

POLITICS OF LAND REFORMS IN JAMMU & KASHMIR

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ABSTRACT

One important reason attributed to the poor agricultural situation in post-independence India was its unique land relationship. The Union government opted for land reforms as that would transform India into a progressive nation. The state of Jammu & Kashmir is the unique state that introduced most sweeping land reforms in the entire subcontinent and probably most radical in any non-communist political order. A start was made in this direction with the abolishment of existing feudal institutions, such as Jagirs, Maufis and Mukarraries in the year 1948. This article reviews the land relations and land reforms in Jammu & Kashmir and suggests implications this had for the politics of state.

Keywords: - Land Reforms, Jagirs, Maufis, Mukarraries, Non-Communist, Subcontinent.

INTRODUCTION

Among all the states of Indian Union Jammu & Kashmir had a distinction of introducing the most sweeping agrarian reforms at a considerable magnitude. Infact, as early as, 1944 the National Conference party manifesto "Naya Kashmir" included the basic principles of land reforms such as abolition of intermediately agencies of exploitation and landlordism, abolition of tenancy rights and land-to-tiller and so on. The National Conference party, under the leadership of its stalwart leader Shaikh Mohammad Abdullah, remained opposed to monarchical, sectarian and feudal rule of the Dogra state which at all levels completely failed to raise the living standard of the people and to remove the ignorance, illiteracy, unemployment and poverty of the masses. The state created by Dogra's remained feudal in both form and spirit. Dogra Maharaja's instead of alleviating the suffering and hardships of their subjects placated and fostered the interests of their clan and a large body of courtiers, through the grants of big chaks and lands as jagirs. However, National Conference government after the independence of India assumed the power in state in March 1948. After assuming power, the National Conference government

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headed by its prominent nationalist leader Shaikh Mohammad Abdullah inherited a difficult legacy. Politically Jammu and Kashmir was unstable economically improvised and socially fragmented. Agriculture being a dominant sector was stagnant. There was the rule of Chakdars, jagirdars, Maufidars, who constituted the feudal bureaucracy and the religious class. In brief the main task before the National Conference government was to secure for its people the fruits of freedom, sustainable development and more specifically to assure them justice-social, economic and political. Immediately, after assuming power in the state, the National government under the leadership of Shaikh Abdullah began the process of introducing “Naya Kashmir Programme”, resulting into some far-reaching structural changes in the state. The most important was the enactment of various agrarian reform legislations the details of them with their relative implications have been given below.

Agrarian Reforms Act 1948 (First Phase): Resumption of Grants and Assignments.

Perhaps the three most significant goals enunciated in the Naya Kashmir Programme, geared to the interest of the state agriculturists were the abolition of landlordism, land to the tiller, and co-operative association. The new state took its first concrete steps towards agrarian reforms in 1948 with the abolition of *Jagirs*, *muafis* and *Mukararies* grants, except those granted to religious institutions. The rights of 396 Jagirs/muafis involving an annual land revenue assignment of Rs. 5,66,313 were abolished. Besides, fixed cash grants known as Mukararies (2,347 in all) to the tune of Rs. 1,77,921 per annum were also stand abolished. One Jagir in Jammu was 95 square miles in area and had a population of 12,000; the annual income was Rs. 40,000 from this, of which the Jagirdar took about one-third. The Jagir was taken away, and the owner, the Raja of Chanai, given a monthly allowance of Rs. 300.

In October 1948, the government amended the State Tenancy Act, 1924, providing for a maximum rental payment by a tenant was now liable to pay not more than a quarter of the produce in case of wet land and not more than a third of the produce in case of dry land in respect of tenancy holdings exceeding 12^{1/2} acres, while in the case of holdings not exceeding 12^{1/2} acres, the landlord was entitled to no more than half of the produce. Also through this amendment, tenants were protected from arbitrary eviction without court procedure. Moreover, 6250 acres of *Khalisa* (state-owned) land were distributed free of cost to land laborers. This was followed by the distressed debtor’s relief act of 1950 seeking to alleviate agrarian indebtedness and creating debt conciliation boards. Under this act, the debts to the tune of Rs. 290 lakhs were settled at Rs. 98 lakhs only, and 60 percent of the claims were disposed of by conciliations. Similarly immovable property worth Rs. 37 lakhs which had been mortgaged by 34,000 persons was also restituted.

Agrarian Reforms Act 1950 (Second Phase): Abolition of Landlordism.

On 13 July 1950 the Jammu & Kashmir government, in accordance with 'Nay Kashmir', introduced the most sweeping land reform in the entire subcontinent and probably most radical in any non-communist state world over. To give the programme a legal shape, the government enacted, on 17 October 1950, the Big Landed Estates Abolition Act. The Act has been described as the Magna Carta of the peasants, which "revolutionized the whole agrestic organization of the State." This legislation set a maximum limit of 22 $\frac{3}{4}$ acres on the holdings of land holdings of landowners. Proprietors could, however, retain orchards, grass farms, and fuel and fodder reserves beyond this ceiling and would have full freedom to choose which acres of their holding they would keep for these purposes. Land in excess of this amount was transferred in ownership right to the tiller without compensation to the original owner. As a result of this enactment, 9,000 and odd proprietors were expropriated from 4.5 lakh acres of land and out of this 2.3 lakhs acres were transferred in ownership right to the tillers free of all encumbrances, and the remaining land vested in the State. Between 1950 and 1952, 7090,000 landless peasants, mostly Muslims in the Valley but including 250,000 lower-caste Hindus in the Jammu region, became peasant -proprietors.

