LAND REFORMS IN JAMMU AND KASHMIR

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ABSTRACT

Among all the states in the Indian Union Jammu and Kashmir has the unique distinction of having introduced land reforms of considerable magnitude, including the remission of land revenue on small holdings. A start was made in this direction with the abolition of the existing feudal institutions, such as Jagirs and Mukkarrarree in the year 1948. The important feature of the reforms introduced as a result of the enforcement of the Big Landed Estates Abolition Act, 1950, was that 4.5 lakh acres of land held in excess of 22.75 acres (excluding orchards) were expropriated from as many as 9,000 and odd land owners, and out of this ownership rights of over 2.31 lakh acres of land were transferred to cultivating peasants.

KEYWORDS

Abolition, Agrarian, Chakdars, Jagirdari, Land Reforms, Mughal period, Pathwari, Wazir, Wintage.

HISTORICAL BACKGROUND

Earlier, the agrarian system in the state was basically feudal in character and cultivators suffered greatly due to heavy taxation and levy in kind. Only those who pleased the kings were bestowed with land in the form of Jagirs or Muafis. This practice was prevalent during the Mughal period and continued till the Sikh period, but during the Sikh period, the rulers were firm on retaining Hak-Afalikan (proprietorship of land). As a result Jagirdars were without proprietary rights. In addition to this some land was kept reserved for the royal household, known as Khali which over the years turned into Khalsa land and still retains the same name, though it is now the property of the state. Some trusted officials of the administration also got some land later on privileged terms and came to be known as Chakdars. A Wingate\(^1\) described this type of land system as "ryotwari in ruins." It led to the concentration of large areas of land in a few hands, resulting in large scale farming and giving birth to an intermediate class between the landlord and cultivator. This intermediate class perpetuated all sorts of miseries on the cultivator in order to satisfy the landlord. According to Wingate's estimate the state took a share of not less than three-fifths of the gross produce from the cultivator, besides other shares which included, 3 percent for Pathwari and Qanungo, 2 percent for Tambo\(^2\) (share of the inferior village servant,) Nazrana\(^3\) levied four times a year, and Shakdar\(^4\) charges. While this misery and oppression sapped any interest left in the cultivator to improve the land he continued to cultivate only due to the pressure of the State and the landlord. The state appointed Kardars (land agents of some sort) vesting them with enormous powers. The Kardars were in charge of circles of villages, which were formed in 1859. The distribution of land among the cultivators, the choice of crop, and the allotment of area (proportionate to the family size) were decided by the Kardar. It was only in
1880 that the first attempt to make an assessment of holdings was initiated. Although the assessment made was a commendable attempt, it had three major drawbacks: first, the condition of the cultivator was neglected, secondly, there was no basis for the distribution of land revenue among the holdings, and finally no importance was given to irrigation in the villages.

SETTLEMENT OPERATIONS

In 1887, Wingate conducted the first regular settlement in two Tehsils of the state namely Lal and Phak. This was a shortlived effort as the work of settlement was entrusted to Lawrence in April 1889. Lawrence introduced some far reaching changes with regard to land tenure and tenancy relationships. Notable among these was granting of permanent and hereditary rights of occupancy over land for Assamis (lawful occupants of the land). Further the entire area was divided into 30 assessment circles, because of variations in soil fertility, climatic conditions and irrigation facilities. After the assessment was made in each circle on the basis of an estimate of average produce, the total amount was distributed among the holdings of a village on the basis of three variables namely, area, irrigation and the quality of the soil. A provision existed for reassessment of land after a certain period of time, in order to bring revenue rates up to date as well as to make any revision if necessary. The latest available assessment reports are those of Talbot Pindi Dass, Lala Brijlal and Khushi Mohamed which cover the years between 1905 and 1920. Certain criteria of classification of the area adopted at that time like assessment circles and soil differentials still retain their utility. One of the main demands of the National Conference movement, which was launched in 1931, was the transfer of ownership rights of land from the Maharaja to the peasant. Till then almost the entire area of the Kashmir Valley and a substantial part of Jammu province were regarded as being in the personal ownership of the then Maharaja, Hari Singh. This demand was conceded as a result of the 1931 movement and lakhs of petty cultivators who were till then tenants-at-will got the ownership over their land. However, at the same time the Jagirdars and Chakdars, who till then had the status of tenants-at-will, acquired vast areas of land through the exploitation of the poorer villagers. The village population was impoverished and these Jagirdars and Chakdars, taking advantage of their poverty, manipulated the sale and purchase of land and accumulated thousands of kanals (8 kanals = 1 acre) of land.

