CHAPTER III
(Jaeir, Chak and Huafi)

...
Like their predecessors, the Dogras gave away the revenues of a big area of land to a class of people with the aim of creating a powerful supporting structure against a visibly hostile but helpless masses. This class consisted of varied types of landlords with different positions and, therefore, known after different designations like Jagirdars, Pattadars, Illagadars, Chakdars and Muafidars.

1. The rulers from ancient times gifted away lands as Agraharas (Jagirs) to individuals and temples they liked and were mostly guided by subjective considerations while doing so. For grant of Jagirs during the Hindu period, see for details, Kalhana, Rajatarangni, Vol. I, pp. 18, 34, 46, 154, 193, 282, etc., and Vol. II, p. 4.

The earlier mention of Jagir under the Sultans (1339-1586) A.D. can be found in Syid Ali's work, which has been written in the first half of the 16th century (Syid Ali, Tarikh-i-Kashmir, f. 16a). For further details of the period, see, Haider Malik, Tarikh-i-Kashmir, pp. 99-100; Peer Hassan Kohani, Tarikh-i-Hassan, p. 96; Muhibul Hasan, Kashmir Under Sultans, pp. 43 and 77; R. K. Parimoo, History of Muslim Rule in Kashmir, pp. 175-78, 320, 356 and 361.

JAGIR:

Broadly speaking there were four types of Jagirs:
1. Those given purely as a favour;
2. Those given as a reward for services rendered;
3. Those granted for services to be rendered to the state; and
4. Those granted for political reasons.

The first category of Jagirdars consisted of the nearest relatives of the Maharaja and his favourites. They were, no doubt, serving the state in one or the other capacity but the extent of Jagir granted to them was many times greater than the amount due to them as servants of the state. For example, Raja Amar Singh and Raja Ram Singh (sons of Maharaja Ranbir Singh) enjoyed the revenues of 80 and 38 villages respectively. This was exclusive of the Jagirs they held in Jammu Province. Similarly Dewan Amar Nath possessed the Jagir which extended to 31 villages. Some of the


favourites enjoyed big Jagirs without rendering any service to the state. For example, the Maharani Bandralji (wife of Maharaja Gulab Singh) held 25 villages in the Valley as Jagir.  

Second category of the Jagirdars included those who had helped the Dogras in the establishment of their rule in Kashmir. The third category comprised of those Jagirdars who were supposed to render some service to the state. Thus, besides some highest officials who were given Jagirs in lieu of their services, we find Maharaja Ranbir Singh attracting a good number of Mian Rajputs of Jammu to settle in Kashmir. For settling down in Kashmir and rendering military service to the state, they were granted 64 villages in the Valley as Jagir. The fourth category of Jagirdars


8. Ibid., See also, JKA, Gen. Deptt. (FR), File NO: 666/A of S. 1931


10. Ibid., Also, JKA, Pol. & Gen. Deptt. File NO: 91/H-75 of 1908. Maharaja Ranbir Singh in 1971-72 granted Jagirs to the Mian Rajputs of Jammu in Deosar village of the Kashmir Valley. These Jagirs comprised of 54 villages having a total area of 26,594 acres of land. These Jagirs were purely as service Jagirs as they were assigned by the Maharaja with the object to "encouraging Rajputs of Jammu to settle in Kashmir for military and political services", with the main object to have a certain body of his own people ready at hand in the event of any disturbances in the Valley. These Mian Rajputs were required to settle in Kashmir with their families and were
included the leading families of influence which were likely to give trouble to the state. Thus we find that Maharaja Gulab Singh had to yield to the pressure of these families and had to drop the proposal of revoking all jagirs in Kashmir.

Understandably the position and powers of these different jagirdars with varied background differed from one another. Some of these jagirs were jadi (hereditary) while some were ismwar (by name), i.e., for lifetime only. Jagirdars possessed ownership rights in land while some enjoyed only the right to the revenue of the land. Those jagirs which were held by some influential families on the eve of the Dogra occupation of Kashmir had so deep tradition of being hereditary in character that the Dogras could not revoke them though they had to bear with it in given jagirs on the condition that they along with a certain number of sowers were ready to settle in Kashmir with their families and servants, JKA, H. L. Rivett, op. cit., pp. 1 & 4-5.


all abnoxiousness. The Dogras also assigned Jagirs which were enjoyed on hereditary succession. We find the sons of the Jagirdars parcelling out the Jagirs of their deceased parents and distributing these amongst themselves. If a Jagirdar had no issue he could adopt one with the proper sanction of the Darbar to succeed his Jagir. Some Jagirs were given only by name (Ismwar), i.e. they could be retained only during life-time or as long as the assignee was capable to render service to the state. However, in the case of these service Jagirs also, due consideration was paid to transfer the Jagir of the deceased Jagirdar to his son if he was capable to render some service to the state. For example, even in case of the Mian Jagirs which were Ismwar, we find the Jagirs passing from father to son, though it needed proper sanction by the Darbar.

15. See Supra, fn., 11.
20. Ibid., p. 5, See also, Supra, f.n. 17.
Except those Jagirs which were given primarily for some active service, the Jagirdars generally claimed not only Hak-i-assami (permanent hereditary occupancy right) but also Hak-i-milkiat (proprietary right). However, theoretically, the claim was baseless because no Jagirdar could claim to be the proprietor unless it was bestowed upon him. It is a fact that some Jagirdars did have proprietary rights in the land of their Jagirs as it was expressly mentioned in some Pattas which gave effect to such grants. Besides, those Jagirdars who enjoyed that land as jagir which was originally a Chak, invariably had an undisputed claim to the proprietorship of land as it were they who had broken up waste land at their own expenses.


22. Though the Hak-i-milkiat was held by the Maharaja himself, yet the Darbar sometimes bestowed such rights on some persons it liked (Wingate, Report, pp. 90-91). For instance, Dewan Kripa Ram was bestowed upon with the Hak-i-milkiat (JKA, Pol. & Gen. Deptt., File NO: 117 of 1896). Syed Ali Shah was given the milkiat or proprietary rights over Jagir and maufi villages of Gerah and Mula (JKA, Pol. & Gen. Deptt., File NO: 232/H-21 of 1908). Mian Jagirdars also were given the milkiat rights over their Jagirs (JKA, For. & Pol., Deptt., File NO: 385/R, G-41 of 1931; JKA, For. & Pol., Deptt., File NO: 19/33 of 1931).

23. Ibid.

Fortunately we have some statistical information which enables us to work out the approximate area of land held as Jagir and the total revenue alienated thereof. On the eve of the Dogra rule in Kashmir in 1846, there were no less than 3115 Jagirs. Maharaja Gulab Singh tried to revoke all these Jagirs but he had to succumb to the strong internal and external reaction. However, it seems that he confiscated a large number of Jagirs some of which were substituted by Mautis and Inams. Maharaja Gulab Singh had no intention of abolishing Jagardari system but actually wanted to replace old Jagirdars by new Jagirdars. That is why we find Maharaja Gulab Singh and his successors very liberal in granting Jagirs to their favourites. For instance, Maharaja Pratap Singh granted Jagirs of service nature to Dewan Lachman Das who was bound to attend the Darbar, as Jagirdar, and present the usual nazrana. Raja Jahe Khan also was assigned a Jagir valuing Rs. 6,762/15/5 including the rasum of Rs. 1,774/1/- and Dewan Gobind Sahai assigned the Jagir valuing Rs. 1,707/- per annum in Baramulla.

