CHAPTER-3

POLITICAL ECONOMY OF LAND REFORMS: AN APPRAISAL

Introduction

As discussed in the preceding chapter, Sheikh Abdullah’s reputation, spreading gradually since the events of July 1931, registered a leap every time he was arrested since jail going had become a badge of honour among the nationalists throughout the Indian subcontinent. Prem Nath Bazaz (1954) writes that politically and historically the 13 July, 1931 is considered as the most important day in history of Kashmir. Similarly Mridu Rai notes that the 13 July marked the inauguration of the ‘freedom struggle’ started by Kashmiris against the Dogra rule. “Neither the events of that day in Srinagar nor the death toll of twenty-two demonstrators and one policeman seem remarkable when compared to contemporaneous developments in British India. However, the significance of the date drew from the fact that it was the first time that a gathering of Kashmiri Muslims openly challenged the authority of the Maharaja and his Government” (Rai 2004:258). Bazaz writes that: “The incident of the 13th July shook the whole State including the administration: it unnerved the Maharaja. An official commission under the presidentship of Sir Barjore Dalal, Chief Justice, was set up to enquire into the causes of the happenings. The enquiry was boycotted by Muslims” (Bazaz 1954: 155). As it was, the 13th July saw the beginning of the gigantic force behind the mass movement in Kashmir. “The country from one end to other was now a big mass of discontent and unrest. Law and order remained only in name and the instructions of the authorities were publicly flouted at every place. Complete and spontaneous hartal was observed by the Muslim shopkeepers throughout the Kashmir province. … Finding that the Cabinet was unable to grapple with the political problem, the Maharaja discharged two of his ministers, G. E. C. Wakefield and P. K. Wattal, and installed a Hindu Jagirdar, Raja Hari Kishan Kaul, as his Prime Minister” (Bazaz 1954: 155-56). Despite severe repression by the police, the Muslims continued to struggle and the Maharaja, realising that the resistance was strong, issued an order on 5 October, 1931 withdrawing the ordinances and other emergency measures. All political prisoners were also released (Bazaz). In a remarkable turn-about of trends, by September 1931, Sheikh Abdullah’s popularity
had grown to such proportions that the British were worried about the effect events in Kashmir might have on the communal situation in India, especially in Punjab. Consequently, they put pressure on Maharaja to form a body that would look into and remedy the more obvious Muslim grievances (Rai 2004). As a result of this, on 12 November, 1931, Maharaja Hari Singh appointed a commission consisting of four non-official members presided over by B. J. Glancy of the Foreign and Political Department of the Government of India. The Glancy Commission invited submissions from all segments of the state’s society. It was during this period that Sheikh Abdullah founded his All Jammu and Kashmir Muslim Conference (AJKMC) in 1932 and used this organisation to reinforce the wide social base of support in the valley that had begun to garner through his representative activities in presenting testimony before the Glancy Commission. The report of the Grievances Enquiry (Glancy) Commission was published in April 1932. According to Bazaz, it was a document of great historical importance as it established that real grievances existed which needed redress. The main recommendations were readily accepted by the Maharaja. As per recommendation of the Commission, all religious buildings of the Muslims in possession of the Government were restored to them. Among other things, the Commission recommended that there should an increase in the number of Muslim teachers and the appointment of a special officer for supervising and promoting Muslim education. In the matter of distribution of government services the following recommendations were made: (i) Minimum qualifications should not be pitched unnecessarily high. (ii) All vacancies should be effectively advertised and similar action should be taken as regards all scholarships intended to provide equipment in government services. (iii) Effective measures should be taken to provide a system of appointment and machinery for supervising that system in such a way as to prevent the due interests of any community from being neglected. Dealing with land problem the Commission recommended that: “Proprietary rights should be granted in all respects to all lands of which the ownership is retained by the State and the right of occupancy is enjoyed by the private persons. The grant of proprietary rights would be greatly appreciated and would make for increased contentment and stability” (Bazaz 1954: 162). The poor peasant and his immediate problems also were not totally ignored. It said: “Kahcharai (grazing tax) should be forthwith suspended in certain specified areas, and action should be taken to see that the demand does not press too heavily on the other portions of the State. All possible care should be taken to see that
the existing rights of the agriculturists are not in any way impaired by the privileges conferred on other classes. The benefit of concession granted to the agriculturists at the time of Raj Tilak ceremony (His Highness’ accession) should be fully secured to them. Strenuous endeavours should be made to put an end to all unauthorised exactions” (Bazaz 1954: 163). As regard begar (indentured labor), which was still practiced by officials, the Commission’s recommendation was: “His Highness’ orders in respect of Kar-i-Sarkar (Labor requisitioned for State purposes) should be strictly enforced and payment should be made at proper rates for all services rendered” (Bazaz 1954: 163). And lastly about unemployment and industrialisation, the recommendation was that: “The promotion of industries should receive the earliest attention of the State authorities. Industrial developments are at the present time of the utmost importance as it is highly desirable to provide an outlet for employment” (Bazaz 1954: 163). In capital Srinagar, the Dogra regime’s food control policy had been breaking down gradually since the summer of 1931, when the rice, the main crop grown in Kashmir, was scantier than usual as a result of floods and ravaging effects of a crop disease called rai. In conditions of shortage, the poorer segments of the city’s population had been finding it increasingly difficult to obtain their staple diet at a rate they could afford. In the countryside, the agriculturist families known as zamindars (cultivators) in Kashmir valley were unwilling to relinquish their limited harvests, wishing to hold on to as much of it possible for themselves. According to Rai (2004), the term zamindar in Kashmir held a meaning different from other parts of the Indian sub-continent. In the valley it denoted not an intermediary class of revenue collectors

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42 Begar was a system of forced labour in Kashmir Valley usually unpaid or very nominally remunerated. According to Walter Lawrence (1967), Muslim serfs were forced to work without any payment for a small landed Pandit elite and the State officials. According to Lawrence, there were two sides of begar practice in Kashmir Valley. The labour side of Begar entailed services such as carrying loads of rations and other supplies to Gilgit for the State or for foreign visitors on their journey around the Valley or for the Royal procession from one part of the State to another. If they were used on the account of State work no wage was paid otherwise they were promised a wage of four annas a day which they were never paid. The other side of begar consisted of requisitions for village produce, and was a form of purveyance on behalf of officials. Under this system, officials would obtain wood, grass, milk, poultry and grain, blankets and on occasional pony, cows and sheep free of coast, and higher officials would built houses in the city or cultivate waste land through unpaid labour of the villagers. See Lawrence (1967).

43 Instituted in the early years of Dogra rule, the purpose of this system of food control was to make cheap rice available to the residents of the Srinagar and in the 1890s these state-controlled rates were at one half of the real market price. More specifically, this system was intended primarily to maintain the shawl weavers of Srinagar, whose product brought an annual income of revenue of between Rs 600,000 and 700,000 to the state. This incentive, as also the exemption from begar granted to them, ensured a steady stream of labourers for the shawl industry coming from the countryside. See Rai (2004).
but the cultivators themselves. The Dogra state employed its own tax-collecting agency to collect the revenue directly from the cultivators. This caused prices to take a dramatic turn upwards further aggravating the problem in Srinagar. In 1932, though the harvest was better and this, in combination with the State government’s decision to import rice from British India, signaled a sudden downswing in the prices. While useful for the cities like Srinagar, this came as a disaster for the cultivators. Sheikh Abdullah and his AJKMC between 1931 and 1932 found fertile ground for mobilisation against the Maharaja’s regime as both the Srinagar’s poor and the agriculturalists of the valley had cause for discontent. The trade depression beginning in 1929 had already provided an undertow of discontent on the different handicraft industries such as shawl-and-carpet-weaving, silk, papier mache (ornaments) and silver works. The depression produced adverse conditions for trade and consequently for the artisans. The prices of shawls, an industry which had already been dealt a blow in the 1870s when war broke out between Germany and France, fell further and not only were petty shopkeepers hit hard but large numbers of shawl embroiders and papier mache workers lost their jobs. Labour unrest in the silk factories in Srinagar, brewing on and off since 1924, provided Sheikh Abdullah with another constituency of supporters (Rai 2004: 271).

Conditions in the countryside of Kashmir were no better than in its cities. A body of landless labourers had emerged through the decades after Walter Roper Lawrence’s land settlement; forced labour (begar) continued to ensure that the Kashmiri cultivators had no control over their own labour; agrarian indebtedness was on the rise; agriculturist families continued to be crushed by the heavy revenue demand and illegal cesses continued to be extracted by a revenue department dominated by the Kashmiri Pandits (Rai 2004). Land tax which was already very high was further increased in 1930 by 14.4 per cent (Copeland 1981:234). Rai (2004) writes that through the 1930s and the 1940s Sheikh Abdullah and his colleagues – Mirza Afzal

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44 The British government proposed a number of reform measures in Jammu and Kashmir but none was as thoroughgoing as the land settlement instituted between 1889 and 1895 and overseen by British civil servant and settlement commissioner for Kashmir Sir Walter Roper Lawrence. The settlement of the Kashmir Valley was commenced by A. Wingate, I.C.S., C.I.E., in 1887. See Rai (2004). A ‘settlement’ may be defined as the official assessment of the land revenue due to the Government from all land (except that which for various reasons has been granted ‘revenue free’). It is preceded by a more or less full survey, classification, and valuation of the land, and an inquiry into the rights of all persons concerned.
Beg and Bakshi Ghulam Mohammad – seemed to be untiring, listening to the complaints of zamindars, drawing up petitions on their behalf and turning the AJKMC into the single most powerful representative voice of the Kashmiri Muslims. Demands made by Sheikh Abdullah on behalf of Kashmir’s cultivators were for responsible government, a reduction in the land revenue by fifty per cent, and correction of the usurious rates at which money was lent. Supporting socialist symbols and rhetoric, Sheikh Abdullah even devised a flag for his party, not too subtly coloured red and imprinted with plough (Rai 2004). The AJKMC led by Sheikh Abdullah through 1932 and 1933 used the newly sanctioned press in Kashmir to conduct propaganda against the dominance of Kashmiri Pandits in the countryside. Earlier newspapers were heavily censored; press censorship was especially focused on Urdu papers printed in Lahore which were read mostly by Muslims (Copeland 1981). The language used was sometimes immoderate and always uncompromising in its condemnation of the Pandit community suggesting that they (Kashmiri Pandits) were by nature an enemy of the Muslims and that there were ‘as many kinds of Pandits as there were snakes’ with the difference that the bite of a snake would not prove fatal. In one of his speech delivered in 1933 in Tragapura, Sheikh Abdullah asked his party and the Muslims of Kashmir to ‘turn out Hindus for giving Muslims trouble’ and appealed the crowd to take revenge (Rai 2004). However, according to Rai, from the early days of unconstrained criticism of the Dogra Hindu State and particularly its Pandit allies, Sheikh Abdullah's political rhetoric took a new turn roughly around the 1934. As pointed out in the preceding chapter one of the recommendations of the Glancy Commission to the Maharaja was to for the formation of a franchise Commission to draw up a scheme of representative Government in the State. When a Legislative Assembly became a reality in 1934, the composition of the Assembly compelled Sheikh Abdullah and his party to seek the support from the members of other communities in the Assembly in order to overcome the majority of official and nominated members of the Assembly (Rai 2004). This led Sheikh Abdullah and his party to tone down some of the anti-Hindu oratory. So after 1934, the Sheikh Abdullah’s party took two key political decisions: The first was to seek a

45 All Jammu and Kashmir National Conference (National Conference) which met for its first session at Sarnal, Anantnag (Islamabad) on October 2, 1939 adopted a red flag with a plough in its centre. Earlier, the flag of the old organisation, All Jammu and Kashmir Muslim Conference, was a green flag with a white crescent. See Raina (1988).
rapprochement with those members of the Kashmir Pandit community who might concede that the Muslims of the Valley had been politically and economically marginalised and, from that basis, work together on a strategy of regional mobilisation against the Dogra regime. Little support came from the vast majority of Pandits. The second decision taken by the party was to change its name from All Jammu and Kashmir Muslim Conference to All Jammu and Kashmir National Conference (henceforth the National Conference). Sheikh Abdullah urged his party members to end communalism by ceasing to think in terms of Muslims and non-Muslims when discussing their political problems and open the doors to all such people who believed in the freedom from the shackles of an irresponsible regime. “In 1935 Sheikh Mohammad Abdullah in an appeal to the ‘men of all communities’ observed: my fight is for the emancipation of my country. Let us all rise above petty communal bickering and work jointly for the welfare of the masses. I appeal to all Hindu brethren not to entertain imaginary fears and doubts. Let us assure them that their rights shall not be jeopardised if they join hands with their Muslim brethren” (Wani 1993: 27). But Rai (2004) writes that speaking in Baramulla in 1939 Sheikh Abdullah’s invitation to the Kashmiri Pandits to join the ‘national movement’ was subtly qualified by the ‘dubious’ assurance that they would get safeguards according to the sacrifices they had made. Once again few Kashmiri Pandits were willing to flock to the side of the National Conference. According to Wani, the process of secularisation created friction in the political organisation and Sheikh Abdullah for sometime was the most worried man owning to non-involvement of non-Muslims in the National Conference. This adversely affected the standing of the National Conference and frustrated its leader. In a public meeting in Srinagar on 28 July 1941, Sheikh asked: “In a country like Kashmir where Kashmiri Pandits cannot even tolerate the construction of a bathroom by Muslims on the banks of Jhelum, what is the use of preaching Nationalism? People, who cannot even tolerate the washing of hands and face by us on the banks of Jhelum surely, cannot be united with us” (Wani 1993: 30). The comfortable dominance of the Kashmiri Pandits in the state was shaken for the first time after the publication of the Glancy Commission’s report. The inquiry and its conclusions conceded the Kashmiri Muslims contention of their unfair neglect and biased exclusion from the representative institutions of a state in which they formed a majority (Rai 2004). The experience following the inception of the AJKMC in 1932 had revealed that Muslim solidarity alone would certainly be no remedy for the ills of
the large scale poverty, economic hardship and exploitation faced by the people in the State (Wani 1993). On 28 June, 1938, a meeting of the working committee of the AJKMC was held in Srinagar to consider the question of changing the nomenclature of the party and the following resolution was passed: “Whereas in the opinion of the working committee the time has come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of Responsible Government, the working committee recommends to the General Council that in the forthcoming annual session, the name and the Constitution of the organisation be so altered and amended that all people who wish to participate in the political struggle are enabled to become members of the conference irrespective of their caste, creed or religion” (Wani 1993:29). Consequently, a special session of the AJKMC was held at Srinagar on the 10 and 11 June 1939, under the presidency of Ghulam Mohammad Sadiq and it passed the following resolution: “The special session of the AJKMC, approved the working committee resolution no. 5 of 28 June 1938 for the change of the name of the Conference and for bringing about necessary amendments and changes in its constitution, which was confirmed by the General Council in its session held on the 27 April 1939. This conference, therefore, decides that it shall henceforth be named as ‘All Jammu and Kashmir National Conference’ and every citizen of Jammu and Kashmir who is a major, whether male or female, shall irrespective of his religion or race, be entitled to become a member of the Conference, provided he undertakes in writing to have the setting up of Responsible Government and the securance of individual liberties as his political goal” (Wani 1993:29).

The discrimination on the basis of religion in the State was never lost even when the National Conference muted its most strident criticism of it. In 1942 while campaigning in the rural areas, Sheikh Abdullah advised cultivators not to surrender food grains to the revenue department if it used intimidation but instead to distribute it among the poor. Few of the agriculturists in the Kashmir Valley would have been in doubt about the community identity of the revenue officials. Similarly, the allusions to the Kashmiri Pandits were transparent when Sheikh Abdullah addressed labourers at the silk factory in Srinagar and pointed that capitalists (read Pandits and Dogra Hindus) always wanted to suck the blood of labourers. When the Maharaja’s regime was criticised by him for shielding the urban powerful through its food control policy while not providing similar protection in the rural areas against the food scarcity, the
identity issue was very much there. (Rai 2004). The reward for these obviously ethnic populist appeals was that, by 1942, the National Conference was enjoying the support of majority of Srinagar’s Muslims and Sheikh Abdullah’s party was seen as best organised and supported in the valley. The last years of the Princely State of Jammu and Kashmir saw a number of dramatic developments that pushed the National Conference to make some politically visible efforts at bridging the divide between the Kashmiri Pandits and Muslims (Rai 2004).

On May 12, 1946, the Cabinet Mission sent to India declared that after British withdrawal from India, its paramountcy would lapse and the rights of Princely States would return to them. This announcement of an independent Dogra State sent Sheikh Abdullah into a flurry of alliance-making. He was keen to consolidate as wide a popular base as possible to pre-empt a continuation of Dogra autocracy after the British departure. On May 20, 1946 Sheikh Abdullah launched his ‘Quit Kashmir’ movement, declaring the Amritsar treaty of 1846 a sale deed and so asking the Dogras to leave. Adopting anti-Dogra stance, the National Conference sought, now more than ever, to rally the support of the Kashmiri Pandits in a national struggle for freedom. In an impassioned speech, Sheikh Abdullah suggested to them that those Hindus, who believed that Dogra rule should remain, should not forget that Kashmiris were treated as a bought up race without distinction of religion (Rai 2004: 281). While significant numbers of Pandits responded to the call of ‘Kashmir Gandhi’, they did so with caution and the realisation that his efforts in due course would transfer all political power into the hands of the state Muslims who constituted majority. Rai writes that discrepant interests continued to vitiate efforts at bridge-building.

Sheikh Abdullah and the New Kashmir Manifesto

Kashmir freedom movement during its first phase of its struggle, writes Riyaz Punjabi (1995), was mainly confined to the problems of Government employment for newly educated and qualified Muslims of Kashmir. However, over a period of time, the objectives of the struggle were enlarged which included among other things challenging the feudal, autocratic rule of Maharaja Hari Singh. According to Punjabi, the abolition and feudalism and establishment of a secular democratic State were the two pillars of this struggle. The aspirations of the struggling masses in Kashmir were best reflected in a document titled the New Kashmir (Naya Kashmir). Prepared by
noted leftist intellectual – B.P.L. Bedi, K.M. Ashraf, Ehsan Danish and others – the
manifesto which was adopted by the National Conference in Srinagar on 29 and 30
September, 1944, for Jammu and Kashmir’s future under a democratic Government,
was originally submitted to the Maharaja as a comprehensive memorandum on the
economic, political, social and cultural reconstruction of the State (Wani 1993; Zutshi
2003). “The Naya Kashmir Manifesto is a political document, containing aims and
objectives of Jammu and Kashmir National Conference, with respect to the future
constitutional framework, economic planning agricultural and industrial growth and
socio-economic uplift of the State. This manifesto remains the political ‘Bible’ of the
National Conference till all the objectives contained in it are not fulfilled” (Hassnain
1988: 117). For Chitralekha Zutshi (2003), the New Kashmir manifesto was a move
to give concrete expression to the ideas of citizenship that the Muslim Conference had
banded about since its proclamation of the ‘National Demand for Responsible
Government in 1939. The preamble of the New Kashmir manifesto reads as under:
“We, the people of Jammu, Kashmir, Ladakh, Frontier Districts, Illaqs (regions) of
Poonch, Chinani, commonly known as the residents of Jammu and Kashmir State, in
order to perfect our union in the atmosphere of full equality and self determination; to
raise ourselves and our children, forever, from the abyss of oppression, poverty,
ignorance, degradation and superstition of the dark ago into the sunlit Valley of peace
and plenty ruled by freedom, science and honest toil; to participate in the historic
resurgence of the people of the East and the working masses of the world; and
destined to make our this dear homeland Kashmir, a dazzling diamond on the snowy
forehead of Asia; do hereby propose, propound and endorse the following
Constitution of our State” (Hassnain 1988: 118). In his introductory note to the
published programme of New Kashmir, Sheikh Abdullah explained the background
which necessitated its adoption.46 “Progress is a continuous struggle. This struggle is
not child’s play. History has witnessed many tyrants and their tyrannies but every
generation had achieved progress with the help of farsighted thinkers and the sacrifice
of Mujahids, and today we inherit and protect this torch of light. The National

46However, as pointed out by Zutshi, Sheikh Abdullah’s speech during the National Conference’s
session which adopted the manifesto as its future program did not address, or was at best ambiguous,
championed the cause of Hindu-Muslim unity… Our duty, along with that of our countrymen, was to
support the move for unity (Zutshi 2003: 290).”
Conference has been fighting the battle since the inception of the freedom movement. The struggle had continued but it should have a definite future programme. The genesis of the struggle everywhere was the same; it is the struggle of the poor against the class of exploiters. This struggle of ours is the struggle of the workers against those stone-hearted exploiters who as a class of discriminators have lost the sense of humanism Hassnain” (1988: 117-118). As mentioned in the previous chapter, the Naya Kashmir manifesto was an important political document in the modern Kashmir’s history. The first section of the National Conference’s ‘Magna Charta’ talked about the party’s conception of the State’s future constitutional framework. At the top, it visualised a representative legislature called the National Assembly and a Cabinet Government. The Maharaja was to play titular, figurehead role in the new set-up. The second section of the manifesto focused on improving the economy of the State with special focus on the agrarian economy. It called for the abolition of the landlordism without compensation, transfer of land to tillers, and establishment of cooperative associations. The last section was devoted to social and educational schemes for various downtrodden sections of Kashmir’s population. (Bose 2003: 25).

