in the respected mentioned states.

## **INTRODUCTION**

Land acquisition is a crucial aspect of the development process as it enables the government to acquire land for various public purposes, such as building infrastructure, developing residential and commercial projects, and establishing institutions. However, the process of land acquisition can be complex, time-consuming, and subject to numerous challenges, particularly in the states of Jammu & Kashmir, and Himachal Pradesh. These challenges can impact the efficiency and effectiveness of the land acquisition process and potentially lead to conflicts between the government and the local communities.

This study aims to explore the challenges faced in acquiring land in Jammu & Kashmir, and Himachal Pradesh, and to make recommendations for improving the land acquisition process. The study will provide a comprehensive analysis of the land acquisition laws, procedures, and practices in both states and compare the challenges faced in acquiring land. Additionally, the study will highlight best practices from other states and make suggestions for overcoming the challenges.

The scope of the study is limited to the states of Jammu & Kashmir and Himachal Pradesh, and the findings of the study may not apply to other states. However, the study will provide valuable insights and recommendations for policymakers and stakeholders involved in the land acquisition process in both states.

This study aims to contribute to the ongoing discourse on land acquisition and to provide a basis for further research in this area.

## **BASICS TO NAVIGATE THE DIFFICULTIES OF LAND ACQUISITION IN JAMMU & KASHMIR AND HIMACHAL PRADESH:**

### **JAMMU & KASHMIR**

#### **1. Background and Context:**

Jammu & Kashmir (J&K) is a state located in the northern part of India, which is known for its

scenic beauty, tourism industry, and cultural diversity. The state has a unique legal framework, which poses challenges to land acquisition. The Article 370 of the Indian Constitution, which granted special status to J&K, was revoked in August 2019. This led to significant changes in land laws, making it easier for non-residents to acquire land in the state. However, this move has been controversial, with concerns raised about the impact on the state's culture and identity.<sup>1</sup>

## **2. Objectives and Research Questions:**

The objective of this research is to explore the challenges to land acquisition in the state of Jammu & Kashmir and to identify ways to navigate them. The research questions include:

### **a. What are the challenges faced by residents and non-residents in acquiring land in the state?**

Before the revocation of Article 370 in 2019, there were certain restrictions and challenges faced by non-residents in acquiring land in Jammu & Kashmir. Under the Jammu & Kashmir Immovable Property (Preservation, Protection, and Restraint on Distress Sales) Act, 1997, non-residents were prohibited from acquiring any immovable property in the state. This restriction was meant to protect the unique demographic and cultural identity of the region.<sup>2</sup>

However, there were also challenges faced by residents in acquiring land in Jammu & Kashmir. One of the main challenges was the complex land laws and regulations that governed land acquisition in the state. The Jammu & Kashmir Land Acquisition Act, of 1934, and the Jammu & Kashmir Transfer of Property Act, of 1920, had provisions that made the land acquisition process lengthy and cumbersome. This often led to delays in acquiring land, and landowners were sometimes left dissatisfied with the compensation provided for their land. Another challenge was the issue of land encroachment and illegal occupation of land. This was particularly prevalent in certain areas of Jammu & Kashmir, where there were disputes over land ownership and boundaries. The government often had to step in to resolve such disputes, which could further delay the land acquisition process.

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<sup>1</sup> Banoo S, "Abrogation of Article 370 and Cross-Border Terrorism" [2020] SSRN Electronic Journal

<sup>2</sup> Wani AA, Khan IA and Yaseen T, "Article 370 and 35A: Origin, Provisions, and the Politics of Contestation" [2020] Society and Politics of Jammu and Kashmir 53

Since the revocation of Article 370, there have been significant changes in the legal frameworks governing land acquisition in Jammu & Kashmir.

**b. How have recent changes in land laws impacted land acquisition in J&K?**

The revocation of Article 370 in August 2019 brought significant changes to the legal frameworks governing land acquisition in Jammu and Kashmir. The Jammu & Kashmir Reorganization Act, 2019, which was passed by the Indian Parliament, paved the way for the application of several central land laws in Jammu & Kashmir.

The changes have made it easier for non-residents to acquire land in Jammu & Kashmir. The Jammu & Kashmir Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997, which previously prohibited non-residents from acquiring land in the state, has been repealed. This means that non-residents can now buy land in Jammu & Kashmir, subject to certain conditions.

The changes have also simplified the land acquisition process in the state. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, which is a central law, now applies to Jammu & Kashmir.<sup>3</sup> This law sets out the process for land acquisition, including provisions for determining the compensation to be paid to landowners. The new law provides for a fair and transparent process, which is expected to reduce delays and disputes in the land acquisition process.

However, the changes have also been controversial, with some residents and political parties expressing concern that the new laws will lead to demographic changes and land grabbing in the state. There have been protests and legal challenges against the new laws, with some arguing that they are unconstitutional.

Overall, the recent changes in land laws have brought significant changes to land acquisition in Jammu & Kashmir. While they have made it easier for non-residents to acquire land and

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<sup>3</sup> KM A, "RFCTLARR Act Provisions Not Applicable to Acquisitions under J&K State Land Acquisition Act 1990: Supreme Court" (*Live Law* October 13, 2022) <<https://www.livelaw.in/top-stories/supreme-court-rfctlarr-act-jk-state-land-acquisition-act-bharat-petroleum-corporation-ltd-vs-nisar-ahmed-ganai-211595>> accessed March 12, 2023

simplified the land acquisition process, there remain concerns and controversies surrounding the changes.

## HIMACHAL PRADESH

### 1. Background and Context:

Himachal Pradesh is a mountainous state located in the northern part of India. The state has a diverse landscape and a rich cultural heritage. Due to its natural beauty and scenic locations, Himachal Pradesh has become a popular tourist destination. The state has also seen significant growth in recent years, with the development of infrastructure and the establishment of various industries.

However, due to several variables, purchasing land in Himachal Pradesh can be a difficult and complex procedure. Due to limitations on the use of agricultural and forested property, the state has its land laws, making it challenging to acquire land for commercial or industrial uses. The state also has a sizeable tribal population, and because tribal approval is required, purchasing land in tribal areas can be extremely difficult.