25. INA, R.G. Taylor, op. cit., p. 60; Dewan Kripa Ram, Gulebnama, p. 147; N. D. Nargis, Tarikh-i-Dogra Desh, p. 631; K. M. Pennikar, Gulab Singh, the Founder of J&K State, pp. 135-36.

26. Supra, fn. 15.


30. These Jagirs were resumed by Maharaja Pratap Singh in 1915. [ADM. Rep. 1915-16], p. 9.
Likewise, the Khokha and Bomba families were given the Jagirs in the Muzaffarabad tehsil.\(^{31}\) Cowen Thakur Das, too, was given a service Jagir.\(^{32}\) The Maharaja, besides holding big Jagirs outside Valley, himself possessed the villages of Natipora\(^{33}\) and Deorhi, Kousa and Budhibug as Jagir in the Valley.\(^{34}\) Towards the end of the last century, we find that no less than 439 villages, in addition to above-mentioned Jagirs, were held as Jagir\(^{35}\) whose annual rental value was no less than rupees three lakhs\(^{36}\) i.e. about 25% of the total state revenue.\(^{37}\) We should also bear in mind


32. This Jagir was resumed after his death in 1889. \textit{Adm. Rep.} \textit{1889-90}, p. 47.

33. JKA, Pol. & Gen. Deptt.; File NO: 15 of 1895.

34. These Jagir villages were resumed by Maharaja Hari Singh in 1926. \textit{Adm. Rep.} \textit{1926-27}, p. 4.

35. See Table, I, fn. 40.

36. \textit{Ibid.}

37. \textit{Ibid.} See also, \textit{INA}, For. Deptt. Sec., Nos. 87-89, Frogs, Jan., 1893; \textit{INA}, For Deptt; Sec; Nos. 139-40, Frogs, Jan, 1893. Also, W. R. Lawrence, \textit{The Valley of Kashmir}, pp. 336-40.
that these Jagirdars were in possession of much more valued Jagirs than were shown on the official papers.38

These Jagirs (439 villages), it should be noted, were enjoyed by a very few people whose number was not more than fifty five. However, these, too, were stratified among themselves as some enjoyed big and some small Jagirs. At the top were the close relatives of the Maharaja. Then came the highest officials like Governors. Below them were some influential families. Then came those Jagirdars who enjoyed the revenues of


The Jagirdars were in possession of as much land as was assigned to them at the time of granting these Jagirs. For instance, Dewan Dya Kishan Koul was granted a Jagir of 39 kanals and 5 marlas, but actually he was possessing 47 kanals, i.e. 7 kanals and 5 marlas more land from Khalsa. Likewise, Dewan Amar Nath was assigned a Chak which was later on turned into a Jagir. The Jagir comprised 741 kharwars and 54 traks of irrigated land and 712 kharwars and 10 traks of un-irrigated land as under:

<table>
<thead>
<tr>
<th>Land Type</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abi Land</td>
<td>2,965</td>
</tr>
<tr>
<td>Khushki Land</td>
<td>2,850</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,815</strong></td>
</tr>
</tbody>
</table>

But the Dewan was in actual possessing land as under:

<table>
<thead>
<tr>
<th>Land Type</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abi Land</td>
<td>3,623</td>
</tr>
<tr>
<td>Khushki land</td>
<td>2,433</td>
</tr>
<tr>
<td>Culturable waste</td>
<td>2,805</td>
</tr>
<tr>
<td>Unculturable waste</td>
<td>2,028</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,889</strong></td>
</tr>
</tbody>
</table>

Excess = 10,889 - 5,815 = 5,074 acres

Thus the Dewan possessed 5,074 acres of land to which he had no right. JKA, J.L. Kay, Op. cit., p. 7. See also, JKA, Pol. & Gen. Deptt; File NO: 117 of 1896.

39. **Infra**, Table I, fn. 40.
two to three villages. Last of all were those Jagirdars who were assignees of one village or a part of it. The following table will clear the position.\textsuperscript{10}

\begin{center}
\textbf{TABLE - I}
\end{center}

<table>
<thead>
<tr>
<th>S\textsuperscript{11}</th>
<th>Name of the Jagirdar</th>
<th>NO: of Villages held as Jagir</th>
<th>Value of the Jagir in Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Raja Amar Singh</td>
<td>80</td>
<td>74,607</td>
</tr>
<tr>
<td>2.</td>
<td>Raja Ram Singh</td>
<td>36</td>
<td>75,587</td>
</tr>
<tr>
<td>3.</td>
<td>Dewan Amar Nath</td>
<td>31</td>
<td>7,255</td>
</tr>
<tr>
<td>4.</td>
<td>Maharani Bandrajji</td>
<td>25</td>
<td>10,605</td>
</tr>
<tr>
<td>5.</td>
<td>Raja Akbar Ali Khan</td>
<td>25</td>
<td>10,605</td>
</tr>
<tr>
<td>5a.</td>
<td>&amp; Raja Feroz Khan</td>
<td>25</td>
<td>10,605</td>
</tr>
<tr>
<td>6.</td>
<td>Raja Ala-ud-Din</td>
<td>16</td>
<td>5,908</td>
</tr>
<tr>
<td>7.</td>
<td>Lachman Das</td>
<td>10</td>
<td>5,200</td>
</tr>
<tr>
<td>8.</td>
<td>Nakashbandis</td>
<td>5</td>
<td>9,954</td>
</tr>
<tr>
<td>9.</td>
<td>F. Maruf Khan</td>
<td>8</td>
<td>1,663</td>
</tr>
<tr>
<td>10.</td>
<td>Malik Munwar Shah</td>
<td>3</td>
<td>1,120</td>
</tr>
<tr>
<td>11.</td>
<td>Raja Atta Mohd</td>
<td>3</td>
<td>5,000</td>
</tr>
<tr>
<td>12.</td>
<td>Malik Mohd Shah and</td>
<td>2</td>
<td>2,857</td>
</tr>
<tr>
<td>12a.</td>
<td>Malik Ahmed Shah</td>
<td>2</td>
<td>2,857</td>
</tr>
<tr>
<td>13.</td>
<td>Wafadar Malik</td>
<td>2</td>
<td>4,115</td>
</tr>
<tr>
<td>14.</td>
<td>Aslam Khan</td>
<td>2</td>
<td>6,355</td>
</tr>
<tr>
<td>15.</td>
<td>Mohd Ju D.h</td>
<td>2</td>
<td>11,270</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S No:</th>
<th>Name of the Jagirdar</th>
<th>NO: of Villages held as Jagir</th>
<th>Value of the Jagir in Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>Kishan Ban</td>
<td>2</td>
<td>2,528</td>
</tr>
<tr>
<td>17.</td>
<td>Mir Hassan Shah</td>
<td>2</td>
<td>3,523</td>
</tr>
<tr>
<td>18.</td>
<td>Pandit Waskak Dhar</td>
<td>2</td>
<td>8,200</td>
</tr>
<tr>
<td>19.</td>
<td>Raja Ahmad Shah</td>
<td>1</td>
<td>2,172</td>
</tr>
<tr>
<td>20-53</td>
<td>Mian and others</td>
<td>34</td>
<td>48,039</td>
</tr>
</tbody>
</table>

**Total:** 439 3,85,358

With the passage of time the *Jagir* area increased more and more as each ruler wanted to please his favourites and thereby to create a class of supporters who would stand by him through thick and thin. For instance, we come to know about the following *Jagirs* granted by Maharaja Pratap Singh:

41. JKA, Pol. & Gen. Deptt., File NO: 97/B-44 of 1905;
    JKA, Pol. & Gen., Deptt; File NO: 91/H-75 of 1906;
    JKA, Pol. & Gen. Deptt., File NO: 26-B/L-13 of 1907;
    Adm. Rep. 1916-17, p. 8, JKA, Pol. & Gen., Deptt.,
    File NO: 210/R.L. G-14 of 1921.
<table>
<thead>
<tr>
<th>Name of the Jagirdar</th>
<th>Year of grant</th>
<th>NO. of villages/area of land/value of Jagir</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dewan Dya Kishan Koul</td>
<td>1905</td>
<td>47 kanals</td>
</tr>
<tr>
<td>Some influential persons</td>
<td>1906</td>
<td>19 Villages</td>
</tr>
<tr>
<td>Mohd Mutwal Khan of Uri</td>
<td>1907</td>
<td>Rs. 6,000/-</td>
</tr>
<tr>
<td>Not known</td>
<td>1916</td>
<td>Rs. 221/-</td>
</tr>
<tr>
<td>Dewans Beli Ram, Ganga Ram, Moti Ram and Thakur Das</td>
<td>1921</td>
<td>1310 kanals</td>
</tr>
</tbody>
</table>

Maharaja Hari Singh with his feudal disposition, perpetuated the feudal system, and, like his predecessors, gave

42. Actually Mohd Mutwal Khan of Uri tehsil was having the Jagir amounting Rs. 13,689/- which was resumed due to debts. After some years, Jagir worth Rs. 6,000/- only was restored to him for meeting his expenses. JKA, Pol. & Gen., Deptt.; File NO: 25-B/I-13 of 1907.

43. This land situated in Batmalu illaqa was under water and was subsequently dried up through drainage system and then allotted to these Dewans. JKA, Pol. & Gen., Deptt., File NO: 210/R.L. G-14 of 1921.

44. Maharaja Hari Singh himself enjoyed big Jagirs. However, these Jagirs were amalgamated with the state on the recommendation of the British; for which he got a compensation of Rs. 8,50,000/- annually, besides 5% of revenue from these Jagirs. For the maintenance of his family members like Dowager Maharani, Maharani and heir-apparent, got allowances of Rs. 4,38,000/- annually and about 41,00,000/- for himself and his family's state Department. The whole amount was about 16% of the total revenue of the State. (Bazaz, Inside Kashmir, pp. 224-25). He was also having the Jagir villages of Maharaja Gulab Singh and Maharani Hindralji, which he resumed in 1925 and 1926. Adm. Rep., 1925-26, p. 19; Adm. Rep., 1926-27, pp. 4-5.
away Jagirs on subjective considerations. Only in one year of 1926—27, he granted following Jagirs valuing Rs. 16,320/-.

<table>
<thead>
<tr>
<th>Name of the Jagirdar</th>
<th>Name of the Village/</th>
<th>Name of the Tehsil</th>
<th>Value/ Area of the Jagir</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thakur Kartar Singh and Thakur Puran Singh</td>
<td>1. Miminder</td>
<td>Kulgam</td>
<td>4,034</td>
</tr>
<tr>
<td></td>
<td>2. Paniwah</td>
<td>Avantipora</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Warapora &amp;</td>
<td>---</td>
<td>4,154</td>
</tr>
<tr>
<td></td>
<td>4. Chinakpora</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wazir Sobha Singh</td>
<td>Malangam</td>
<td>---</td>
<td>2,033</td>
</tr>
<tr>
<td>Rao Ralten Singh</td>
<td>Wularhama</td>
<td>Anantnag</td>
<td>1,011</td>
</tr>
<tr>
<td>Mohd Anwar Khan</td>
<td>Batur</td>
<td>Avantipora</td>
<td>6,917 (kanals)</td>
</tr>
<tr>
<td>Kawraj Muraridarji</td>
<td>Wakura</td>
<td>---</td>
<td>3,015</td>
</tr>
<tr>
<td>Raja Hukum Singh</td>
<td>Hardohanjan</td>
<td>Avantipora</td>
<td>1,036</td>
</tr>
<tr>
<td></td>
<td>Arabel</td>
<td>---</td>
<td>1,057</td>
</tr>
</tbody>
</table>


46. Basically this Jagir was granted by Maharaja Gulab Singh in 1851 to Isa Bahadur but was later on resumed. In 1898, it was granted to Raja Mohd Akbar Khan of Punal, but in 1905, it was again resumed. It was late in 1926 that the Jagir was assigned to Mohd Anwar Khan, JKA, For. & Pol., Deptt; File No: 49 of 1927.

47. In addition to these Jagir villages, a muafii valuing Rs. 3,015/- was also given to Kawraj Muraridarji. Adm. Rep. of 1926—27, pp. 7—8.
In 1931, Maharaja Hari Singh, on the birth of heir-apparent, gave Jagirs to 20 persons valuing from Rs. 1,000/- to Rs. 5,000/-; of whom 18 persons were Dogra Rajputs while only 2 were Muslims. Not only this, following the footsteps of Maharaja Ranbir Singh, granted Jagirs in Srinagar to Mian Jagirdars, having the value of about Rs. 2,11,720/-.

He also granted Jagirs in Kashmir to the following:

<table>
<thead>
<tr>
<th>Name of the Jagirdar</th>
<th>Village or Villages</th>
<th>Tehsil</th>
<th>Value in Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thakur Bali Ram</td>
<td>Uttersu, Shiekhpura, Thimrin and Indor</td>
<td>Anantnag</td>
<td>4,025/7/-</td>
</tr>
<tr>
<td>Rai Bahadur Jank Singh</td>
<td>Banhamar, Reipur, Chenthen and Chonthwalla</td>
<td>Srinagar</td>
<td>3,500/12/3</td>
</tr>
<tr>
<td>Thakur Aga Syid Hussain</td>
<td>Kachnamhel, Khanem, Barnabug, Wangat and Drugatengu</td>
<td>Srinagar</td>
<td>3,069/12/3</td>
</tr>
<tr>
<td>Thakur Khajoor Singh Ji</td>
<td>Chattergul and Tenjmola</td>
<td>Anantnag</td>
<td>3,001/6/-</td>
</tr>
</tbody>
</table>


49. JKA, For. & Pol. Deptt; File NO: 19/18 of 1931; JKA, For. & Pol. Deptt; File NO: 18/31 of 1931.

<table>
<thead>
<tr>
<th>Name of the Jagirdar</th>
<th>Name of the Village or Villages</th>
<th>Tehsil</th>
<th>Value in Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mian Gokel Singh</td>
<td></td>
<td>Srinagar</td>
<td>2,760/-</td>
</tr>
<tr>
<td>Khokhas and Bombes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mir of Hunza</td>
<td></td>
<td></td>
<td>1,806/-</td>
</tr>
<tr>
<td>Mir of Nagar</td>
<td></td>
<td></td>
<td>1,677/15/-</td>
</tr>
<tr>
<td>Thakur Hushiar Singh</td>
<td>Naigam, Kabanerg and Panjumule</td>
<td>Anantnag</td>
<td>1,807/10/3</td>
</tr>
<tr>
<td>Thakur Durgo Singh</td>
<td>Maharaja, Uttura, Mundira, Patistahan</td>
<td>Aventipora</td>
<td>1,532/3/-</td>
</tr>
<tr>
<td>Thakur Rehmat-ullah Khan</td>
<td>Jogindur, Raivarichch,</td>
<td>Anantnag, 1,541/5/3 (S.P.S. Flora)</td>
<td></td>
</tr>
<tr>
<td>R. B. Hakumet Rai</td>
<td>Sedhow, Amabhipura and Kukundangarpura</td>
<td>Kulgam</td>
<td>1,563/14/-</td>
</tr>
<tr>
<td>Bhabas</td>
<td></td>
<td></td>
<td>6,000/-</td>
</tr>
</tbody>
</table>

51. Out of this land, one half was cultivated land and one half was uncultivated land. JKA, For. & Pol. Deptt, File NO: 18/31 of 1931.