“The Manifesto was clearly based on a Jacobin conception of popular sovereignty, augmented by a generous dollop of Bolshevism – idea inspired by the erstwhile Soviet model – in the socio-economic parts of the programme” (Bose 2003: 26). The slogan ‘land to tiller’ was the cornerstone of the document, writes Punjabi adding that the implementation of this programme resulted in creating tensions of far-reaching consequences between the State of Jammu and Kashmir and the Union Government.

“This programme, which brought about a bloodless revolution, was the first of its kind in the whole sub-continent. The programme disturbed the status quo, which had been nurtured over centuries in Kashmir society” (Punjabi 1995). Providing background to the New Kashmir manifesto, Wani (1993) writes that 1940’s were the period of conflicting ideas and ideologies in the State. Organisations like Congress and Muslim League were busy extending their influence to the State and carve out their own segment of supporters. It was owing to this that leaders like Nehru and Jinnah came to Jammu and Kashmir. It was thought that the State where majority of people were living in absolute poverty and where agrarian question had become paramount, communist ideology will be accepted as a ‘Christmas Gift’. The radical elements penetrated in the national movement and provided it with new direction (Wani 1993). Prakash Chandra (1985) in his paper entitled ‘The National Question in
Kashmir’ writes that: “In the 1940’s the nationalist movement came under the telling spell of Marxism. K.M. Ashraf, who visited the Valley in order to win the cadre for the nationalist movement of the Indian sub-continent, was happy at this development. In 1942, N.N. Raina … returned to his native land for political work. He became an influential member of the left wing in the National Conference. The Communist activists also opened a study circle at Dal gate to propagate the philosophy of Marxism and Communism. By the end of 1942, the CPI was able to open an organising committee of which Miss Mahmooda, Ghulam Mohammad Sadiq and Bakshi Ghulam Mohammad were members. Thus by 1943, there had emerged a big group of CPI progressives in the National Conference who were able to influence its future strategy of struggle in a decisive manner. It was in the background of such political changes that the toilers formed one of the strongest bases of the National Conference in the years 1940-50. Their impact was obvious in the Mirpur session of the National Conference in 1942 when it passed the resolution sending greetings to the red army and expressing its solidarity in the heroic fight against fascism. They provided the authorship to the Naya Kashmir manifesto of the National Conference” (Chandra 1985: 45-46). In his autobiography *Flames of Chinar*, Sheikh Abdullah (1993) writes that: “Our movement had been thrown open to all religious groups. It became imperative to develop new political and economic rallying points. We had learned from experience that the real reason of conflict was not religion but clash of interests between different classes and groups. The primary objective of our movement was to oppose oppression and support the oppressed. We, therefore, decided that our charter of demands had to be given the shape of a manifesto to be adopted by various units of the National Conference. This manifesto was presented to the Maharaja” (Abdullah 1993: 57). Sheikh Abdullah further writes: “‘New Kashmir’, as it was termed, was a revolutionary document. It assured the safeguarding of rights of women workers and weaker sections of society. Initially, ‘New Kashmir’ was opposed not only by the Nawabs of the Muslim League but also by the reactionary forces within the Congress party. Subsequently, however, under the leadership of Jawaharlal Nehru, Congress approved the manifesto. I had enumerated the objectives of ‘New Kashmir’ in its forward: We want to build anew the personality of every man and woman in ‘New Kashmir’ who has been spiritually and mentally oppressed. We want to produce exemplary personalities who will be worthy of our beautiful homeland” (Abdullah 1993: 57-58).
After India became independent and Jammu and Kashmir joined the Indian dominion, Maharaja Hari Singh handed over the reign of power to the government headed by Sheikh Abdullah. The Government of Sheikh Abdullah started from the New Economic Plan formulated by the National Conference in 1944 and elaborated in its manifesto known as the New Kashmir and the three most important goals enunciated in it, geared to the interests of the Kashmir agriculturists, were the abolition of landlordism, land to tiller, and co-operative association of tillers to regulate production and sale of crops and agricultural goods. A start was made in this direction in 1948 with the abolition of existing feudal institutions (Rai 2004:282). As the first step towards the abolition of landlordism and exploitation of the tiller of the soil, the government resumed all assignments of the government revenues known as *jagirs*⁴⁷, *muafis*⁴⁸ and *mukarraries*⁴⁹ (fixed cash assignments) except those made for religious purposes. Some of the *jagirs* were in cash and some in kind; some were tenable during the pleasure of the ruler and some held in perpetuity or dependent on service to the State. The *jagirdar*⁵⁰ had the power, in some cases, to recover his assignment in kind, either wholly or in part, calculated at a low commutation price which worked at less than 20 per cent of the market rate (Land Reform 1953). The resumption of revenue assignments by the government removed a vicious anachronism of land relationship with all its concomitant socio-economic evils (Prasad 2014). The *muafidars* enjoyed more or less the same privileges as the *jagirdars* did. They used to derive all benefits from their assigned lands and yet paid no land revenue. The *mukarraridar* was yet another privileged class who every six months received fixed cash grants from the state in lieu of *jagirs* which they held prior to such grants or for some specific service, ordinary or political. The National Conference government which came into power in March 1948 immediately declared the abolition of the

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⁴⁷ *Jagir* was a land grant given by the State to an individual, called a *jagirdar*, for a limited period; the individual held the right to assess and collect land revenue and other taxes from this land.

⁴⁸ *Muafi* was a land grant exempt from payment of land revenue, given by the State to an individual, shrine, mosque, temple or other institutions; the holder of *muafi* was known as *muafidar*. There were two kinds of *muafis* – religious and non-religious. In religious *muafis* 1/3 of the amount of the land revenue was received by the *Muafidar* in cash and 2/3 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*. To receive grain in the name of religion and that also at exploitative rates was absolute perversion of the spirit of religion. See Aslam (1977); Malaviya (1955).

⁴⁹ *Land assignment given on easy terms of revenue assessment.*

⁵⁰ *The holder of a jagir is called Jagirdar.*
privileges of muafidars and mukarraridars. There were 2,347 mukarraridars in the State receiving Rs. 1, 77,921 each year by way of cash grants. The number of jagirdars and muafidars in the state was 396 and among them they annually appropriated an amount of Rs. 5, 56,313\textsuperscript{51} out of the land revenue (Jammu and Kashmir Today nd: 12). These steps were taken to free the peasants from the burden of the parasitic jagirdars. Besides, village waste lands were granted to tillers for cultivation. Moratorium on non-commercial debts owned by agriculturists, weavers, boatmen, artisans and craftsmen, manual and factory workers, was declared for one year to afford immediate relief to the hard-hit poor classes and all ejectment proceedings pending or to be started or instituted against tenants in any revenue court were stayed for one year. It provided relief to tenant farmers and stopped all tenancy litigation (Kaula and Dhar 1950). These changes were viewed as very revolutionary as it took away the privileges of the erstwhile Maharaja and feudal vassals over most of the cultivated areas in the State without paying any compensation. Land reforms in the State were also seen as correcting a historical wrong against the peasantry. The total cultivated area in the State was about 22 lakh acres most of which belonged to the Maharaja or his feudal vassals. The landlords rented the land to peasants under medieval conditions of exploitations. There were, generally speaking, as stated above three classes of such economically privileged persons: jagirdars, muafidars, and mukarraridars. The jagirdars owned vast areas of land called jagirs. It was a system under which a parasitic class of feudal lords was created for the first time during the rule of the Mogul Emperors and patronised subsequently by the British in India and Dogra rulers in Jammu and Kashmir. This ancient system of feudal patronage received fresh impetus during the last Dogra regime when several additional jagirs were created and the holders thereof granted fresh concessions and privileges resulting in gradual deterioration of the economic conditions of the peasants. They were, for instance, given the privileges of realisation of grazing fees on cattle in their jagir villages, use of forest wealth in their jagirs and prior claim to appropriate waste land within the estate assigned to them. The peasant had no voice and he had per force to the burden of this exploitation and carry on silently. Peasants sank both physically

\textsuperscript{51}According to Mirza Afzal Beg, who held Revenue portfolio in Sheikh Abdullah’s government, there were 396 Jagirdars and Muafidars in the State and they annually appropriated an amount of Rs. 5, 66,313 out of land revenue whereas Jammu and Kashmir Today(nd) puts this amount to Rs. 5,56,313. See Beg (1995).
and economically while *jagirdar* class grew in riches and prosperity (Ministry of Revenue nd). The resumption of revenue assignments and the abolition of feudal privileges not only saved the State of Jammu and Kashmir of about seven lakh of rupees every year, but also relieved the peasants of a crushing burden of payments in kind to the tune of three-and-half lakhs of rupees and released 4,249 acres of land, formerly granted to the *jagirdars* for their private use, for distribution among the cultivators. In the case of religious assignments, the practice of recovering the assigned land revenue in kind was discontinued and recovery in cash alone was recognised as lawful. Other subsisting pockets of feudal rule within the state, called jurisdictional *jagirs* i.e. *Jagir* of Chenani and Krolop were liquidated and a population of some 2.5 lakh persons was freed from the clutches of medieval autocracy (Kaula and Dhar 1950; Land Reforms nd; Jammu and Kashmir Today nd).

The National Conference government next adopted measures which not only gave economic relief to peasants, but also brought about a fundamental change in their status. In October 1948, the State Tenancy Act of 1924, which provided for the maximum rental to be paid by a tenant to his landlord, was amended by the Government and the severities caused by its operation stopped. The amendment provided for a grant of protected tenancy in respect of holdings between 4.125 and 8.125 acres of wet and dry land respectively and placed restrictions on ejectments of tenants from land. The amendment fixed the maximum rental payable by a tenant to his landlord in respect of tenancy holdings exceeding 12.5 acres (100 kanals) at one-fourth of the produce (or cash thereof) in case of wet lands (including those growing paddy, wheat, maize, sugarcane and linseed) and at one-third in case of dry lands. Previously, the tenant had to surrender more than half of his produce to the landlord as rent (A Review of Progress 1958: 11). According to the provisions of this amendment, a tenant who had cultivated the land of his landlord for seven months before the commencement of the Tenancy Act was entitled to the privilege of a protected tenant. The Act also provided for improvement of the economic position of the tenant. A tenant of land in area exceeding 100 kanals became entitled to $\frac{3}{4}$ of the produce as against $\frac{1}{4}$ to the proprietor’s share (Ministry of Revenue nd). The total produce of fodder would go to the tenant in case where the landlord did not provide agricultural implements, seeds and cattle to him (Jammu and Kashmir Today nd). In the case of tenancies not exceeding 12.5 acres (100 kanals), the landlord was not entitled to receive more than one-half of the produce, and, where the existing rent was
less than the maximum rent prescribed by law, the exaction could not be enhanced. The law also provided for summary reinstatement of a tenant who had been unjustly ejected after April 1947 and prohibited the execution, after November 18, 1948 of ejectment orders or decrees passed by any court against a tenant who had acquired the right of protected tenancy (Jammu and Kashmir Today nd).

These reforms gave relief to impoverished peasants of the state but did not bring about the abolition of landlord system which was at the root of their poverty and suffering. In order to bring about a fundamental change in the production and ownership relations in agriculture, the State government in April 1949 appointed a Land Reforms Committee under the chairmanship of Mirza Afzal Beg, Minister for Revenue, Agriculture, Forests and Cooperatives, to prepare a plan for the abolition of big landed estates and transfer of land to tiller. In the State, there were about 22 lakh acres of cultivated lands belonging to the Maharaja, his jagirdars and chakdars (a class of landlords). The landlords rented these lands to the peasants under inhuman feudalistic conditions of tenure. But before the Committee could prepare and submit its report, Sheikh Abdullah on July 13, 1950 (celebrated in the state every year as martyrs’ day) announced drastic and sweeping land reforms in a speech from the National Conference platform. The assent of the Maharaja was not obtained but the announcement by the State’s Prime Minister was regularised later on (Bamzai 1973).

Eighteen months later, on October 18, 1950, The Big Landed Estates Abolition Act, (Act No. XVII 2007) was passed by the Jammu and Kashmir Government which superseded most of the preceding temporary measures and legalised the land reforms. The Act was aimed at translating into practice the principle of transferring land to the actual tillers of the soil. “Tiller means a person who tills land with his own hand” (Thorner 1976: 48). Khaliqa, a Matipura village peasant, was the first to receive land under the Act. Under this Act every proprietor, whether he himself cultivated land or not, retained only 22.75 acres (182 kanals) of land (besides orchards, grass-farms and fuel reserves) and the right of ownership of the remaining land was transferred to actual tillers of land (subject to the maximum that the individual cultivator can possess) free from encumbrance. The tiller-owner was, however, liable for payment of land revenue and was assessed on the land that was transferred to him, together with a surcharge of four annas per rupee of land revenue as ‘land development cess’ which was earmarked for use in the rehabilitation of the cultivators and the improvement of
land given to them (Korbel 1954: 211). According to this Act, the landlord was allowed to keep not more than 20 acres (160 kanals) of agricultural land, one acre (eight kanals) of land for vegetable gardening, half acre (four kanals) as residential site, and 1.25 acres (10 kanals) of orchards – altogether 22.75 acres (182 kanals). Also, it was stipulated that landlord must work on his land; otherwise it would be expropriated. Provision was also made for the confiscation of the property of ‘enemy agents’, these agents being largely defined as persons who had expressed a desire for Kashmir to join Pakistan (Korbel 1954). This expropriated land was to be transferred in full ownership to the maximum of 20 acres (160 kanals) to the tenant. All lands which were not under cultivation or not rented and in excess of 22.75 acres (182 kanals) were transferred to the government for redistribution or for collective farming.

As far as the question of paying compensation to the ex-proprietors was concerned, The Big Landed Abolition Act left the matter to be settled by the Constituent Assembly of the State and till such time for the expropriated land, the government was to pay the former owner for the first year after expropriation an amount equal to three-fourth of the land revenue of the expropriated land, for the second year two-third, and for the third year and subsequent years half of such land revenue, these sums never to exceed Rs. 3,000 a year (Korbel 1954). With a view to check and safeguard against the evasion and circumvention of the law, The Big Landed Estates Abolition Act declared that all transfers of land made after April 1948 to be null and void. This included the transfer of land consequent on partition, whether the transfer was effected by an order or decree of any court or an act of the parties, if it was found that such transfer was made malafide or with an intention to defeat the object of the enactment (Jammu and Kashmir Today nd). Under the new law, the interest of the ex-proprietor in any land which was transferred to the tiller was not liable to attachment or sale in execution of a decree or any other process of any court, civil or revenue, and any attachment existing at the date of transfer or any order for attachment passed before such date ceases to be in force. Similarly all suits and proceedings pending in any court of law at the date of the transfer of land, and all proceedings upon any decree or order passed in any such suit or proceedings previous to the date of transfer in respect of any interest in the land so transferred, were stayed. All holdings between two and twelve acres of self-cultivating properties were made inalienable. The tiller was not allowed to transfer the newly acquired property without governmental permission. No one other than a Kashmiri citizen was entitled to acquire land. If a
propriator or tiller dies without heir, or transfers the land or any interest therein in contravention of the law, or sublets it continuously for two harvests, he loses the rights of ownership, which lapses to the Government (Jammu and Kashmir Today nd). Korbel writes that in most cases the government failed to receive the land tax from the peasants for the simple reason that they had no cash with which to pay. As a logical consequence, former owners rarely had any indemnity paid to them – for the precisely the same reason. The Constituent Assembly on 06 November 1951 appointed an 11-member Committee to examine and report on the desirability or otherwise of the payment of compensation for lands expropriated under the provisions of the Act. Acting on the report of the Committee, on 26 March, 1952, the State’s Constituent Assembly relieved itself of this embarrassment by deciding to confiscate all landed estates without any compensation (Korbel 1954: 2011-12).

At the time when the Act was passed, there were 1.5 lakhs of absentee landlords holding 11 percent of the land and cultivating peasants numbering nearly eight lakhs holding 32 percent of the total cultivated area of the State. There were besides three lakhs peasants who had no land but cultivated 10 percent of the total cultivated area. About 1, 45,000 acres of land was owned by 472 proprietors and 1,886 owners held 1, 40,760 acres of land. There were about 9,000 proprietors whose holdings exceeded 20 acres of land, out of which nearly 5, 62,000 acres were transferred to the tillers under the Abolition Act. These figures reveal how large an area was held by the absentee land-owners and how little was with those who themselves cultivated the land (Jammu and Kashmir Today nd). “The success of the Act of 1950 can be appreciated from the fact that out of 9.5 lakh acres of land distributed throughout the country, till 1970, about half (i.e. 4.5 lakh acres) was distributed in Jammu and Kashmir alone” (Verma 1994: 95). The National Conference government in order to review the working of land reforms in the kandi (dry) areas of the State, appointed a Committee under the Chairmanship Justice Janaki Nath Wazir in 1952 who, in his report, recommended that the maximum unit for a proprietor in Kashmir kandi should be fixed at roughly 28 acres and for a proprietor in Jammu kandi at 34 acres against the

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52 However, according to Jammu and Kashmir Today (nd), the date on which it was decided by the Constituent Assembly was 13 March 1952. “The Consenmbly in its session on March 13, 1952 decided that no compensation was to be given when land was taken over from the landlords. The Constituent Assembly unanimously adopted the special committee’s report recommending this step (J&K Today nd: 15).”
present uniform unit of 22.75 acres. The Committee also recommended that lands attached to *Gumpas* (Buddhist religious institutions) in Ladakh should be excluded from the operation of the Act. Commenting on the issue of paying compensation to the former landlords, Sheikh Abdullah stated that “neither his government, which inherited bankrupt treasury, nor the penniless tiller was in a position to compensate big landlords for their land. He related the new measure both to the communist agitation in the state and to the conflict with Pakistan, and suggested that agents of Pakistan *jagirdars* in whose grip those areas are at present will not allow these measures to be implemented, and so it is for the people of those areas to rise and overthrow their enslavers” (Bekker 1951: 328).

**History of Land System**

According to Vera Anstey (1957), the relation between the ownership and cultivation of land and rights and status of the actual cultivators determine the conditions under which agricultural production is conducted. Tracing the historical roots of land relationship in State, M. S. Bhatt writes that land ownership in Kashmir “from the early Hindu period down to the 12\textsuperscript{th} century had remained vested in the community. Between the 12\textsuperscript{th} and the 18\textsuperscript{th} centuries, ownership of land was vested in Kings. Peasants could occupy the land for cultivation subject to payment of arbitrary fixed rents or at the pleasure of the Kings or their agents. Some land was earmarked as *Khalsa* land and reserved for the royal household to meet their expenses. In exchange for certain privileges, chosen agents called *kardars* managed this land on behalf of the royal households. Rest of the land was divided into military circles and granted to army chiefs, *subedars* and *taluqadars*. They in turn divided these land grants into *Khalsa* and *jagir* lands and granted these to their favourites and dependents on the same terms and conditions on which they had received them” (Bhatt 2000:143). This system of land management, according to Bhatt, gave birth to a hierarchy of landed aristocracy – landlords and overlords – who misappropriated land revenue and did not bother about the management of land. Another class of intermediaries called farmers was created through the process of leasing-out villages to contractors who were free to make their own contract with the occupiers’ i. e. people who were forced to cultivate a particular piece of land. Thus, people became landlords and tenants by a process different than that obtained during earlier period (Bhatt 2000). Between 18\textsuperscript{th} century and 19\textsuperscript{th} century, rulers attempted to marginalise the landed aristocracy and
dealt directly with the cultivators. However, their efforts were frustrated by the powerful landed interests such as the chieftains called *Sirdars*. These groups were accommodated by assigning them the ruler’s share. This gave birth to yet another class of assignees of land revenue with no proprietary rights in land. These were called *jagirdars, maufidars* and *mukarraridars*, with no land of their own (Bhatt 2000). From middle of the nineteen century, a new pattern of land tenure came into existence in Kashmir on account of the Treaty of Amritsar which was executed between Maharaja Gulab Singh, on one hand, and the British rulers, on the other in the year 1846. According to this treaty:

1) The British government transferred and made over, “forever, in independent possession to Maharaja Golab Singh of Jammu, and the heirs male of this body, all the hilly or mountainous country, with its dependencies, situated to the east-west of the river Indus, and westward of river Ravee, including Chamba and excluding Lahool” (Beg 1995: 406); and

2) In consideration of the transfer made to him, Maharaja Golab Singh paid the British Government the sum of Rs 75 lakhs (Nanak Shahi) of which 50 lakhs were paid on ratification of the treaty and Rs 25 lakhs subsequently by the end of September, 1846 AD (Beg 1995: 406).