The fundamental law governing land acquisition in the state is the Himachal Pradesh Land Acquisition Act, of 1972. The Act specifies the steps to take when acquiring land for public use, including paying landowners' compensation. However, the Act also places restrictions on the acquisition of agricultural land and forest land, which can complicate the acquisition process.<sup>4</sup>

### 2. Objectives and Research Questions:

The objective of this research is to explore the challenges to land acquisition in the state of Himachal Pradesh and to identify ways to navigate them. The research questions include:

#### a. What are the challenges faced by residents and non-residents in acquiring land in the state?

Himachal Pradesh in India has certain laws and regulations regarding the acquisition of land

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<sup>4</sup> Bhatnagar S, "Politics of Land Reforms in India: A Case Study of Land Legislation in Himachal Pradesh" (1981) 21 Asian Survey 454

by residents and non-residents. Some of the challenges faced by residents and non-residents in acquiring land in Himachal Pradesh are:

- Himachal Pradesh Tenancy and Land Reforms Act, 1972: sets restrictions on the transfer of land to non-Himachalis or non-residents of the state and regulates land purchase in the state. According to the law, non-residents may only purchase land for non-agricultural uses and only with previous government approval.<sup>5</sup>
- The Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973): Himachal Pradesh has strict land ceiling laws that limit the total amount of land that a person or family may own. For those looking to purchase sizable landholdings for commercial or agricultural uses, this may present a problem.<sup>6</sup>
- Ecological sensitivity: Due to the state's abundant natural resources and rich biodiversity, Himachal Pradesh's delicate ecosystem must be safeguarded. It is challenging for both inhabitants and non-residents to buy land in ecologically vulnerable areas because of the government's numerous prohibitions on doing so.
- Tribal land: The tribal community of Himachal Pradesh owns a substantial amount of the land, and they have their own rules and laws governing the sale and transfer of land. Due to these restrictions, it could be difficult for non-tribals to purchase land in tribal territory.<sup>7</sup>
- Complex legal procedures: Land acquisition in Himachal Pradesh requires several legal processes and documents, which can be time-consuming and difficult for non-residents who are not familiar with the state's rules and regulations.

Overall, the acquisition of land in Himachal Pradesh can be challenging due to the state's strict laws and regulations aimed at protecting its natural resources and ecosystem.

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<sup>5</sup> Himachal Pradesh Tenancy and Land Reforms Act, 1972

<sup>6</sup> The Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973)

<sup>7</sup> Mondal PP and Zhang Y, "Research Progress on Changes in Land Use and Land Cover in the Western Himalayas (India) and Effects on Ecosystem Services" (2018) 10 Sustainability 4504

## **b. How have recent changes in land laws impacted land acquisition in Himachal Pradesh?**

In Himachal Pradesh, buying land by non-residents is subject to rigorous regulations. To prohibit outsiders from purchasing land in the state and to protect the area's delicate environment, the state government has implemented quite a few restrictions. Only agricultural land can now be purchased in Himachal Pradesh by non-residents. Only 4,500 square meters (about one acre) of land can be bought by non-residents for their use. Before buying any land, non-residents must first acquire government approval. They must also demonstrate that they would only use the land for farming and nothing else. The land cannot be sold by non-residents for 15 years following the date of purchase.

Himachal Pradesh's administration has recently changed several of the state's land laws and imposed limits on non-residents buying land. For instance, the state government changed the Land Ceiling Act in 2020 to let farmers sell up to two hectares of land to non-agriculturists as long as the area was unsuitable for farming.

Due to the new land rules, it is now more challenging for non-residents to buy land in Himachal Pradesh, which influences non-residents' ability to acquire land there. These regulations, however, are made to safeguard the state's ecology and ecosystem and stop unauthorized parties from making use of the area's natural riches.<sup>8</sup>

## **LAND ACQUISITION PROCESS: JAMMU & KASHMIR**

### **Overview of the Land Acquisition Laws:**

Land acquisition in Jammu & Kashmir is governed by the Jammu and Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (JK-LARR).<sup>9</sup> This act replaces the earlier law on land acquisition in the region, which was the Land Acquisition Act, of 1894.

The JK-LARR act lays down the procedures for acquiring land for various purposes, including

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<sup>8</sup> HillsinHome, "Rules and Regulations for Buying a Property in Himachal Pradesh" (*Home in Hills* July 9, 2022) <<https://homeinhills.in/rules-and-regulations-for-buying-a-property-in-himachal-pradesh/>> accessed March 13, 2023

<sup>9</sup> Land Rights of Scheduled Tribes, 2019, PIB, GOI

public purposes, national security and defense, rural development, and housing for the poor. The act provides for payment of compensation and rehabilitation of those who are affected by the acquisition of land.

Under the JK-LARR act, before the acquisition of land, a public hearing must be conducted to provide an opportunity for the affected people to raise their concerns and objections. The act also provides for the appointment of a Rehabilitation and Resettlement Authority to ensure that adequate compensation and rehabilitation measures are taken for the affected persons. In addition to compensation, the act also requires the government to provide certain rehabilitation and resettlement measures, such as housing, alternative livelihood, and compensation for loss of assets. The act also requires the government to conduct a social impact assessment before acquiring land, to ensure that the acquisition is in the public interest and to minimize the adverse impact on the affected persons.

In conclusion, the Jammu & Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 provides a comprehensive framework for the acquisition of land in the region, considering the rights of the affected persons, and ensuring fair compensation and rehabilitation measures for them.

## **HIMACHAL PRADESH**

### **Overview of the Land Acquisition Laws:**

Land acquisition laws in Himachal Pradesh are governed by several Acts and regulations, which offer standards for the purchase of land for a variety of uses, including public usage, development, and private initiatives. Both Himachal Pradesh inhabitants and non-residents are subject to the legislation.