52. Bhabes were granted this Jagir on hereditary basis. The male descendants of Fardayat (Mistress of the Ruling Prince) up to three generations were called as Rao Rajas. The sons of Fardayat and the eldest sons in their second and third generations were called as Patwis or Patvi Rao Rajas, while the younger sons in the second and third generations called as Thatwi Rao Rajas and after the third generation, the sons of all Rao Rajas were called as Bhabes. JKA, For. & Pol. Deptt., File NO: 157/GI-6 of 1936.
Besides, he assigned the Jagirs valuing Rs. 36,140/- only during two years of 1930-31 and 1931-32, Rs. 30,000/- and Rs. 6,140/- respectively. These were not the only Jagirs granted by him. The following table shows the area and revenue under Jagirs and muafis of various kinds in Kashmir Valley as existed in the year 1938-39:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Total land revenue</td>
</tr>
<tr>
<td></td>
<td>Rs. 34,44,354/-</td>
</tr>
<tr>
<td>2.</td>
<td>Area assigned</td>
</tr>
<tr>
<td></td>
<td>2,91,689 (acres)</td>
</tr>
<tr>
<td>3.</td>
<td>Revenue assigned to the religious institutions</td>
</tr>
<tr>
<td></td>
<td>Rs. 69,518/-</td>
</tr>
<tr>
<td>4.</td>
<td>Revenue assigned to muafis and Jagirs (public)</td>
</tr>
<tr>
<td></td>
<td>Rs. 13,517/-</td>
</tr>
<tr>
<td>5.</td>
<td>Revenue assigned for other muafis and Jagirs</td>
</tr>
<tr>
<td></td>
<td>Rs. 3,35,772/-</td>
</tr>
<tr>
<td>6.</td>
<td>In perpetuity:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Area</td>
</tr>
<tr>
<td></td>
<td>48,303 (acres)</td>
</tr>
<tr>
<td></td>
<td>ii) Revenue</td>
</tr>
<tr>
<td></td>
<td>Rs. 1,14,844/-</td>
</tr>
<tr>
<td>7.</td>
<td>Life time:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Area</td>
</tr>
<tr>
<td></td>
<td>590 (acres)</td>
</tr>
<tr>
<td></td>
<td>ii) Revenue</td>
</tr>
<tr>
<td></td>
<td>Rs. 3,025/-</td>
</tr>
<tr>
<td>8.</td>
<td>Pleasure of Government</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i) Area</td>
</tr>
<tr>
<td></td>
<td>2,42,787 (acres)</td>
</tr>
<tr>
<td></td>
<td>ii) Revenue</td>
</tr>
<tr>
<td></td>
<td>Rs. 3,01,938/-</td>
</tr>
<tr>
<td></td>
<td>Total revenue assigned</td>
</tr>
<tr>
<td></td>
<td>Rs. 4,19,807/-</td>
</tr>
</tbody>
</table>

Thus the revenue assigned to Jagirdars and others was more than 12% of the total revenue of Kashmir.

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With regard to the extent of land held as Jagirs, there were two categories of Jagirs: those who were enjoying big Jagirs and those who were given only small areas. The number of big Jagirs, which were above 3,000 kanals each, were about 27 in number, out of which 13 were in Kashmir (6 belonged to Jammu landlords in Kashmir, 5 to Kashmir landlords and 2 to religious institutions). The total land held as big Jagirs (landed estates) in Kashmir by 13 families was 1,52,924 kanals, the break-up of which is given as under:

<table>
<thead>
<tr>
<th>Name of the Jagirdar</th>
<th>Total land held in Kanals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shrimiti Vidyawati</td>
<td>70,468</td>
</tr>
<tr>
<td>2. Wazir Ram Das</td>
<td>19,368</td>
</tr>
<tr>
<td>3. Pandit Shyam Sunder Lal Dhar</td>
<td>10,412</td>
</tr>
<tr>
<td>4. Raja Upender Krishan Koul</td>
<td>8,162</td>
</tr>
<tr>
<td>5. Dewan Dhanpal Rai</td>
<td>7,754</td>
</tr>
<tr>
<td>6. Sardar Kishan Singh</td>
<td>5,976</td>
</tr>
<tr>
<td>7. Khangah-i-Baba Shamas-ud-Din Sahib Rishi</td>
<td>5,856</td>
</tr>
<tr>
<td>8. Pandit Balkak Dhar</td>
<td>5,144</td>
</tr>
<tr>
<td>9. Wazir Tej Ram</td>
<td>4,665</td>
</tr>
<tr>
<td>10. Ziarat Pir Dastgir Sahib</td>
<td>4,483</td>
</tr>
<tr>
<td>11. Ahmad Mir</td>
<td>4,202</td>
</tr>
<tr>
<td>12. Musmat Ashraf Begum</td>
<td>3,915</td>
</tr>
<tr>
<td>13. Thakur Kartar Singh</td>
<td>2,626</td>
</tr>
</tbody>
</table>

55. JKA, J&K Govt., Extraordinary Communique, dated July 13, 1950; Interview with Ahmad Mir, Jagirdar of Sallar before one week of his death in May, 1992.
Besides these big Jagirdars, the number of small Jagirdars was 242 in 1939-40. Of them 168 were enjoying Jagirs each of which valued not less than Rs. 3,000/- per annum.

After the first regular settlement, the Khalsa peasants occupying land at that time were given the occupancy rights without the right to sale, mortgage or alienate. On the other hand, the Jagirdars demanded the bestowal of assami rights which were denied to them. But in 1900 A.D., the assami rights were conferred on them and were also given the right over all waste lands measured around their Jagir villages and, after bringing

56. The Maharaja under Order NO: 2; dated 23.9.1930 made the following change in the designation of Jagirdars:

(a) "A person enjoying a Jagir of Rs. 3,000/- annually be now called as Jagirdar and the document conferring the Jagir on him be called as Sanad.

(b) "A person enjoying a Jagir below Rs. 3,000/- annually be now called as Pattadar and the document conferring the grant be called a Patta." (JKA, Ministry of Revenue, Notification NO: 3/52, dated 20.12.1930, Jagirs, Muafis and Mukarraries, p. 45).

In pursuance of the above notification, the Maharaja ordered:

i) "Persons hitherto styled as Jagirdars, will now be called as Illacaders; and

ii) "Persons hitherto styled as Pattadars, will now be called hereafter as Jagirdars." (Maharaja's Order NO: 22, dated 12.9.1933; Jagirs, Munafis and Mukarraries, p. 45n). Also JKA, Pol. & Gen. Deptt; File NO: 363 of 1932.

It should also be noted that Tazimi Jagirdars or Illacaders were those persons who were allowed to sit and attend the Darbars.

57. Ibid., Out of 242 Jagirdars and Illacaders, only 39 Jagirdars and Illacaders were Tazimi. Ibid.

58. See Chapter, Land Ownership.

that under cultivation, became the part of their Jagirs. Before discussing how the bestowal of assami rights to the peasantry and the Jagirdars and other landlords created the tenancy problem in Kashmir, it seems relevant to throw some light on the peasantry working in their estates before conferring those rights on them.