Thus the Kashmir Valley was ‘purchased’ by Maharaja Gulab Singh from the British rulers and so the ownership of the land in Kashmir Valley from this time onwards vested with the Maharaja of Jammu. The occupants of the land in Kashmir valley were called *assamis* who had to pay besides land revenue, a form of compulsory payment called *malkaka* in recognition of being the occupant of the land (Bhatt 2000). In his work on The Valley of Kashmir, Walter Roper Lawrence, a British civil servant who was appointed Settlement Officer for the Kashmir and Jammu State, writes that: “The *assamis* may be defined as men recognised by the state as the lawful occupant of the land in Kashmir, and in the Mughal times and thereafter, from the point of view of the state, status of *assamis* in theory meant nothing more than a tenant-at-will. But in the village the *assamis* were those men in whom vested the *miras* or hereditary rights to certain plots of good and irrigated land within the boundaries of the village”

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53 *Assami* was a tenant of the State who possessed permanent hereditary occupancy rights to his portion of land.
(Lawrence 1967: 428). Such assamis existed in Ladakh and Gilgit as well, the source of the Maharaja’s ownership of land in this case being conquest and not purchase as was in the case of Kashmir Valley.\(^{54}\) Prior to the Treaty, the Maharaja held considerable land in ownership in Jammu province. Here too the occupants of the land were called assamis. Original occupants of the land held proprietary rights granted by the state deeds. This included big land holders who cultivated their own land (Bhatt 2000). According to Bhatt, “A powerful class of grantees and intermediaries was a distinct feature of the land tenure system prevalent from the 12\(^{th}\) through the 20\(^{th}\) centuries. In spite of the change of rulers, cultivator assamis - backbone of the rural economy - suffered impoverishment and tyranny. Bit by bit, they were reduced to conditions of extreme penury and starvation out of which again the ruling classes benefited by coming forward in the role of money lenders. It was a vicious process and every limb of the ruling system aided and abetted its continuance. Rulers changed many a time but for tillers, nothing but the means of exploitation changed” (Bhatt 2000: 144). What Bhatt has mentioned about land relations in Valley is not very different from that of the remark made by Lawrence. The British officer writes that: “Much has been written of the abuses which have prevailed in the administration of Kashmir. They were numerous and deplorable, and when I first came to Kashmir in 1889, I found the people sullen, desperate and suspicious. They had been taught for many years that they were serfs without any rights but with many disabilities. They were called zulm parast, or worshippers of tyranny, and every facility was afforded to their cult. They were forced by soldiers to plough and sow, and the same soldiers attended at harvest time. They were dragged away from their houses to carry loads to Gilgit, and every official had a right to their labour and their property. Their simple proposition: yus karih gonglu sui karih krao (He who ploughs shall reap) was ignored, and their position was infinitely worse than the Tiers Etat before French Revolution while villagers were thus degraded, the people of the city were pampered and humoured, and the following passage from Hazlitt’s life of Nepoleon Bonaporte gives a fair idea of Kashmir before the land revenue settlement commenced in the state in 1887: The peasants were overworked, half-starved, treated with hard words and hard blows, subjected to unceasing exactions and every species of petty

\(^{54}\)In 1834 Ladakh was annexed by Maharaja Gulab Singh with the help of his general Zorawar Singh and it was finally incorporated into Dogra State in the year 1842 after crushing a Ladakhi rebellion.
tyranny… while in cities a number of unwholesome and useless professions, and
crowd of lazy menials, pampered the vices or administered to the pride and luxury of
the great” (Lawrence 1967: 2). It was difficult to find a parallel of this suffering in the
human history though one could draw comparisons regarding agrarian set up and its
hierarchies. For instance, the superstructure of the agrarian set-up had been, more or
less, feudal like the rest of the country. Kashmir was an absolute monarchy when the
land settlement started. Lawrence (I.C.S., C.I.E.), who made detailed study of revenue
and taxation system in Kashmir, pointed out that peasants possessed no land and
worked under tenancy. The landlords managed the land which belonged to the ruler,
by law. Lawrence recorded that when he started settlement of land, everything save
air and water was under taxation. In addition to the revenue of land, which was
extortionist and unsettled in nature, the peasants were also subjected to the payment of
various other kinds of taxes – taxes on commodities like milk, fruit, grain, honey,
wool and other household items. The class of artisans, comprising of shawl weavers,
carpet weavers, wood carvers and workers in silk factories, were also heavily taxed.
Even the office of the gravedigger was taxed. These had been the most scandalous
instruments of exploitations throughout the chequered history of Kashmir. The basis
of assessment and modes of collection of taxes were always arbitrarily determined.
For instance, the State claimed 1/6th of the gross produce during the early Hindu
period (Dutt 1986). It was collected in kind. The grain thus collected was also stored
for the non-agricultural population of the city and towns to whom it was sold on fixed
prices. The Sultans of Kashmir had fixed the land revenue at 1/2 of the gross produce
(Lawrence 1985). Writing on the land tenure and revenue system during this period,
D.N. Dhar (1989) notes that except during the period of King Zain-ul-Abidin who
laid the foundation of a partly defined land tenure system, though it was not followed
by the subsequent Sultans, the land tenure system during the period of Sultans were as
vague as during the Hindu period. The jagirdars and nobles and the managers of
religious endowments continued to have sway over the land. The jagirdars formed a
strong nobility having seats in the Council of the King and held the posts of ministers.
The Wazir used to be the Prime Minister of a Sultan and many Wazirs were very
powerful as to reduce the Sultan to the status of a puppet (Dhar 1989). “While the
masses of peasantry lived in a State of economic insecurity, their status in relation to
land not having been clearly defined by any of the Sultans in this periods, they
continued to suffer from heavy State demands on their produce and other unjust taxes
and exactions. The land revenue charged during this period was as heavy as one third of the produce or it has been conjectured to be even one half of the produce” (Dhar 1989: 32). Their Mughals successors, who found the Valley in a ruined condition, considered that one-half the produce of the country would not suffice for the wants of the city population, and accordingly decreed that cultivating class should dispense with grain for three months and should live on fruits, and the State’s share was from that time three-quarters of the produce of the land (Bhatt 2000; Lawrence 1967). When Mughals came on the political scene of the Valley, writes Dhar, Kashmir presented a picture of complete chaos and anarchy. “On the very first visit of Akbar to Kashmir, he arrived at the conclusion that the revenue which the cultivators paid was far below their paying capacity. He could not understand that large portion of it was being grabbed by his subedars, other officials and his soldiery. He, therefore, ordered comprehensive land and revenue settlement” (Dhar 1989: 40). The land in those days was apparently regarded as the absolute property of the State, and every year allotments were made to the cultivators. The Mughals were replaced by Pathans and the period of their rule was regarded as the darkest period in the history of Kashmir (Abdullah 1993; Bhatt 2000). “The Afghan rule in Kashmir was unique. The Mughals made Kashmir as a Suba and ruled it as a part of their vast Mughal Empire with an efficient centralised administrative system. Their revenue administration was kacha and not pakka55 and they gave relative peace and stability to Kashmir. On the other hand, the Afghans made Kashmir a colony and their only interest was to extort as much revenue as could be possible and this was done through rapacious Governors” (Dhar 1989: 56). Afghan kings lacked imagination. Most of their time was wasted in subduing their rebellious Governors and the powerful Kashmir nobles. Their predicament did not allow them to administer Kashmir with the perspective of long term planning of making it a permanent colony. Dhar writes that theoretically, Afghans continued to follow the Mughal pattern of land revenue settlement, as well as the same administrative set up for the revenue collection. But in practice, it was entirely different in its content and form. Jagirdari System, which was entirely discouraged by Mughals, was brought back with full force. Revenue Farmers

55Kacha administration meant one in which Subedar was paid salary. He collected revenue as per rates of assessment, and paid it to the Government exchequer, whereas pakka administration was one in which the Subedar was handed over the Suba for administration and collection of revenue, out of which he had to pay a fixed amount to the Emperor. See Dhar (1989).
(officials) continued to exploit the cultivators more so under the pressure of huge demands made by the Afghan rulers. The only aim with which the Afghans approached the problem was to maximize the revenue with whatever means possible (Dhar 1989). The 67-years of Afghan rule in Kashmir were marked by misrule and high taxation. Every trade was taxed and the revenue demand rose from 14 lakh to 60 lakh. As a result of high taxation, peasants left villages, and the area under cultivation declined. “The tyranny of the Pathan (Afghan) rule has crossed all the limits and its main brunt was borne by the peasant cultivators of the Valley. Hence desertion of the fields by them had become order of the day. The cruel extortions; tax burden; and land revenue; imposition of begaar; constant strife and warfare; campaigns launched by Subedars; … and on top of it all the famines partly caused by the humans (inhuman) factors, forced the peasants to give up their vocation and shun fields” (Dhar 1989: 68). When William Moorcroft visited Kashmir Valley during the Sikh rule, he in his travel note wrote: “… Not more than about 1/16 th of the cultivable surface is in cultivation” (Dhar 1989). Pathan rule was followed by Sikh rule and revenue demand, in addition to cesses was fixed as 1/2 the share of the Kharif produce. Vegetable plots and rice straw were also taxed at the rate of one to nine per cent (Bhatt 2000). According to Dhar, the Sikhs, who ruled over Kashmir through their Wazir (Governors) for a brief interlude of slightly more than a quarter of century were neither interested in the welfare of the peasantry nor had any time to attend to their problems. In spite of the fact that the Sikhs fleeced the Kashmiri peasant with heavy demands and other cruel exactions and extortions he felt relatively relieved because, “the dreadful cruelties perpetrated by their earlier rulers who, for the smallest offence, punished them with the loss of their noses and ears” (Dhar 1989: 72). The Sikhs were not so barbarically cruel but they were hard and rough master. Rough and hard masters they could not but be because of the political and economic system which Maharaja Ranjit had adopted and Kashmir was subservient to that system. On a whole, writes Dhar, during Sikh rule, Kashmiri peasant was subjected to lesser degree of physical cruelties, arson and loot than during the previous Afghan rule. Nonetheless, its economic exploitation continued to be the same both qualitatively and quantitatively (Dhar 1989). “The status of the peasant víz-a-víz the land continued to be same. To the king belonged the land who at his pleasure granted jagirs whenever he liked. He could also take them back. But basically the land continued to be with the peasant for cultivation. Government received a share out of
the produce for rendering the service of protection to them and running the other functions of the State. Even though the cultivator by and large was in hereditary occupation of the land, but his condition had been reduced to the status of a tenant-at-will, rather to the position of a serf. But even in this serf like position his status was something more established and more respected. They held the hereditary rights on the respective plots of land. Their rights, though having no sanction of the king’s law, were better fortified by what they called the *Miras* which had the sanction of the village community, and nobody in a village could challenge that” (Dhar 1989: 740).

The Treaty of Amritsar (1846) marked the end of Sikh rule in Kashmir and Maharaja Gulab Singh became the first from the Dogra dynasty to rule the Kashmir Valley. Commenting on the Dogra regime’s rule over the Kashmir, Prem Nath Bazaz (1954) writes that: “Foreign rule was not new to the Kashmiris in 1846 A.C., but Dogras were strange foreign rulers who were themselves vassals of another mightier power which had by then brought the whole of India under its sway. Besides, the Dogras were not like those alien masters who came in the past and lived in the valley as its permanent inhabitants. The Dogras always considered Jammu as their home and Kashmir as the conquered country. …they established a sort of Dogra imperialism in the State in which the Dogras were elevated to the position of the masters and all non-Dogras communities and classes were given the humble places of inferiors. The people of the valley were thus brought under the imperialism of the Dogras which itself was functioning as a vassal of the super-imperialism of the British” (Bazaz 1954: 127). During Maharaja Gulab Singh period, no major changes were introduced in the land revenue system. The Maharaja tried to rule the country justly according to his own lights, but partly owing to the exigencies of the unsettled and unprogressive times and partly to his own avarice and greed, he could not improve the economic condition of the people. It continued to be most dilapidated, verging on starvation. Even K. M. Panikkar, who served as an official of the government under the Dogras and wrote an inspired biography of the Maharaja, had to admit that Gulab Singh “did not achieve his ends by methods which were always beyond criticism. He did not hesitate to resort to tricks and stratagems which would, in ordinary life, be considered

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56“Kashmir is our vassal.” This was stated by British Viceroy Lord Lytton to the Secretary of State in a letter dated April 9, 1878 after he arranged with the Maharaja of Kashmir for the establishment of a British Agency at Gilgit. See Dutt, Romesh (1956a).
dishonorable. He was trained in a hard school, where lying, intrigue and treachery were all considered part and parcel of politics” (Bazaz 1954:129). Maharaja Gulab Singh, who could not bring about any perceptible change in his revenue policy, however, encouraged bringing of new waste lands under cultivation by granting concessions in revenue payment in case of such lands. The holders of new waste lands were to pay only $\frac{1}{3}$rd or in some cases $\frac{1}{4}$th of the produce. Maharaja Gulab Singh, who is credited for plugging the leakages in his revenue because of his strong administration and proper supervision, is criticised for taxing his people beyond their capacity. “Gulab Singh went far beyond his predecessors in gentle acts of undue taxation and extortion. They had taxed heavily, it is true, but he sucked the very life blood of the people” (Dhar 1989: 102). Similarly, Lawrence (1985) writes that maharaja Gulab Singh kept a sharp eye on his officials, and a close hand on his revenues. Maharaja Ranbir Singh who succeeded his father Maharaja Gulab Singh in 1858 made some experiments to improve the revenue assessment but failed to bring any significant change. The land revenue policy of Maharaja Ranbir Singh remained changing constantly and he struck to nothing. In fact his whole land tenure was subservient to his fluctuating revenue policy. Like his father, he had a strong conviction that the land of Kashmir had been purchased by them and that they should make the best bargain out of it (Dhar 1989). According to Bazaz, the new Maharaja also could not improve the lot of his people because the Dogras, they themselves were not well educated or informed. They also took extreme caution not to allow the Britishers to interfere in their administration with the result that the people remained ignorant and backward for a long time till the imperialist government was forced to take the matter in their own hands and introduce necessary reforms (Bazaz 1954). Quoting Sir Francis Younghusband, Bazaz writes that in the early sixties cultivation in Kashmir was decreasing. The people were very poor. There were exorbitant duties levied on all goods, imported or exported. Describing the methods of levying taxes, Younghusband writes: “On the manufacture of shawls, parallel restrictions were placed, Wool was taxed as it entered Kashmir; the manufacturer was taxed for every workman he employed, and also at various stages of the process according to the value of fabric. Lastly there was the enormous duty of 85 per cent *ad valorem*. Butchers, bakers, carpenters, boatmen, and even prostitutes were taxed. Poor coolies, who were engaged to carry load for travelers, had to give up half their earnings” (Bazaz 1954: 129-130). Lawrence (1985) points out that since there was no survey or
record of rights, the Kashmir revenue administration was harsh and corrupt. Maharaja Ranbir Singh started by parceling out the Kashmir in 1859 among kardars who were land agents of the state with very large powers. These kardars were mere revenue collectors, but in 1859 they were made the Revenue Farmers. Land used to be given to them on contract. The kardars wanted to make best of his estate. The kardar divided his charge into three belts. In the lower belt he would allow nothing to be grown but rice, in the middle belt he allowed some rice to be grown, and in the highest belt he permitted no rice. It was the kardar’s duty to get the largest possible amount of grain for the state, and he knew that rice cultivation at a high attitude was on the whole unprofitable (Lawrence 1967). Under the new system the government claim was realised in kind at the rate of three-quarters of rice, maize, millets and buckwheat and of oil seeds, pulses and cotton the share taken was nine-sixteenth from the zamindars. Whatever remained with the cultivator, he had to share with the men of nizamat paltan and the corrupt officials. The fate of peasants was as miserable as before (Charak 1985). But Maharaja Ranbir Singh could not stick to this because it was too hard for the cultivators. It could knock the bottom out of his objective of maximizing his revenue. So in 1860, the Maharaja tried to give some relief to the peasants by reducing the state demand to ‘a little over one-half’ but benefits of this reduction were more than discounted by the employment of chakladars (contractors) speculating in the collection of revenue. These individuals, being outsiders and no interest vested in land beyond the annual contract, made large profits from defrauding the state and cultivators. The system of farming out groups of villages to chakladars continued till 1873, when an attempt was made to introduce a three years’ raiyatwari settlement which was a direct assessment with the cultivators at the exclusion of intermediaries. As this system limited the powers of intermediaries it became very unpopular with them. The great famine of 1877-79 paralysed the economy and the newly introduced system died out in the resulting chaos and confusion (Lawrence 1967). In 1880 another revenue assessment, an assessment supposed to be on holdings but really an assessment on villages, was made and was known as the assamiwar khewat, and the basis of this assessment was supposed to have been the average of the collections of the three previous years. Although called cash assessment but it was only a cash assessment in name, and it rested with the Hakim-i-Ala (Governor) to say, year by year, how much of the assessment he would take in cash and how much in kind (Lawrence 1967). Commenting on the assamiwar khewat system of 1880,
Lawrence writes that “In 1880 the work of assessment was done in a brief and expeditious manner. A few picked up officials went to the various centre of Kashmir and announced the assessment which would be taken from the villagers. No attempt was made to inspect villages or to ascertain the conditions of cultivators and the state of irrigation or of cultivation. The average of the previous year’s collection was taken, and to this another 30 per cent was added in order to guard the state against loss. Thus it happened that villages which by some chance had held together and tided over the famine were called upon to pay heavily, while villages which had broken down and had not recovered before 1880 got off lightly. This was one of the causes of unequal incidence of taxation, but as the assessing officers did not think it necessary to examine the villages or to obtain statistics of population this inequality is not to be wondered at. But there were other causes at work which caused irregularity. An influential headman of a village knew how to propitiate the assessing officer and how to throw the burden of taxation from his village on the smaller and weaker village” (Lawrence 1967: 403-404). In 1882, a system of izad-boli or auctioning villages for the purposes of revenue collection was adopted, with very disastrous results. Pandits, boatmen and other ‘adventurous spirits’ from the city, ignorant of the actual revenue paying of villages and with no interests beyond the particular year’s collection, bid at the highest rates. After extracting all they could from the villages, they absconded without paying the state on the ground that the year’s harvest had been a bad one. The most harmful result of the system of auction was that the unrealistically high sums offered at them came to be regarded as the actual revenue demand of the village (Lawrence 1967).

**Land System in India during British rule**

Rajani Palme Dutt in India Today (1986) mentions that in the traditional land system of India, the land always belonged to the peasantry and the ruler received a proportion of the produce. Quoting Radhakamal Mukherjee (1933), Dutt (1986) writes that the soil belonged to the tribe or the village community. It was never considered as the property of the King. Neither in the feudal nor in imperial scheme was there any notion of the ownership of soil vesting in anybody except the peasantry (Dutt 1986). As mentioned in the previous section, the proportion payable to the King was traditionally fixed under the Hindu Kings at 1/6th to 1/12th of the produce, though this could be increased in times of war to 1/4th. The code of Manu laid that: “As leech,
calf, and bee take their food, so must a king draw from his kingdom moderate taxes. A fifth part the increment of cattle and gold is to be taken by the King, and $\frac{1}{5}$, $\frac{1}{6}$, or $\frac{1}{12}$ part of the crops, though a Khastriya King who in time of War takes even $\frac{1}{4}$ part of the crops is free from blame if he protects his subjects to the best of his ability” (Dutt 1986: 223). During the Mughal period, the fundamental principle of their land revenue system was that the State was entitled to a certain proportion of the annual produce of every piece of cultivable land. According to Sulekh Chandra Gupta (1963), the precise share of the produce to be taken ‘was not laid down by Islamic law’ and the only limit was the danger of checking production by over-assessment. The actual claim was decided by the ruler in accordance with local conditions i.e. variations in the cropping pattern and the sources of irrigation. But, at the same time, the need and discretion of the sovereign were a decisive factor in the determination of the precise share of the produce to be claimed as State revenue. That is why the share taken from the cultivators varied from Emperor to Emperor (Gupta 1963). From Hindu period where it was at $\frac{1}{6}$, the revenue during Mughal period was raised to $\frac{1}{3}$ of the average produce as the standard assessment. The statue of Akbar had down that: “In the former times the monarchs of Hindustan exacted the sixth of the produce of the land as tribute and tax. One-third part of the produce of medium cultivated land is the revenue settled by His majesty” (Dutt 1986). In the period of the break-up of the Mughal Empire, writes Dutt, the collectors, to whom the raising of the revenue was farmed out, and who were already elevating themselves to the level of semi-feudal chiefs, and the independent chieftains frequently increased this level of tribute to even as high as one-half. Gupta notes that even this one-half of the gross produce limit was crossed through the imposition of cesses. The method of assessment also was left to be decided by the ruler under the Islamic law. For this reason, frequent changes were made in the methods of assessment and the machinery of revenue collection by different Sovereigns that succeeded one another. Nonetheless, towards the end of eighteenth century, there prevailed a system of assessment and revenue collection which had been developed over long years and in which, at least theoretically, not many changes were made by rulers after Akbar (Gupta 1963).

