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Jammu and Kashmir in the Aftermath of August 2019 Policy Reforms and the Evolving Governance Framework



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Aijaz Ashraf WANI

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Ifri

27 rue de la Procession 75740 Paris Cedex 15 – FRANCE

Tel. : +33 (0)1 40 61 60 00 – Fax : +33 (0)1 40 61 60 60

Email: accueil@ifri.org

Website: ifri.org

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Author

Dr. Aijaz Ashraf Wani (PhD) is an Associate Professor at the Department of Political Science, University of Kashmir. He is the author of *What Happened to Governance in Kashmir?*, Oxford University Press, 2019; and co-editor of *Democracy in South Asia*, Routledge, 2025, and *Politics of Jammu and Kashmir: From Princely State to Union Territory*, SAGE, 2022. His research has appeared in national and international journals, including the *Journal of Borderlands Studies*, *Studies in Indian Politics*, *Indian Journal of Public Administration*, *South Asian Survey*, *Economic and Political Weekly*, *Indian Historic Review*, *Urban India*, and others. He has chapters in books published by Routledge, Orient Blackswan, and Palgrave Macmillan. He has completed two major research projects sponsored by ICSSR, New Delhi and is working on another research project on the theme of Urban Governance, funded by ICSSR. He has also completed a number of minor projects on electoral studies sponsored by CSDS, New Delhi.

Abstract

The abrogation of Article 370, which granted special status to the state of Jammu and Kashmir (J&K), has been on the agenda of the Bharatiya Janata Party (BJP) for many decades. On August 5, 2019, the BJP, having secured a second term with an absolute majority in the May 2019 parliamentary elections under the leadership of Narendra Modi, finally took the decision to abrogate Articles 370 and 35A of the Indian constitution, as well as bifurcating J&K into two union territories. Since then, J&K has undergone governance reforms with far-reaching political and socio-economic ramifications. This paper examines the policy reforms and political developments in the erstwhile state of J&K (now a union territory – UT) since August 2019. It briefly discusses the journey of J&K from a state to a UT and the debate surrounding it. It further examines the J&K Reorganization Act 2019 and the delimitation exercise, along with the changes they brought about, affecting the demographic profile of parliament and assembly constituencies. After transforming J&K into a UT, the lieutenant governor-led administration took various policy measures related to governance in the region as well. This paper briefly analyses some major changes in the institutional structures of J&K. It explores policy and governance reforms related to land, industries, tourism, local governance, digital governance, and public outreach programs.

Résumé

L'abrogation de l'article 370, qui conférait un statut spécial à l'État du Jammu-et-Cachemire (J&C), faisait partie des priorités du Bharatiya Janata Party (BJP) depuis plusieurs décennies. Le 5 août 2019, après sa réélection pour un second mandat avec une majorité absolue lors des élections législatives de mai 2019 sous la direction de Narendra Modi, le BJP a finalement décidé d'abroger l'article 370 et l'article 35A de la constitution indienne, tout en scindant le J&C en deux territoires de l'Union. Depuis lors, le J&C a connu des réformes majeures de gouvernance avec des impacts politiques et socio-économiques importants. Cet article examine les réformes politiques et les développements dans l'ex-État du J&C, devenu un territoire de l'Union (UT), depuis août 2019. Il aborde le passage du J&C d'un État à un UT et le débat qui en découle. L'article analyse également la loi de réorganisation du J&C de 2019 et l'exercice de délimitation, ainsi que leurs effets sur le profil démographique des circonscriptions parlementaires et législatives. À la suite de la transformation du J&C en UT, l'administration dirigée par le lieutenant-gouverneur a mis en place plusieurs mesures politiques concernant la gouvernance de la région. Cet article examine certains des changements notables dans les structures institutionnelles du J&C. Il explore les réformes politiques et de gouvernance liées aux terres, aux industries, au tourisme, à la gouvernance locale, à la gouvernance numérique et aux programmes de sensibilisation du public.

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Introduction

Jammu and Kashmir (J&K) was the only state that negotiated its accession to the Union of India in 1947. The instrument of accession signed by Maharaja Hari Singh on October 26, 1947 surrendered only four areas – defense, communications, foreign affairs, and finance–, giving the union government the power to decide on these matters, while the remaining areas were retained by the state¹.

When the Indian constitution was being framed, a temporary special provision under Article 370 was included to protect the autonomy, rights, interests, and identity of J&K. The state was also allowed to have its own separate constitution and flag, and many laws passed by the Indian parliament were not directly applicable to J&K unless the same was passed by its own legislature². Likewise, Article 35A, added to the Indian constitution through a presidential order in 1954, gave exclusive rights to the legislature of J&K to define the permanent citizens of the state and provide them with special rights and privileges. The article essentially reserved the rights over land, property, and jobs for the residents of J&K and debarred the citizens of other states from the same³. However, the autonomy of the state was constantly emptied by successive central governments, culminating in the de-operationalization of Articles 370 and 35A in 2019⁴.

On August 5, 2019, the Home Minister of India announced in parliament that the central government led by the Bharatiya Janata Party (BJP) had abrogated Article 370 and repealed Article 35A through a presidential order⁵. Concurrently, the Home Minister introduced the J&K Reorganization Bill 2019 to change the status of the state and divide it into two new union territories (UTs), i.e. the UT of Jammu and Kashmir and the UT of Ladakh. The bill was passed by the Indian parliament on August 6, 2019. While all this was being done, all of J&K was subjected to massive curfew and clampdown. The leadership across the political spectrum in J&K, including former chief ministers, were arrested, mobile and internet

1. A.S. Anand, "Kashmir's Accession to India", *Journal of the Indian Law Institute*, Vol. 6, No. 1, 1964, pp. 69-86, available at: <http://www.jstor.org>.

2. A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir*, New Delhi: Oxford University Press, 2011.

3. A. Verma, "Freedom of Residence in India: A Study with Special Reference to Article 35A of the Constitution", SSRN, 2021, available at: <https://papers.ssrn.com>.

4. N. Kumar, "Unraveling the Constitutional Evolution of Article 370: A Comprehensive Overview", *India TV*, December 11, 2023, available at: <https://www.indiatvnews.com>.

5. "Parliament Revokes Article 370, J-K Bifurcation Sealed", *Hindustan Times*, August 7, 2019, available at: <https://www.hindustantimes.com>.

connectivity was entirely shut down, and a complete communication “gag” was imposed in the state⁶. These measures, despite criticism, were taken to prevent any outbreak of violence.