AGRARIAN REFORMS AFTER 1948

The National Conference Government came into power in March, 1948. Immediately after coming to power the government declared the abolition of the privileges of muafidars and mukkarraree-khwar (recipients of cash grant). Further, it gave priority to the reorganization of Agriculture on a modern and rational basis, through the abolition of landlordism, securing the land to the tiller and the formation of cooperative associations. These steps were taken to free the peasant from the burden of the parasitic Jagirdars and Kardars. Besides, waste lands were
granted to tillers for cultivation, a moratorium was declared on non-commercial debts and
ejectment proceedings against tenants were stayed for a period of one year. Towards the end of
1949 a land reform committee was appointed by the government to submit a detailed plan for the
reorganization of agriculture in the state. On 13, July 1950 far-reaching reforms were announced
by the government which included the following:

(1) Any individual institution or religious organisation in the state which owned more than 1,000
kanals of land was left with only 160 kanals of cultivable land for its maintenance and the
remaining lands were transferred in proprietary ownership to those cultivators who were then
cultivating them;

(2) All those who allied themselves with the invaders were deprived of their land which
henceforth was recognised as being owned by those who were cultivating them;

(3) All the tenants-at-will in Poonch territory were declared the owners of their holdings; and

(4) The hunting preserves in Udhampur district which were carved out of previously cultivated
lands were abolished and the peasants were given the freedom to cultivate these preserves. As a
result of these reforms, 45 lakh kanals of land were wrested from the absentee landlords and
distributed to those tillers who either possessed inadequate holdings or owned no land at all.
Thus to start with, the state government abolished in the year 1948 as many as 3910 Jagirs and
Muhasibs rather land revenue in kind was abolished and rebates on land revenue granted to
Chakdars were withdrawn. At about the same time, by another act, tenancy rights were conferred
on tenants-at will possessing 17 kanals (irrigated) or 33 kanals (unirrigated) land in Kashmir and
33 kanals (irrigated) or 64 kanals (unirrigated) in Jammu province. It was in this context that the
Big Landed Estates Abolition Act, 2007 (1950) was introduced. This was a landmark in agrarian
reforms not only in this state but in the country as a whole. The main features of this legislation
were:

a) Fixation of a ceiling on the holdings of proprietors at 22.75 acres (182 kanals) of land,
excluding orchards, fuel and fodder reserves and uncultivable waste land.

b) Transfer of surplus land to tillers cultivating the land without any payment.

c) Fixation of a ceiling (at 160 kanals) on land including that which was owned and which had
been leased out.

d) Surplus lands which were not in the cultivating possession of any person, were acquired by
the state. As a result of the enforcement of the Big Landed Estates Abolition Act 1950 as
many as 9,000 and odd land owners were dispossessed of 4.5 lakh acres of land held in
excess of the ceiling and out of this 2.31 lakh acres of land were transferred with ownership
rights to cultivating peasants free of any encumbrances.

WAZIR COMMITTEE RECOMMENDATIONS
In order to review the working of Land Reforms in the state, the state government appointed a Committee under the chairmanship of Justice Wazir in 1952. The commission submitted its report with the following main recommendations:

First, the maximum unit for a proprietor in Kashmir should be fixed at roughly 28 acres and in Jammu at 34 acres against the prevailing unit of 22.75 acres; and

Secondly lands attached to Buddhist religious institutions in Ladakh called Gumpas, should be excluded from the operation of the Act. The following table shows the amount of land transferred to the tillers and the number of beneficiaries as a result of these reforms.