With the coming of British in India, writes Dutt, there was complete change of land
system of India. When British took over, the Mughal power was in decay and disorder; exactions from the peasantry were extreme and extortionate; but the village as a community system and its traditional relationship to the land were still intact, and the tribute was still a proportion of the year’s produce, not a fixed payment on the basis of land holding irrespective of the fluctuations of the production. Writing about the revenue system under the Mughal rulers, Gupta points out that: “The State made an attempt to assess the land revenue in accordance with the nature and fertility of the soil, the nature of crops grown, and the average prices prevalent in any locality over a number of years and took measures to collect these data on its own initiative. But at the same time, in the assessment of revenue, the State also took into account the customs and usages of the village communities in which the peasants were organised. The State showed deference to the rules and regulations of the village communities in which the different classes of the rural society enjoyed differential privileges in the matters of revenue assessment and rights to land. The State did not interfere with the established customary practices and usages regarding the occupation, cultivation, inheritance and transfer of the land in possession of the village communities except to the extent that they tended to prejudice the payment or collection of the State revenue. So long as the payment of State revenue was ensued, the members of the village communities were left free to regulate their own affairs according to their own traditions and customs. A great advantage of this system was that it helped to freeze the status quo and maintain the agricultural classes in the village community in possession of their tenure, rights and privileges without any State interference” (Gupta 1963: 16). Even more important than the actual increase in the burden of assessment in the initial period was the revolution in the land system effected by the British conquest. The first step in this revolution was in the system of assessment and the registration of the ownership of land, in which English economic and legal conceptions were made to replace, or superimposed on the entirely different conceptions and institutions of the traditional Indian economy (Dutt 1986). The traditional old Indian system was replaced by the system of fixed money payments, assessed on land, regularly due in cash irrespective of the year’s production, in good or bad harvests, and whether more or less of the land was cultivated or not, and in the

57In 1765 the British East India Company took over Dewani Rights for the provinces of Bengal, Bihar and Orissa during the Governorship of Robert Clive from the Mughal Emperor Shah Alam.
overwhelming majority of settlements fixed on individual land holders, whether directly cultivators or landlords appointed by the State (Dutt 1986). This fixed money payment as land revenue, writes Dutt, became ‘rents’ in the official documents and peasantry as tenants with certain proprietary rights. “The introduction of the English landlord system (for which there was no previous equivalent in India, the new class being built up on the basis of the previous tax-farmers) of individual land holding, of mortgage and sale of lands, and of a whole apparatus of English bourgeois legal conceptions alien to Indian economy and administered by a bureaucracy which combined in itself, legislative, executive and judicial functions, completed the process. By this transformation the British assumed in practice the ultimate possession of the land, making the peasantry the equivalent of tenants, who could be ejected for failure of payment, or alienating the lands to its own nominees as landlords, who held their titles from the state and could be equally ejected for failure of payment. The previous self-governing village community was robbed of its economic functions, as of its administrative role; the great part of the common land were assigned to individual holders (Dutt 1986:228). The introduction of the English landlord system in a modified form was the first type of land settlement attempted by the British. This was the character of the Permanent Land Settlement of Lord Charles Cornwallis in 1793 for Bengal, Bihar and Orissa. The existing zamindars, who were in reality tax-farmers appointed by the Mughals to collect revenue on commission were constituted landlords in perpetuity, subject to a permanent fixed payment to the government, which was calculated at the time at the rate of 10/11th of the existing total payments of the cultivators. The remaining 1/11th left for the share of the landlord (Dutt 1986). The zamindars, which whom the British made the Permanent Settlement, were left to make their terms with their ‘tenants’, the land rights (rights of cultivation) of the latter being completely ignored. The Permanent zamindari Settlement of land revenue in Bengal, writes Gupta (1963) quoting James Mill, was a measure adopted on the basis of ‘abstract theories, drawn from other countries, and applicable to different state of things’. James Mill, who published his book History of British India in 1818, criticised the theory of the Bengal Permanent Settlement and expounded the principles on the basis of which he would have liked the Government of India to be reformed. “The principal economic feature of the Bengal Permanent Settlement was that it sought to create a landed aristocracy in the country by conferring a right of private property in the soil on the zamindars of Bengal. This right of private property
vested in the zamindars had almost similar rights and privileges over their under-
tenures as those enjoyed by a landed proprietor in England. In it were combined the
right to collect rent as well as the regulation of occupancy of all other tenures existing
on the land. Moreover, this right was made transferable both by the acts of the State
and of the individual possessing it. The State could transfer this right by open auction
in the market for arrears of revenue while zamindars could do so by sale, mortgage, or
gift. The State revenue on the lands was declared as fixed in perpetuity. But the
demands of the zamindars on the cultivators were left undefined and unspecified in
the belief that they would be regulated by the mutual interests of the zamindars and
the cultivators and by the ordinary laws of demand and supply operating in the case of
land and labour respectively” (Gupta 1963: 71). The Bengal Settlement had several
economic objectives. The most important was to promote the extension of cultivation
to vast stretches of wasteland and thereby to promote the trade of the Bengal. The
expansion of the trade of Bengal was vital to the interests of the Company not only
because it traded in agricultural produce but also because of its ability to furnish a
large annual investment in Europe; to give considerable assistance to the treasury at
Canton;58 and to supply the extensive wants of the other presidencies (Gupta 1963). It
was thought that conferment of a right of private property in the soil on the zamindars
and fixing the land revenue demand on them in perpetuity would provide an incentive
to them to ‘improve their estates’ and also the means with which to do so. Another
objective of the Company was to induce the moneyed class to invest its capital in the
purchase and improvement of estates. On the whole, the main objective was the long-
term economic improvement of the Bengal economy in all possible ways. The two
fundamental measures considered essential to the attainment of this object were the
vesting of property in soil in the landholders and fixing the revenue from each estate
for ever. It became clear that under the settlement these two measures were
considered to be the basis of agricultural prosperity. Proceeding on the theory that the
main source of capital accumulation in agriculture was the rental income of the
landlords, the landlords were considered to be the best instruments, not merely of civil
government in their respective jurisdiction, but also for the development of agriculture

58 Canton (Chinese names: Guangzhou or Kuang-Chou) a port in south China, the capital of Guangdong
province. Canton was the first Chinese city to trade regularly with Europeans from 16th century. Focus
of the first Opium war (1839-42) between Britain and China precipitated by the confiscation by the
Chinese government of British opium stores in Canton and the murder of a Chinese by British sailors.
and its improvement (Gupta 1963). The sources of these basic principles of Bengal Settlement were traced to the English institutions of property, classical political economy and the philosophy of *laissez-faire*. Gupta writes that the pattern of landed property sought to be established was derived from the experience of institutions of property prevalent in England. The conviction that the ‘magic touch of property’ is the best stimulus to the economic growth was based on this experience. The assumption that the mutual interests of the zamindars and their under-tenants would be regulated by the operation of the law of supply and demand in respect of labour and land can be traced to *laissez-faire* philosophy. The assumption of competition for land amongst tenants and for labour amongst landlords was also an inference from the established principles of contemporary Political Economy in England (Gupta 1963).

The original promoter of the idea of Permanent Settlement was Phillip Francis, a member of Governor-General’s Council in Bengal Presidency, who was a great believer in the abstract principles of political economy and who considered any detailed enquiry into land tenures of the country or its institutions as absolutely unnecessary (Gupta 1963). For Gupta, the application of these principles drawn from the experience of western countries to an entirely different country, the basic features of the Indian revenue system and Indian form of property were completely misconceived and misconstrued. Their understanding of the agrarian relationships of the various classes in India through the media of concepts such as property, rent, value, price, etc. were far from the real situation that obtained in the Indian villages. It was unfair, according to Gupta, to equate the State share of grass produce with rent, without examining whether the land revenue in India could justifiably be characterised as rent in view of the various forms of customary privileges which the Mughal revenue system permitted the cultivators to enjoy. Similarly, conferment on zamindars the right of private property was misplaced. It was again unjustified to treat Indian villages as ‘estates’, revenue rates of preceding governments as rent-rates and bringing competition in place of custom (Gupta 1963: 76). Condemning the theory of the Bengal Settlement, Mill, in History of British India, (1848) wrote: “When our countrymen draw theories from England, it would be good if they understood England. It is not because in England we have a landed aristocracy that our agriculture has improved, but because the laws of England offered to the cultivator protection against his lord. It is the immediate cultivators who have increased so wonderfully the produce of the land in England, not only without assistance from the
proprietors but often in spite of them” (Gupta 1963: 163).

According to Dutt, the settlement in the beginning was found to be very profitable for the British East India Company but very arduous for the zamindars and the cultivators. The figure of three million pound sterling in Bengal to be raised by zamindars for the government represented a staggering increase on what had been raised under preceding rulers. Many of the old traditional zamindars families who carried on the old methods of showing some consideration and relaxation for the peasants in times of difficulty, broke down under the burden, and were at once ruthlessly sold out, their estates being put to auction. A new type of sharks and rapacious businessmen took over who were ready to exact the last penny from the peasantry. This was the character of the new ‘class of gentlemen proprietors’ which, according to the conceptions of the time, it was the object of the Permanent Settlement to create. Quoting a report of the collector of Midnapur in 1802, Dutt writes: “The system of sales and attachments has in the course of a very few years reduced most of the great Zamindars in Bengal to distress and beggary, and produced a greater change in the landed property of Bengal than has, perhaps, ever happened in the same space of time in any age or country by the mere effect of the internal regulation” (Dutt 1986: 231). But subsequently, adds Dutt, the system worked the other way, in a direction not originally foreseen by the government. The government’s share in the revenue remained the same i.e. three million pound sterling whereas the zamindars’ share became larger and larger. On the top of it, the settlement was also universally attacked and condemned by everyone including the British who argued that the whole settlement was a mistake, made through simple ingenious ignorance of the fact that zamindars were not landlords (Dutt 1986). The support for this line of argument came from the work of historian Anstey (1957) who in the ‘Economic Development of India’ writes that: “At first the complicated Indian system was a closed book to the servants of the Company. Then began the ‘search for the landlord’ and the attempt to approximate the Indian land system to the British land system. This was not caused by any desire to change the Indian system, but by ignorance of it, and by the assumption that there must necessarily be a definite ownership of land vested in some particular individual. Consequently inquiries and assessments – dubbed ‘land settlement – were carried out first in one area, then in another, with the object of discovering to whom the land belonged and what share of the produce was due to
Government. In Bengal, where the first settlement was made, intermediaries between the ruler and the peasants did exist, but it subsequently appeared that in most cases these ‘zamindars’ had not previously been ‘owners’ of land at all, but officials or ‘farmers’ appointed by the Moguls to collect the land revenue, and paid by means of a commission on what they collected. At times they were mistaken for ‘landlords’ in the English sense and were treated as if there were absolute owners of the land” (Anstey 1957: 98). But Dutt refuses to buy this argument of Anstey. According to him, “This fairy tale is plain non-sense. A consultation of the documents of the time makes abundantly clear that Lord Cornwallis and the Statesmen concerned were perfectly conscious that they were creating a new class of landlords, and of their purpose in doing it” (Dutt 1986: 232). In total Agreement with Dutt, G. S. Chhabra (1981) writes that the above statement of Anstey was nowhere near the truth because Lord Cornwallis came to India in September, 1786 with definite instructions from the Directors of the Company to permanently fix the State demand from the land and settle with the zamindars a rate which could be regularly and punctually collected (Chhabra 1981). Lord Cornwallis before deciding on some permanent scheme, he studied the whole matter and for the time-being allowed the yearly settlements, introduced in 1777 during the Governor-Generalship of Warren Hastings, to continue. With regard to the system of revenue settlement, two schools of thought emerged. One was led by James Grant, the Chief Sheristadar (head of records office), whose researches into the records showed that the zamindars had no locus standi. They could be considered neither the owner of the land nor state officials connected with the collection of land revenue. James Grant was of the opinion that a long term settlement instead of a permanent one should be made, and that the state should be considered the real owner of the land with powers to raise its revenue demands from the tenants to any extent. The other school of thought was led by John Shore, a member of the Governor-General’s Council in Bengal and President of the Board of Revenue at Calcutta, who refused to consider the zamindars as mere squatters. He wanted the zamindars to be considered as the proprietors of land and the State demand to be based on the theory of contract under which it could not be raised beyond a certain limit. John Shore, who later succeeded Lord Cornwallis as Governor-General of Bengal in 1793, favoured a long-term settlement with zamindars which would give them an inducement to develop their land and add to the prosperity of the state. He was not in favour of a permanent settlement, for he thought the revenue machinery
was the state was just in its infancy, and the knowledge so far gathered did not entitle them to make any permanent settlement. Lord Cornwallis agreed with John Shore, but refused to admit that they had not yet collected sufficient information to entitle them to a permanent settlement with the *zamindars* (Chhabra 1981). The broad instructions that Lord Cornwallis had brought from the Directors of the Company, and the provisions of the British Parliament’s Act of 1784 in this connection, encouraged him towards this and in 1790 he introduced a decennial settlement with the *zamindars*, which as he announced, was likely to be made permanent. The matter in the meanwhile was referred to the Directors, and their sanction having been received, in 1793 the existing settlement was made permanent (Chhabra 1981).

With the Permanent Settlement, writes Dutt, a class of people was created by the British who for their very existence depended on them and therefore formed a loyal section of the society which could stand by them through thick and thin. The purpose was to create a class of landlords after the English model as the social buttress of English rule. It was recognised that, with the small numbers of English, holding down a vast population, it was necessary to establish a social basis for their power through creation of a new class whose interests, through receiving a subsidiary share in the spoils (1/11th, in the original intention), would be bound up with the maintenance of English rule. Lord Cornwallis, in a memorandum in which he defended his policy, made clear that he was explicitly conscious that he was creating a new class, and establishing rights which bore no relations to the previous rights of the *zamindars* (Dutt 1986). But the mistake of the Permanent Settlement was not repeated. The subsequent *zamindari* settlements were made ‘temporary’ – that is, subject to periodical revision to permit of successive rising of the government’s demand (Dutt 1986:233). “In the period after the Permanent Settlement an alternative method was attempted in a number of other districts, beginning in Madras. The conception was put forward that the government should make a direct settlement with the cultivators, not permanent, but temporary or subject to periodical re-assessment, and thus avoid both the disadvantages of the Permanent Settlement, securing the entire spoils itself

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59 Pitt’s India Act passed on August 13, 1784 placed for the first time the East India Company’s administration in India under the control of the Crown. All civil, military and revenue affairs of the Company were placed under the superintendence of six Commissioners appointed by the Crown. See Dutt, Romesh (1956 b).
without needing to share them with intermediaries” (Dutt 1986: 234). This was the Ryotwari system, where cultivators were called ryots. Commenting on this change in the revenue system by the British, Anstey (1957) writes: “In course of time it dawned on the land revenue officials that the Indian differed fundamentally from the English land system that in many areas, at least, absolute property in the land was vested in no one, and that all classes connected with the land possessed certain rights. In many areas that came into British possession during the 19th century, no intermediaries existed, and the Government was obliged to make direct settlement with the ryots” (Anstey 1957: 98). This Ryotwari system was advocated by Thomas Munro (at first in a permanent form) in opposition to the zamindari system already in 1807, and it was put into force by him as a Governor of Madras in 1820 as a general settlement for the greater part of Madras. Its model was subsequently followed in a number of other provinces (Dutt 1986). The Ryotwari system, although it was advocated as a closer approach to Indian institutions, was also opposed no less than the zamindari system. Indeed, the Madras Board of Revenue at the time fought a long and losing battle against it and urged instead a collective settlement with village communities known as Mauzawari Settlement (Dutt 1986). Comparing the two systems of revenue settlement, Gupta writes that unlike the Bengal Settlement, the Ryotwari system recognised no class of intermediaries. The latter were in Madras, as in other parts of India, the proprietors of the soil and had exercised all rights of property in land subject only to the payment of government revenue. A very important difference between the two systems was that under the Ryotwari, all the waste lands remained the property of the government and could be separately assessed whenever cultivation was extended and cultivators chose to cultivate them at prescribed revenue rates. Under the Bengal system, the uncultivated and waste lands in the zamindari or villages were granted to the newly created proprietors who were left free to arrange for their possible cultivation and make profits without sharing them with the Government (Gupta 1963:150). But under the Ryotwari settlement, government could derive additional revenue from every new field cultivated. Moreover, if the money-rent for every field was not fixed in perpetuity, and could be revised after a definite, though long, period, government could derive additional revenue as the result of the rise of prices and increasing cultivation of more valuable cash crops. Every improvement in agricultural technique and crop yields and all other circumstances which raised the productivity of the land would thus ensure larger revenue for the
government. The Ryotwari system provided an opportunity for the revision of the theory of agricultural improvement implicit in the Bengal system. The view that large landed proprietors, being vested with private property in their zamindaris and assessed with a perpetually fixed government revenue, would promote agricultural improvement was replaced by a theory that the actual cultivators of the soil, vested with the right of private property in the soil and assessed with fixed money rent for a long period of time, was far more likely to undertake extension and improvement of agriculture than the zamindars. The supporters of Ryotwari system argued that the zamindars were interested in improving the lands only if they had the power to raise the rents and to evict the tenants in order to settle those able to pay higher rents. If these powers were restricted, they were not left with any incentive either to improve agriculture or to invest their capital in land (Gupta 1963: 150). For Gupta, the biggest support for Ryotwari system (cultivating proprietors) came from political economist Adam Smith who was quoted in favour of the thesis that the advantage of large capital possessed by large intermediate proprietors was of no particular benefit in the context of Indian conditions. Since division of labour had little effect on agricultural productivity, large capital could achieve little in the field of Indian agriculture by promoting division of labour. On the other hand, the same amount of capital shared by numerous small proprietors was likely to lead to greater improvement. The choice between the two systems of revenue settlement turned upon the question whether rent or profit was the main source of capital accumulation in agriculture. The decision as to which party should be allowed to benefit by the limitation of government demand either in perpetuity or for a limited period depended upon whether authorities regarded rent or profit as the main basis of agriculture improvement (Gupta 1963). At the time of the Bengal Settlement this question was settled by English landed aristocrats who had their own preconceived ideas on this subject. They regarded rent as the basic source of capital accumulation in agriculture. But subsequently opinion shifted in favour of profit as the main source of capital accumulation. This was mainly due to the influence exercised by James Mill on economic thinking after 1819 and the theory of rent as enunciated by Thomas Robert Malthus and developed by Davis Ricardo (Gupta 1963). The Bengal Settlement also came for severe criticism by a British House of Commons Committee which was appointed in 1809 to inquire into the present state of affairs of the East India Company. The Committee in its report pointed out the failures of the Lord Cornwallis’s institutions and revealed the extreme
insecurity and oppression suffered by the actual cultivators under the zamindari system and in contrast pointed out the advantages of the Ryotwari system. Though contemporary public opinion in England after 1812 thus shifted in favour of the cultivating proprietors and against the aristocracy, it remained for the classical political economists like James Mill, Ricardo and Malthus to provide the precise and incontrovertible theoretical basis for the new thinking on the subject. The authorities were able to find in the contemporary science of political economy the sound principles of taxation on the basis of which the amount of land revenue to be demanded from the peasants could be determined (Gupta 1963). Even not all was well with the Ryotwari system. The following observation made by Dutt makes it clear that any settlement made by the British were not free from problems. Dutt writes that British India was divided into a number of areas in which different types of land tenure prevailed. First, the Permanent zamindari settlement in Bengal, Bihar and parts of North Madras, covered 19 per cent of the total area of British India. Second, the Temporary zamindari settlements extending over most of the United Province, the Central Provinces, parts of Bengal and Bombay and Punjab (either with individual or group owners, as in the case of the so-called joint village settlements tried in Punjab), covered 30 per cent of the area. Third, the Ryotwari settlements, prevalent in Bombay, in most of Madras, in Berar, Sindh, Assam and other parts, where State dealt directly with the Ryots, covered 51 per cent of British India (Dutt 1986). It should not be supposed from this, point out Dutt, that landlordism prevailed only in the 49 per cent of the area of British India covered by the zamindari settlements. In practice, through the process of sub-letting, and through the dispossession of the original cultivators by the moneylenders and others securing possession of their land, landlordism spread extensively and at an increasing pace in ryotwari areas; the original intention might have been to make the settlements directly with the actual cultivators, but relations were by then greatly changed. Dutt quoting Mukherjee (1933) writes that it was estimated that “over 30 per cent of the land were not cultivated by the tenants themselves in Madras and Bombay” (Dutt 1986: 236). In Madras between 1901 and 1921 the number of non-cultivating land owners increased from 19 to 49 per thousands; the number of cultivating landowners decreased from 484 to 381 per thousands; the number of cultivating tenants increased from 151 to 225 per thousands. Punjab in 1921 recorded an increase in the number of persons living from rent of agricultural lands from six lakhs in 1911 to ten lakhs in 1921. In United
Province between 1891 and 1921 the number of persons returned as deriving their main income from agricultural rents increased by 46 per cent. In Central Provinces and Berar in the same period the rent-receivers increased by 52 per cent (Dutt 1986: 236). Even the imperialist were of the view that the land settlements carried out under British rule gave rise to new problems with regard to tenant rights and loss of land by former cultivating owners, which necessitated legislative interference. “Under the British rule, accompanied by the growth of population, the extension of area under cultivation, and the consequent increase in the value of land, the landlords (especially in permanently settled zamindari areas) began to raise their rents, even to evict their tenants (if the latter failed to pay the increased rents), whilst the more prosperous cultivators, even in Ryotwari areas, began to lease their land (which they had previously cultivated themselves) to a new class of cultivators who had no legal security or protection” (Dutt 1956b:102). The policy adopted by the government to prevent these evils took the form of legislation to give security of tenure and compensation for improvements to tenants, and to prevent the alienation of land to the non-cultivating classes, which arose out of the increased indebtedness of the cultivators. The former type of legislation began with the Bengal Rent Act (X) of 1859, which was amended by the Bengal Tenancy Act of 1885 and Bengal Act (I) of 1907. The Acts of 1859 and 1885 provided “that every Ryots who has held any land in a village for twelve years acquires thereby a right of occupancy.” Similar Acts, aiming at fixity of tenure, fair rents, and compensation for improvements, were passed in the United Provinces, the Central Provinces, Madras and Malabar. Such legislation was not extended to tenants in Ryotwari districts, where their status was practically that of tenants-at-will. To check the problem of land alienation through debt the Punjab Alienation of Land Act was passed in 1901, and the same principle was incorporated in the Oudh Settled Estates Act, 1900, the Bombay Act of 1901, and the Bundelkhand Alienation of Land Act, 1903. The Punjab Act prohibited mortgages containing a clause for the conditional sale of the land, and sale of land to non-agriculturists. The latter type of legislation was not very effective as it merely encouraged the agriculturist money-lender as opposed to the trading usurper (Dutt 1956b: 103).