The central government justified the abrogation of Articles 370 and 35A on the grounds that it would fully integrate J&K with India, end militancy and violence in the region, and open the way for peace, prosperity, tourism, and development. Regarding statehood, the central government gave an assurance that the UT status of J&K⁷ was only temporary until the security situation improved, and the statehood of the region would be restored at an appropriate time⁸. While the region was under curfew and leaders under detention, no immediate reaction emerged from J&K. However, multiple petitions were filed immediately in the Supreme Court of India challenging the abrogation of the special status of the region. As the mainstream leaders were slowly released over a period, they came together and formed the “People’s Alliance for Gupkar Declaration” (PAGD) in October 2020; it comprised the six main political parties, including the Jammu and Kashmir National Conference (JKNC), Jammu and Kashmir People’s Conference, and Peoples Democratic Party (PDP)⁹. It vowed to fight for the restoration of statehood and of Articles 370 and 35A, and whatever had been snatched from the people of J&K on August 5, but nothing substantial was achieved and, gradually, the alliance fell apart.

The petitions filed in the Supreme Court challenged the constitutionality of the Presidential Order with reference to Article 370, as the president cannot amend the article without the concurrence of the J&K constituent assembly. Likewise, the petitioners challenged the J&K Reorganization Act under Article 3 of the Indian constitution, which gives parliament the power to form new states or modify the boundaries of the existing states in India. The petitioners contended that the parliament cannot unilaterally change federal democratic states into UTs, and the move was unconstitutional. According to them, Part III of the constitution guarantees the fundamental right to independent self-government with regard to political and constitutional status, which cannot be restricted

6. “Kashmir Turmoil: Restrictions Imposed in Srinagar, Omar Abdullah, Mehbooba Mufti Put under House Arrest”, *India Today*, August 5, 2019, available at: www.indiatoday.in.

7. The Indian Union is administratively divided into states and union territories. The former have their own elected governments and possess significant political power in India’s quasi-federal structure, whereas the latter are generally directly administered by the central government through their representative known as Lieutenant-Governor, and have no elected governments. However, few exceptions like J&K are UTs with legislature but don’t possess equal powers –political or administrative– as states have.

8. “Full State Status will be Restored to J&K at Appropriate Time: Amit Shah in RS”, *Live Mint*, August 5, 2019, available at: <https://www.livemint.com>.

9. A. Javid, “Gupkar Declaration Turns into Official Alliance in J&K, but Congress Skips Crucial Meet”, *The Print*, October 15, 2020, available at: <https://theprint.in>.

without referring the matter to the state legislature concerned, and in J&K, at the time, there was no elected legislature¹⁰.

On October 1, 2019, a three-judge Supreme Court bench led by former Indian Chief Justice Rajan Gogoi referred the issue to a five-judge panel. The petitioners requested that the matter be sent to a larger bench, and on March 2, 2020, a five-judge bench denied their request. The subject was then scheduled for hearing by the bench, starting on November 14, 2020.

On July 3, 2023, the Supreme Court listed the matter to a constitutional bench led by the Chief Justice, D.Y. Chandrachud, and the matter was listed for hearing on July 11, 2023. On December 11, 2023, the Supreme Court bench upheld the abrogation of Article 370 on the basis that the article was a temporary measure and that its abrogation would help in the full integration of J&K with the rest of India. As per the judgment of the bench, the president can unilaterally issue a notification, leading to the cessation of Article 370¹¹. The court also declared that the J&K constitution was redundant and inoperative, and that the constitution of India was the complete code of constitutional governance for the entire country. Regarding the UT status of J&K, the court did not pass a formal decision as the central government had given an assurance that this was temporary; the court simply stated that statehood should be restored as soon as the situation improved in the region. The bench also directed the Election Commission of India (ECI) to hold legislative assembly elections in the region before September 30, 2024¹². Assembly elections were held in 2014, and after the collapse of the coalition government between the PDP and the BJP in 2018, the region remained continuously under the president's rule.

Thus, the abrogation of Article 370 by parliament and its subsequent upholding by the Supreme Court changed the fundamental constitutional status and structure of J&K, its polity and its nature of government and governance. It no longer enjoys the position of "special status", autonomy, separate constitution, flag, land rights and state-subject provisions.

10. A. Mathur, "Article 370 in SC: What Court Said, 14 Petitioners Argued on Govt's Move, Media Curb in J&K", *India Today*, August 28, 2019, available at: www.indiatoday.in.

11. K. Rajagopal, "SC Upholds Abrogation of Article 370, Says Move was Part of 70-Year-Old Exercise to Integrate J&K to the Union", *The Hindu*, December 14, 2023, available at: www.thehindu.com.

12. "Hold Elections in J&K Before by September 30 Next Year: SC Directs Election Commission", *Economic Times*, December 11, 2023, available at: <https://m.economicstimes.com>.

Implications of the J&K Reorganization Act 2019

The J&K Reorganization Act altered the institutional structure of the region and redefined the powers of many institutions. The Act consists of 103 clauses; it repealed 153 state laws, and extended 106 central laws to the UT. According to the Act, J&K would be administered in accordance with Article 239A of the Indian constitution, which was first created for the UT of Pondicherry¹³. Under the Act, Ladakh was to be a UT without legislature, while J&K was to be a UT with a unicameral legislature¹⁴. The assembly of J&K could legislate on all subjects mentioned in the state list with the exception of public order and police, which would continue to be the purview of the Indian parliament. The Act also granted the central government the authority to issue various executive orders concerning the two UTs and substituted the post of governor with that of lieutenant governor, commanding unbridled powers. The Act abolished the upper house of the J&K legislature, known as the legislative council, ending the 70-year-old institution¹⁵.

To fill the seats designated for the UT of J&K in the Rajya Sabha (the upper house of the Indian parliament), four current members representing the present state of J&K would be regarded as having been elected, and the terms of the current members would not change. With regard to the Lok Sabha (the lower house of the Indian parliament), the Act transferred one seat to Ladakh, and five seats were allotted to J&K. In accordance with the new distribution arrangement, the ECI could hold parliamentary elections in J&K and Ladakh, as stated by the Act.