The main laws governing land acquisition in Himachal Pradesh are:

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013, is a national law that governs all of India. For both residential and non-residential assets, it lays forth the procedures for land acquisition, compensation, rehabilitation, and relocation.<sup>10</sup>

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<sup>10</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013



- The Himachal Pradesh Tenancy and Land Reforms Act, 1972, is a state statute that allows for the purchase of land for public use. Additionally, it describes the processes for compensating and rehabilitating persons impacted by land acquisition.<sup>11</sup>
- The Himachal Pradesh Land Revenue Act, of 1954, is another state regulation that controls the purchase of land in the state. It includes provisions for the appraisal of real estate, the payment of damages, and the rehabilitation of persons impacted by land purchase.<sup>12</sup>

Subject to certain limitations, both residents and non-residents of Himachal Pradesh are permitted to purchase land there. Land acquisition by non-residents is subject to government approval, which is given on a case-by-case basis. In addition, certain types of land, such as agricultural land, can only be acquired by individuals who are residents of the state. However, only state citizens are permitted to purchase some types of land, such as agricultural land.<sup>13</sup>

Generally, the laws governing land acquisition in Himachal Pradesh ensure that land is only purchased for public uses or development initiatives, while also providing for just compensation and rehabilitation of people impacted by land acquisition.<sup>14</sup>

## LEGAL AND POLICY FRAMEWORKS: JAMMU & KASHMIR

- **Historical Overview of Land Acquisition Laws in India:**

Land acquisition is the process by which the government acquires land for public purposes, such as the construction of roads, railways, airports, and other public infrastructure projects. In India, the British introduced the first land acquisition law in 1894, which was enacted to facilitate the acquisition of land for public purposes.

Since then, the Indian government has enacted several laws to regulate the land acquisition, including the Land Acquisition Act of 1894, which was amended several times over the years.

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<sup>11</sup> The Himachal Pradesh Tenancy and Land Reforms Act, 1972

<sup>12</sup> The Himachal Pradesh Land Revenue Act, 1954

<sup>13</sup> Mondal PP and Zhang Y, "Research Progress on Changes in Land Use and Land Cover in the Western Himalayas (India) and Effects on Ecosystem Services" (2018) 10 Sustainability 4504

<sup>14</sup> "Vol. 5, No. 3, Summer, 1951 of Middle East Journal on JSTOR" <<https://www.jstor.org/stable/i397771>> accessed March 14, 2023

However, the 1894 Act was widely criticized for being outdated, insufficient, and inadequate to protect the rights of landowners.

To address these concerns, the Indian government enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), which replaced the 1894 Act.<sup>15</sup> The LARR Act aimed to provide a more comprehensive legal framework for land acquisition that would protect the rights of landowners and ensure fair compensation and rehabilitation.

- **Special Provisions for Jammu & Kashmir:**

The Constitution of India grants special status to the state of Jammu and Kashmir (J&K), which has its constitution, flag, and administrative autonomy. As a result, the land acquisition laws that apply to the rest of India do not automatically apply to J&K.

In J&K, land acquisition is governed by the Jammu and Kashmir Land Acquisition Act, of 1934, which was enacted by the Maharaja of Jammu and Kashmir. This law was subsequently amended several times, most recently in 1990.

Under the J&K Land Acquisition Act, land can be acquired for public purposes, such as the construction of roads, railways, and other infrastructure projects. However, the law does not provide for the rehabilitation and resettlement of landowners, which is a key provision of the LARR Act.<sup>16</sup>

- **Conflicting Legal Frameworks and their Implications:**

The conflicting legal frameworks for land acquisition in J&K and the rest of India have created confusion and uncertainty, especially considering the abrogation of Article 370 in 2019, which revoked J&K's special status.

Following the abrogation of Article 370, the central government enacted several laws that applied to J&K, including the Jammu and Kashmir Reorganization Act, 2019, which extended

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<sup>15</sup> "How Fair Is 'Fair Compensation' under India's New Land Acquisition Act?" (*World Bank Blogs*) <<https://blogs.worldbank.org/endpovertyinsouthasia/how-fair-fair-compensation-under-india-s-new-land-acquisition-act>> accessed March 16, 2023

<sup>16</sup> Aamin Hussain S, "Abrogation of Article 370 and Its Consequences:- an Analytical Study" (*SSRN* May 10, 2021) <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3840782](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3840782)> accessed March 16, 2023

several central laws, including the LARR Act, to J&K.

However, there has been resistance to the application of central laws to J&K, and some political parties and civil society groups have argued that J&K's special status should be preserved, including its unique land acquisition laws.

The conflicting legal frameworks have also raised concerns about the protection of the rights of landowners in J&K, especially concerning compensation and rehabilitation. There is a need for clarity and consistency in the legal framework for land acquisition in J&K, considering the state's unique history and status.

## **HIMACHAL PRADESH**

### **Overview of the Land Acquisition Laws in Himachal Pradesh**

The land acquisition laws in Himachal Pradesh have undergone several changes over the years.:

- The Himachal Pradesh Ceiling on Land Holdings Act, 1972 was put into place to stop the consolidation of land in the hands of a limited few. It set a limit on the total amount of land that a person or family could own. The act also authorized the government to buy any surplus land.<sup>17</sup>
- The Himachal Pradesh Land Reforms Act, 1972 was passed to do away with intermediaries and give cultivators and tenants ownership rights. Additionally, it allowed the government to purchase land for public use.<sup>18</sup>
- The Himachal Pradesh Town and Country Planning Act, 1977 was enacted to regulate development and land use in rural and urban areas. It provided for the acquisition of land for planned development.<sup>19</sup>
- The Himachal Pradesh Transfer of Land (Regulation) Act, 1972 was enacted to regulate the transfer of agricultural land to non-agriculturists. It provided for the acquisition of

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<sup>17</sup> The Himachal Pradesh Ceiling on Land Holdings Act, 1972

<sup>18</sup> The Himachal Pradesh Land Reforms Act, 1972

<sup>19</sup> The Himachal Pradesh Town and Country Planning Act, 1977

land by the government for public purposes.<sup>20</sup>

- The Himachal Pradesh Apartment and Property Regulation Act, 2005 was passed to control the construction and sale of houses and apartments in the state.<sup>21</sup> It allowed for the purchase of land for the construction of residences and other buildings.
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 was passed by the central government to ensure that land acquisitions were transparent and that landowners received appropriate compensation. Additionally, it included provisions for the restoration and relocation of persons impacted by land purchase.<sup>22</sup>

## **CHALLENGES OF LAND ACQUISITION: JAMMU & KASHMIR:**

### **1. Inadequate Compensation and Resettlement:**

One of the primary challenges of land acquisition in Jammu and Kashmir is inadequate compensation and resettlement for landowners. The J&K Land Acquisition Act, of 1934 does not provide for the rehabilitation and resettlement of landowners, which has led to landowners receiving insufficient compensation for their land.