Land Revenue Settlement during Dogra Regime

When Lawrence arrived in Kashmir in 1889, he found that cultivation in Kashmir was
in bad shape, that the revenue was not paid, and that the peasants were moving from one village to another in hope of finding some rest and freedom from oppression. The kind of administration which was there in the Dogra regime degraded the people of the Valley and taken the all heart out of them (Lawrence 1967). According to Lawrence, the Valley was in confusion, the revenue was falling off, and those in authority were making hay while sun shone. Officials of the State were blamed by the peasants for their miseries and it was through these deputies that the Maharajas ruled the country. For peasants, their rulers were sympathetic and anxious to secure their prosperity but the officials of Kashmir would never allow their masters to know the real condition of the people, or to find out that why the revenue was diminishing. If the Governor of Kashmir were not active and honest, dishonesty ran rampant through every grade of officialdom, and the slightest weakness or corruption on the part of the Governor had its echo in every corner of the valley. Not only were the officials corrupt but the peasants and their headmen were also dishonest, all joining to rob their Maharaja’s treasury (Lawrence 1967: 3). As mentioned earlier in this chapter that the British tried their best to have a say in the management of affairs of the State, but it was always resisted by the Dogras. But the famine of 1877-79 that devastated the Kashmir Valley gave enough reasons to the colonial Government to seriously reconsider their policy of non-interference. The death toll from the famine of 1877-79 was overwhelming by any standards. Lawrence writes that famines in Kashmir were caused not by drought, as in British India, but by either early snows or heavy rain occurring at the time when the autumn harvest was ripening. Of the 19 great famines which took place in Kashmir and about which local historians give gruesome details, there were two terrible famines in the 19th century in the Valley, one known by the name Sher Singh,60 which was caused by the early, heavy autumn snow of 1831 and the other which was similarly caused by continuous rains which fell from October 1877 till January 1878. According to Lawrence, Sher Singh famine reduced the population of the Valley from eight lakh to two lakh and the flood that followed the famine destroyed many important irrigation works and permanently submerged large areas of valuable cultivation. Similarly in the famine of 1877-79 there was enormous loss of life. “One authority had stated that the population of Srinagar was reduced from 127,400 to 60,000, and others say that of the total population of the Valley only

60Sher Singh, son of Maharaja Ranjit Singh, was the Governor of Kashmir when the famine took place.
two-fifth survived” (Lawrence 1967: 213). The famines had brought to light the inadequacy of the protection afforded to Kashmiri peasants by the agrarian arrangements of the Dogra State. Lawrence had shown that substantial quantities of rice could have been saved and the staggering loss of life averted if cultivators had been permitted to cut their crop before the start of the rains that destroyed the autumn harvest of 1877. But the rigid adherence to the old revenue system, in which assessments were made on the standing crop, delayed the reaping operations (Lawrence 1967). The mishandling of the 1877-79 famine by the Dogra regime shone the spotlight on the plight of Kashmiri Muslims. Newspapers in Punjab were unrelenting in their criticism of the Dogra State and also of the British for having permitted such gross neglect by a protected prince. As early as the 1877, a memorandum was cautiously submitted to British Viceroy in Delhi Lord Lytton by some unknown Kashmiris making specific charges against Maharaja Ranbir Singh (Bazaz 1954; Rai 2004). The memorandum was never published in full but parts of it were subsequently quoted by some British writers in their books, showed that certain charges leveled were very grave in nature. It was said that “in order to save the expense of feeding his people during the famine Maharaja Ranbir Singh actually drowned his poor Muslim subjects by boat-loads in the Vular Lake” (Bazaz 1954: 132; Rai 2004: 142). Taking the allegation very seriously, writes Bazaz, the colonial government appointed a commission of inquiry to find out the truth of the charges but Muslims had, supposedly, been too frightened to come forward to provide corroboration. Although the Maharaja was exonerated, the outrage created by the revelation of the shocking condition of the Valley’s Muslims called for some measure of intervention by the British (Rai 2004). Even more critically, the Kashmir durbar’s attitude during the famine had demonstrated its capacity to rise above the preferential treatment of its already privileged Hindu Subjects to the detriment of Muslim cultivators who were the greatest sufferers. “The political volatility presented by a large discontentsed Muslim population in Kashmir fuelled an abiding anxiety among the British, evident since the very founding of the State. In handing over Kashmir to the Dogras, Governor-General Lord Harding had wished to build up a Hindu buffer to prevent a uniting of Muslim interests, Kashmiri with Afghan, in the north-western entrance into India. The Afghan debacles of 1978 and the early 1880’s had rekindled this apprehension of the British, leading Lord Rippon to fear that ‘any disturbances which continued misgovernment might create in Kashmir would be acutely felt on the
frontiers of Afghanistan. Clearly, the influence of European balance-of-power strategies, focused on blocking Tsarist Russia, also remained instrumental in driving colonial interference in Kashmir” (Rai 2004:142). When Pratap Singh became the new Maharaja after the death of his father Maharaja Ranbir Singh in 1885, he was not only forced to accept the British interference in the State by stationing a Resident in Kashmir but also the implementation of wide ranging reforms in the State. These reforms included the introduction of a lighter assessment of revenue farming; the cessation of State monopolies; revision of existing taxes and dues (especially transit and customs dues and taxes on various trades and professions) among other changes. Maharaja Pratap Singh recognising that it was impossible to check the corruption of its revenue officials without records and statistics, who from highest to lowest combined to rob the State and to despoil the people, and urgent need to streamline the administration, resolved on effecting a land revenue settlement of his country. He, therefore, requested the Indian government to lend him the services of a settlement officer who could help his administration in the land measurement and revenue assessment. The Indian government decided to lend him the services of Ghulam Farid Khan, extra assistant commissioner in Baluchistan. But British Resident in Kashmir Plowden requested his government to change this native officer with a British one for this important work. One of the reasons cited for this was that: “There will also be a manifest political advantage from appointment of an English officer. Until the position of the Resident in Kashmir has been consolidated as firmly as in other feudatory States, the sure establishment of the policy, which the Government of India has determined to introduce, will be retarded. It is very necessary that settlement officer should have political rank, and I would grade him as an additional political agent” (Bamzai 1987: 137-138). The Indian government was convinced that for their ultimate object of bringing about effective British control over the Princely State, Plowden’s proposal should be accepted and the Maharaja was eventually persuaded to agree to the appointment of A. Wingate, I.C.S., C.I.E. – settlement officer in Udaipur – for land settlement in Kashmir at a salary of Rs. 2000 per month debited to the Durbar (Bamzai 1987). According to Zutshi, the land settlement in the Jammu and Kashmir was an aspect of the larger British intervention in the political administration of the State beginning in 1885, which led to the establishment of the British Residency and State Council to run the affairs of the Princely State in 1889. The movement by the British to curtail the Dogra authority had been long under way. The
British, while conceding Maharaja Gulab Singh’s request to not have a British Resident placed in his court, had used the services of a local Kashmiri, Mirza Saifuddin, to spy on his administration and report on the general conditions of the State. Saifuddin gave a scathing account in twelve volumes, describing in minutes detail the misrule of Maharaja Gulab Singh (Zutshi 2003: 88). On January 15, 1887, Wingate was entrusted with the job of introducing regular settlement in the State who described its land tenure system as ‘raiyatwari in ruins’ (Lawrence 1967). “If it be necessary to apply Indian terms to Kashmiri tenures, perhaps ruined raiyatwari will be the most appropriate description of the plastic system of Kashmir. Before the Mughal times, I believe that a pure raiyatwari system existed, but Tondar, as the people style the great Todar Mal, introduced the offices of lamberddar and patwari, and with them has crept in some ideas of joint responsibility for the land revenue. At any rate, though in theory the Kashmir assami may hold land on the raiyatwari system, he only suffers from its disability and does not profit from its benefits. If an assami absconds or defaults, the lamberddar promptly throws the revenue liabilities of the absconder on to the other assamis, thus enforcing the joint responsibility of the village. But the system is raiyatwari, in that the assami possesses no rights in the waste lands” (Lawrence 1967: 426). Commenting on the system of revenue administration in the Valley, Lawrence writes that in Kashmir, as in other native States, where civilization was not so far advanced as it was in British India, the happiness and welfare of the people depended almost entirely on the revenue system and the methods of taxation. Owing to the peculiarities of the administration in the Valley, the revenue system had a serious effect on the character and development of the people than it had in any other native State. There were no records or maps to indicate what a man’s holding in land amounted to, or to show what his revenue liabilities were. Similarly, points out Lawrence that there was no continuity in the administration of Kashmir. “Ever since the commencement of the Dogra rule, there has been the annual interregnum when the Maharaja leaves the Valley at the end of the summer for his winter capital at Jammu, and it is during this interval that officialdom worked its own will on the people unchecked by the Darbar (Royal Court)” (Lawrence 1967: 400). The first problem Wingate faced when he started the settlement work in Kashmir was the question of measurement. “For the last so many years the measurement of land had already been taken up, but the work was done in an unscientific manner and everything looked disorderly. It had not been completed in any of the tehsils” (Dhar 1989: 140). Wingate
discovered that previous work was done very carelessly and even the maps prepared were fabricated. According to Wingate, finally a decision was taken with the approval of the Darbar that whole of the previous work be rejected as it was untrustworthy (Dhar 1989). According to Dhar, a fresh measurement work was taken up on 1st June, 1887. The basic records prepared were a field register (khasra) with an abstract khatooni, or a statement of holding, record of water channels, record of lands held free of assessment, a list of chakdars and others with the record of their sales and mortgages and crop inspection reports. The maps were drawn. Wingate did not depend on the records of patwari, which he thought were not reliable. After studying the problem very minutely and completing the survey of two tehsils in Kashmir (Lal and Phak), Wingate submitted his preliminary report of settlement operations in Kashmir and Jammu on 1 August, 1888 (Dhar 1989: 141). According to Dhar, the recommendations made by Wingate, as anticipated, were opposed and resisted by the vested interests. Even the cultivators were made to believe that the new settlement undertaken by the British officer would also meet the same fate as all surveys done in the past. “All the previous surveys were mostly fabricated and fictitious and had become a means of peculation for the surveying officials. This weakness was thoroughly utilised by the official machinery to convince the cultivators of the usefulness of the proposals made by Wingate” (Dhar 1989: 145). In the face of bitter opposition and intrigue, Wingate had to give up the assignment and Lawrence replaced him as the Settlement Commissioner. “Much of the work had already been done by Wingate and Lawrence followed his line of thinking and this helped him in avoiding many mistakes which he could have made. He started his survey work in summer of 1887 and completed his settlement in September 1888” (Dhar 1989: 145). At first, writes Lawrence, it was extremely difficult to persuade the people of the Valley that this new land settlement would be a reality, or to inspire them with a belief that there would be some continuity in the administration because for many years preceding 1887, surveys of the villages had been in progress but nothing came of them. The people were harassed by the presence of hungry Amins, but beyond a fictitious survey there was no result. They believed that the new survey would also be no different. While Wingate set up the settlement department and laid down the guidelines for conducting land measurement and assessment of revenue, it was left to Lawrence – who introduced far-reaching changes in the land tenure and tenancy relationship – to implement them and complete the settlement in both Jammu and
Kashmir in ten years from 1889 to 1899. Rai (2004) writes that as a result of the investigations of both Wingate and Lawrence, it was as though a veil had suddenly been lifted and the life of the Muslim cultivators in the Valley revealed as one of unmitigated oppression suffered through the years. Lawrence condemned the Dogra administration for being opposed to the interests of the cultivating class and to the development of the country and asserted that the officials systematically tried to make themselves feared by the people. In the similar vein, Wingate had suggested that the Kashmiri cultivators had been ‘pressed down to the condition of a coolie cultivating at subsistence allowance the State property’ and that the responsibility for this lay with the ‘influential Pandit’ servants of the State (Rai 2004). Wingate and Lawrence, who had spent many months in the villages of Kashmir, according to Rai, brought to fore the tensions that underlay the Kashmiri society, pitting the interests of Hindu Pandits community against those of the numerically preponderant Kashmiri Muslim cultivators within the framework of Dogra State. ‘However, beyond agreeing about the nature and causes of the Kashmiri Muslims’ oppression, the solutions offered by Wingate and Lawrence were at significance variance. While both acknowledged the responsibility of the Kashmiri Pandit community in exacerbating the situation of the cultivating class, Wingate was far more uncompromising in demanding the elimination of the exemptions and privileges of the Pandits. In contrast, while Lawrence’s land settlement also sought to provide relief to the cultivating classes of Kashmir, it did so without entirely dismantling the privileges of the Kashmiri Pandit community and probably it was for this reason that Lawrence's blueprint for reform that was accepted over that of Wingate” (Rai 2004: 149). Quoting Wingate, Zutshi writes: “Following from the tradition of the colonial Government in British India throughout 19th century, Wingate made a strong argument in favour of granting occupancy rights to the Kashmiri peasantry. According to him (Wingate), the land revenue system in place in Valley had left the coffers of the State empty because of the existence of a class of officials between the State and the peasantry. Additionally, it had created an itinerant peasantry with no interest in cultivating the land. Therefore, to replenish revenue, and to convert a discontented and thriftless peasantry into a contended, thriving community, peasants had to be given interest in the land they cultivated. To achieve this, Wingate argued, it was necessary to fix the State demand at a fair sum for a term of years and establish a system of accounts which would confine the powers of the tehsildars to revenue collections” (Zutshi 2003:90). More
importantly, Wingate, who made this system contingent on conferring on the cultivators the possession of the land they tilled, suggested that the settlement rules declare the State as ultimate proprietor, and at the same time confer the right of occupancy on all persons entered as occupants at the time of settlement assessment. Wingate’s arguments were designed to bolster the authority of the State through the foundation of a peasantry determined to defend their lands against encroachments and willing to pay land revenue (Zutshi 2003). Another important recommendation of Wingate was that the collection of revenue should in cash (Zutshi 2003). On this Zutshi writes: “In the tradition of Utilitarians and other free-market advocates, Wingate clearly disagreed with the collection of revenue in kind, which allowed for the State to fix prices of grain and Act as the sole grain trader in the Valley. According to him (Wingate 1889), the price of shali (unhusked rice) had to rise and fall with the outturn of the harvest, because as soon as it got scarce huge profit were made by the revenue officials in charge of collection. The mendicancy of the peasantry was a symptom of this artificial system historically in place in the Valley. However, although he proposed in his settlement rules for the Valley that the settlement should be made in cash, Wingate allowed the Darbar ‘upon report by the settlement officer to accept whole or part of the assessment in shali under defined conditions…” (Zutshi 2003: 92) Owing to the exorbitant taxes and the loot of the corrupt officials of the government, most of the cultivators had given up their lands and abandoned the profession of cultivation before Maharaja Pratap Singh came to the throne. It was with great difficulty, writes Lawrence, that he could persuade people to take possession of the land. With the bitter experience of the treatment that authorities meted out to the possessors and cultivators of the soil, city-dwellers and the peasants alike refused to accept the offer of the Settlement Commissioner in the beginning. But finally Lawrence, who was initially appointed as Wingate’s locum tenens 61 in April 1889 and then as permanent Settlement Commissioner in 1890, prevailed and was able to parcel out land among the people of the valley. He submitted fifteen Assessment Reports (one for each tehsil) before the Council of Regency and some of the important features of the settlement which he effected were:

(1) The State revenue demand was fixed for a period of ten years (Zutshi 2003;

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61 *Locum tenens* is a Medieval Latin phrase meaning a person who holds office temporary or a person who stands in temporary for someone else of the same profession.
Lawrence was of the opinion that: “it would be unfair to tie the hands of the State by fixing a longer period. The population of the Kashmir was not yet sufficient for the adequate cultivation of the land. When population increases, as it would if unchecked by famine, cholera, and smallpox, when the holdings dismiss in size and high cultivation become the rule instead of the exception, then the real value of land in Kashmir could be ascertained. … I believed that in the ten years for which the new assessments had been sanctioned, the agricultural classes would develop the resources of the land, that they would become attached to their holdings, and that if the assessment was enhanced at the end of ten years they would, from their attachment to their land, accept the enhancement rather than relinquish the holding” (Lawrence 1967: 433). After determining the revenue of a village for ten years and obtaining the sanction of the State to the proposed revenue, Lawrence introduced the new system of quarterly instalments (Lawrence 1967: 438).

(2) In the new assessment, the Government decided to collect some part of revenue in kind and some in cash (Bazaz 1954: 139; Lawrence 1967: 442&445). On the question of deciding how much should be taken in cash and how much in kind, Lawrence was of the opinion that the assessment should be wholly in cash. His idea was that as each tehsil would come under assessment and the amount of revenue taken in kind by the State was decreased, the city people who had hitherto fed on the cheap grain sold by the State would make arrangements to buy grain from the open market, and that private trade would spring up. According to Lawrence, he was told that the villagers themselves could not pay the whole revenue in cash, and great pressure was brought to bear in order to induce Lawrence to abandon the idea of a purely cash payment (Lawrence 1967: 438). Similarly, Maharaja Ranbir, had also wished to introduce a cash assessment, and he was fully alive to the fact that collections in kind caused loss to the State and injury to the villagers and an effort was made in 1873 to make a cash assessment, but officials and middlemen prevented it. Old system, under which it lay within the powers of the Governor of Kashmir to decide at his will how much cash and how much grain should be collected year by year, remained in full force till it was modified by new assessment. According to Lawrence, there were mainly two reasons for fiercely opposing a cash assessment. First was that the collection of revenue in

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62 Bazaz, however, quoting Lawrence writes that the State revenue demand was fixed for fourteen years. See Bazaz (1954).
kind gave employment to large number of city Pandits and also gave them great opportunities for perquisites and peculations. Lawrence writes that the market price of unhusked rice was about the double the price at which the State sold the grain, and it was natural that anyone should wish to handle a commodity in which there was so large a margin of profit. Second reason was that the city of Srinagar contained a large number of people who were extremely poor. These poor people were given unhusked rice at the low prices prescribed by the State (Lawrence 1967: 439-440). Lawrence writes that his scheme was to gradually introduce a cash assessment for an assessment which was chiefly collected in kind but in the winter of 1891 the Governor of Kashmir created “a crisis in the Valley by taking the greater part of revenue of the eight unassessed tehsils in cash. The consequence was that very little State grain came to the city. …In 1892 a disastrous fire broke out in the city, destroying enormous stocks of grain. This was followed by severe epidemic of cholera. Business was paralysed, shops were closed, and the villagers brought in no grain or other supplies to the infected city. Prices of grain rose rapidly, and though prompt measures prevented a famine in the city, it was obvious that the sudden substitution of cash for kind collections caused difficulties in Srinagar” (Lawrence 1967: 441). The government, alarmed by the occurrences of 1892, decided that some part of the revenue should be collected in kind. In order to streamline the revenue collection in kind, Lawrence was asked to assist the administration in the distribution of demand for kind over the unassessed tehsils and oversee the arrangement made for the collection, storage, and sale of State grain. For the first year, Lawrence fixed the State demand in kind at 3.6 lakh kharwars. According to Lawrence, the advocates of revenue in kind termed this amount as too low. According to them, seven lakh kharwars is considered as safe. However, according to Lawrence, this amount proved to be more than adequate and prices of grain remained low in the city. Next year in 1893, the State demand was reduced to three lakh kharwars (Lawrence 1967: 442-443). According Zutshi, by the end of the century it was reduced to 1.75 lakh kharwars for ten years (Zutshi 2003). On the system of collection in kind, Lawrence writes that “Up to that time (1892 crisis) I had declined to take part in the collection of grain or its storage, but when the State, alarmed by the occurrences of 1892, decided that some part of the revenue should be collected in kind, I agreed to assist in the distribution of the demand for kind over the unassessed tehsils, and to watch the arrangement made for collection, storage and sale. … But when the State intimated that for some time to come an
appreciable part of the revenue would be taken in kind, I deemed it necessary in the interests of my settlement to take an active part in the collection and disposal of the revenue taken in kind” (Lawrence 1967: 442).

3) The use of force in the collection of revenue was done away with. Before the 1887 settlement started, cultivators were forced by soldiers to plough and sow, and the same soldiers attended at harvest time. The agriculturists used to wander from one village to another in quest of fair treatment and security. During the harvest time a regiment known as *nizamat paltan* was sent to villages to enforce the State’s claim and this regiment was always supplemented by sepoys from the regular army. In 1884 the *nizamat* regiment consisted of 7,429 soldiers for the collection of the revenue. After settlement, it was no longer necessary for the sepoys to be present at harvest time. The collection of revenue in kind, after settlement, was entrusted to the settlement department and nor sepoys (Lawrence 1967).

4) Forced labour (*begar*) in its more objectionable form was abolished. The settlement forced the State to insist on the need of agriculture being of greater importance than that of the demand for *begar*. This helped not only wanderers in the Valley and fugitives return from Punjab to their villages but also land began to acquire a value (Lawrence 1967).