The Indian parliament subsequently introduced many new amendments through the J&K Reorganization Act, starting with the passing of the Jammu and Kashmir Official Languages Bill 2020, which included Kashmiri, Hindi, and Dogri as the official languages of the UT, in addition to Urdu and English. According to the central government, 74 percent of the people in the region spoke Kashmiri and Dogri, and the amendment fulfilled their long-pending demand¹⁶. In October 2020, the parliament also

13. "What is Jammu & Kashmir Reorganization Bill", *Business Standard*, August 5, 2019, available at: www.business-standard.com.

14. "The Jammu and Kashmir Reorganization Act-2019", Government of India, Ministry of Law and Justice, August 9, 2019.

15. "Legislative Council abolished in J&K", *The Hindu*, October 18, 2019, available at: www.thehindu.com.

16. "Parliament Passes the Jammu and Kashmir Official Languages Bill-2020", *The Hindu*, September 23, 2020, available at: <https://www.thehindu.com>.

amended the J&K Panchayati Raj Act, 1989 as per the Reorganization Act, replacing the District Planning and Development Boards (in charge of planning at the district level) with District Development Councils (DDCs)¹⁷. This amendment and the creation of DDCs, however, triggered a strong reaction from the mainstream political parties of J&K, which argued that the move aimed to weaken the position of the Members of Legislative Assembly and render them worthless¹⁸.

Likewise, the parliament of India passed three reservation (affirmative action) bills in February 2024: (i) the J&K Local Bodies Amendment Bill, aimed at providing reservation to Other Backward Classes in J&K; (ii) the Scheduled Tribes Amendment Bill, which added four communities –the Gadda Brahmin, Paddari, Koli tribe, and Pahari Ethnic Group– to the list of Scheduled Tribes (STs) in J&K; and (iii) the Scheduled Caste Amendment Bill, which added the Valmiki Community as a synonym for Balmiki, Bangi, Chura, and Mehtar Communities in the Scheduled Caste (SC) list¹⁹. The percentage of reservations increased as a result; hence, these bills triggered a strong reaction from the “open merit” candidates. They intended to move to the High Court to challenge the new reservation laws, as the reservation in all quotas reached up to 70 percent, leaving relatively few openings for the “open merit” candidates²⁰. The reservation bill also triggered massive protests in J&K from the ST Gujjar-Bakarwal Community, who feared that the bill would affect their reservation quota, although the central government promised that the reservation of these tribes would not be affected²¹.

In the 2024 J&K legislative assembly elections, leaders of many political parties declared the reservation policy to be discriminatory and promised to revise it if elected to power. In July 2024, the Ministry of Home Affairs further amended the Reorganization Act, extending the administrative authority of the lieutenant governor (LG) in J&K. The new amendment empowered the LG to have a final say in the matter of All India Services, including senior bureaucracy; it also placed the Anti-Corruption Bureau, the Directorate of Public Prosecution, Prisons, and J&K Forensic Laboratory under his control²². The amendment triggered a political uproar

17. “J&K to Have Elected District Development Councils”, *Times of India*, October 17, 2020, available at: <https://timesofindia.indiatimes.com>.

18. J. Beigh, “Why Kashmiri Politicians are Alarmed on the Elections to DDC”, *Kashmir Reader*, October 31, 2020, available at: <https://kashmirreader.com>.

19. “Parliament Passes Historic JK ST Quota Bill, Two other Reservation Bills”, *Kashmir Life*, February 9, 2024, available at: <https://kashmirlife.net>.

20. “Growing Voices Against Proposed 70% Quota in Jammu and Kashmir”, *The Hindu*, March 26, 2024, available at: <https://www.thehindu.com>.

21. “Gujjar-Bakarwal Community in J&K Slams BJP Govt for Inclusion of Paharis on Scheduled Tribe, term it as Murder of Idea of Social Justice”, *Economic Times*, February 8, 2024, available at: <https://m.economictimes.com>.

22. Z. B. Shabir, “Jammu and Kashmir Lieutenant Governor Gets More Power, and it doesn’t Bode Well for the Democracy”, *Frontline*, July 17, 2024, available at: <https://frontline.thehindu.com>.

in J&K, with mainstream political leaders condemning the extension of powers to the LG²³. The central government passed other small amendments or orders, deeply affecting the existing institutional structure in J&K. Due to the Reorganization Act and subsequent amendments, up to now around 890 central laws have become applicable to J&K, around 205 state laws have been repealed, and 129 laws have been modified²⁴. Also under the new laws, non-residents of J&K became eligible to apply for jobs and buy land in J&K, and citizenship rights were extended to the many “new” communities, including the West Pakistani refugees, consisting of around 22,170 families who migrated from Pakistan in 1947 and settled in J&K²⁵.

23. “Uproar as Modi Govt Gives More Power to Lieutenant Governor Ahead of J&K Assembly Polls”, *The Wire*, July 13, 2024, available at: <https://m.thewire.in>.

24. “Equitable Society Created in J&K Post Abrogation of Article 370: Official”, *Business Standard*, May 7, 2022, available at: www.business-standard.com.

25. “Members of 3 Communities get J&K Domicile Certificates”, *Hindustan Times*, July 27, 2020, available at: www.hindustantimes.com.

The Delimitation Commission: changing the demographic profile of electoral constituencies

The J&K Reorganization Act 2019 under Part V called for the delimitation of both parliamentary and assembly constituencies in J&K as per the Delimitation Act 2002. The Reorganization Act increased the seats of the J&K legislative assembly from 107 to 119, including 24 reserved for Pakistani-administrated Kashmir²⁶. Furthermore, it called for the reservation of assembly seats for the SCs and STs. The earlier delimitation exercises for the legislative assembly were carried out in 1963, 1973 and 1995; further delimitation was frozen by the state government in 2002 until 2026.

The Delimitation Commission, as per the provisions of the Act, was constituted in March 2020 to redraw the boundaries of Lok Sabha and legislative assembly constituencies²⁷. The Commission, using the 2011 census as the basis for the delimitation exercise, met around 290 groups across J&K to listen to suggestions and grievances²⁸. It released its report in May 2022, proposing major changes in the geographical boundaries of both Lok Sabha and assembly seats, shaking up the electoral political structure in J&K.

The political parties in the region alleged that the boundaries of Lok Sabha seats had been altered in such a way that many Muslim-majority vote pockets, particularly in the Jammu region, were shifted to the Anantnag Lok Sabha constituency of the Kashmir region²⁹. Furthermore, they argued that the “gerrymandering” was done to particularly benefit the BJP and harm the Kashmir-based political parties. Regarding the state assembly, the total number of seats was fixed at 119 by the commission, which included 90 to be directly elected by the people, 24 reserved for Pakistani-administered Kashmir, and an additional 5 seats to be nominated by the

26. “The Jammu and Kashmir Reorganization Act-2019”, Government of India, Ministry of Law and Justice, pp. 21-22.