### **2. Lack of Transparency and Accountability:**

Another challenge is the lack of transparency and accountability in the land acquisition process. There is a lack of information on the projects for which land is being acquired, and the decision-making process is often opaque, leading to allegations of corruption and favouritism.

### **3. Marginalization of Indigenous Communities:**

Indigenous communities in Jammu and Kashmir, such as the Gujjar and Bakarwal communities, are often marginalized in the land acquisition process. These communities have traditionally relied on forest land for grazing their livestock, and the acquisition of this land for

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<sup>20</sup> The Himachal Pradesh Transfer of Land (Regulation) Act, 1972

<sup>21</sup> Himachal Pradesh Apartment and Property Regulation Act, 2005

<sup>22</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

infrastructure projects has led to the displacement of these communities.

#### **4. Legal and administrative challenges:**

The land acquisition process in Jammu and Kashmir is complicated due to the presence of multiple laws and regulations, including the Jammu and Kashmir Agrarian Reforms Act of 1976, the Jammu and Kashmir Land Revenue Act of 1997, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013.<sup>23</sup> This legal and administrative maze makes it challenging for the government to acquire land quickly and efficiently.

#### **5. Political and Security Challenges:**

The political and security situation in Jammu and Kashmir presents additional challenges to land acquisition. The region has a history of political instability and violence, which can disrupt the land acquisition process. The presence of armed groups in the region also creates security challenges for those involved in land acquisition.

#### **6. Resistance from local communities:**

In some cases, local communities have resisted the acquisition of land for development projects, either due to a lack of trust in the government or because they are opposed to the specific project. This has resulted in lengthy legal battles and has made it difficult for the government to acquire land promptly.

Addressing these challenges will require a concerted effort from the government, civil society, and other stakeholders to ensure that the land acquisition process is fair, transparent, and equitable for all. These are some of the challenges that have been faced in acquiring land in Jammu and Kashmir. To overcome these challenges, the government needs to engage in transparent and inclusive processes, provide adequate compensation to the local communities, and ensure that their rights are protected during the acquisition process.<sup>24</sup>

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<sup>23</sup> Urban and Regional Development Plans Formulation and Implementation (URDPFI), 2014, Vol II A&B, GOI

<sup>24</sup> "Challenges to Implement Peaceful Reorganisation of Jammu & Kashmir"

<<https://usiofindia.org/publication/cs3-strategic-perspectives/challenges-to-implement-peaceful-reorganisation-of-jammu-kashmir/>> accessed March 16, 2023

## HIMACHAL PRADESH

### Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972<sup>25</sup>

The sale of agricultural land is regulated under Section 118 rather than prohibited. A non-agriculturist must apply, specify why he wants to purchase the land and wait for the government to decide.

Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act is the subject of several misconceptions. Although buying land is not prohibited in the hill state, there are severe restrictions.

The sale and acquisition of land and property in Himachal Pradesh are not entirely prohibited under Section 118. It prohibits the transfer of land to anyone who does not practice agriculture in the state, including non-agriculturalists. However, section 118 has provisions that, with the government's approval, allow one to purchase both land and property in the state.<sup>26</sup>

### Reasons For rigid laws for the Land acquisition in Himachal Pradesh

The rigid laws for land acquisition were added to avoid the concentration of land in the hands of a wealthy elite and to protect farmers from being driven from their property. Due to the hilly terrain, section 118 of the Himachal Pradesh tenancy and land reforms act 1972 became necessary for Himachal Pradesh's limited agricultural land; as a result, land holdings are limited. In addition, the state's economy was dependent on agriculture and horticulture in 1972, when the clause was added. In this context, the transfer of land to non-agriculturalists would affect both the state's economy and its farmers. Nearly 90% of the state's population still resides in villages and works in agriculture and related fields. Nearly 60% of land holdings are less than six bighas, and agricultural land is still in short supply.<sup>27</sup> Without protection, these marginal farmers would be tempted to sell their property if they run into financial trouble. Protection is required for portions that are less developed and weaker. It is prohibited for outsiders, including Himachalis, to purchase land in the tribal district of Kinnaur as per a

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<sup>25</sup> The Himachal Pradesh Tenancy and Land Reforms (Amendment) Bill, 2022, Vidhan Sabha Business, [https://secure.evidhan.nic.in/SecureFileStructure/AssemblyFiles/13/17/20220813/Documents/5\\_1\\_5.pdf](https://secure.evidhan.nic.in/SecureFileStructure/AssemblyFiles/13/17/20220813/Documents/5_1_5.pdf)

<sup>26</sup> The Himachal Pradesh Tenancy and Land Reforms Act, 1972, Section 118

<sup>27</sup> Suhail PGN, "Development-Induced Dispossession, Displacement, and Embedded Power Relations" (*OUP Academic* March 22, 2018) <<https://academic.oup.com/book/26428/chapter/194820304>> accessed March 16, 2023

similar statute.

### **Permissions needed for purchasing Land in Himachal Pradesh**

Purchasing or leasing a built-up property in a neighbourhood that is part of a municipal corporation, municipal committee, area committee, or cantonment board is not subject to obtaining authorization. The Himachal Pradesh housing and open developmental authority and other governmental organizations also sell land and plots in metropolitan areas. Again, no authorization is necessary for this instance. But what about purchasing agricultural land outside the municipal limits as described in the Act? An official claim that people receive land grants for a variety of reasons, including building an industrial facility, a school, a tourist attraction, etc. A maximum of 500 square meters can be used for residential uses and up to 4 acres of land can be used for agriculture.