5) Occupancy rights conferred on *zamindars* (cultivators) in undisputed lands (Bazaz 1954). According to Lawrence, “the simple rule laid down by Mr. Wingate on the subject of entries of the occupancy of land was to effect that Muslims in the undisputed possession of land were to be entered as *assamis* (occupant of village land)” (Lawrence 1967: 425-426). In case of dispute, it was to be decided by the settlement officer. In the case of Hindus and Sikhs, no final entry could be made until the orders of the settlement officer were obtained. Lawrence writes that “shortly after taking charge of the settlement, rules were framed by the State Council regarding the disposal of waste land, and the responsibility of allotment of waste land was given to him. Next, it was decided that all suits in any way connected with land should be removed from the ordinary Revenue Courts, and be made over to the settlement department” (Lawrence 1967: 425).

6) The status of privileged holders of land was investigated and land in excess of the sanctioned area was assessed at the ordinary rates. According to Lawrence, besides

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the ordinary *assami* or occupant of the village land, there were many privileged holders of land variously known as *chakdars* or *mukararidars* who had acquired landed property under deeds granted by the State. After making careful inquiries in those cases, the settlement department confirmed to the holder the land assigned to them at the privileged rates mentioned in the deeds. Land held in excess of the deed was also given to them but only at the ordinary rates obtaining in the village or the assessment circle subject to the condition that there were no dispute on those land (Lawrence 1967: 426). The settlement made the *chakdars* or *mukararidars* as *assamis* of several villages in which their estates lay and it was stipulated that these privileged holders of land would be subject to regular assessment rates after their terms for the privileged rates are over.

7) Waste lands were entered as *Khalsa* i.e. State land. According to Lawrence, from time immemorial the Kashmiri village had possessed no rights in the waste land and the only right recognised by the villagers was that a man who planted trees on the waste land was owner of such trees but had no right to the waste land on which the trees stood. Accordingly, at survey, the settlement department entered only cultivated land as in the occupancy of the *assamis*, and entered all waste land and old fallow land as *Khalsa*, that is State land unburdened with individual *assami* rights. In disposing of waste land, it was decided that the *assamis* of the village in which it was situated would have a prior claim to outsiders. If the *assamis* neglect to acquire the waste land under the waste land rules, the State could then make it over to an outsider (Lawrence 1967: 426-427).

8) Permanent hereditary occupancy rights were bestowed on every person who, according to Lawrence, at the time of assessment or at the time when the distribution of assessment was effected, agreed to pay the assessment fixed on the fields entered in his/her name in the settlement papers. “So long as the assessment was paid, such occupant could not be ejected. However, the right to occupancy was not alienable by sale or mortgage” (Lawrence 1967: 430). Commenting on the work done by Lawrence in Kashmir, Zutshi writes: “In the tradition of Utilitarians, Lawrence was ambivalent toward the development of rural capitalism in the subcontinent: he continued to view the State as the provider of social overhead capital and as the redistributors of resources” (Zutshi 2003: 92). On the question of giving full proprietary rights to cultivators i.e. rights of sale and mortgage, Lawrence was of the
opinion that State should avoid, as far as possible, the creation of middlemen, and regarded the proposal to give the rights of sale and mortgage to inexperienced cultivators as the surest way towards the creation of middlemen. Lawrence even differed with Wingate on this. According to Lawrence, Wingate in the paragraph 52 of his Preliminary Report wrote: “The Darbar cannot protect itself without the assistance of the cultivators, nor is any land settlement likely to last which does not engage the active sympathies of the agricultural population in support of the State policy. This assistance and sympathy can only be won by conferring upon the cultivators the possession of land they till” (Lawrence 1967:430). Wingate’s reason for granting the right to sell and mortgage was that the cultivator, in order to carry on the agriculture properly, ought to be able to raise money by sale or mortgage, or, in other words, ought to possess some credit, “if he is to sell his produce, buy cattle and seed, and enter into banking arrangements.” But Wingate, writes Lawrence, had restricted the right to sell and mortgage, or transfer by inserting two conditions: (i) Persons holding land at full settlement rates and upon the occupancy tenure, may sell, mortgage, or transfer the land to any person who belongs to the cultivating class, i.e. who is a bona fide cultivator, without sanction.” (ii) Sale, mortgage, or transfer to non-cultivators is null and void without the sanction of the Darbar, to be obtained through an officer specially constituted for this purpose (Lawrence 1967: 431).

Lawrence feared that in Kashmir, where cultivators have not understood the value of land or rights in land, the right to sell or to mortgage land would be a signal for extensive alienations; and that in a few years, large properties would be acquired either by officials, or by the more influential Muslim lambardars. Even with the above-mentioned conditions, writes Lawrence, there would be enough energetic and cleaver lambardars buying up land in all directions for most inadequate sums, and the city Pandits would soon appoint cultivators as their agents to buy up land for them. Lawrence refused to “accept the theory that the cultivation would be below the proper standard until the cultivator has, by selling or mortgaging his land, had borrowed capital at his back to help him” (Lawrence 1967: 432). The settlement officer believed that: “if a fair settlement is made, the occupant would be able to gain sufficient credit in the market on the strength of his year’s crops” (Lawrence 1967: 432). Showing his ‘concern’ for the poor Muslim cultivators of Kashmir, whom he describes as ignorant and short-sighted, Lawrence points out that by giving the cultivator the right to sell or mortgage the land, he would definitely fall in the same trap in which the Musalman of
British India had fallen. “I write with far less experience than Wingate, but my short tour in Kashmir has given me the idea that the Kashmiri is extremely improvident, and that if opportunities were given to him, he would surpass other Musalmans in their love for borrowing for extravagant expenses. To give one instance, the State now advances *shali* and other grains as seed (*musada*). The cultivator, as a rule, has already put by his seed; but he takes the *musada* for his food, and if the State or any other agency will lend, the Kashmiri will borrow whether he really requires the loan or not. I need hardly remind the Council (Council of Regency) of what has happened in India from the grant to the cultivators of right to sell and mortgage their land and of the fact that every year Musalmans are becoming the servants of Hindu Banias (money lenders)” (Lawrence 1967: 432). Lawrence was of the opinion that the Kashmiri cultivators would be quite satisfied if a permanent and hereditary occupancy right was given to them.

9) The distribution of revenue was made according to the area of the holding, its quality, and the position as regards irrigation (Lawrence 1967:445-446). Earlier, the *lambardar* and other influential persons in the village paid only nominal revenue, and the State’s dues were paid by the weaker and poor *assamis*. The above method of distribution of revenue not only lightened the burden of *assamis* but also called upon the *lambardars*, *patwaris* and other influential persons to pay their share of revenue. When it was possible, the distribution of revenue was made in accordance with the wishes and opinion of the village and of the majority of the *assamis*. When there seemed to be no hope of agreement, the revenue was distributed according to the various rates which were suggested by Lawrence for each class of soil (Lawrence 1967: 446).

10) The *rasum* (customary perquisites not sanctioned by the State) and exactions of *jagirdars* and big landlords were abolished and the rents and liabilities of the cultivators were defined (Bazaz 1954: 139). With the new settlement, the *assamis* of a village knew the exact extent of their revenue liabilities and protested if the *lambardar* or any one else attempted to take more than the amount fixed at settlement. In the past, the more influential *lambardars* were a great curse to the people but their powers and opportunities for robbery and peculation were largely curtailed (Lawrence 1967: 447). On the perquisites, Lawrence writes: “I do not say that all the officials will become honest in a few years, but I am confident that the old system of official
perquisites (rasum) is defunct. The assami of Kashmir have grasped the fact that they need not pay rasum unless they wish, and the Kashmiri pays nothing for nothing” (Lawrence 1967: 448). According to Lawrence, “the consideration for rasum were the exemption from the Gilgit begar and other impressments of a serious nature, the collection of the cotton, oil-seeds &c., by which the villagers obtained not only pecuniary benefits, but also retained rice and grains sufficient for their subsistence, and permission to keep certain proportion of the state’s revenue as arrears. The tehsildar no longer had these considerations to offer. Serious begar disappeared; each assami pays the cash or the kind, rice and maize, assessed by m; and arrears are not allowed to stand over until competent authorities are satisfied that the revenue cannot be paid in full” (Lawrence 1967: 448).

According Dhar (1989), the work done by Wingate and Lawrence market an important watershed on the long and chequered land tenure and settlement history of Kashmir. The land settlement created a sense of belonging among the cultivators who had developed a complex against working on land as they had thought it was a futile exercise. “In concrete terms their work transformed the village from one of hopeless to hopeful conditions in which peasants found some meaning for the sweat of his toil” (Dhar 1989: 153). Writing on the impact of settlement on the agricultural classes in Kashmir, Lawrence notes: “There can be little doubt that Kashmir has increased enormous prosperity of late years. The land revenue settlement has turned the agricultural classes from serf into sell-to-do peasants, and their wealth is reflected in their increased purchases. The increase in the import of salt is especially satisfactory, as in 1892 it was shown that annual average of consumption in Kashmir was exactly half of that prevailing in the Punjab” (Lawrence 1985: 69). In the conclusion part of the chapter entitled ‘The New Settlement’ of his book ‘The Valley of Kashmir’, Lawrence writes that: “The State by its justice and moderation has won the confidence of the agricultural classes, and Kashmir is now more prosperous and more fully cultivated than it has been in the memory of man. The deadly cholera of 1892 and the disastrous floods of 1893 have done their worst, but the affected villages survive, damaged but not broken, and rent roll remains unimpaired. The agriculturists, who used to wander from one village to another in quest of the fair treatment and security which they never found, are now settled down on their lands and permanently attached to their ancestral villages. The revenue is often paid up before the date on
which it falls due… Every assami knows his revenue liabilities in cash and in kind, and he quickly and successfully resists any attempts to extort more than the amount entered in his revenue-book. The more serious evils of begar have been removed” (Lawrence 1967: 451). Lawrence was hopeful that if the conditions of the settlement were faithfully observed confidence would increase, and there would be a great change not only in the cultivation and development of the country, but also in the character and honesty of the people. As pointed out by Lawrence, certain things became obvious after the settlement operations: (i) the State’s share of revenue increased manifold because of use of wasteland for cultivation; revenue demand becoming a reality; the use of regiments are no longer required for the collection of revenue and the money collected as revenue coming to the State treasury instead of going into the pockets of middlemen. Although, the total expenditure incurred on the settlement was Rs. 3, 37010 and annual increase in revenue resulting from settlement was 1, 85,103, the settlement was a success in a sense that within two years all the expenditure will be recouped (Lawrence 1967: 452). The settlement was indeed a success in the sense that after the completion of its ten years, as envisaged, a revision commenced in 1898 and completed in 1905. On the revision, Dhar writes: “It (new settlement) did not present many difficulties. Previous settlement had settled all the complicated and vital issues. The officials had reconciled with the new environment. Every detail for the settlement was available. The statistics were reliable. The peasant was not suspicious of the new operations and was, therefore, more cooperative in his approach. The productive capacity of each field was known. Its conversion into money value did not present any difficulties as the prices were already settled. The only basic issue which was to be settled was to determine the amount of land revenue which would be the share of the Government” (Dhar 1989: 154). The new settlement raised the revenue of Valley from 13.4 lakhs to 17 lakhs. In the new settlement, it was decided that the land revenue be paid in cash. No portion of land revenue was to be paid in kind. But, writes Lawrence, the practice of paying part of land revenue in kind was once again restored in 1918. Regular settlement was also done in other parts of the State i.e. Gilgit, Jammu and Baltistan. The total receipts from land revenue amounted to 38.9 lakhs in 1905-06 (Lawrence 1985: 77). If there were certain positive things about the settlement, then there were certain problems also. For instance, Dhar writes that: “True, A. Wingate and W.R. Lawrence had brought about a tremendous change in the like of the peasant-son of the soil, but they had not been revolutionary
in their reforms. They did give peasant a legal status of occupancy on the land but did not confer upon him the status of a peasant proprietor. Legally land continued to be the property of the Maharaja” (Dhar 1989: 155). According to Dhar, it was true that peasant, after the settlement, could not be ejected from their land. It was also true that under the prevailing social circumstances at that time, giving right of sale or mortgage of land would not have been beneficial to the peasant. But, writes Dhar, the denial of these rights was fundamentally against the interest of the cultivator to whom the land belonged from centuries. Lawrence writes Dhar, instead of denying the rights, could have proposed banning of sale and mortgage for a given period of time. Like Wingate, Lawrence could have also recommended the grant of these rights to cultivator under strict conditions. Dhar even accused Lawrence for legalising the institution of absentee landlordism in Kashmir by confirming the chaks granted to various persons of non-cultivating classes by entering them as assamis and that too on privileged rates (Dhar 1989). Even the excess land which these chakdars had grabbed by fraud were legalised in their favour. According to Dhar, it was the absentee landlordism, and jagirdari system, strengthened because of the settlement, which played havoc with the lives of peasants in the later years.

In her assessment, Zutshi (2003) finds it quite debatable the extent to which Lawrence’s settlement has been successful in the Valley at least in curbing the misuse of power by the revenue officials and transformation of peasant’s life in rural hinterland from serf to a satisfied-revenue-paying cultivator. “The extent to which the land settlement was ultimately successful in curbing the powers of the class of revenue officials is debatable. Undoubtedly, the land settlement regarded them as mere assami who were required to pay their share of revenue. However, Lawrence and later settlement officials still depended on revenue officials to carry out the actual settlement, which required an elaborate machinery that the colonial State was not willing to spare for Kashmir; thus precedent, known only to revenue officials, became the basis for settlement policy” (Zutshi 2003: 94). According to Zutshi, the revenue officials, who in post settlement period were given State positions such as collector and manager of revenue demand rather than drawing their position from village custom, continued to exercise a fair amount of power in their dealings with the village.

63 According to Dhar (1989), the non-cultivating chakdars, though theoretically not the landlords, behaved as such in practice. Therefore, the word landlordism has been used.
population. These officials used their new official position to manipulated things in their favour to claim their proprietary rights on land as all land was subject to the settlement. Many of these officials even became part of the growing class of urban land holders by entering themselves into revenue records as proprietors of the lands to which they had been specially assigned by the Maharaja in the past few decades (Zutshi). Zutshi also points out that the revenue officials who were initially reluctant to assist in the land settlement of the Valley were the one benefiting the most from the Lawrence’s settlement. On land settlement’s (positive) impact on peasantry, Zutshi writes: “The focus on the peasant’s increasing prosperity by the colonial administrator was obviously an exaggeration” (Zutshi 2003: 100). However, writes Zutshi, “The land settlement did lead to the creation of a class of settled peasants, a class that would become an increasingly important focus of the emergent political discourse in the Kashmir Valley at the turn of 20th century” (Zutshi 2003:100). According to Zutshi, the land revenue demand was not significantly reduced under the land settlement, which meant that those in charge of collecting and managing it continued to exercise power over the peasantry. “Even if the peasantry had been released from the grip of revenue officials, as colonial officials claimed, payment of revenue in cash meant that it was now connected to the larger economic system, and affected by its downturns and upswings. Moreover, by converting the hereditary right to occupancy into a juridical one sanctioned by the State, the peasant became a tenant of the State, liable to being ejected from his land and losing his occupancy right simply because he was unable to pay the land revenue in full” (Zutshi 2003: 101). Zutshi is in agreement with Dhar (1989) on how the Lawrence’s settlement entrenched chakdars on their illegally procured lands by recognising their right to occupancy. One of the noticeable impacts of the settlement, according to Zutshi, was the disruption of Kashmiri rural society and the disruption was most visible in the situation of various jagirdars. Colonial officials in British India, writes Zutshi, regarded jagir lands as most detrimental to the interests of the agriculturists, particularly when farmed out to revenue contractors – which according to them led to an internal derangement of village tenures. Some of the flaws, that had beset the jagirdari system, the Government decided to repair it by ordering of assessment of jagir in 1896-97 under the supervision of Settlement Commissioner, Capt. J.K. Kaye. The settlement resulted in reducing the powers of jagirdars and the revenue farmers. Capt. Kaye’s (1897) assessment report recommended active interference of the State in jagir holdings
along with specifying the status of *jagirdars* and the tenants on these holdings. The report also recommended occupancy rights to tenants in *jagir* tracts. The *Jagirdars*, on the other hand were not given occupancy or proprietary rights to their estates. The 1896-97 assessment of *jagirs* brought all jagir lands in line with the land settlement in the rest of the Valley. According to Zutshi, “The jagir settlement and bureaucratisation of the Dogra State were exacerbated a process that had been in motion since the mid-nineteenth century, namely the changing composition of the jagirdar class itself. The jagirdars who had held land in Valley for centuries were the ones who lost portions of their territories to the State as a result of settlement. The Punjabi and Dogra administrators of the Dogra rulers, instead, replaced them as the new class of jagirdars who had been assigned jagirs by the State to ensure their loyalty, thereby bolstering its authority and legitimacy” (Zutshi 2003: 99).”

**Freedom Movement of 1931**

The agrarian reforms of 1950s were carried out against the backdrop of the 1931 Kashmir movement, termed by Sheikh Abdullah as the beginning of the movement for independence. When the movement was launched, the Kashmir Valley’s economic and political situation was in a very bad shape because on one hand, British were trying to take control over the administration of Kashmir and on the other hand the economy of the State had become very sensitive to the great economic depression of 1929 (Raina 1988). According to Raina, high-valued handicrafts – carpets, embroidered goods, felt mattings, papier-mâché, carved silver and wood-work, precious and semi-precious jewellery – had their market mostly in western countries. It was only the shawls, pashmina goods, dry and fresh fruits, saffron which were sold mostly in the Indian sub-continent. So in 1930’s the whole economy took a downturn compounded by the depression in the agricultural prices on a global scale. The situation was unprecedented in terms of starvation and destitution (Raina 1988: 85). A major mass explosion was quite on the cards, Raina points out adding, the only point was what shape it would take and whom it would hit. That depended on who would be able to snatch the leadership, and what direction it would take (Raina 1988: 85). Before the 1931 movement which challenged the very legitimacy of Dogra rule of Kashmir Valley, there were attempts by the discontented masses, who had suffered in silence, to organise resistance from time to time, whatsoever of limited nature. Although a separate peasant movement was not launched against the feudal set-up but
the movement drew its strength from the oppressed peasantry and petty artisans. For instance, Rekha Chowdhary (1995) writes that in 1847, shawl weavers went on strike in protest against heavy taxation policy of Maharaja Gulab Singh. In 1865, it was shawl weavers again who demonstrated and demanded increase in wages. Similarly, according to Sheikh Abdullah (1993), in 1924, the workers of Reshamkhana (silk-house) protested against the oppressive attitude of the authorities and demanded better working conditions by organising processions against the Maharaja at Huzoori Gagh. Abdullah writes, the government ordered the cavalry, armed with lances, to disperse them. Many workers were injured, the public was outraged. A procession was organised which included women and children. This was the first protest of its kind which created sensation in the city. There was another remarkable protest in 1924 when Viceroy Lord Reading and his wife visited the Kashmir Valley. Seething with anger against the Dogra government, Kashmiri Muslims decided to petition him. A few notables of Srinagar met secretly and decided that when the Viceroy embarked on his boat procession, people assembled on both banks of the river, would wave black flags and draw his attention to the worsening condition of the Kashmiri Muslims. A secret memorandum containing seventeen points was signed by Khwaja Saduddin Shawl, Khwaja Hasan Shah Naqshbandi, Mirwaiz of Kashmir, Ahmadullah Hamadani, Agha Syed Hussain Jalali, Mufti Sharifuddin and others and was given to Lord Reading with the request to inquire into Muslim grievances. It drew special attention to the restitution of the ownership of land to the farmers. Commenting on the issue of resistance by the people against the Dogra regime before the 1931 movement, Raina writes: “There was, however, a certain tradition of collective action in villages in an ad hoc manner on a popular issue. But such struggles could not involve large areas, because of the enforced isolation of villages, and other barriers of language and culture. Srinagar had seen large mass actions in 1848 and 1865. These involved mainly the shawl weavers and their apprentices, and were in the nature of sharp explosions of protests and not long-drawn-out struggles. Popular discontent was often utilised by some personages of the elite for their own ends” (Raina 1988: 86).” At that time, writes Raina, there was no political organisation in the State except one, called Dogra Sabha, reflecting the viewpoint of the small educated intelligentsia of Jammu. A few Kashmiri educated people also were associated with it. The thrust of their activity was against the non-Kashmiri influx into the State service, especially since Urdu supplemented Persian in the administration and the courts (Raina 1988).
group of Kashmiri Muslim boys in 1930 who had finished their education but were deprived of higher education or Government jobs because of their religion, formed a Reading Room Party in Srinagar where discussions were held as to how they should get their grievances redressed. Very soon, it became a nucleus of political activities in Kashmir. Gradually, the organised political activities started gaining momentum in Kashmir and his led to as discussed earlier the formation of All Jammu and Kashmir Muslim Conference (AJKMC) in 1932. As the political consciousness became more widespread, the AJKMC broadened its objective of redressing the grievances of educated Muslims to that of playing an important role in organising masses and launching struggle against the existing system of monarchy (Chowdhary 1995). “The fact that Muslim Conference (AJKMC) had a declared objective of working in the interest of Muslims had no substantial bearing on the nature of political movement in Kashmir. The political consciousness in the Valley was rising above the parochial limitations and assuming a rather radical character. Radicalism entered the Muslim Conference as well. By 1934, a group of progressive leaders had formed a strong left wing faction of this organisation” (Chowdhary 1995: 2420). This period also saw rise of a number of radical organisations representing the interest of oppressed landless and small landholding peasantry, labouring class, youth, etc. Similarly, a number of youth organisations sprang up under the guidance of progressive leadership operating within and outside the AJKMC. These organisations included the Kashmir Youth League founded by Ghulam Mohammed Sadiq and Prem Nath Bazaz in 1936, Kashmir Students Union and Kashmir Students Union League. It was during same time that Mazdoor Sabha was formed and various associations of workers and artisans, such as the Kashmir Motor Drivers’ Associations, the Tonga Drivers Association, the Carpet Weavers’ Associations, etc, were brought under its banner (Chowdhary 1995). The Mazdoor Sabha soon became an important organisation organising an impressive procession of peasants and artisans. Similarly, writes Chowdhary, Kissan Sabha was organised with the objective of bringing all the peasants under one banner. Discussing the impact of the labour movement on the national movement in Kashmir, Chandra (1985) writes: “In the annals of history of Kashmir, there are numerous examples of the solidarity of workers in their struggle against the exploiters. The *shawl* workers’ strike in 1865 and silk factory workers’ revolt in 1924 clearly bring out the solidarity of labouring masses against the economic and political oppressors. In fact, one distinguished observer of Kashmir
national movement regarded the revolt of silk workers in 1924 as a ‘dress rehearsal for the events of 1931-34’” (Chandra 1985: 44). According to him, the decisive influence of labour ideology in the freedom struggle came through the organisation of the trade union movement. The initiative in this direction was taken by the communist party of India, whose activists were working within the AJKMC. “The task of mobilising the toiling masses was initiated by BPL Bedi and Mrs Freda Bedi. They were supported in this work by G. M. Sadiq, Dhanwantri, Faiz Ahmad Paracha, G. M. Baksh, Sardar Budh Singh, Mistry Siraj-Ud-Din, Lala Ram Chandra etc. With the efforts of these leaders the Mazdoor Sabha was organised in the Valley” (Chandra 1985: 44). A section of the party’s leadership had always desired that the AJKMC should broaden its membership structure to include like-minded non-Muslims. Sheikh Abdullah as the president of the party appealed to Hindus and Sikhs for support and co-operation for the Kashmir Movement by participating in it. In his efforts to broaden the outlook of the party Sheikh Abdullah at the 6th annual session of the party declared that: “Their (Hindus and Sikhs) support is important because like us, the large majority of Hindus and Sikhs in the State have immensely suffered at the hands of the irresponsible government. They are also steeped in deep ignorance, have to pay huge taxes and are in debt and are starving” (Chowdhary 1995: 2421). In the opinion of Chowdhary, in response to the radicalisation both within and outside the organisation, the AJKMC became All Jammu and Kashmir National Conference (National Conference) in 1939. Chowdhary notes that the most important contribution of the National Conference towards the articulation and channelisation of Kashmiri popular aspiration was the adoption of the ‘New Kashmir Plan’, a blueprint to build a new Kashmir society, economy and polity (Chowdhary 1995: 21).