27. “Delimitation Commission for Jammu and Kashmir, Assam, Manipur, Arunachal, Nagaland formed”, *Economic Times*, March 6, 2020, available at: <https://m.economictimes.com>.

28. “J&K to Delimitation to be Based on 2011 Census: Delimitation Commission”, *Deccan Herald*, July 21, 2021, available at: www.deccanherald.com.

29. A. Bhakto, “Delimitation in Jammu and Kashmir: Divide to Rule?”, *Frontline*, April 2, 2022, available at: <https://frontline.thehindu.com>.

lieutenant governor. Out of 90 seats for the assembly constituencies, 47 were to be in the Kashmir region, while 43 were to be in the Jammu region, and, for the first time, 9 seats were reserved for the STs³⁰.

The political parties in J&K were unhappy with the report of the commission, alleging that it had ignored fundamental principles. According to such parties as JKNC, PDP, PC, etc, the commission had ignored population as the fundamental basis for the exercise, and the move was aimed at disempowering the people of J&K in the long run³¹. The entire delimitation exercise was also said to be a cosmetic exercise, with the essential aim being to consolidate the vote bank of the BJP. In the recently concluded assembly elections, the delimitation exercise did in fact benefit BJP as it won five out of the six newly carved-out seats in the Jammu region. It also won all the seven reserved SC seats from the Jammu region. However, the grant of ST status to the Pahari community did not yield benefits as the BJP could not win any of the six reserved ST seats of the Jammu region.

In the J&K delimitation exercise of 2022, many old assembly constituencies vanished and many new ones were created; it was also alleged that different constituencies had been haphazardly mingled³². The legality of the Delimitation Commission was challenged before the Supreme Court by some petitioners, who argued that only the ECI could undertake such exercises. However, the court dismissed the plea in February 2023, arguing that there was nothing illegal about the center redrawing the constituencies in the UT of J&K³³.

30. "Delimitation Panel Notifies new J&K Assembly Constituencies", *The Hindu*, May 5, 2022, available at: www.thehindu.com.

31. "J&K Parties Unhappy with Delimitation Panel's Final Draft", *The Hindu*, May 5, 2022, available at: www.thehindu.com.

32. S. Lateef, "6 New Assembly Segments in Jammu, one in Kashmir", *The Tribune*, February, 6, 2022, available at: www.tribuneindia.com.

33. "SC Junks Challenges to Jammu and Kashmir Delimitation: What Did the Petitioner, Centre Argue?", *The Indian Express*, February 4, 2023, available at: <https://indianexpress.com>.

New land laws

On October 26, 2020, the administration brought out a new land laws notification, titled Union Territory of Jammu and Kashmir Reorganization (Adaptation of State Laws) Fifth Order. This notification carries important provisions. The first and most important one is the removal of permanent residency as a requirement for acquiring immovable property, thereby ending the privileges enjoyed by permanent residents under the now-repealed Article 35-A.

The new land law notification provides for anyone from the rest of the country to invest and buy land in the region, which was not possible since the enactment of the Jammu and Kashmir Land Alienation Act in 1938 (now repealed). This has raised the fear of big corporate houses and rich people buying land in J&K. The administration has tried to address such fears by stressing that the sale of agricultural land is prohibited to any non-agriculturist, and this provision secures 90% of the land in the region. However, since conversion of land from agricultural purposes has been allowed and can be done with relative ease, such an assertion is questionable.

The notification also repealed the Big Landed Estates Abolition Act of 1950 (JKBLA). Considered as one of the biggest land reforms of South Asia, the JKBLA introduced an upper ceiling on land ownership at 182 kanals or 22.75 acres, allowing the rest of the land to be distributed to landless tillers³⁴. This ceiling was again rationalized to 100 kanals or 12.5 acres through the Agrarian Reforms Act in 1976³⁵. The new notification completely abolishes the ceiling clause, enabling anyone to acquire any quantity of land they can.

The order also establishes a Jammu and Kashmir Industrial Development Corporation with sweeping powers to procure and dispose of land. The corporation, which is directly attached to the LG's office, has the power "to acquire and hold such property, both movable and immovable as the Corporation may deem necessary for the performance of any of its activities, on such conditions deemed proper by the Corporation".

In December 2022, the LG-led administration came out with new land rules for J&K, replacing the "JK Land Grants Rules 1960". The earlier land policy was considered a liberal lease policy under which land was leased to tenants for a period of 99 years, which was further expandable. Many hotels

34. A.A Wani, *What Happened to Governance in Kashmir*, New Delhi: Oxford University Press, 2019.

35. *Ibid.*

and commercial structures across J&K were built on lease land, especially in famous tourist places such as Pahalgam and Gulmarg. However, the LG administration, through the new “J&K Land Grant Rules 2022”, planned to hold a fresh online auction for all the leased properties, except subsisting/expired leases, for residential purposes. The new policy asked the existing owners of properties on the leased land to evacuate immediately; otherwise, the administration would forcefully evict them. While the LG termed the move people-centric, aimed at benefiting them, the motive of the administration was to enhance government revenue and redefine the land laws as per the existing requirements³⁶. Under the new policy, the land in J&K shall be leased for tourism, healthcare, education, skills development, hydroelectric projects, recreational purposes, etc³⁷. The administration was ready to pay compensation to the existing owners for any structure built on the leased land, provided that they had not violated any conditions of the lease. Likewise, the policy made ex-servicemen, war widows, migrant workers, families of deprived categories, construction workers, etc, eligible for the land. Under these rules, an empowered committee headed by the financial commissioner would identify and designate land for a period of 40 years. However, the hoteliers and business community in J&K expressed displeasure over the new rules and argued that, over the past four years, the government had not been renewing their lease agreements despite repeated requests, and that, under the new policy, their hotels were to be re-auctioned. The hoteliers alleged that the government was going to sell the properties to outsiders at high rates and render them jobless³⁸. Likewise, the traders alleged that the new rules would radically alter the commercial rights of local people and put hundreds of people out of business, and that the land would be leased to outsiders³⁹. Similarly, regional political parties such as the NC and PDP alleged that these rules were further aimed at disempowering and “othering” the people of J&K, settling outsiders, and opening another dark chapter in the history of J&K⁴⁰.