However, corruption in the administrative machinery and some loopholes in the scheme such as exemption of orchards from the ceiling limit and making no distinction between the 22.75 acres of dry or irrigated/ fertile land, and other such limitations mitigated the effectiveness of the reforms in real practice. Besides, the landlords taking advantage of the limitations in the law devised their own ways to mitigate some of the harsher aspects of the law. For example, the commonest way, typical also of land reforms enacted in the rest of India, to evade resumptions was by breaking up joint families, thereby entitling each adult male to the limits of 22.75 acres. Likewise, since the act that exempted orchards from appropriation, it paved the way for big landlords to escape the ceiling by converting cereal acreage into orchards. The returns from orchards, especially from apple orchards tended to be much greater than from the cultivation of food grains. Also by retaining the old revenue administration to carry out the reforms, the government had ensured that corruption would be rampant.

In 1953, the government of Jammu & Kashmir in order to enquire into the working of the act, appointed a committee under the chairmanship of Justice Wazir. After a thorough study, the committee has come out with certain measures with regard to land reforms including raising of the maximum limit of holding to twenty eight acres in Kashmir and in Jammu upto thirty four acres. However, despite the limitations, the act was a progressive measure. It gave a deathnill to the feudal set up in the state. The success of the act of 1950 can be very well appreciated from the fact that out of 9.5 lakh acres of land distributed throughout India till 1970, about half (i.e. 4.5 lakh acres) was distributed in Jammu and Kashmir alone.

Jammu & Kashmir Agrarian Reforms Act 1972 & 1976 (Third Phase)

In March 1963, the state government constituted a land commission under the chairmanship of Syed Mir Qasim, then Revenue Minister. The terms of reference of the land commission were among other things, to examine the gaps in the existing law. The commission submitted its report in 1968. An important recommendation of the committee was that the system of landlord-tenant relationship in the state agrarian economy should be replaced by the institution of peasant proprietorship of land. The government considered the recommendations made by the commission and taking into consideration the total impact of the agrarian reforms in the country, passed another legislation known as Agrarian Reforms Act 1972. With the formation of this measure, the system of landlord-tenant relationship, wherever it existed, came to an end. The owner could hold in ownership only a prescribed ceiling of 12.5 'standard acres'. The act also adversely affected the orchards. Orchards were put into two categories: i). old orchards as already existing in kharif 1971; and ii) new orchards. As far new orchards were concerned, they were kept in the ceiling. The old orchards could be held in excess of the ceiling and if a family happened to own in excess of the ceiling limit, it had to pay a tax upto Rs. 800 per standard acre. This was indeed an improvement upon the earlier legislation.

Another important feature of the 1972 Act was that the defence personnel including the members of the Jammu & Kashmir National Militia and dependents of those killed in action in 1965 and 1971 India-Pakistan hostilities, were given the right to resume land for personnel cultivation up to the ceiling of 12.5 standard acres.

The Jammu & Kashmir Agrarian Reforms Act 1972 was, no doubt, a bold one and aimed at giving the cultivator his rightful place in the social order. However, the act, due to certain flaws in its drafting, gave rise to unnecessary litigation and caused hardships both to the landlord as well as to tenants. Many representations and counter representations were made by the public pointing out lacunas and shortcomings in the act.

In 1975, the Jammu & Kashmir state experienced a very significant change as Shaikh Muhammad Abdullah staged a political come back and formed the new government in the state. In light of the numerous representations received by the new government from different sections of the society, the operation of the 1972 Act was suspended and a committee of experts were constituted to look into the shortcoming of the law. Subsequently changes were made in the preceding act and a new act was passed which came to be known as the *Jammu & Kashmir Agrarian Reforms Act 1976*. The important features of the Act were.

- i. Abolition of absentee landlordism in all forms. The act extinguished rights, titles and interests retrospectively from 1st of May 1973 on land of any person who was not cultivating it personally on

first day of September 1971 and such rights, title and interests were deemed to have vested in the state.

- ii. The Act fixed a ceiling of 12.5 standard acres, varying in terms of ordinary measure between 12,5 standard acres depending upon the quality of soil, availability or unavailability of irrigation and region where the land is situated.
- iii. The Act made provisions for the resumptions of land.
- iv. The Act provided for the distribution of surplus land among the landless persons.
- v. The Act provided adequate compensation to the persons whose rights in land got extinguished as a result of the implementation of the Act, as fixed proportionate rates to the type of land and quantum of rent to such persons.
- vi. The Act prohibited the alienation of land by way of sale, gift, mortgage with possessions, bequest and exchange;
- vii. The act provided for the creation of new machinery for the implementations of the provisions of the Act.