The cultivators of the Jagirs were not, in any way, in a better position than the Khalsa peasants except the Gilgit bazar. Besides 1/2 of the revenue, the Jagirdars charged various cesses on their kashtkars which were numbering not less than forty and thereby impoverishing their condition. The Jagirdars also claimed the right to evict the tenants. Though they were not

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50. JKA, Pol. & Gen. Deptt; File NO: 76 of 1896.
51. Ibid.
52. The cesses charged by the Jagirdars on the Kashtkars were: Bodd, virt, batwal, thakur, namwan, nehri, maswari, chamay, maswari doom, kama, banor, malba, nazir, seyir, khadar, nazrana, kahna, muqaddami, sunari, thuwari, beqari, jogi, chowkidari, kasur, bakasur, mukarrari, telsa, tomakh, zar-i-mewa, rasdal, asalkhana, rasud-i-kak, officeri, traki, assari, nazarat, shalajelocus, paryog, tambol, shalbafi etc. JKA, Pol. & Gen. Deptt; File NO: 122 of 1896; JKA, Pol. & Gen. Deptt; File NO: 76 of 1896; JKA, H. L. Rivett, Op. Cit., pp. 15-16; JKA, Pol. & Gen. Deptt; File NO: 117 of 1896; JKA, Karvai Jalsa, Council Aelia Riyasat J&K, Revenue Deptt; JKA, Fatta of Jagir in Pampore area to Mohd Atta (1874-1884). For full details of these cesses, see Chapter Agrarian Taxes.
The practice of subinfeudation was not uncommon among the big Jagirdars. These Jagirdars exercised a complete control over their Jagirs. They appointed the Mucaddams, Patwaris and Thanadars who managed these Jagirs on their behalf. Notwithstanding the fact that the state tried to appoint revenue officials in Jagirs, but the attempt was foiled due to the strong and influential position of these Jagirdars. They also claimed numerous resums or extras in addition to the hissa or half share of the produce.

The state never allowed the Jagirdars to evict the cultivators but in practice they did so. These Jagirdars used to evict the old cultivators from their holdings and housing there those cultivators who offered them money or accepted to pay a higher revenue than the old one.

The Jagirdars often used to make land grants out of their own Jagirs to the men of their own choice. For instance, Raja Ram Singh granted Jagirs to Amar Nath, Pandit Brij Bashi and Dewan Bishen Das out of his own Jagir. When this matter was referred to the Maharaja, he took no action on the plea that there was no such provision in the state laws preventing or authorising the Jagirdars to do so. In this way, the Maharaja legalized this practice of subinfeudation.

The state never allowed the Jagirdars to evict the cultivators but in practice they did so (JKA, Gen. Deptt. (PR), File NO: 124/A of 3. 1959). These Jagirdars used to evict the old cultivators from their holdings and housing there those cultivators who offered them money or accepted to pay a higher revenue than the old one. JKA, J.L. Kay, Of. Cit., p. 17.


JKA, Pol. & Gen. Deptt; File NO: 76 of 1896.

While imitating the state, the Jagirdars quite often farmed out their Jagirs to money-lenders who ruined many prosperous villages.

As mentioned above, the Jagir peasant was nothing more than a tenant-at-will. He was subjected to numerous exactions, but was fortunate to be immune from Gilgit begar. This exemption was the sufficient reason for concentration of peasants in the hands of Jagirdars and other privileged right-holders. Writing about this fact, a Settlement Commissioner in 1896 remarks:

'It must be to many a mystery how in the face of such exactions the inhabitants of Jagir villages have continued to cultivate the land. That they have done so can only be explained on the grounds that in Khalsa villages the exactions of the revenue officials, before the current settlement, exceeded even those of the Jagirdars or that, to escape the evils of Kar-i-begar, the cultivators considered it to their interest to pay this heavy price for exemption.'

69. The Jagirdars often farmed out their Jagirs to their middlemen who, due to the rapaciousness, ruined the prosperous villages. For example, Dewan Amer Nath farmed out his Jagir villages to his unscrupulous middlemen who paid no heed to the indigent condition of the peasants. Likewise, Dewan Lachman Das farmed out his villages to his mothars and thanedars who fined the villagers and impounded their cattle. These middlemen took blankets from the villagers at a low value and in this way completely ruined large villages by their cruelty and rapacity. JKA, H.L. Rivett, op. cit., p. 18.


71. JKA, J.L. Key, op. cit., p. 3.
This should not, however, misled us to believe that the cultivators working on the land of these landlords were totally free from beqar; as we have substantial proof that they, too, took beqar from their cultivators. For instance, even as late as 1931-32, Jagirdars like Feroz Din extorted beqar from his cultivators. Not only this, if the cultivators failed to obey or delayed in any way the farmans of the Jagirdars, the peasants were harassed and even threatened to be evicted from their lands.

After the first regular settlement, the Jagirdars in 1900 A.D. were given the assami rights on their Jagirs. The tenants, after some time, also were conferred some rights. For instance, some tenants were given the permanent cultivating rights but not the assami rights and had to pay the revenue in kind to the Jagirdars, while some tenants were given the assami rights as in the case of Mian Jagirs. In this way

73. JKA, For. & Pol. Deptt; File NO: 19/33 of 1931.
75. JKA, Pol. & Gen., Deptt; File NO: 32-R/L-186 of 1913.
76. Ibid.
Lawrence's Settlement which had given some confidence to the peasantry, started to unfold its weakness as the Jagirdars and Chakdars began to strengthen their position when they attained the status of an assami. Now the Jagirdars, Chakdars, Waddars and others interested were awaiting an opportunity when the assamis could be given proprietary rights which could give them the right to sale and mortgage and thereby grab more and more land. Thus we see that these landlords began to grab more and more land by fair or foul means, which created great tenancy problems. The number of tenants increased and the security of tenancy became uncertain, especially when fallow and waste land was entered as 'Whalsa' and the Jagirdars and Chakdars were given prior rights to acquire this waste and fallow land, which enabled them to evict more and more tenants and thereby grabbing more and more land.

A situation now had arisen that the tenants again started

78. See Infra.
79. See Infra.
80. JKA, For. & Pol. Deptt; File NO: 66/MG-1 of 1922.
81. Ibd.
abandoning land and consequently Maharaja Pratap Singh passed the Tenancy Act of 1923, according to which the Kashtkar Mustaqil (occupancy tenants) were divided into four categories:

a) those having possession of land on or before 1330;
b) those having possession of land between 1880 and 1894;
c) those having possession of land between 1894 and 1906; and
d) those having possession of land after 1906.

Besides, a tenant could be declared an occupancy tenant of any class under rules if he had been shown as tenant-at-will by mistake at the time of the first regular settlement, and those tenants who were not occupancy tenants were declared as protected tenants by the Act. The Jagirdars, Chakdars and Maufidars were restrained from ejecting the tenants under the plea of taking the land for personal cultivation unless the tenant renders the land unfit for cultivation, or fails to cultivate the land and only those landlords whose holdings did not exceed 4 acres of ab i or 6 acres of khushki land could take only 2 acres of ab i or 6 acres of khushki including the land

83. Kashtkar Mustaqil or occupancy tenants were those tenants who held land at the time of Lawrence's Settlement in Kashmir.


85. Tenants-at-will were of two kinds: (i) those who held land direct from the landholder or the state; and (ii) those who held land under the class of occupancy tenants.

which they held in personal cultivation by ejecting the tenants. In case of such tenants whose tenancy could be substantially negated by ejectment, alternative arrangements were required to be made as far as possible and an ejected tenant had the right to move the application against the ejectment. The Act also allowed the transference of the right of occupancy by sale, mortgage or gift, subject to certain conditions. To protect the produce from being unscrupulously expropriated by the landlords, the Act laid down the share of rent both in kind and cash and when a cultivated holding exceeded 100 kanals, the rates of rent were fixed as under:

(a) For ahi lands, one fourth in kind and one fourth of the value of produce in cash; and

(b) For kushki lands, one third in kind and one third of the value of the produce in cash.