At the beginning of 2023, a massive demolition drive was started across J&K after the administration issued circulars to deputy commissioners to remove all encroachments on state land by January 31,

36. “Explained: What Are The New Land Grant Rules That Have Caused Uproar IN J&K?”, *Outlook*, December 16, 2022, available at: www.outlookindia.com.

37. “Jammu and Kashmir Land Grant Rules-2022”, Government of Jammu and Kashmir, Department of Revenue, December 9, 2022.

38. S. Lateef, “Hoteliers Worried over New Land Rules”, *Tribune India*, December 16, 2022, available at: www.tribuneindia.com.

39. T. Bhat “How Kashmir’s New Land-Grant-Rules have Put Livelihoods in Jeopardy”, *The Week*, April 16, 2023, available at: www.theweek.in.

40. H. I. Rashid “Business Community, Political Parties in Jammu and Kashmir Term New Land Lease Rules as ‘Anti-People and Draconian’”, *Economic Times*, December 16, 2022, available at: <https://m.economictimes.com>.

2023⁴¹. Under the Jammu and Kashmir Land Act 2001, popularly known as the “Roshni Act”, rolled out by the Farooq Abdullah-led state government, many landless people across J&K had been allotted land in exchange for money. The objective of the entire act was to raise money for power projects in J&K by selling state land to landless people⁴². However, the Comptroller and Auditor General report in 2014 called the scheme a scam due to irregularities; it was argued that several politicians, bureaucrats and businessmen had illegally occupied the state land through this Act. The scheme was repealed in 2018 by Governor Satyapal Malik, who also ordered an investigation by the Crime Branch of India. In October 2020, the state administration, led by the LG, declared the economic vibrancy null and void⁴³. The circular of 2023, which aimed to retrieve the state land, applied to both the Roshni land and common land meant for grazing, and declared the current owner as an intruder to be evicted from the house or property. The demolition drive targeted homes, orchards and commercial complexes in parts of J&K, leading to widespread outrage. Many people went to the high court and the demolition drive was even challenged in the Supreme Court. Due to the massive criticism and huge public outcry, it was finally paused by the administration⁴⁴.

The J&K administration came out with a new proposal in July 2023 and approved the allotment of 5 marlas (.031 acre) of land under the Pradhan Mantri Awas Yojna-Gramin to each landless person or family living in the UT⁴⁵. Under the new rules, landless people will get the land on lease for 40 years, which shall be extendable by another 40 years. The move was termed historic and a new beginning for thousands of landless families living in J&K, who will not only get land but also a house⁴⁶. The J&K administration in July 2024 also granted land ownership rights to West Pakistan refugees. The move aimed to benefit around 22,000 families of the displaced community, who were allotted citizenship rights after the abrogation of Article 370⁴⁷.

41. S. Zargar “Why a Demolition Drive has Sparked Panic and Anxiety in Jammu and Kashmir”, *Scroll*, February 9, 2023, available at: <https://scroll.in>.

42. “Jammu and Kashmir Roshni Act: Who it Helped Own Land Why has it been Scrapped”, *Indian Express*, December 2, 2020, available at: <https://indianexpress.com>.

43. “J&K Government Declares Roshni Act ‘Null and Void’”, *The Hindu*, October 31, 2020, available at: www.thehindu.com.

44. A. Sharma, “Facing Widespread Criticism, J&K Hits Pause on Anti-Encroachment Drive”, *Indian Express*, February 11, 2023, available at: <https://indianexpress.com>.

45. “Allotment/lease of land to landless PMAY (G) beneficiaries”, Government of Jammu and Kashmir, Department of Revenue, Order No: 118-JK (Rev), Dated August 24, 2023. Pradhan Mantri Awas Yojna-Gramin (PMJAY-G) translates into the Prime Minister’s Land Scheme (Rural).

46. “J&K government approves plan to provide land to the landless people”, *The Hindu*, July 4, 2023, available at: www.thehindu.com.

47. A. Sharma, “Pakistan Refugees in J&K Get Land Ownership Rights as Govt Puts Them on Par with POJK Displaced”, *Indian Express*, July 31, 2024, available at: <https://indianexpress.com>.

Tourism and industrial policies

Tourism is considered the backbone of the J&K economy, as it contributes around 7% to the gross domestic product of the region⁴⁸. Since 2019, many initiatives have been taken to promote tourism to the fullest. The J&K government produced the “Jammu and Kashmir Tourism Policy 2020”, to cover a period of 10 years. It aimed to make J&K a leading all-season tourism destination and to increase livelihood opportunities for people associated with the tourism industry⁴⁹. The policy set the following goals: (i) to make J&K the preferred all-season tourist destination for domestic and foreign tourists in India by 2025, (ii) to achieve a compounded annual growth rate (CAGR) of 8% for domestic and 5% for foreign tourist arrivals by 2025, and a CAGR of 10% for domestic and 7% for foreign tourist arrivals by 2035⁵⁰. It also aimed to attract €225 million per year for the next five years, generate employment for 50,000 people per year, impart training to 4,000 tourism service providers over the next 10 years, and promote all kinds of tourism across J&K. The policy had many sections on strengthening tourism infrastructure, promoting investments and public-private partnerships, and improving the ease of doing business⁵¹.

In the last few years, J&K has witnessed a tourism boom, which has boosted the economy of the region. According to the figures of the Tourism Department, around 11,316,489 tourists visited J&K in 2021, 18,884,317 in 2022, and 21,180,011 in 2023⁵². J&K has also witnessed the highest footfall in 75 years, generating huge revenue and employment opportunities for its people⁵³. Tourism is also being promoted across J&K, including sensitive border areas like the Gurez Valley and Keran Valley areas, as a part of development strategy as well as to showcase normalcy in Kashmir. However, J&K has a fragile environment, and the recent tourism boom has led to massive infrastructural buildup and

48. A. Ahmad, “Tourism Uplifting Local Economy”, *Grater Kashmir*, May 11, 2023, available at: www.greaterkashmir.com.

49. “Jammu and Kashmir Tourism Policy-2020”, Government of Jammu and Kashmir, Department of Tourism, Order No: 133 JK (TSM) 2020.

50. *Ibid.*, p. 5.

51. *Ibid.*, pp. 6-8.

52. “Tourist Arrival in the UT of Jammu and Kashmir Over the Years”, Department of Tourism, available at: <https://jandktourism.jk.gov.in>.