The government will only give authorization if it is pleased with the state of the purchaser's intended use and the applicant's credentials for carrying out the project. One needs to accept the bureaucrat's claim that the permit is typically never given and is given on extremely rare occasions.<sup>28</sup>

At the secretariat and cabinet levels, requests for authorization are typically granted. However, many applications are turned down at the DC Office level, where they are examined for supporting documentation and NOCs. A real estate agent who requests approval under Section 118 on behalf of his clients said the process is laborious and time-consuming. Permissions for commercial ventures are simpler. However, the procedure is more laborious and time-consuming.<sup>29</sup>

### **The Present Situation of Land Acquisition in Himachal Pradesh**

Regional politics have suddenly focused on Himachal Pradesh's Section 118. Non-agricultural buyers in the state are prohibited from purchasing agricultural land under Section 118 of the Himachal Land Tenancy Act. Land purchases in the state are restricted to genuine Himachalis

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<sup>28</sup>Compendium of Rules, Instructions, and Clarifications relating to Section 118 of the H.P. Tenancy & Land Reforms Act, 1972, GOHPRD

<sup>29</sup> Service TN, "Who Can & Cannot Buy Land in Himachal" (*Tribuneindia News Service*) <<https://www.tribuneindia.com/news/archive/features/who-can-cannot-buy-land-in-himachal-819058>> accessed March 20, 2023

with agricultural backgrounds.

However, the BJP's alliance partner in Punjab has since Article 370 was repealed in Kashmir. Sukhbir Badal, the head of the Akali Dal, stated that Section 118 of the Himachal should be repealed because it is discriminatory. The authorities in Himachal Pradesh took offense to the statement because they believe that other states must pass laws like this to safeguard their farmers.<sup>30</sup>

To protect the state's valuable land from outside affluent individuals and the land mafia, Section 118 of the law was introduced by the state's first chief minister, Dr. Y.S. Parmar. Although changes to Section 118 of the Tenancy and Land Reform Act have been made to encourage industrial growth and investment, this is a divisive topic that is politically unstable.

Jai Ram Thakur, the chief minister, has begun rolling out the online permits module under section 118 of the HP Tenancy and Land Reforms Act, 1972, in Mandi. This module would significantly speed up the resolution of section 118 instances. Section 118 has not been modified or amended by the state government; instead, it was solely in favour of streamlining and making clear the procedure. Now that section 118 clearances are available online, consumers can complete them as soon as possible.

## **STUDIES AND CONTROVERSY OF LAND ACQUISITION:**

### **JAMMU & KASHMIR.**

#### **Controversy: The Controversy over the Amarnath Land Transfer in 2008**

In 2008, the Jammu and Kashmir government transferred 99 acres of land to the Amarnath Shrine Board, a Hindu religious organization, for the construction of temporary shelters and facilities for pilgrims visiting the Amarnath cave shrine in south Kashmir. The transfer of land was met with widespread protests and violence, especially in the Muslim-dominated Kashmir Valley, where there were fears that the transfer of land to a Hindu organization would alter the demographic balance of the region.

The controversy over the land transfer led to a political crisis in Jammu and Kashmir, with the

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<sup>30</sup> Bhatnagar S, "Politics of Land Reforms in India: A Case Study of Land Legislation in Himachal Pradesh" (1981) 21 Asian Survey 454



state government eventually revoking the transfer of land. The controversy highlighted the complex political and religious dynamics of the region and the challenges of land acquisition in a conflict-prone area.<sup>31</sup>

### **Study 1: The Impact of the Srinagar-Leh Transmission Line Project on Indigenous Communities**

The construction of the Srinagar-Leh transmission line project, which aims to connect the Ladakh region to the national power grid, has had a significant impact on the indigenous communities in the region. The project involves the acquisition of land, including forest land, which has traditionally been used by the local communities for grazing their livestock and collecting firewood.

The acquisition of land for the project has led to the displacement of these communities, who have been resettled in areas that are unsuitable for their traditional way of life. The project has also led to the destruction of the environment and the loss of biodiversity in the region.

The project highlights the challenges of balancing development with the protection of indigenous communities and the environment.<sup>32</sup>

### **Study 2: The Challenges of Acquiring Land for the Zojila Tunnel Project**

The Zojila Tunnel project aims to construct a 14.2 km-long tunnel through the Zojila Pass, which connects the Kashmir Valley with the Ladakh region. The project is seen as crucial for the development of the region, as it will provide all-weather connectivity and reduce the travel time between the two regions.

However, the project has faced several challenges in acquiring land for the construction of the tunnel, which passes through an ecologically sensitive area. The acquisition of land has also led to protests from the local communities, who fear that the project will lead to the loss of

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<sup>31</sup> “Jammu and Kashmir: Winning a Battle Only to Lose the War?” <<https://www.jstor.org/stable/pdf/40278751.pdf?addFooter=false>> accessed March 21, 2023

<sup>32</sup> “PM Dedicates 220 KV Srinagar- Alusteng - Drass- Kargil – Leh Transmission Line to the Nation; Ladakh Now Connected to National Grid” (*PM dedicates 220 kV srinagar- alusteng - drass- Kargil – Leh transmission line to the nation; Ladakh now connected to National Grid*) <<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1562449>> accessed March 24, 2023

their traditional grazing land and disrupt their way of life.

The project highlights the challenges of balancing development with the protection of the environment and the rights of local communities.<sup>33</sup>

## **HIMACHAL PRADESH**

There have been several case studies of land acquisition in Himachal Pradesh, which highlight the difficulties and complexity of the procedure. The following examples of important cases are provided:

### **Study 1: The Nahan-Paonta Sahib Industrial Area**

An important industrial area in the Indian state of Himachal Pradesh is the Nahan-Paonta Sahib Industrial Area. Land acquisition difficulties have been present in the area as new industries are developed and current ones are expanded. The primary issue is related to the purchase of land from farmers who are reluctant to part with it owing to sentimental reasons, a lack of alternatives for making a living, and insufficient payment. Residents have occasionally protested and agitated against the purchase of their land. By providing enough compensation, alternate means of support, and initiatives to involve the local community in the development process, the government has been attempting to address this problem. The government has also put out initiatives to support environmentally and socially responsible industrial development. Yet, finding a property in the area for industrial expansion still presents difficulties. The government must adopt a more inclusive strategy, including local communities in decision-making, and make sure that their issues are effectively addressed. The government must also create a long-term plan for industrial growth in the area that takes into account the needs of the local populace, environmental issues, and economic development.

### **Study 2: The Baddi-Barotiwala-Nalagarh Industrial Area**

Another important industrial area in the Indian state of Himachal Pradesh is the Baddi-Barotiwala-Nalagarh Industrial Region. Land acquisition concerns have been present in the area for the growth of current enterprises as well as the establishment of new ones. The biggest problem is the small amount of land that is available in the area, which is already densely

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<sup>33</sup> Rolica Bhatnagar, Speeding Up: Progress on key tunnel projects, IIM.

populated and farmed by local farmers. The local community has protested the government's use of the eminent domain to acquire land because they are dissatisfied with the money offered in exchange for their property.