Impact of Land Reforms

The land reforms in Jammu & Kashmir produced a remarkable impact of every aspect of state. Visiting Jammu and Kashmir in 1950's, Denial Thorner concluded that despite some "defects in implementation, many tillers have become land owners and some land has even gone to the landless. The peasantry of the valley was not long ago fearful and submissive. No one who has spent time with Kashmiri villagers will say the same today". Wolf Ladjensky, another expert, observed that, "whereas virtually all land reforms in India lay stress on elimination of the *Zamindari* (large estates) system with compensation, or rent reduction and security of tenure (for tillers), the Kashmir reforms call for distribution of land among tenants without compensation to the erstwhile proprietors....(and) whereas land reforms enforcement in most of India is not so effective, in Kashmir enforcement is unmistakably rigorous." Nevertheless the radical nature of land reforms had substantially emancipated the peasantry of the state from the bondages of institutional depressants and, therefore, had injected the elements of dynamic growth in the agricultural setting of the state. The peasant was now very eager to make investments in land as he was more secure and also was the direct beneficiary of any such investments. Therefore, although the peasants continued with almost the same seeds and techniques of cultivation as in pre-Agrarian reforms, which is considered to be inversely related to the productivity by some economists believing in the economy of scale, yet the agriculture production in the state increased substantially.

The transformation of rural population, as a result of those “sweeping land reforms”, had far-reaching political consequences. Hundreds of thousands of newly empowered families would henceforth regard Shaikh Abdullah, seen a principle agent of this transformation, as a *messiah*, and he earned the name *Bab* (father) among the rural masses. These peasant masses tirelessly backed Abdullah throughout his period of political wilderness after his dismissal in 1953. However in parts of Jammu region the imposition of land reforms catalyzed a tenacious movement of social and political reaction. The “majority of landlords and moneylenders were Hindus, and the axe naturally fell on them” and they dubbed the reforms as anti-Hindu and pro-Muslims. However it is pertinent to mention here that *Shia* sect of Muslims in the state discouraged the land transfer without compensation by declaring it un-Islamic.

CONCLUSION

From the discussion above it becomes evident that with establishment of popular rule under National Conference government after independence, the Jammu and Kashmir state witnessed the first dose of self-rule. The National Conference government after assuming power in the state began the processing of implementing the provision of its party programme “Naya Kashmir” which was earlier issued in 1944. The three most significant goals enunciated in the Naya Kashmir Programme, geared to the interest of the state agriculturists were the abolition of landlordism, land to the tiller, and co-operative association. The sweeping land reforms registered a landmark in the history of state. The hitherto feudal setup was eliminated in all its forms and manifestations. Land was transferred to the actual tiller with a bundle of rights of permanent nature, without any compensation being paid to original owner of the land. These reforms had changed the whole agrarian setup of the state and led to steadily increase in agricultural productivity. By the enactment of these reforms Shaikh Abdullah enjoyed a great mass support. The substantial decrease in the land revenue in the beginning and its subsequent abolition under the land reform programme did ameliorate the conditions of the peasants and enabled them to save money for other necessities of life. The economic emancipation paved the way for the social advancement motivating the peasants to educate their children and avail facilities’ of better health and cultural advancement. Besides political and economic considerations the land reforms had various social consequences as well. They fostered the phenomenon of occupational mobility, inter-caste marriages and gradual shift from joint to nuclear families. Various families who earlier used to depend on alms to feed their families, after land reforms they not only become self-sufficient but also their status got markedly improved. However these remained various discrepancies and lacunas in the implementation of land reforms. But despite these limitations, the land reforms were the progressive measure that revelutionalized the whole agrarian setup in the state.

References

1. Aggarwal, J.C and Aggarwal, S.P, (1995), *Modern History of Jammu & Kashmir*, Concept Publishing House, New Delhi.
2. Ali, Nisar, (1958), *Agricultural Development and Income Distribution*, New Delhi,
3. Aslam, M., 1977, “*Land Reforms in Jammu & Kashmir*”, *Social Scientist*, Vol. VI, No. 4, p. 59.
4. Bakshi, S.R., (1995), *Kashmir Through Ages*, Sarup and Sons, New Delhi.
5. Beg, Mirza Afzal, “*Land Reforms in J&K*”, *Mainstream*, Vol. XV, 1 June 1976.
6. Bhat, M.L., “*Land Reforms in Jammu & Kashmir State, A Review*”, AICC, *Economic Review*, July 1, p.6.
7. Bhat, M.S., (1993), *Agricultural Taxation in Jammu & Kashmir*, Ariana Publishing House, New Delhi.
8. Daniel Thorner, “*The Kashmir Land Reforms: Some Personal Impressions*”, *The Economic Weekly*, September 12, 1953.
9. Herring, R.J., (1983), *Land to Tiller: The Political Economy of Agrarian Reforms in South Asia*, Oxford University Press, New Delhi.
10. Malaviya, H.D., (1954), *Land Reforms in India*, AICC. New Delhi.
11. Rai, Mridu, (2004), *Hindu Rulers Muslim Subjects*, Permanent Black, New Delhi.
12. Verma, P.S., (1994), *Jammu and Kashmir at the Political Cross Roads*, Vikas New Delhi.