37. See, Supra, fn. 34

38. Ibid.,

39. Ibid.,

90. Ibid., See also, M. A. Beg, Land Reforms in Kashmir, pp. 55-75
Maharaja Pratap Singh also issued a Notification which laid down that all the holders of Nautoz Najaiz "will be declared as tenants-at-will in the Khalsa and assamis in the Jagir villages and arrears of revenue be collected from them immediately and paid to the Jagirdar. Areas held completely under assami rights also were permitted to use nautors and then the holders were given assami rights.

This legislation passed by Maharaja Pratap Singh was really a good step in preventing the transfer of land to these land-grabbers, but it is a fact that the legislation remained totally confined to papers and the acts of land-grabbing, ejection and changing of revenue purely in kind continued. Also the arrears collected from najiz-nautor were pocketed by these landholders instead of paying it to the state.

It was not, therefore, surprising that when the Viceroy of India, Lord Reading, visited Kashmir in 1924, the Jagirdars including others submitted him a Memorandum which, it


92. Ibid.

is believed, was prompted by the Resident of Kashmir* and contained, among other things, the demand of granting proprietary rights to the tenants. It is surprising to note how the jagirdars who were themselves the signatories to the Memorandum could ever demand their own liquidation. It seems that their strategy was double edged. On the one hand, they wanted to please the Resident for building pressure on Hari Singh (who was to succeed Maharaja Pratap Singh) and his minions to submit to the British Political Department for their political ends, on the other hand, they wanted to gain sympathy of the peasantry for achieving their own ends. They were also conscious of the fact that the jagirs could not be terminated by the coming Maharaja, Hari Singh, and instead proprietary rights could be given to the assimis which could ultimately serve their interest of purchasing land from the poor peasant proprietor, which subsequently proved correct.

The Memorandum was drafted at the residence of Mr. Abdul Aziz, Zeildar. The demands were seventeen in number. The signatories of the Memorandum were as under:


The first demand of the Memorandum was: "Proprietary rights in land should be granted to the tenants as these had been forcibly snatched away from them." M. Y. Saraf, Kashmiris Fight For Freedom, Vol. I, pp. 336-37.
In July, 1925, Maharaja Hari Singh took over reigns of Government after the death of Maharaja Pratap Singh. In his very proclamation on the day of his coronation in February 1926, he declared, "my religion is justice" and declared certain boons for his people concerning education, health, drinking water and some concessions to peasants including the landholders and it was declared that the land of any holder in a Bachchara Estate who dies heirless shall henceforth become Shamlat Deh and not Galwand and other than Bachchara villages, where a landholder possessed proprietary or tenancy rights and dies without heir, these rights would hitherto revert to the state. But, as a bad luck of the peasantry, various orders were passed subsequently by the Government which nullified the Shamlat /s given to the peasants in Jagir villages. According to these Orders, all waste land after Shamlat had been assigned, was granted to Jagirdars in assam rights. Those Jagirdars whose assignment was above Rs. 500/- were granted the proprietary right and, as part of his Jagir, a Khudkasht and residential unit between 200 and 600 kanals, and all this was granted from Khalsa land before Shamlat was assigned to the farmers of the village. In fact all Jagirdars were entitled full rights in village lands and not merely in assignment of revenue.


96. Ibid.

97. Ibid., Notification NO: S-58 of 17-18 April, 1931.

98. Ibid., Maharaja's Order Nos: 155-C and 157-C of October, 14, 1933.

99. Ibid., Maharaja's Order of December 8, 1934.
Since the Jagirdars and other landholders were taking still revenue in kind\(^{100}\) which gave birth to many abuses, consequent upon which there was a great hue and cry against this system\(^{101}\). So Maharaja constituted a Jagir Committee on May 16, 1929 which submitted its report on August 23, 1930 and was constituted of the Jagirdars, viz., Janak Singh, P. K. Wattal and Kartar Singh including G. E. C. Wakefield\(^{102}\). The Committee had to define the rights of the tenants in Jagirs and muafis and the privileges and obligations of the Jagirdars and Muafidars\(^{103}\). Obviously, the committee could not but took after the interests of Jagirdars and Muafidars rather than the interests of their tenants. As expected, the Committee recommended the collection of revenue in cash and not in kind against the grant of new Jagirs as a compensation for the loss they would incur due to this change\(^{104}\). What would have been the loss in collecting land revenue in cash and not in kind; was a confession of the fact that the Jagirdars extorted more than what was due to them and that too


\(^{101}\) Ibid. Also, Bazaz, op. cit., pp. 230-31.


\(^{104}\) Ibid. See also, Bazaz, op. cit., p. 231.
fraudulently. This recommendation, which was accepted by the Maharaja, led to the creation of many more Jagirs under the rapacious Jagirdars and, ironically enough, majority of them belonged to Rajput community of Jammu. Even this change could be given effect to only after the expiry of the present settlement, except in case of such Jagirs in which the terms of the settlement had already expired.

July, 1931 uprising was a turning point in the history of Kashmir, which really awakened the people from the age-old slumber and dawned a new era of resistance and defiance to the feudal administration of the state. But the majority of the Jagirdar community remained loyal to the state, sent telegrams of loyalty to the Maharaja and received appreciation from him. In spite of this loyalty from the majority of the Jagirdars, some Jagirdars, however, small in number, no doubt, opposed the Maharaja and wholeheartedly supported the movement.


109. It is believed that the opposed group of Jagirdars acted on the behest of the British, who wanted to punish Maharaja Hari Singh for his role at the Round Table Conference in London and his confrontation with them. (H. L. Saxena, Tragedy in Kashmir, pp. 4-9; Bamzai, History of Kashmir, pp. 713-21). It was baffling as to how a non-entity like Abdul Qadeer dramatically appeared on the scene from nowhere. In latter years Mouli Mohammad Yusuf Shah revealed that Qadeer was brought on the scene by Ahmadviz who were British agents (Hafiz Mohd Ismail, Personal Diary, 1907-50, dated January 22, 1932).
To substantiate the argument that the majority of the Jcirders remained loyal can be proved also from the First Memorial submitted to Maharaja Hari Singh on August 15, 1931. A close examination of the Memorial shows that they were at pains to prove their loyalty to the Maharaja and had provided about half a dozen proofs to show how the Muslim subjects had been faithful to the Maharaja. Subsequently, when the Second Memorial of demands was submitted on October 19, 1931, the following lines found a prominent place in its introduction:

"We acknowledge with gratitude that your Highness and your Highness' ancestors have enacted some good laws for the State and have effected certain praiseworthy improvements and we are convinced that Your Highness and Your Highness' ancestors have been inspired by sincere love and solicitude for its state subjects."  

The main demands of the Memorial pertained to constitution of Legislature and Executive, local-self government, judiciary, revenue and services, but the list of fundamental rights and the proprietary rights did not find any place in it, instead an

110. The signatories of the Memorial were:

111. JKA, Memorial Containing Demands of Kashmiri Muslims, pp. 2-25, vide JKA, Pol. & For. Deptt., Serial 112, File NO: 12-C of 1931.

112. Ibid., For details, see Chapter, Peasantry.
appendix was enclosed containing the so-called demands of
the peasantry, suggesting just, "requiring careful thought and
consideration" of the Maharaja. An examination of these
suggestions made by the leaders shows that they had very skilfully
protected vested interests of the Jagirdars and other landlords
in as much as that they had not touched the problems of cultivators.
The treatment of tenants by Jagirdars and Chakdars was highly
reprehensible and were being treated like cattle and any posing
of their problems in the Memorial would expose the Jagirdars who
were themselves signatories and advocating the cause of Zamindars.