53. “Jammu and Kashmir Witnesses Highest Tourist Fall in 75 Years”, *Times of India*, October 29, 2022, available at: <https://timesofindia.indiatimes.com>.

environmental degradation (deforestation, melting of glaciers, pollution of water bodies, waste accumulation, etc), which may lead to serious natural disasters in the long run.

The J&K administration also rolled out a “Jammu and Kashmir Industrial Policy 2021-30”, with the vision of transforming the UT from an aspirational to an industrial territory by unlocking its potential through convergence and collaboration. The mission of the new industrial policy is to drive industrial growth in an environment of stability where dynamic competition is allowed between the traditional core sectors such as agriculture and allied sectors, tourism, food processing, handicrafts, etc, as well as new-age technology-driven pharmaceuticals, information technology, skills development, etc, leading to human resource development and economic vibrancy⁵⁴. The policy’s many goals include attracting substantial tourism investment, creating jobs and promoting development in backward areas, maximizing growth through the use of resources, harnessing the skills of people, and nurturing the existing industries in the region. The policy also promises incentives, including subsidies on equipment, to all eligible manufacturing and service units⁵⁵.

The central government also took steps to attract stakeholders from India to invest in J&K under the new industrial policy and urged that such investment be translated into a closer relationship between residents of J&K and the people from the rest of the country⁵⁶. The J&K administration in July 2024 approved land transfers to industrial estates in various districts, and a total of 389 acres were transferred to the commerce and industrial department for the said purpose⁵⁷. Between 2019 and 2023, J&K attracted an investment of €600 million for a total of five years; the region also attracted investment proposals amounting to €9 billion under the industrial development scheme⁵⁸. However, despite these attempts, the Federation Chamber of Industries Kashmir, an apex body of industries in the region, claimed that these proposals had mostly remained on paper and that no visible growth of industries in Kashmir had emerged. They argued that, if the condition of existing industries improved in J&K, it would automatically attract investors, thus boosting the J&K economy⁵⁹.

54. “Jammu and Kashmir Industrial Policy 2021-30”, Government of Jammu and Kashmir, Department of Industries and Commerce, Order No: 117-IND, April 19, 2021.

55. *Ibid.*, p. 15.

56. D. Tiwary, “Only When Industry Invests in J&K Will it Translate into a Relationship of Heart: Amit Shah”, *Indian Express*, September 1, 2021, available at: <https://indianexpress.com>.

57. “AC Approves Transfer of 3188 Kanals of Land for the Developments of IEs in J&K”, *Daly Excelsior*, July 27, 2024, available at: www.dailyexcelsior.com.

58. M. Ali, “J&K Nets Rs 5319 Crore Investment in 5 Years”, *Greater Kashmir*, January 1, 2024, available at: www.greaterkashmir.com.

59. I. A. Malik, “Year End 2023: J&K Witnesses ‘Record-Breaking Industrial, Investments Developments’ this Year”, *Money Control*, December 31, 2023, available at: www.moneycontrol.com.

Digital governance initiative

The J&K administration has launched many digital initiatives in the last few years to enhance transparency and efficiency in matters of governance and service delivery. In June 2021, the LG-led administration put an end to the 150-year-old tradition of “Darbar Move” (capital shifting) from Srinagar to Jammu and vice versa, for a period of six months each⁶⁰. According to the LG, the move would help to save ₹22 million every year, an amount that could be spent instead on public welfare. The Darbar Move meant shifting around 10,000 government employees, as well as hundreds of truckloads of files, furniture and computers from one capital to another after each period of six months⁶¹. The employees associated with the Darbar Move were paid additional allowances, and the government had to rent hundreds of dwelling units for them. The administration decided to switch to online mode and, under an e-office project, more than 300,000 files were digitized⁶². The cancellation of the Darbar Move also involved ensuring the smooth functioning of both civil secretariat offices in Jammu and Srinagar, and preventing the loss of important files during the shifts. However, the cancellation, which was initially celebrated, led to huge costs for the business community, particularly in Jammu city. Traders said the end of the Darbar Move killed their source of business and livelihood⁶³, and many traders and hoteliers have repeatedly called for the old practice to be restored. In the 2024 J&K legislative assembly elections, parties such as the Indian National Congress (INC), JKNC and PDP promised the restoration of the Darbar Move, citing its economic and cultural benefits. The promise is yet to be fulfilled.

In January 2022, J&K launched India’s first District Good Governance Index (DGGI) report to measure the performance of districts in 10 key governance sectors, with 15 indicators and 116 data points. The governance performance of districts was measured under various indexes such as agriculture, commerce and industry, human resource development, social welfare, public health, financial inclusion, judiciary and public safety,

60. “End of ‘Darbar’? Employees Given 21 Days To Vacate Govt Quarters”, *Kashmir Observer*, June 30, 2021, available at: <https://kashmirobserver.net>.

61. F. Wani, “Curtains Down on Nearly 150-Year-Old Bi-Annual Shifting of J&K Secretariat”, *Indian Express*, July 1, 2021, available at: www.newindianexpress.com.

62. “Over 3 Lakh Files of J&K Secretariat Go Digitised under E-Office Project as Bi-Annual ‘Darbar Move’ Suspended”, *Economic Times*, June 14, 2021, available at: <https://government.economictimes.indiatimes.com>.

63. I. Bukhtiyar, “Jammu Business Community Face Losses As 149-Year-Old ‘Darbar Move’ Ends”, *India Times*, December 25, 2022, available at: www.indiatimes.com.

citizen-centric governance, etc⁶⁴. The aim was to assess public service delivery in various districts of J&K through various measurable parameters. Under the decentralized planning, districts are the primary units of field administration involved in implementing various welfare programs and policies for citizens. Among the 20 districts of J&K, Jammu topped the first DGGI, followed by Doda, Samba, Pulwama, and Jammu⁶⁵. In the second DGGHI report, released in October 2022, Pulwama was ranked as the best-performing district with a composite score of 5.926, followed by Samba (5.775), Doda (5.621), and so on⁶⁶. The aim of the DGGI was not only to promote good governance or enhance service delivery but also to promote healthy competition between districts in matters of governance.