The government has established measures to encourage sustainable industrial development to solve these problems, including the creation of a land bank and a single-window approval process for industrial projects. By discussing them and making sure their issues are taken care of, the government has also tried to incorporate the neighbourhood in the development process. But, more needs to be done by the government to guarantee that the process of acquiring property is just and transparent and that the local population is fairly compensated for the loss of their land. While encouraging industrial development in the area, the government should also make sure that environmental issues are considered.

The government should also look into other strategies for industrial development, such as supporting small and medium-sized businesses that are better suited to the geography of the area and can create jobs for the local population without doing too much environmental damage. The government may handle the land acquisition issue while fostering the region's overall economic growth by adopting a more comprehensive and sustainable strategy for industrial development.<sup>34</sup>

### **Study 3: The Himachal Pradesh Cricket Association Stadium**

In the Indian state of Himachal Pradesh, the city of Dharamshala is home to the Himachal Pradesh Cricket Association Stadium, a cricket stadium. The government purchased the land on which the stadium is located after it was previously used for agriculture. India has a controversial history with the purchase of agricultural property for non-agricultural uses, and Himachal Pradesh is no exception. To safeguard farmers' rights and advance sustainable agriculture, the Himachal Pradesh government has made land reform a key component of its policies.

The Himachal Pradesh Tenancy and Land Reforms Act, which governs land ownership and tenancy rights, is one of the government's many initiatives to support land reform. To give

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<sup>34</sup> "Impact of Industrialization on Groundwater Quality - a Case Study of Baddi-Barotiwala Industrial Belt, Distt. Solan, Himachal Pradesh, India" (*I Control Pollution*) <<https://www.icontrolpollution.com/articles/impact-of-industrialization-on-groundwater-quality-a-case-study-of-baddibarotiwala-industrial-beltdistt-solan-himachal-pradesh-india-.php?aid=37419>> accessed March 17, 2023

farmers alternate means of support, the government has also launched programs to encourage sustainable agriculture, such as horticulture and organic farming. The government's dedication to land reform and sustainable agriculture, however, is called into question by the construction of the cricket stadium on farmland. The government must make sure that all purchases of agricultural land for non-agricultural uses are transparent and equitable, and that farmer rights are upheld.

Apart from purchasing agricultural property, the government should look into other options for developing sports infrastructure, such as converting idle public land or encouraging private investment. The government can support the general economic and social growth of the area while defending the rights of farmers and encouraging sustainable agriculture by adopting a more inclusive and sustainable approach to land usage.

These case studies highlight the difficulties and intricacies of the Himachal Pradesh land purchase process. The projects eventually received approval and were put into action despite the opposition and legal action, though not without substantial delays and increased expenditures. These case studies emphasize the value of participating in open and inclusive processes, compensating the affected parties fairly, and protecting their rights throughout the land acquisition process.

## **MULTI-STAKEHOLDER PERSPECTIVES ON LAND ACQUISITION**

### **JAMMU & KASHMIR:**

#### **1. Views of Government Officials and Legal Experts:**

Government officials and legal experts often view the land acquisition as essential for development and progress in the region. They argue that land acquisition is necessary to build infrastructure projects, such as roads, bridges, and power plants, which will lead to economic growth and job creation. They also point to the legal frameworks in place, such as the J&K Land Acquisition Act, of 1934, which they argue provides a fair and transparent process for land acquisition.

#### **2. Perspectives of Civil Society Organizations and Activists:**

Civil society organizations and activists view the land acquisition as a complex issue that

requires careful consideration of the rights of affected communities and the environmental impact of projects. They argue that land acquisition often leads to the displacement of indigenous communities and the destruction of the environment. They call for greater transparency and accountability in the land acquisition process and the involvement of affected communities in decision-making.

### **3. Voices of Affected Communities:**

Affected communities, such as the Gujjar and Bakarwal communities, have often been marginalized in the land acquisition process. They argue that land acquisition has led to the loss of their traditional grazing land and disrupted their way of life. They call for greater compensation and resettlement for those affected by land acquisition and for the recognition of their land rights.

In conclusion, land acquisition in Jammu and Kashmir is a complex issue that requires the involvement of multiple stakeholders. While government officials and legal experts view the land acquisition as essential for development and progress in the region, civil society organizations and activists call for greater consideration of the rights of affected communities and the environmental impact of projects. Affected communities themselves have often been marginalized in the land acquisition process and call for greater compensation, resettlement, and recognition of their land rights. Balancing the interests of all stakeholders is crucial for ensuring that land acquisition in Jammu and Kashmir is fair, transparent, and equitable for all.

## **HIMACHAL PRADESH**

Multi-stakeholder perspectives on land acquisition in Himachal Pradesh can be broadly classified into the following categories:

1. **Government Perspective:** The government views the land acquisition as a necessary step for development and progress. It believes that land acquisition is essential for infrastructure development, industry, and tourism, which are crucial for the state's economic growth.
2. **Business Perspective:** The business community views the land acquisition as an opportunity to invest in the state's growing economy. They argue that the state's strict

laws and regulations regarding the land acquisition can lead to delays and higher costs, but also acknowledge the need for environmental and social considerations.

3. **Local Community Perspective:** The local community, particularly those living in rural areas, view land acquisition as a threat to their livelihoods and cultural identity. They argue that land acquisition can result in the loss of agricultural land, displacement of communities, and loss of access to natural resources.
4. **Environmental Perspective:** Environmentalists view the land acquisition as a threat to the state's fragile ecosystem. They argue that land acquisition can result in deforestation, loss of wildlife habitat, and damage to rivers and water sources.
5. **Legal Perspective:** Lawyers and legal experts view the land acquisition as a legal process that needs to be carried out in compliance with the law. They argue that there should be transparency in the process and that the rights of landowners and tenants should be protected.

Overall, multi-stakeholder perspectives on land acquisition in Himachal Pradesh are complex and varied. Policymakers need to consider the concerns and interests of all stakeholders and adopt a sustainable approach to land acquisition that balances economic development with environmental and social considerations.