According to Chandra, it was the lack of an organised movement until 1930-31 that helped the Dogra regime dominated by Punjabis and Dogra Rajputs to coerce and oppress the subordinate classes. Even the Kashmiri Pandits were victims of the Dogra autocracy during the initial period. “The backwardness of the Muslims resulted from the Maharaja’s policy of keeping them out of reach of power and patronage. They were not given equal opportunities in trade, industry, education, jobs, or agriculture. The Muslims of the State thus became the worst sufferers, burdened with the triple handicap resulting from racism, communalism, and casteism. This was evident, for example, in the juridical structure of the state which prescribed capital punishment for
murder for all except Dogra men. The communalisation of the feudal political and socio-economic structure constituted the basis of Dogra Hindu rule. The Hindus from outside the State were given opportunities to establish business, trade, and industry on far more favourable terms than those offered to the indigenous Muslims living in the Kashmir Valley” (Navlakha 1996: 69). The discrimination against the majority Muslim was also evident from the fact that out of 25 jagirs that were granted during the first five years of Maharaja Hari Singh, only two went to the Muslims (Chandra 1985). “Such a discriminatory policy hampered the growth of a regional bourgeoisie and the development of capitalism in the State. In fact, feudal fetters retarded industrial development to such an extent that an important representative of the Indian capitalist class, Jamanlal Bajaj complaint that the cottage industry in the villages was not valued by the Government” (Chandra 1985: 39). The Maharaja’s feudal policies set the stage for the 1931 upsurge. The 1931 protest was the starting point of a movement against the Maharaja. The movement was described by Sheikh Abdullah as: “A war of the oppressed against the oppressor. Its aim is nothing more or less than to seek justice and redress. If the ruler was Muslim and his subjects Hindus, the war would have fought on the similar grounds” (Navlakha 1996: 70). It came as no surprise that the Maharaja sought to exploit the 1931 movement by giving it a communal flavour, calculated to cause alarm amongst communalist sections in India. In the name of Indian Nationalism, a resolution was passed by the Hindu Mahasabha which expressed fear at the ‘fiery propaganda carried on against the Maharaja of Kashmir.’ For his part, the Maharaja welcomed the formation of three political parties: the Kashmiri Pandit Conference, the Hindu Sabha in Jammu, and the Sikh Shiromani Khalsa Darbar (Korbel 1954). The political consciousness in this Princely State developed against a background of social condition such as these. The Muslims of the Valley were the first target of feudal exploitation and were therefore not unnaturally the first to raise the banner of revolt against feudal rule in 1931. Already in 1930, writes Raina, there was a sudden spurt of publications in Punjab exclusively devoted to publicising and highlighting the misery and oppression over Kashmiri Muslims, and calling on Muslims to unite and overthrow the Hindu Maharaja. The freedom movement was a success as all section of the population of the State participated in it. Far from being a result of a struggle between individual leaders, the emergence of the National Conference, writes Navlakha, was rooted in a radical difference in perspective. Whilst the Muslim Conference explained the oppression of
Kashmiri Muslims in terms of their religious opposition to the ruler, and therefore believed that the solution lay in the constitution of a theocratic state, the National Conference on the other hand explained the oppression of Muslims as resulting from feudalism and launched a struggle to end the feudal hold of the jagirdars in order put an end to the oppression of the peasantry. Their demand was for socio-economic independence (Navlakha 1996: 71). This was most visible when the party met for its second annual session in Baramulla on September 28, 1940 and adopted political resolution which affirmed that “no scheme of responsible self-government would be acceptable to the nation in which the tillers of the soil are not allowed to enjoy the fullest fruits of their labour; for this there can be no other way than this viz., those alone should posses and own the land who till it. Concessions were demanded for the tenants to alleviate the prevailing distress especially the existing rural Indebtedness. A clear demand was made that in case a debtor pays back the principal in the form of interest, the debt should be cancelled out. At the same time debtors were promised cancellation of all debts whenever an elected responsible government came to power in the State” (Raina 1988: 116). Chandra writes that the Naya Kashmir manifesto of the National Conference clearly spelled out in most unambiguous terms a variety of demands under the headings of ‘Peasant Charter’, ‘Workers’ Charter’, ‘Women’s Charter’, etc. “No sector of national movement in this subcontinent conceived of anything like this document. The Fundamental Rights resolution of Karachi session of the Indian National Congress, or even the Lucknow and Faizpur sessions respectively in 1936 and 1937 were miles behind in their democratic content from the point of view of common people. It is only in this context that the sweeping land reforms between 1947-1950 can be understood” (Chandra 1985: 46). Tracing the historical roots of the agrarian reforms, M. S. Bhat (1989) writes that the support of peasantry class for the movement was more organised and pronounced in Kashmir valley than in the Jammu region. The urban working classes, though small in number, was solidly behind the movement. The Muslim opulent class (aligned with mullahs and feudal elements) and landlords of Jammu were, by and large opposed to the movement. As the movement matured and progressed, the vested interests of the Hindus and Muslim feudal elements converged. Landlords such as Nazir Hussain, Jagirdar Raja Villayat Khan, and Akram Khan openly aligned themselves with the Maharaja and at the end of 1932 Mirwaiz Maulvi Yusuf Shah also joined this alliance. Commenting on the situation in which the Kashmir Movement was confronted by various hostile forces,
Sheikh Abdullah said: “I do not know how many Hari Singh are in Kashmir to rule over us. One Hari Singh is the Maharaja. Second, the Hindus, third is Mirwaiz Maulvi Yusuf Shah and his party” (Chandra 1985: 41). Bhat (1989) writes that without existence of a separate peasant movement, the Kashmir Movement exhibited a strong bias of a peasant movement. This non-violent movement under the leadership of Sheikh Abdullah drew its main strength from the poor peasantry which was promised self-rule along with land-to-tillers. The villages and hamlets which had known only the way of meek submission to tyranny and oppression began to vent to their discontent and misery. Isolated incidents over payment of revenue or against exaction of begar (forced labour) soon developed into frequent peasant struggles. It was from these struggles that Kashmir’s powerful national movement for freedom against feudal autocracy originated. The National Conference, which provided leadership to this movement, actually struck its roots first in the countryside though it had begun as a forum of educated unemployed youth. It was, therefore, natural that the entire movement as it grew in shape and size exhibited a strong peasant character. Without the existence of formal parallel militant peasants’ movement, Kashmir’s struggle for freedom had all the characteristics of a ‘peasant revolution’. Setting up of the Glancy Commission in 1931 to know the cause of peasant discontentment was a mute realisation of the popularity of the movement amongst the peasantry. While accepting some of the recommendations of the Commission, like conferring property rights to tenants, Maharaja Hari Singh tactically tried to appease the peasantry in order to weaken the Kashmir Movement (Bhat 1989: 106). Writing on the land reforms in Jammu and Kashmir, Beg (1995) points out that the Glancy Commission’s recommendation of granting of proprietary rights, with the accompanying right to transfer land, to the cultivators who were till then tenant-at-will, of government-owned lands was achieved at a time when India including Jammu and Kashmir had not gained independence. (Beg 1995). The peasants rallied behind a leadership which provided the first expression of the people’s demand and aspirations in the shape of Naya Kashmir. The Naya Kashmir document formalised this guiding principle in the form of a land policy which promised abolition of landlordism, land to tiller, and co-operative association of tillers to regulate production and sale of crops and agricultural goods (Bhatt 2000: 147). According to Behera (2000), the evolution of National Conference’s political agenda – which had moved from its communally oriented demands for Muslim welfare to more wider political and economic reforms –
could be categorised in three stages. The first was on the basic political rights of the people and a responsible and representative government as proclaimed in the National Demand in 1938. The second stage was to propound a vision of restructuring the political and economic systems of Jammu and Kashmir State in the *Naya Kashmir* manifesto. Finally, in 1945, their demand was for the Kashmiris’ right of self-determination and a sovereign status (Behera 2000: 53).

**Sheikh Abdullah and Land Reforms**

When Kashmir movement was launched in 1931, till then land in the entire Kashmir valley and a large part of Jammu province was regarded as being in the personal ownership of Maharaja Hari Singh, something like the *Sarf-e-Khas* lands of the Nizam of Hyderabad and one of the main demands of the movement was the transfer of ownership rights of land from the Maharaja to the peasants (Malaviya 1955). When this demand was conceded by the Maharaja i.e. granting of proprietary rights to Kashmiri cultivators following the 1931-31 agitation and the recommendations made by the Glancy Commission, lakhs of petty cultivators who were till then tenants-at-will got the ownership over their land. “On the other hand, the *jagirdars* and *chakdars*, who, like the petty peasants, had till then the status of tenants-at-will, acquired vast areas of land through the exploitation of the poor villagers. Under the pretext of this ownership they intensified their exploitation of the village population. Some of those with the initial capital, taking advantage of the poverty of the peasant masses, through manipulation of sale and purchase, soon succeeded in getting thousands of acres of land of petty cultivators transferred to their name. The exploitation of the peasant masses was further intensified. In place of dictatorship of one Maharaja Hari Singh, the peasants faced hundreds of such dictators in the form of *jagirdars*” (Malaviya 1955: 416). At the time when Maharaja Hari Singh signed the Instrument of Accession with India, Jammu and Kashmir was like the rest of the subcontinent of India an agricultural State. According to Bazaz (1954), the large majority of the State people, more than 85 per cent of the total population, subsisted, in one way or other, on the land. There was no doubt that the peasants in the State were still living in medieval times as serfs. The major portion of the produce of the agricultural land was being taken away by the absentee proprietor of land leaving very little for the actual tiller of the soil to live on. The result was that the standard of life of these agricultural labourers who formed the majority of the population had always
remained at a low level. “The only remedy to rectify this state of affairs was that the proprietorship of land should be changed; it should be taken away from the jagirdars and absentee landlords; the tiller of the soil should be made the master of the land he cultivated. There was no other remedy for this problem. No freedom movement in Kashmir could be worth its name if it did not include this item in its economic programme; no popular or democratic government could have been successful unless soon after assuming charge of office it took steps to implement such a land reform. Though not as important as the land problem the staggering rural indebtedness was by no means ignorable. Poor, illiterate and simple-minded working classes in the state were enslaved by money lenders; a small amount once lent to any working man had often made him a debtor for ever. Freedom would not have meant anything for such a worker if he was not freed from the clutches of the money lenders” (Bazaz 1954: 497). The National Conference soon after coming to power in October 1947 decided to destroy the entrenched power of the landed aristocracy in order to give relief to the poverty-stricken masses and take the Kashmir freedom movement of 1931 to its logical conclusion by fulfilling the promises made to the peasants in the ‘New Kashmir’ manifesto. The ‘New Kashmir’ document had promised radical restructuring of the society and economy of the State. The introduction to the ‘New Kashmir’ says that: “Throughout the lean centuries of history, the poor exploited sons of Jammu and Kashmir have been palanquin bearers of Hindu monarchs, Buddhist rulers and Mughal emperors. The peasant sons of the Valleys and mountains have scattered only nine inches of top soil and eked out a bare existence. Now the time has come when they must dig into the bowels of the earth and yoke the technique of modern science to the task of getting for themselves a bigger and better morsel of daily bread” (Malaviya 1955: 416). In fact in 1940 at the second plenary session of the National Conference, the party adopted two resolutions which were introduced by Bazaz. One declaring that land belonged to the tillers of the soil and the second assuring the indebted workers that immediately after coming the formation of the first democratic Government, steps would be taken to liquidate rural indebtedness (Bazaz 1954). For Korbel (1954), the economic reforms in Jammu and Kashmir were introduced by Sheikh Abdullah government to counter the demand of plebiscite made by Pakistan. “For the party which has the more serious reasons to be fearful of the result of a plebiscite – the government in Srinagar – has been doing everything in its power to delay this day of reckoning. It has been working hard to change the
conditions of life under the Maharaja and to bring some relief to the poverty-stricken masses” (Korbel 1954:198). In its editorial on January 11, 1948 People’s Age wrote: “The game of Pakistani reactionaries and of the imperialist war-mongers can be easily defeated if the peasant masses of Kashmir are assured that feudal autocracy and jagirdari will be liquidated, land will be given to the tillers, and the complete right of self-determination granted to the various nationalities that comprise Kashmir. Kashmir can be saved only by winning over the peasants, and ending feudal autocracy and the reactionary policy of the appeasement of the Maharaja by the Indian government and by really liberating the peasants” (Raina 1988: 159). Immediately after coming to power Sheikh Abdullah declared the abolition of the privileges of muafidars and mukkarraree-khwars (recipients of cash grants). Further, he gave priority to the reorganisation of agriculture on a modern and rational basis, through the abolition of landlordism, securing the land to the tiller and formation of cooperative associations. These steps were taken to free the peasant from the burden of the 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. According to George Mathew (2011), even Prime Minister Jawaharlal Nehru was envious of the government of Jammu and Kashmir for its speed and clarity on the issue of land reforms in the State. Addressing the annual session of National Conference on 14 June 1951, Nehru said: “But perhaps the greatest reform was in respect of land and agrarian matters. The abolition of big Zamindari system, which was the ideal all over India had been given effect to here more swiftly than elsewhere … These were achievements of which any country might be proud …” (Dhar 1989: 242). This is also a fact that the leadership of National Conference opted for India for accession and not for Pakistan because they were sure that their radical agenda of bringing about reorganisation in the agrarian structure would not been possible in a feudal Pakistan. “Tiller means a person who tills land with his own hand” – so begins the definition in The Jammu and Kashmir Big Landed Estates Abolition Act of 1950 (Act No. XVII, 2007) which was further described as “An Act to provide for the abolition of big landed estates and their transfer to actual tillers.” This means that except for 22.75 acres (182 kanals) of cultivated land (plus grazing land and orchards) a proprietor’s ownership right in land shall forthwith “extinguish and cease to vest in him…” From the proprietor’s point of view more disturbing than this divesting was the fact that the
Act said practically nothing about compensation or a rehabilitation grant. In point of fact Kashmir is unique in India in that there has been virtually none (Thorner 1976: 49). The Act went on to state that the land taken away from the proprietors “shall be transferred to the tillers of such land to the extent of their actual possession” provided that no tiller was in the process to end up with more than 20 acres (160 kanals) of cultivable land. When the raiders from the Pakistan rushed into Kashmir in October 1947 and ruler of Maharaja Hari Singh hastily acceding to India, from that point on effective power in the State rested with Sheikh Abdullah. “From 1948 to 1950 propaganda warfare between pro-Pakistan and anti-Pakistan elements in the Valley was acute. Faced with what looked like an imminent plebiscite on the question of possible accession to Pakistan, Sheikh Abdullah’s government was not wholly confident of the support they could muster among the peasantry. To capture the imagination of the peasants, take their minds of the external issue of Pakistan, and redeem the National Conference’s old promises of far-reaching land reform, Sheikh Abdullah’s regime in 1950 rushed through the drastic Act” (Thorner 1976: 49). For Thorner, the basic machinery for enforcing the Act was the same notorious crowd of the Kashmir revenue department, dating back to the regime of the Maharaja. Zutshi had also made the same point and doubted the success of Lawrence’s settlement as it was implemented by the same old ‘corrupt’ revenue officials (Zutshi 2003: 94). “This machinery (revenue department) was utilised because there was no other in existence and because the National Conference, motivated by the special sense of urgency arising out from the plebiscite issue, felt it lacked time in which to create an alternative enforcement agency. The National Conference government did not entrust sorely to the officers of the revenue department, but associated with them at the village some of the National Conference’s own local political leaders. The intention was for the latter to check on the acts of the former. In the actual process of implementation, however, the two elements cooperated too well, with and for each other, at the expense of the actual tiller” (Thorner 1976: 50). Result was that there were thousands of people in Kashmir who owned 22.75 acres (182 kanals) of land but did not till it themselves. It was well known that hundreds of big landlords on getting the information that surplus land was to be taken away from them distributed it among their relatives and friends each getting a piece of 22.75 acres (182 kanals). This was
also noticed by Thorner\textsuperscript{64} when he decided to check himself the progress of India’s most publicised land reforms. During his visit to the Kashmir Valley towards the end of April 1953, Thorner was told by a local official in charge of collecting land revenue (numberdar) that “there had been some irregularities. Some of the well-off families in the villages, when they got wind of the impending land reforms, had gone through the legal forms of breaking up their joint families. Thus they were entitled to 22.75 acres (182 kanals) of land per adult male. … Although all members of the family still lived under a common roof and took their meals together” (Thorner 1953: 1001). Thorner learned during his investigation that people with money and connections were able to acquire more land than was due them under the Act. Those who already were the larger village landholders were in the best position to receive additional allotments (Thorner 1953). There were more than 1800 people in a village in the Kashmir Valley but only ten families had enough land to grow the food necessary to feed themselves throughout the year. The rest did what field work they could or tied to pick up casual work in the capital Srinagar. A member of the ruling National Conference and sarpanch of half-a-dozen villages with whom Thorner interacted criticised the land reforms carried out by his government while comparing with that of China. In Communist China, the sarpanch said, land reforms started at bottom. “Every village had its own land reform committee. They redistributed the land in the best interest of the people. They were not under the thumb of old bureaucracy, which had been abolished. In ‘New Kashmir’, by contrast, the old bureaucracy still functioned. The same tehsildars, deputed as officers on special duty, performed the actual work of redistribution of land. It was not done by the peasants themselves. There were no peasant committees set up, as envisaged in the ‘New Kashmir’ Constitution drawn up by the National Conference as a statement of social and economic goals in 1944. According to him, the result of retaining the old officials and entrusting the land reforms to them was a triumph for corruption and favouritism” (Thorner 1953: 1001). For Thorner, no general statement about the Kashmir land reforms could be based only on what occurred in one tract near Srinagar. In going to other villages in different parts of the Valley, however, he found a similar pattern. In a village near a famous Muslim shrine, Thorner met the largest local landholder, well-

\textsuperscript{64}Daniel Thorner (1915–74) was an American born economist known for his work on agricultural economics and Indian economic history. He was a Professor at the University of Pennsylvania in Philadelphia and studied land reforms in India since 1952.
known for his hospitality to government officials on tour. Of his former land holding of 500 acres, he had somehow managed to retain 125 acres of land. According to Amrita Bazar Patrika, Calcutta (quoted in Kashmir after August 9, 1953, 1955), “Credit must be given to him and to the National Conference for introducing land reforms in the State at a time when nobody in Pakistan and very few in India had thought of making the experiment. But the reforms in Jammu and Kashmir were introduced in a huff. The Land Reform Committee of which his policy-maker, Mirza Afzal Beg, was the Chairman, had neither concluded its deliberations, nor had the Committee submitted its report and the recommendations to the government. Suddenly – presumably on account of political exigencies – he thought of abolishing the big landed estates and transferring land to tillers. The question had not been examined in all its details and no regular plan had been prepared when one fine morning he announced the reforms from the National Conference party platform. The law had not been prepared and the assent of the Head of the State which was necessary before the reforms of such a far reaching character could be announced had not been obtained. Though the announcement was regularised later on, the breathless hurry in which a time-old system was abolished without even proper obsequies, left every one wondering. The result was that the reforms were not implemented properly. Avenues of corruption were opened and the ‘the gift was bereft of the benefit’. The ceiling of holding was put arbitrarily no matter if the land was irrigated or dry. Some tillers got less while others got more” (Kashmir after August 9, 1953, 1955: 13).