J&K, for the first time, was also assessed under the National e-Service Delivery Assessment (NeSDA) report in 2022; it ranked highest among the UTs with an overall compliance of around 90%⁶⁷. Although J&K shifted late to e-governance, within two years it surged ahead, recording the seventh-highest e-transactions among states and UTs. In August 2023, the J&K administration put 300 online services under the Auto Appeal System (AAS) with the aim of transparency, efficiency, accountability and curbing corruption in service delivery. Under the AAS, appeals automatically move to higher authorities in case the services are not delivered within a timeframe defined by the J&K Public Service Guarantee Act⁶⁸. In September 2023, J&K topped e-governance service delivery in India with 1,028 online services, followed by Madhya Pradesh (1,010 e-services) and Kerala (911), as per the NeSDA report⁶⁹. In 2019, only 35 services were available online in J&K; the total reached around 1,200 in 2024.

The J&K governor also launched the Jammu and Kashmir Integrated Grievance Redress and Monitoring System (JK-IGRAMS) in September 2020, with the aim to create interfaces with people, improve governance and win public trust⁷⁰. The total grievances received by the portal stand at 44,607, of which 31,314 have been dealt with disposed and 13,293 are in process.

64. "District Good Governance Index of Jammu and Kashmir", Government of Jammu and Kashmir, Department of Administrative Reforms & Public Grievances, January 2022.

65. "Jammu Tops First-Ever District Good Governance Index of J&K", *Telegraph India*, January 22, 2022, available at: www.telegraphindia.com.

66. "Good Governance Index: Pulwama Declared as Best Performing District in J&K", *Greater Kashmir*, October 8, 2022, available at: www.greaterkashmir.com.

67. "J-K, Assessed for the First Time, Ranks Highest Among the UTs in National E-Governance Service Delivery Assessment", *Economic Times*, June 12, 2022, available at: <https://m.economictimes.com>.

68. "J&K Brings 300 Online Services under Auto Appeal System", *Indian Express*, August 25, 2023, available at: <https://indianexpress.com>.

69. "J&K Tops In e-Governance Service Delivery in India: Report", *Kashmir Reader*, September 23, 2023, available at: <https://kashmirreader.com>.

70. P. Ashiq, "New Grievance Redress System Unveiled in J&K", *The Hindu*, September 11, 2020, available at: www.thehindu.com.

Through these initiatives, the J&K administration seeks to demonstrate its commitment to providing ease, convenience and accessibility of services to citizens, with the goal of ushering in a new era of digital governance, driven by a citizen-first approach with the aim of empowering them and ensuring transparency, accountability and efficiency.

Elections to three-tier Panchayati Raj System: a new era of democratic decentralization at grassroots level?

Although J&K has a long history of the self-governance system of villages, called the Panchayati Raj system, dating back to the 1930s, it has faced multiple challenges, such as a lack of timely elections to these bodies, of devolution of powers and funds, and of public participation, as well as the killing of panchayat members by insurgents. The current Panchayati Raj system is governed under the J&K Panchayati Raj Act 1989, even after the abrogation of Article 370. In late 2018, when the state was under presidential rule, the governor-led administration held the elections to the first tier of panchayats, known as halqa panchayats (village panchayats). The elections were held in the entire J&K for 4,483 sarpanches (village heads) and 35,029 panches (ward heads)⁷¹. The overall voting percentage in J&K was 74%, but only 41% in the Kashmir region. These halqa panchayat elections were, however, boycotted by the main regional political parties, such as the JKNC and PDP, because of the dissolution of the state legislative assembly and imposition of the governor's rule, which they deemed unfair. The elections were mostly fought –and won– by independent candidates, but around 708 panchayat seats remained vacant due to the lack of candidates⁷².

Only after the abrogation of Article 370 were efforts made under the LG-led administration to constitute a three-tier Panchayati Raj system for the first time in the history of J&K. With the earlier elections for the panchayats only held for the village panchayats, the second tier at the block level and the third tier at the district level remained non-constituted. Block Development Council elections were held for the first time in October 2019 and saw a participation of around 98%. The elections were held for 310 blocks, with 1,065 candidates standing. Also, for the first time, a 33% reservation was extended to women in the second tier, while the SCs and

71. S. Zargar, "J&K Panchayat Elections Saw 74% Voter Turnout but that Figure Hides the Full Story," *Scroll.In*, December 16, 2018, available at: <https://scroll.in>.

72. "Local Bodies Elections 2018: Press Note, Panchayat Elections", Chief Electoral officer Jammu and Kashmir, available at: <https://secjk.nic.in>.

STs were also granted reservation based on their population ratio. These elections were boycotted by the INC, PDP and JKNC over the abrogation of special status, the division of J&K into two UTs, and the detention of political leaders. The independent candidates again emerged victorious, winning 217 seats, while the BJP won 81 seats in the second tier⁷³.

After the 2020 changes to the J&K Panchayati Raj Act 1989, elections for the newly created District Development Councils were held in November 2020, along with elections for the vacant panchayat seats. As with the block elections, the administration extended a 33% reservation to women, and reservation was granted to SCs and STs based on population ratio. The elections were held for a total of 280 seats and saw a voting percentage of around 52%⁷⁴. The PAGD, which decided to contest these elections for the first time since August 2019, won 110 seats, while the BJP won 75⁷⁵.

The constitution of a three-tier system for the first time was a major achievement in the history of J&K. These bodies were given a greater role in the planning and developmental process at the grassroots level. There was also effective devolution of power and funds to these bodies, which have been able to carry out a lot of developmental work at the grassroots level. The central government led by the BJP made it clear that, in the post-abrogation scenario, the empowerment of grassroots democratic institutions was its primary objective, arguing that Article 370 had prevented effective decentralization in the region⁷⁶. Regarding institutions, J&K got its first ombudsman in 2019, to ensure transparency in the panchayats⁷⁷, while, for the first time, an election commission was set up for J&K, in October 2020, to administer local government elections⁷⁸.

73. M. S. Pandit "Independents Sweep J&K BDC Polls, BJP Comes Distant Second", *The Times of India*, October 26, 2019, available at: <https://timesofindia.indiatimes.com>.

74. "Jammu and Kashmir District Development Council Elections: All You Need To Know", *Times of India*, December 10, 2020, available at: <https://timesofindia.indiatimes.com>.

75. "Gupkar Alliance Emerges Victorious in J&K DDC Polls", *The Hindu*, December 23, 2020, available at: www.thehindu.com.

76. F. A. Waza and J. Chathukulam, "Jammu and Kashmir on the Path of Empowering Grassroots Democracy", *Indian Journal of Public Administration*, Vol. 70, No. 2, 2024, p. 386-397, available at: <https://doi.org>.