It can now be well-understood that due to this apathetic
attitude of the leaders, the disillusionment of the peasants was
a natural outcome. The so-called leaders of the Muslims at that
time had no role of any revolutionary nature to play and were
completely under the control of bourgeois. Echoing this fact,
Bazaz writes:

"So long as Muslim masses were under the control of
bourgeois leadership and faithfully carried out at their behest, the leaders used them to bring pressure
upon the monarchy, but when they acted spontaneously
and in their own interests, the leadership sought
refuge in royalty."

113. Ibid.
115. Ibid., p. 149.
The common masses also began to realize this attitude and dual policy of their leaders and "they were in a state of ferment throughout those long months until they found out that they were being exploited by the upper classes to frighten the Government in order to gain their own end". In the meanwhile, due to the pressure of the movement and more because of the pressure of the Resident to appoint a Commission which could look into the grievances of the Muslims, a Commission under B. J. Glancy was appointed on November 12, 1931, which made many recommendations, but it, too, did not touch the problem of tenancy. About granting the proprietary rights for occupancy tenants, the Commission only touched the lands held in ownership by the State and not the lands held by Jagirdars and other landlords. But for the state lands had taken long to grant the proprietary rights in April, 1933 to the occupancy peasants after the last settlement of nazrana had been paid. In order to safeguard the peasants from the adverse effects of giving them proprietary rights along with the right of sale and mortgage, the Land Alienation Act of 1933 which restrained the land owner from alienating land beyond

116. Ibid., p. 145.
117. Bamzai, op. cit., p. 717
118. For full details of the recommendations of the Commission see Chapter, Peasantry.
120. JKA, For. & Pol. Deptt; File NO: 196/R-10 of 1933; JKA, Ministry of Revenue, Notification NO: S-92, issued as Alien NO: 13, Rules, Orders and Notifications.
one-fourth (25%) of his holdings for the first 10 years.\textsuperscript{121}

It also restricted him from transferring land to non-agriculturist classes.\textsuperscript{122} This Act was followed by the Right of Prior Purchase and Pre-Emption Act which imposed restrictions on the alienation of agricultural lands, and recognized the right of pre-emption among agriculturists in respect of such lands.\textsuperscript{123}

All this does not mean that the Jagirdars and other landlords now totally refrained from grabbing more lands or the peasants stopped to alienate the land to these landlords. It is a fact that with the grant of proprietary rights in 1933, it gave the cultivators the right to sale and mortgage and thus an easy handle in disposing of his land in times of difficulties. We see that only within a short span of one year of 1933-34, the mortgages increased from 3,610 acres to 12,183 acres and sales increased from 9,208 acres to 21,499 acres of land.\textsuperscript{124} Such a tendency led to further growth of landlordism in Kashmir.

Notwithstanding their strong economic positions, the Jagirdars were enjoying various other privileges and rights.\textsuperscript{125} They enjoyed the civil and criminal powers of an honorary

\begin{enumerate}
\item \textsuperscript{121} JKA, A Handbook of J&K State, pp. 15-16; Adm. Rep. 1938-39, pp. 43-49.
\item \textsuperscript{122} Ibid.
\item \textsuperscript{123} Ibid.
\item \textsuperscript{124} Adm. Rep. 1933-35, p. 16.
\item \textsuperscript{125} JKA, For. & Pol. Deptt; File No: 232/12-G of 1939; R. L. Handa, History of Freedom Struggle in Princely States, pp. 249-50. See also, M. A. Beg, op. cit., pp. 25-75.
\end{enumerate}
majestrate and could try the cases up to Rs. 500/-.
The main rights and privileges enjoyed by the Jagirdars were as under:

1. Right to recover Kehcharai fee within the Jagir area;
2. Right to recover extra Kehcharai fee leviable on account of the cattle of a Jagir village going out for grazing to Bhakhs or the places beyond the Jagir villages;
3. Right of the state in undemarcated forests within the boundaries of a Jagir village;
4. Right of nautors within the Jagir limits;
5. Right of holding residuum Khalsa land, within the Jagir after accounting the shamlat rights of zamindars;
6. Additional Jagir held in consequence of relinquishment of his Jagir share by the Jagirdar in favour of his parent stock, or in lieu of conversion of recovery of assigned revenue in kind into recovery in cash;
7. Right to recover revenue on water mills constructed on the area within the Jagir limits;
8. Right to recover ground rent on lands leased out within the Jagir limits;


9. Right of exemption from obtaining the state subject certificate and from personal appearance in the civil courts;

10. Shooting rights.

The Jagirdars also were given the right to vote\textsuperscript{128} and then representation in the Praja Sabha\textsuperscript{129} (State Assembly). Not only this, any marriage taking place of any Jagirdar or of any member of his family, tambol was given to them from the state\textsuperscript{130}. The Jagirdars thus were enjoying enormous powers and privileges in their Jagirs. They even extorted begar from their tenants both in the field and at home for a paltry morsal bread\textsuperscript{131}. Though the tenants, to some extent, were given some protection under the Tenancy Act of 1923, yet in actual practice it was never operative, because the poor tenants never dared going against the rapacious Jagirdar and seek protection under law. The Jagirdar used to be a very influential and powerful man.

When the Dogra rule came to an end in 1947, the elected government, after taking over the state administration in its hands, started the process of land reforms in the state which really freed the peasantry from the rapaciousness of these Jagirdars.

\begin{itemize}
\item \textsuperscript{128} Adm. Rep. 1938-39, pp. 44-45.
\item \textsuperscript{129} Ibid., pp. 84-85.
\item \textsuperscript{130} JKA, For. & Pol. Deptt; File NO: 112/J.F-24 of 1939.
\item \textsuperscript{131} JKA, For. & Pol. Deptt; File NO: 19/33 of 1931.
\end{itemize}
and other landlords. The first Cabinet Order passed on May 25, 1948 did away with the Jagirdari system. This order pertained to Jagirs granted between 1931 and 1934 only. On October 7, 1950, another famous Act, known as Big Landed Estates Abolition Act, was passed. It placed a ceiling at 22.75 acres (plus orchards, arakhs, kahi, krishem, kapas and other unculturable lands) and the surplus land (above ceiling) was transferred to the tillers holding it to the extent of their actual cultivating occupation on the date of the passage of this Act, but no tiller could own more than 20 acres (150 kanals) of land. This Act did not only apply to those proprietors of land who owned land beyond 1,000 kanals but to all. The passage of this Act led to the expropriation of 9,000 land owners (both in Jammu and Kashmir) who owned among themselves about 8 lakh acres of land, without payment of compensation for the surplus land. Thus 2.3 lakh acres were transferred to about 2 lakh tillers, out of 4.5 lakh acres of land taken away from the land owners. Expropriated land owners were, however, paid an annuity of a proportion of the land revenue subject to the

133. JKA, J&K Govt., Land and Other Reforms (General Statistics), pp. 1-2; Adm. Rep. 1950-51; pp. 3-10; M. A. Beg, op. cit., p. 52.
135. Ibid.
maximum of Rs. 3,000/- annually for a period of one and a half years. The major task done by this Act was the abolition of 27 big Jagirs or big landed estates who owned about 5,18,811 kanals of land. By one more Order of 1951, all the Jagirs were resumed and accordingly all the Jagirs tenable during the pleasure of the Maharaja held in perpetuity or any kind of compensatory Jagirs were resumed. Anyone who had no other source of income could apply within one month for the maintenance allowance. All Khudkasht and residential units of lands granted to Jagirdars were resumed and only a reasonable area for personal cultivation and the building sites or lands on which residential houses had already been built were left in their favour provided they paid the land revenue arrears and the ground rent. Other privileges enjoyed by the Jagirdars also were stopped. By one

137. Ibid., Also, M. A. Beg, op. cit., pp. 72-73.

138. Surra, fn. 55. Out of this total land held by 27 big Jagirdars, 1, 52,924 kanals were held in Kashmir, 3,30,301 kanals in Jammu and 35, 586 kanals in Ladakh. Ibid.