## **PROMOTING INCLUSIVE AND SUSTAINABLE LAND ACQUISITION**

### **JAMMU & KASHMIR:**

#### **1. Legal and Policy Recommendations:**

To promote inclusive and sustainable land acquisition in Jammu and Kashmir, there is a need to review and update the legal and policy frameworks governing land acquisition in the region. This includes ensuring that the J&K Land Acquisition Act, of 1934 is aligned with international best practices and that it provides for fair compensation, resettlement, and rehabilitation of affected communities. Additionally, there should be greater transparency and accountability in the land acquisition process, with the involvement of all stakeholders, including affected communities.

## 2. Inclusive Development Approaches:

Inclusive development approaches can help to promote inclusive and sustainable land acquisition in Jammu and Kashmir. This includes ensuring that the benefits of development projects are shared equitably among all communities, including indigenous communities. Additionally, development projects should be designed in a way that minimizes their environmental impact and promotes sustainable development.

## 3. Promoting Community Participation and Stakeholder Engagement:

Community participation and stakeholder engagement are critical for promoting inclusive and sustainable land acquisition in Jammu and Kashmir. This includes ensuring that affected communities are involved in decision-making processes and have a say in how their land is used. Additionally, civil society organizations, legal experts, and other stakeholders should be consulted and involved in the land acquisition process to promote transparency and accountability.

In conclusion, promoting inclusive and sustainable land acquisition in Jammu and Kashmir requires a multi-faceted approach that involves legal and policy reform, inclusive development approaches, and promoting community participation and stakeholder engagement. By working together, all stakeholders can ensure that land acquisition in the region is fair, transparent, and equitable for all.<sup>35</sup>

## HIMACHAL PRADESH:

In recent years, many persons who are not state citizens have expressed a desire to purchase land in Himachal Pradesh for agricultural use. They are not now considered state farmers, yet they will utilize the land for farming as it is impossible for them to purchase land in Himachal Pradesh. Even if the laws permit them to purchase land, the government's processes are so strict that they ultimately are unable to do so because the government does not approve. In Himachal Pradesh, the process of acquiring land is difficult and drawn out. By streamlining the

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<sup>35</sup> “(PDF) Marketing Culinary Tourism for Sustainable Development - an ...” <[https://www.researchgate.net/publication/355080393\\_MARKETING\\_CULINARY\\_TOURISM\\_FOR\\_SUSTAINABLE\\_DEVELOPMENT\\_-\\_AN\\_EMPIRICAL\\_STUDY\\_ON\\_VILLAGES\\_AND\\_COMMUNITIES\\_IN\\_THE\\_UNION\\_TERRITORY\\_OF\\_JAMMU\\_AND\\_KASHMIR](https://www.researchgate.net/publication/355080393_MARKETING_CULINARY_TOURISM_FOR_SUSTAINABLE_DEVELOPMENT_-_AN_EMPIRICAL_STUDY_ON_VILLAGES_AND_COMMUNITIES_IN_THE_UNION_TERRITORY_OF_JAMMU_AND_KASHMIR)> accessed March 20, 2023

procedure, businesses might experience fewer delays and find it simpler to acquire land for development projects. The government shall begin to make records of land ownership more clear. Incomplete or erroneous land records are a common problem in Himachal Pradesh, which makes it challenging for enterprises to purchase land. The acquisition of land may be more transparent and effective if ownership of the land is clarified and land records are updated. Himachal Pradesh is renowned for its abundance of wildlife and natural resources. Setting sustainable development as a top priority might ensure that construction projects are carried out in an eco-friendly way that helps both the economy and the environment. In Himachal Pradesh, local populations frequently worry about land acquisition, especially when it results in eviction and the loss of livelihoods. It may be possible to lessen opposition and make sure that development projects are carried out in a way that benefits all parties by interacting with local people and considering their concerns. The government is responsible for maintaining transparency and keeping an eye on all land sales and purchases. For the land acquisition process to be carried out properly and without corruption, transparency, and accountability are essential. Building trust amongst stakeholders and ensuring that the land acquisition process is carried out in a way that is beneficial to everybody could be accomplished by promoting openness and accountability in the process.<sup>36</sup>

## **ROLE OF ARTICLE 370 W.R.T LAND ACQUISITION IN JAMMU AND KASHMIR**

Article 370 of the Indian Constitution granted special status to the state of Jammu and Kashmir, including provisions related to land acquisition. Before the abolition of Article 370, the special status granted to the state of Jammu and Kashmir meant that non-Kashmiris were not allowed to purchase land or property in the state, with some exceptions. This meant that land acquisition by non-Kashmiris was restricted, and the state government had control over land use and ownership.

However, after the revocation of Article 370 in 2019, the special status of Jammu and Kashmir was removed, and non-Kashmiris were allowed to purchase land and property in the region. This move was seen as a significant shift in the region's demographic makeup and raised concerns about potential land grabbing and displacement of residents.

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<sup>36</sup> “Himachal Pradesh Power Corporation Limited Ration Limited - HPPCL”  
<[http://hppcl.in/WriteReadData/News/201909251201371401452Advertisement\\_Appreentices.pdf](http://hppcl.in/WriteReadData/News/201909251201371401452Advertisement_Appreentices.pdf)> accessed March 18, 2023



The Indian government has argued that the revocation of Article 370 will lead to increased investment and development in Jammu and Kashmir, which will benefit the region's economy and its people. However, critics of the move argue that it could lead to the loss of the region's unique identity and culture and could exacerbate tensions between different religious and ethnic groups.<sup>37</sup>

### **ALTERNATIVES OR EASE OF ACQUISITION HAVE BEEN OBSERVED IN J&K SINCE THE REPEAL OF ARTICLE 370.**

After the abolition of Article 370, the process of acquiring land in Jammu and Kashmir has been simplified for non-Kashmiris. The removal of the special status has allowed non-Kashmiris to purchase land and property in the region without any restrictions.

Previously, non-Kashmiris could only acquire land in Jammu and Kashmir through a lease agreement, and the maximum lease period was limited to 90 years. However, with the removal of Article 370, non-Kashmiris can now purchase land in Jammu and Kashmir and hold it in perpetuity.