77. "For First Time, Ombudsman Appointed for Transparency in Functioning of Panchayats" *Daily Excelsior*, March 13, 2029, available at: www.dailyexcelsior.com.

78. "State Election Commission Bids Adieu To Its First SEC", *Kashmir Observer*, February 1, 2023, available at: <https://kashmirobsrver.net>.

Public outreach programs

The LG-led administration launched a number of public outreach programs targeting both rural and urban areas. A “Back to Village” (B2V) program was launched in June 2019 to reach out to the rural masses and collect public feedback on service delivery at the grassroots level. The program also aimed at strengthening the newly established panchayats and enhancing public participation in the panchayat institutions⁷⁹. The administration carried out five phases of the program –in June and November 2020, October 2021, November 2022 and November 2023–, all of which focused on putting the villages on the developmental track. During this outreach initiative, hundreds of visiting officers were deployed to the villages as goodwill ambassadors; they were tasked to spend two days and a night in the village panchayat, hold meetings, assess the functioning of various institutions, and improve service delivery in the villages⁸⁰. Thousands of employees from line departments were asked to be present in the villages to resolve public grievances on the spot. During the first four phases, around 7,000 developmental works under the B2V program were completed, and thousands of people were enrolled under the various beneficiary schemes⁸¹. The administration, through this program, aimed to win and enhance public trust in the state and its institutions.

An outreach program on the pattern of B2V was also launched for all 78 urban local bodies (municipal councils and municipal committees) in October 2020. Named “My Town, My Pride”, its aim was to connect with the masses, strengthen local democracy, and improve and deliver public services at people’s doorsteps⁸². It also aimed at on-the-spot grievance redressal, instant service delivery, speedy execution of people-centric projects, and distribution of important documents like domicile certificates and health cards, or relating to revenue services, scholarships, etc. The first phase was launched in October 2021 and the second in December 2022. The program also aimed at effectively involving people in democracy and developmental projects, and taking their feedback on the service delivery⁸³. Visiting officers were deployed for each urban-local body to inspect the

79. “J&K Govt to Organize ‘Back to Village’ Programme to Reach out to People at the Grassroots Level”, *The Times of India*, June 15, 2019, available at: <https://timesofindia.indiatimes.com>.

80. P. Kumar, “Back to Village: A Democratic Innovation”, *Rising Kashmir*, October-31, 2023, available at: <http://risingkashmir.com>.

81. “Best Practices from UT of J&K”, Inter-State Council Secretariat, June 19, 2023, available at: <https://interstatecouncil.gov.in>.

82. P. Ashiq, “JK L-G Announces ‘My Town My Pride Programme’”, *The Hindu*, October 15, 2020, available at: www.thehindu.com.

83. “My Town My Pride”, *Daily Excelsior*, November 17, 2022, available at: www.dailyexcelsior.com.

workings of different institutions within the limits of these bodies, and the line departments were also asked to be present during the program for grievance redressal. Both public outreach programs aimed at strengthening grassroots democracy, improving service delivery, speeding up developmental work at the local level, creating a bridge between the people and administration, and effectively involving people in the democratic process.

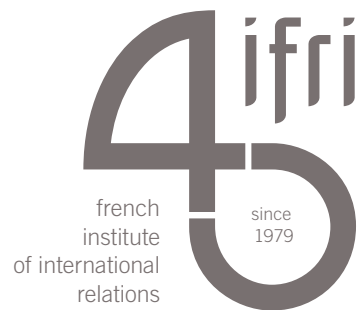
Conclusion

Since August 2019, J&K has witnessed drastic changes, redefining the political, social, economic and governance structures of the region. In the new system, the union-government-appointed LG commands vast powers and is the ultimate authority in the decision-making process. The J&K legislature, which was once the most powerful legislature of any Indian state, now stands disempowered, with few matters to decide on. The dissolution of the legislative assembly in 2018, the abolition of the upper house (J&K state legislative council), and the conversion from state to UT give the LG-led administration unlimited power to decide on each and every policy matter. Even though the UT elections were held in October 2024, the resultant assembly is disenfranchised owing to the above-mentioned changes. Likewise, the delimitation exercise carried out in J&K is seen as a politically motivated move aimed at disempowering the regional parties by altering the boundaries of electoral constituencies. In the delimitation exercise, many constituencies vanished, while some new ones were formed. The Kashmir-based political parties further allege that the exercise ignored the fundamentals of delimitation, and while Jammu got six more assembly seats, only one seat was added in the Kashmir region. The new reservation policy created divides; it was strongly opposed by the Gujjar-Bakarwal community and created an uproar among the open-merit candidates who alleged discrimination as the reserved percentage touched 70%. The policy has been challenged in the high court, and many political parties during the 2024 assembly election campaign vigorously argued in favor of reconsidering the reservation system if elected to power. The new land policy also has created a lot of debate.

The constitution of a three-tier panchayat system created an alternative power structure in the region, giving birth to a new leadership. In this new system, all sections of society, including women, have been extended reservations, and both the central government and LG-led administration devolved immense powers, funds and functions to these institutions. Likewise, the public outreach initiatives were launched with the objective of connecting directly with the masses, listening to their problems and addressing them, and improving governance and service delivery at the local level. The outreach initiatives sought to bridge the gap between people and administration, promote collaborative governance, and foster public faith and trust in the state and its institutions. However, since this was carried out at a time when the elected government was missing, it remains to be seen how the system functions now that a government has been elected.

The tourism and industrial policies aim to boost the economy of the region; the government chalked out various schemes to boost industries. However, J&K still lacks the infrastructure needed to emerge as a tourism and business hub. The challenge is also to preserve the environment while promoting tourism and development in an ecologically sensitive place. The good-governance initiatives, particularly in the form of promotion of digital governance, have seen an upward trend as the administration has made more than 1,200 services available online. However, concerns remain, particularly about the accessibility of these services to poor and illiterate people.

Much has changed in J&K since August 2019, and many changes are on the way for the region. As J&K has elected a new legislative assembly, the issue of restoration of statehood has emerged as the first priority. The elected government led by the JKNC has reached out to the central government on a few occasions but without success. Until restoration happens, an important question is: How well can the elected government, with little powers, and the powerful lieutenant governor work together? And if statehood is restored, how much of the reforms will be undone; how much of the pre-August 5, 2019 state of things will be or can be restored, and what will be carried forward into the future?



27 rue de la Procession 75740 Paris Cedex 15 – France

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