The harshest criticism of the agrarian reform is to be found in the writings of Bazaz (1954). According to him, Sheikh Abdullah came to power in Kashmir not with the support of the people but because under instructions of the Indian government the Dogra Maharaja put him in the saddle. “Conscious of this weakness the National Conference government acted with the ulterior motives of bringing people to their side. The changes in the laws of the proprietorship of land or the regulation to scale down rural indebtedness were not therefore effected with the intention of benefiting the pauperised and enslaved working classes but with the political purpose of playing to the gallery. This has vitiated the scheme at the base” (Bazaz 1954: 498). Contrary to the assertion of the National Conference that landlordism in the State had been abolished, Bazaz points out that these reforms were not introduced in Ladakh as was admitted by the government in a statement in the Legislature. It was a groundless
claim that the peasantry as a whole had been freed in Kashmir. Those working on the land still possessed by landlords continued to be serfs as before (Bazaz 1954). Bazaz argued that “any drastic change could only form part of a comprehensive economic programme. If carried out in isolation while leaving other sectors of State economy untouched they would unbalance the social equilibrium and ultimately harm the peasantry itself” (Bazaz 1954: 498). There was no denying the fact that the National Conference government through their various Acts abolished landlordism in the State thereby giving the freedom to vast numbers of tillers – six lakhs according to official figures – to whom the surplus land was transferred but the peasants did not get the land so easily or as cheaply as it was supposed. Speaking in the Constituent Assembly on March 29, 1952 a prominent National Conference member Rampiara Saraf, complained that “Since the land reforms in the State were being implemented by a bureaucratic officialdom tillers have to pay bribes which in no case are less than the actual compensation.” Another leading member of the ruling party, Mir Qasim, then Chief Parliamentary Secretary, asserted before the Wazir Committee on March 24, 1953 that “Jammu and Kashmir land reforms had been badly implemented.” He also revealed that “landlords had distributed land among their relatives before the reforms were legally introduced” (Bazaz 1954: 500). Bazaz writes that the State government had plans for procurement of food grains. They were carried out through the National Conference volunteers who created havoc all over the countryside under the cover of these activities. Officially the land owners were expected to hand over a certain specific part of their produce to the government on fixed, though low, rates. It was called the mujwaza in Kashmir. Unless there was a drought or a famine in any part of the State, producers of the food grains willingly paid the mujwaza. But the Government, writes Bazaz, unofficially authorised its party workers to get hold of all the surplus produce of the peasants under the procurement scheme. “Homes of thousands of peasants were ransacked and every grain of corn removed with the connivance and even the co-operation of the police” (Bazaz 1954: 500). The scene was no different from that of Lawrence’s description of the miserable conditions of peasants in the Valley during the Dogra regime in the late nineteenth century where they (peasants) were forced by the soldiers of the Maharaja to plough and sow and the same soldiers attended at harvest time. National Conference workers (read ‘soldiers’) in very many cases left nothing for the peasants and their families to eat. They were told that the party (National Conference) gave them the land; the leaders now need
needed the produce; so the peasants should not grumble (Bazaz 1954). Bazaz quoting Khidmat newspaper (10 September, 1952, Srinagar) wrote that serious complaints were made against the cooperatives regarding khush kharid (purchase by mutual Agreement) and its distribution. The grains so cruelly procured by the National Conference workers rarely reached the stores of the Government for distribution among the urban people at controlled rates. A very big portion of it went into the black market as property of the party workers. In 1952 the National Conference branches in Badgam and Kulgam tehsils openly denounced their own workers for this robbery and loot (Bazaz 1954). Confirming the reports of Bazaz, Thorner also found that peasants’ bitterest complaints were about the Government’s food procurement policy and the malfunctioning of co-operatives. “The co-operatives, which distributed all imported necessities such as salt, sugar, kerosene and cloth, were thoroughly unpopular. … In the rural areas, the co-operative officers often followed after the government procurement officials. They would go to the homes of the peasants, and declare part or the entire remaining food grains surplus. They would then tell the peasant to sell the surplus to the co-operatives at a very low rate. Peasants who refused were likely to get into trouble. In practice the peasants had to yield the additional quantities” (Thorner 1953: 1002). Ostensibly the aim of the co-operatives was to make more food available at low prices for the poorest peasants. Far from doing this, many of the co-operative officials simply sold the surplus food grains in the free market thereby making a handsome profit for themselves. Bazaz writes that not only the condition of the peasantry but also the methods of procurement came up for discussion in the Legislative Assembly on May 21, 1952 and the members severely denounced them. “Apparently, here as with the land distribution, the important thing was how much influence each peasant was able to bring to bear on the appropriate official” (Thorner 1953: 1002). To some of the poorer folk it seemed as though the National Conference workers, the government officials and the co-operatives had all joined hands to fleece them. In some areas it looked as though the ordinary peasant was confronted with a more formidable combination than he had faced under the rather ramshackle regime of the Maharaja. For Thorner, “land reform

65 The Jammu and Kashmir government - through their food procurement agencies and co-operatives - used to procure paddy from the peasants at the rate of Rs. 9 per khirwar (one khirwar equals 170 pounds) whereas the price of paddy in the open market ranged between Rs 20 to 30 per khirwar.
in Kashmir had clearly done away with jagirs, and had weakened the position of all the great landlords. It had distinctly benefited those individuals who, at the village level, were already the more important and substantial people. It did the least for petty tenants and landless labourers, these two categories being the largest in the countryside” (Thorner 1953: 1002).

Criticising the role of the National Conference in exploiting the poor peasantry in the name of agrarian reform and how the life of peasant has become more miserable in the post-reform period, Bazaz explains that: In Kashmir peasants always shared the produce of the land with the landlords. Generally a tiller used to get one half of all that grew on the land he tilled. The landlord used to pay the revenue and spend money on the improvement of the land out of his one-half share. Having become the proprietor of the land the responsibilities of the landlord was transferred to the peasant’s shoulders. A peasant-proprietor would readily and willingly discharge them but under the ‘gangsterism’ of the National conference he was unable to do so. For the ‘freedom’ that he had attained he was made to pay in manifold ways” (Bazaz 1954: 499). “While in the previous regimes people greased the palm of only government officials now a new class had to be bribed to live peacefully. This class was that of the National Conference workers who had no ostensible means of livelihood and lived on the earning of the peasants. Since the ‘freed’ peasant had added to his responsibilities by becoming proprietor of land, he had been having more dealings with officials as well as the new class of plunderers” (Bazaz 1954: 500). Attributing motives behind the agrarian reform, Bazaz’s question to Sheikh Abdullah was: when your Government had conferred the boon of the proprietorship of land on lakhs of peasants and freed them from large and long standing debts why the party was hesitant to get the future of the State settled through an impartial and fair plebiscite? Terming the reforms as ‘ill-conceived’ in which the National Conference Government created an economic chaos in the country, Bazaz writes: “through these reforms the National Conference wanted to derive political advantage. Major portion of the land in the State belonged to Hindu Landlords. In the Kashmir province the land owned by Hindus was out of all proportion to their number. The tillers of the soil were exclusively Muslims. The ruling party had thought that by this device they would be able to popularise their cause among the Muslims, particularly peasantry. But what happened was that apart from their emotional attachment with Pakistan for religious reasons the Muslim working classes were, due to all round suppression and
oppression, as sullen, dissatisfied and hostile as ever” (Bazaz 1954 507). When the National Conference government decided to carry out the land reforms in the State especially resumption of jagirdari system, the opposition to the reforms came not only from the Head of the state, Maharaja Hari Singh in form of withholding of assent, but also from the Indian government especially Union Home Minister Sardar Patel who did not trust the leadership of the National Conference (Navlakha 1996). V. Shankar, Private Secretary to Sardar Patel on May 4, 1948 wrote to Sheikh Abdullah: “Honourable Minister (Sardar Patel) has asked me to request you to see Panditji (Prime Minister Nehru) about it (withholding of assent to the resumption of jagirs) inviting his attention in particular to the fact that these jagirs are being sought to be resumed without any payment of compensation whatsoever, which is quite contrary to anything that we are doing in the Indian Dominion. It is also to be borne in mind that probably the jagirdars would be mostly non-Muslims, and this measure would probably create a certain amount discontent and ill-feeling against the government among the minority community” (Navlakha 1996: 162).

Yet, whatever the defects in implementation, for Thorner, the fact of agrarian change could not be denied. “Many tillers have become landowners and some land even gone to the landless” (Thorner 1976: 50). Similarly Bhat (1989) writes that “Keeping in view the total socio-political turmoil and post-partition development throughout the sub-continent the agrarian reforms were radical. Smooth transformation, irrespective of the reasons which made it possible, of agrarian set-up added an element of uniqueness to it” (Bhat 1989: 102). However, a number of anomalies in the pattern of land tenure crept in over the years. “For instance, The Big Landed Estate Abolition Act carried with it certain discrepancies such as uniform fixation of ceiling without giving due weightage to fertility of soil and geo-physical contiguity. Similarly, no ceiling was imposed on holding size of protected tenants who illegally sublet their land violating the spirit of land reforms” (Bhat 1989: 102). Hence the Government in 1963 set up a Land Commission to find out the various discrepancies which had crept in over the years in the land tenure pattern. The recommendations of this Commission formed, by and large, the basis of Jammu and Kashmir Agrarian Reform Act, 1972 which was further amended as the Jammu and Kashmir Agrarian Reform Act, 1976.
Table 3.1  
Land transferred to tillers in J&K from 1951-52 to 1980-85

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Year</th>
<th>Land transferred (in acres)</th>
<th>Number of tillers</th>
<th>Number of beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1951-52</td>
<td>92,927</td>
<td>30,418#</td>
<td>2,98,922</td>
</tr>
<tr>
<td>2.</td>
<td>1952-53</td>
<td>66,755</td>
<td>50,189</td>
<td>1,70,165</td>
</tr>
<tr>
<td>3.</td>
<td>1953-54</td>
<td>36,619</td>
<td>32,260</td>
<td>1,15,831</td>
</tr>
<tr>
<td>4.</td>
<td>1980-85</td>
<td>1,06,000</td>
<td>3,08,000</td>
<td>5,38,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3,02,301</td>
<td>4,20,867</td>
<td>11,22,918</td>
</tr>
</tbody>
</table>

Source: (Rekhi 1993: 127).

#However Aslam (1977: 62) puts this figure at 80,418 quoting Economic Development in Jammu and Kashmir, Director of Information, Srinagar.

While enforcing the 1972 Act, it was found that the petty land owners (who though not cultivating land personally but depended heavily on income from land and were eager to cultivate the land personally) could not own or cultivate the land. Even the tenants were deemed to get ownership rights after 20 years (the period fixed for the recovery of the rent from the tiller on the basis of average produce ascertained at the time of last settlement). Some tillers had to pay higher rent than that they were paying before the enforcement of the Act. The Act provided many commitments to compensate the various categories of former land owners but the government found it very difficult to meet the commitments. In order to remove these discrepancies the Government replaced Jammu and Kashmir Agrarian Reform Act (1972) by Jammu and Kashmir Agrarian Reform Act 1976 (amended) which after its enforcement came into effect from May, 1973 (Bhat 1989). “Like the 1972 Agrarian Reform Act, this Act (1976) also fixed a ceiling of 12.5 standard acres including orchards with certain conditions. It further sought to bring about the complete peasant proprietorship of land by eliminating landlord-tenure relationship wherever it existed within the ceiling limit of 12.5 standard acres. It had kept option for the petty landlord to resume for his personal cultivation that fraction of his holdings which was equal to the fraction of that produce which he was recovering as rent from the tiller. Tiller was to become the owner of the rest of the land left with him. Unlike the previous Act, tenant was deemed to have become the owner of the land right from the enforcement of the new Act but shall pay compensation for the land which he owns within a period of ten
years from the date of enforcement of the Act” (Bhat 1989: 103). “It has been further provided in the Act that aggregate of land resumed by a former owner does not reduce the tenant holding to too low a level. No former owner could resume land so as to result in more than five standard acres coming into possession. Under the provision of the new law, no person or any member of his family who was an income tax payer would be eligible to resume any land. The Act provided that the cultivator must reside at the site where his land was situated. This condition was to be fulfilled in six months from the date of enforcement” (Bhat 1989: 103). According to Beg (1995), the land reforms in the state were made more effective by taking measures to relieve the distress of rural and poor debtors by preventing creditors from charging excessive interest. Along with the J&K Agrarian Reform Act of 1976, was also passed the J&K Debtors’ Relief Act of 1976, and J&K Restitution of Mortgaged Properties Act of 1976. These Acts were passed to provide relief to debtors as it was done in 1950s. According to Tara Singh Rekhi (1993), as recommended by the Land Commission and the subsequent agrarian reforms by the government, the absentee landlordism vanished from the State, tenancy system was abolished and the ownership rights of land was vested in the tillers. The total number of beneficiaries from the transfer of land to the tillers from 1951 upto1985 stood at 11, 22,918 (please see the table) whereas during the period from 1980 to 1985, the number of beneficiaries were 5, 38,000 (Rekhi 1993).

As expected, severe reaction against the agrarian reforms from the strong alliance of despotic bureaucracy and landlords did not come up though this alliance was very strong in all regions of the State. Termination of monarchy, land reforms without compensation, and scaling down of debts had unnerved this alliance. Owing to post-partition developments, particularly international conflict over Kashmir, this alliance could not even find any outside patronage to launch a counter offensive. The Pandit community, a very strong ally of the alliance and at the same time very strongly pro-India, would not do anything to sabotage India’s claim over the Kashmir and hence it did not challenge the Leadership of Sheikh Abdullah – considered very crucial by India – least it would invite displeasure of the Indian leaders. At a later stage, massive subsidisation of consumption, though started to appease the politically volatile urban population, also weakened this alliance. Involving all Kashmiris in ‘nation-building’ programme and the articulation of the notion of Kashmiriyat were some of the strategies adopted by the National Conference government to demonstrate its popularity and acceptance in the post-Dogra period and strengthen its hold over the
According to Rai (2004), the radical promises made by National Conference in 1944 were diluted by the government to ensure that there was political and social stability in the countryside. No regional movement was launched against the agrarian reforms. Needless to say these reforms were not only extremely popular in the Muslim-dominated areas of the State but were also equally popular in the areas dominated by Harijans (scheduled castes) and lower middle class Hindus. According to George Mathew (2011), “Jammu and Kashmir has the unique distinction of introducing the most radical land reform in India. It was a watershed in the history of Jammu and Kashmir and a measure, the first of its kind in the sub-continent, lauded by different sections of society and people belonging to different walks of life in the country. The reform greatly helped the marginalised sections, the scheduled castes to become land owners” (Mathew 2011: 25). According to the research done by Ashish Saxena in Jammu (quoted in Mathew 2011), during 1950’s -1970’s out of total surplus land of 672 Kanals mainly taken away from Rajputs and Mahajans, 70.24 per cent was allotted to scheduled castes tenants. A radical intergenerational shift in the occupation pattern of the scheduled castes in terms of landless agricultural labourers to land owning peasants from grandfather (nil) to 47.1 per cent in the present generation has taken place in the region. However, Verma (1994) has different views on the outcomes of the agrarian reforms in Jammu and Kashmir. For him, the land reforms were not sufficient to extinguish the class differences between the higher and lower sections in the farm sector. With the introduction of better irrigation facilities and high yielding crop varieties new classes of rich peasants and orchard owners have become dominant and stifled efforts towards equity in the countryside. The increasing inequalities in the agrarian sector may be attributed to the defective ceiling laws, circumvention of laws by the landed peasantry and exemption of orchards from the ceiling laws. Dhar’s opinion on the land reform is also quite similar to that of Verma. “Land reforms in Kashmir involved a gigantic redistribution of ownership holdings both horizontally and vertically. These reforms led to the total restructuring of land tenure system. By and large it achieved its aims but it brought forth new problems patently negating some of the objectives of these reforms” (Dhar 1989: 256). “Establishment of peasant proprietorship in Kashmir, however, led to the concentration of more land in the hands of rich peasantry. It abolished absentee landlords but created Kulaks at the site of the land” (Dhar 1989:257).

Sheikh Abdullah, being a far-sighted leader, knew from his experience that bringing radical change in the State and fighting the Maharaja would not be an easy task at
least for the time being without active support of the entire Kashmir society. For Rai (2004) agrarian reforms in the State were not as radical as they were made out to be. She finds “indications of the compulsions to conciliate variety of special interests within the Kashmiri society, including Pandit concerns, under which National Conference had to operate while implementing land reforms.” According to her, the radical promises made in the ‘New Kashmir’ Manifesto were diluted by the ruling party so that there was no social instability in the countryside. Corruption in the National Conference machinery mitigated the harsher aspects of the reforms for the big landowners. Smelling a nexus between the National Conference government and Kashmiri Pandits, Rai asks how come Pandits did not oppose the agrarian reforms. “It was said that prior to land reforms, over 30% of the land in the Valley belonged to the Pandits much of which was obtained at the time of the first settlement of the 1880s. An equally large proportion was obtained through purchase after 1934, when proprietary rights were granted to Kashmiri cultivators. Considering that the Pandits comprised approximately five per cent the Kashmiri population, their control of over 30% of the land speaks for significantly large holdings. However, Pandits did not resist the abolition of big landed estates quite as loudly as did their Dogra counterparts” (Rai 2004: 283). To a certain degree, writes Rai, this could be attributed to the flaws in implementation i.e. allowing people to break their joint families, thereby entitling each adult male to the limit of 22.75 acres of land. Yet, these loopholes would have worked to the advantage of Dogra landowners too. Here, a crucial distinguishing factor might have come into play in the Valley. This had to do with the provision of the Act that exempted orchards from appropriation, and thus paved the way for big landholders to escape the ceiling by converting cereal acreage into orchards (Rai 2004: 283). “The returns from orchards, especially from the apple orchards, tended to be much greater than from the cultivation of food grains. So by retaining their orchards as well as converting some of the cereal acreages, the bigger landlords of Kashmir, whose ranks included Pandits, reversed some of their losses by entering into the highly profitable world of horticultural exports. Once again, while the beneficiaries of this exemption were by no means only the Pandits or indeed all the Pandits, there were certain prominent elements among them who were given an important stake in supporting the new State” (Rai 2004: 283-84). According to her, “another arena in which the National Conference government made conspicuous concessions to Pandits privileges was in administrative employment. Their primary vocation being employment in government service, 10 per cent of the State jobs were reserved for Pandits. While it was true that a much larger proportion of 50 per cent
was reserved for Muslims, the smaller number of the Pandits made this an impressively generous allowance. Indeed the Pandits were getting much more than their proportion of the population entitled them to and, through the liberality of the National Conference, were said to be better represented in the State services than they had ever been before” (Rai 2004: 284).

Conclusion

The researcher has argued that land reforms in Jammu and Kashmir have been on a whole a success story as it was able to bring greater equality and justice in the rural areas. There were certain shortcomings in the land reforms because of which influential people managed to retain more land than required by the law. The successive State governments when realised the shortcomings in the existing laws made amendments in the law so that there was more equitable distribution of land. One of the drawbacks of the reform has been that it created a situation of extreme land fragmentation and parcelisation with the average farm size being below the optimal size of farms. Research has revealed that small land holdings are not the best place to introduce Green Revolution which requires large land holding and also technological/capitalist investment. Agriculture scientists suggest green revolution technology in Kashmir to boost agriculture growth as climate and topography do not help in sufficient food production.

Land reforms in the State were one of the most important promises made by Sheikh Abdullah in Naya Kashmir manifesto and it was one of the reasons that National Conference agreed to accede to Indian union. Along with the land reforms, the government also abolished landlordism from the State and tillers of the land were made owners of the land. Land reforms were very important for the economy of the State because Kashmir is primarily an agricultural economy where 70 percent of the people are dependent on agriculture for their livelihood. However, typical of the fate of land reforms in other States, in Jammu and Kashmir also the reforms could not be implemented in full fledged form. The land reforms created resentment among the landlords who were divested of their surplus land. They mostly belonged to Jammu region and that triggered on the agitation in Jammu region. The reluctance of the Central Government State to support the National Conference government to implement the radical land reforms laws created resentment among the Kashmiri masses.