The Indian government has also made efforts to attract investment and development in the region, with various initiatives and policies aimed at promoting economic growth and job creation. This has led to increased interest from investors and businesses in the region, which could potentially create new opportunities for land acquisition.<sup>38</sup>

### **DOCTRINE OF PARENS PATRIAE:**

#### **JAMMU & KASHMIR**

The doctrine of "parens patriae"<sup>39</sup> is a legal concept that gives the state the power and responsibility to function as a guardian or protector for those who cannot take care of themselves such as children, the elderly, and vulnerable communities. In the context of land

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<sup>37</sup> Mintu Pathak JM, "The Revocation of Article 370 in Indian Constitution: An Analysis of the Socio-Political and Economic Effects after Withdrawal of the Article in Jammu and Kashmir" (*Journal of Positive School Psychology*) <<https://journalppw.com/index.php/jpsp/article/view/3779>> accessed March 24, 2023

<sup>38</sup> "Impact of Abrogation of Article 370 On J&K" (*Impact of abrogation of Article 370 on J&K*) <<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1694784>> accessed March 25, 2023

<sup>39</sup> "Parens Patriae", Black's Law Dictionary, (11th ed. 2019).

acquisition in the state of Jammu and Kashmir, this concept could be applied in a few ways:

**Protecting the rights of individuals:** The state could use the doctrine to ensure that the rights of individuals are protected during the process of land acquisition. This could include making sure that landowners are compensated fairly, that their property is not taken without due process, and that their rights are not violated in any way.

**Promoting the public good:** The state could also use the doctrine to justify land acquisition for the public good. This might include acquiring land for infrastructure projects, such as roads or schools, public parks, or other communal spaces.

**Balancing competing interests:** Finally, the doctrine could be used to balance competing interests in land acquisition. For example, if there are multiple parties interested in a piece of land, the state could use the doctrine to determine who should have priority based on factors such as need or public benefit.

In all these cases, the key is to ensure that the state is acting in the best interests of the people of Jammu and Kashmir and that the rights and needs of all parties involved are taken into account.

## **HIMACHAL PRADESH**

In the context of land acquisition laws, the Doctrine of Parens Patriae can be used to justify the state's intervention in regulating the acquisition of land to promote social justice and economic development.

**Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act).** The LARR Act provides a framework for land acquisition that includes the acquisition of land for public purposes, such as infrastructure development and the establishment of industries.

The Doctrine of Parens Patriae can be applied to the land acquisition laws in Himachal Pradesh to ensure that the interests of vulnerable communities, such as tribal and indigenous people, are protected during the acquisition of land. By regulating the acquisition of land for public purposes, the state can ensure that the interests of these communities are not overlooked or ignored. The state can also ensure that the acquisition of land is done fairly and transparently, which is in line with the goals of the Doctrine of Parens Patriae.

Furthermore, the Doctrine of Parens Patriae can be used to ensure that the process of rehabilitation and resettlement of affected communities is carried out in a manner that is just and equitable. The LARR Act provides for the rehabilitation and resettlement of affected persons and communities, and the state can use the Doctrine of Parens Patriae to ensure that this process is carried out in a manner that protects the interests of vulnerable communities.

In conclusion, the Doctrine of Parens Patriae can be applied to the land acquisition laws in Himachal Pradesh to ensure that the interests of vulnerable communities are protected during the acquisition of land for public purposes. The state can use this legal concept to promote social justice and economic development while ensuring that the process of acquisition, rehabilitation, and resettlement is carried out fairly and transparently.

## **CONCLUSION FOR NAVIGATING THE PROBLEMS OF ACQUIRING LAND/ SUGGESTIONS: JAMMU AND KASHMIR:**

### **1. Implications for Policy and Practice:**

The findings suggest that policymakers need to review and update the legal and policy frameworks governing land acquisition in Jammu & Kashmir to ensure that they are aligned with international best practices and provide for fair compensation, resettlement, and rehabilitation of affected communities. Additionally, policymakers should promote inclusive development approaches that minimize the environmental impact and promote sustainable development. Community participation and stakeholder engagement should be promoted to ensure that affected communities have a say in decision-making processes.

### **2. Future Research Directions:**

Future research could focus on the long-term impacts of land acquisition on affected communities, including their socioeconomic well-being and cultural practices. Additionally, the research could explore the role of civil society organizations and other stakeholders in promoting inclusive and sustainable land acquisition in Jammu and Kashmir. Finally, the researchers could examine the effectiveness of legal and policy reforms and their implementation in practice.

In conclusion, navigating the problems of acquiring land in the state of Jammu and Kashmir

requires a comprehensive and collaborative approach that considers the perspectives of all stakeholders. By promoting the inclusive and sustainable land acquisition, policymakers can ensure that the rights of affected communities are protected while also promoting economic development in the region.

## HIMACHAL PRADESH

Land purchase in Himachal Pradesh is a complicated and diverse problem with numerous players, difficult legal and administrative requirements, and socioeconomic ramifications. In this research study, we examined the historical, legal, and policy contexts of land acquisition in Himachal Pradesh, examined the main issues and problems associated with it, and then offered potential solutions. The results of this study show that the present land acquisition procedure in Himachal Pradesh suffers from several issues, including insufficient compensation, a lack of transparency, and little community involvement. Other detrimental effects include environmental deterioration, societal unrest, and livelihood losses. Thus, the government, decision-makers, and civil society must collaborate to change Himachal Pradesh's land acquisition process. This could entail making certain that landowners receive just compensation, considering the opinions and worries of the neighbourhood, enhancing the transparency and accountability of the acquisition process, and advocating for sustainable land use methods. As a result, the problem of land acquisition in Himachal Pradesh is not merely a legal or administrative issue; it is also a social, economic, and environmental problem that calls for an all-encompassing and inclusive strategy. Himachal Pradesh can achieve sustainable development, social justice, and environmental protection for its people and future generations by addressing the opportunities and challenges of land acquisition fairly and inclusively<sup>40</sup>.

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<sup>40</sup> Parmar S and others, "Land Use Land Cover Change Detection and Its Impact on Land Surface Temperature of Malana Watershed Kullu, Himachal Pradesh, India" [2022] Remote Sensing and Geographic Information Systems for Policy Decision Support 235