Subsequently a series of legislations was passed to remove the flaws present in the previous legislations in order to give more and more rights to the tenants, to impose restrictions and to make the resumption laws stringent. In 1965, all non-occupancy tenants admitted after 1955 were deemed to be protected tenants provided that the land held by them did not exceed two acres of wet land or four acres of dry land in Kashmir province and four acres of wet and six acres of dry land in Jammu province. An owner whose holding did not exceed four acres of wet land or six acres of dry land in Kashmir province and six acres of wet land or eight acres of dry land in Jammu province was permitted to resume land up to the above limit. By the imposition of these laws large areas of cultivated land were transferred to the state after the expropriation of landlords, which was to be distributed among the landless agricultural labourers and displaced persons from time to time. From the 1967 Kharif season, all holdings subject to land revenue up to Rs 9 were exempted from its payment. In case a tenant fails to cultivate his land without sufficient cause for more than one year, his right of occupancy or protected tenancy is deemed to have extinguished from the end of the year.

THE JAMMU AND KASHMIR AGRARIAN REFORMS ACT

The Act came into force in May 1975, with the following important provisions: 8

1. Vesting of ownership rights of land (excluding orchards) held by owners and intermediaries who are not in its personal cultivation to those who held such land in personal cultivation on September I, 1971.

2 Imposition of a ceiling of 100 standard Kanals (12.5 standard acres) and vesting of all land in excess of this ceiling with the state.

3 Payment in lieu of all land vested with the state as a result of 1 and 2 above at rates specified by the Government.

4 Provision for resumption of land by any intermediary or absentee landlord on certain specified conditions.

5 Full compensation for evacuee lands.
While there is no ceiling as such on orchards, an annual tax has been imposed on such portions of an orchard, which exceed 12.5 standard acres at the rate of Rs 800 per standard acre.

Standard acres has been defined with reference to various kinds of soil in irrigated and unirrigated areas. The above provisions of the 1972 Act removed some of the flaws present in the previous legislations and redefined the ceiling limit. Thus if the ceiling imposed on the basis of the above provisions is converted into local acres for different areas it falls in the range of 9.09 acres to 22.22 acres. Subsequently rules were framed for the implementation of the above provisions and the whole state has been divided into 305 circles, each circle comprising a few patwar halquas. The implementation programmes maintained some momentum till late 1974 but in early 1975 the State experienced a political change-the incoming of the Sheikh Abdullah Government. The new government stopped the implementation process on the basis of the representation which it received from different sections about the hardships faced by landlords as well as tenants and ordered a thorough investigation into the implementation of the 1972 Act.

Conclusion

Although the state of Jammu and Kashmir has been rightly called the heaven on earth and it has also suffered a lot firstly from the British colonial rule and later then the atrocity of the Dogra communal rule in the beginning and up to the middle of the 19th century. The dogra rule came to be end after the independence of the country and then later the partition of the nation came up and resulted in the formation of the two separate nations on the basis of religious identity. Soon after the independence of the India and the accession of the state of the Jammu and Kashmir with the union of the India, the sheikh Abdullah led government of the state strong came up with the land reforms movement and brought out the new manifesto of “Naya kashmir” which can be transited into new Kashmir. The land reforms started in the state and the land was now distributed to the tillers of the state and this was the most important phase of the state in terms of the land reforms sector. The achievements were made and the people of the state got benefitted mostly who were not in procession of the land and this was a remarkable milestone in the history of the state.

REFERENCES


1 A Wingate was the first officer entrusted with the task of conducting a settlement Operation in 1887.
2 Tambol is a share handed over to the king on the occasion of a marriage in his family.
3 Nazrana literally means gift.
4 Shakdar refers to watch and ward.
6 H.D Malviya, Land Reforms in India, Delhi 1955, p 416.
7 Muafis were of two kinds- religious and non-religious. In religious Muafis one-third of the amount of the land revenue was received by the Muafidar in cash and two thirds in kind. In the case of non-religious Muafis, the whole of the assigned land revenue was received either in cash or kind or both. The Government totally abolished the non-religious Muafis and also terminated the right to receive the assigned land revenue in kind in respect of religious Muafis.