140. Ibid.


more Cabinet Order, all lands granted to Jagirdars including orchards were reverted forthwith and the land thus released was made available to the farmers of the Jagir and could bring under cultivation as much land as they possessed at that time. Thus all these steps transformed about 45,00,000 kanals to the peasants without any compensation.

CHAK:

The year 1862 witnessed the creation of a novel agrarian institution in Kashmir which led to the emergence of a new class of landed aristocracy. This new institution was called as Chak. The creation of this institution was motivated by two-fold objectives:

(a) to bring the extensive fallow land of the valley under plough and thereby to increase revenue;

(b) to reinforce the class of favourites by conferring this land upon them.

143. JKA, Cabinet Order No: 202-C of 1948, dated 25.5.1948; Ministry of Revenue, Jagirs, Muafis and Mukarraris, p. 24

144. M. A. Beg, op. cit., p. 61.

145. It was during the reign of Maharaja Ranbir Singh that the idea of giving fallow land to the favourites for cultivation on easy terms was mooted, and it was during his reign that this idea was implemented when in 1862 Zarniazi Chaks were granted by the Maharaja. JKA, Gen. Deptt. (PR), File No: 260 of S. 1919; JKA, Gen. Deptt. (PR), File No: 38/813 of S. 1936; JKA, Gen. Deptt. (PR), File No: 215/N of S. 1937; Wingate, op. cit., pp. 78-82; INA, Peasant Position, pp. 3-4; See also, JKA, Gen. Deptt. (PR), File No: 260 of S. 1919; JKA, Gen. Deptt. (PR), File No: 259 of S. 1919.

Thus the chunk of waste land which was permanently allotted to a few influential persons on easy terms for bringing it under cultivation came to be known as Chak and the assignee of this land was known as Chakdar.\(^{147}\)

There were five kinds of Chaks, viz., the Zarniazi Chaks, the Hanudi Chaks, the Mukarrari Chaks, the Ishtihari Chaks and the Ahalkari or Halkari Chaks.\(^{148}\) These Chaks differed from one another on the basis of variation in terms of assessment rates. However, there were certain conditions which governed all these types of Chaks which may be briefly summarized as below:

a) Only waste land was granted as Chak;

b) The Chakdar had to cultivate his land not by employing government cultivators (khalsa cultivators) but either by importing them from Punjab or getting them from the city or by employing people not already cultivators;

c) The Chakdar was not the proprietor of his land. He could not sell or mortgage the land without the prior sanction of the Darbar. However, like any other maruşi peasant, he

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147. Supra, fn. 145. Also, JKA, Gen. Deptt; (PR), File NO: 1224 of 1873; JKA, Gen. Deptt; (PR), File NO: 1176-C of 5.1930.


149. Ibid. See also, JKA, Pol. & Gen., Deptt; File NO: 107 of 1895, Wingate, op. cit., pp. 78-82.
enjoyed hereditary right over the land, though this right was officially recognized after the Lawrence's Settlement; 150

d) For each type of Chak, a lump sum assessment was fixed which except in the case of Halkari Chaks (which were granted in lieu of wages), they had to pay the Central Treasury. In case of a default on the part of the Chakdar, the state was empowered to revoke the Chak;
e) The Chakdar was supposed to obey all the rulers of the state. He had to be loyal to the state and true to his caste. If the state sanctioned a sale, the purchaser was similarly bound.

A comparative statement of the rates of assessment of the four types of Chaks is given below. 151

<table>
<thead>
<tr>
<th>Year</th>
<th>Zarniazi</th>
<th>Hanudi</th>
<th>Mukarrari</th>
<th>Ishtihari</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>Free</td>
<td>Free</td>
<td>6</td>
<td>Free</td>
</tr>
<tr>
<td>2nd</td>
<td>7</td>
<td>2</td>
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<td>3rd</td>
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<td>As per the custom of the country.</td>
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151. Wingate, op. cit., pp. 79-82.
(Revenue in Chilki rupees due to the state per kharwar khushki land—(dry land))

<table>
<thead>
<tr>
<th>Year</th>
<th>Zarniazi</th>
<th>Hanudi</th>
<th>Mukarrari</th>
<th>Ishtihari</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>Free</td>
<td>Free</td>
<td>3</td>
<td>Free</td>
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<td>2nd</td>
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<td>6</td>
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<td>3rd</td>
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<td>1</td>
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<td>4th</td>
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<td>2</td>
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<td>2</td>
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<td>As per the custom of the country.</td>
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</table>

Since one kharwar of land produced from forty to seventy kharwars of shalli,\(^{152}\) it is clear that Chaks were granted on very favourable terms indeed, which helped the Chakdar to appropriate a considerable amount of the produce of his land without putting in any labour personally.\(^{153}\) If a Chakdar possessed ten kharwars of paddy land, he obtained, for example:

152. Ibid., p. 84.

Yield per kharwar
Therefore, yield of 10 kharwars

Tenant's share
Therefore, share of the Chakdar

Price of one kharwar of shall

Total value of the Shall of Chakdar

Revenue he had to pay to the state for 10 kharwars

Thus he saved no fewer than

50 kharwars

500 kharwars

4 or 250 kharwars

250 kharwars

Rs. 2/- Chilki

Rs. 500/-

From Rs. 10/- to Rs. 100/-

Rs. 400/- to Rs. 490/-

We have no statistical information about the total land held as Chak at different times. Yet it is clear that the area of land was considerably large. We find that in the year 1904-5, only in two tehsils of the valley; there were no fewer than two hundred and fifty seven chaks. At the same time it is to be noted that there was no tehsil of the Valley which did not have chak lands and that a chak invariably run into kharwars of land. For instance, in 1902, F. B. Pandit and Radha Kishan Koul were granted a chak in the village Cheere of Avantipora tehsil measuring 476 kanals and 7 marlas assessed at Rs. 283/7/- as land revenue and Rs. 19/13/6 as cesses, coming to the total of Rs. 566/12/-.

In 1889-90, about 728 acres of waste land were

154. JKA, Ass. Rept. of Avantipora and Anantnag Tehsil, 1905, pp. 57-58; See also, JKA, Pol. & Gen. Deptt; File NO: 183/J.E-13 of 1905.

155. At the close of our period of study, there were ten tehsils in the Kashmir province.

156. JKA, Pol. & Gen. Deptt; File NO: 17/H-14 of 1902; JKA, Pol, & Gen. Deptt; File NO: 17 of 1902.

157. Ibid.
given to the Zamindars 158, besides giving large tracts of land as Chaks to increase land revenue 159 and about 14,334 acres of waste land brought under cultivation during the years 1901-4 160. Besides, some persons were granted waste and banar lands for cultivation which increased not only the state revenue but also the area of cultivated land. For instance, in the year 1907, Dya Kishan Koul was granted a big chunk of waste land in Pangmarq, about 2,802 kanals of waste land was brought under plough by Syid Brothers in 1914 161 and land measuring 1,310 kanals, which previously were under water, were dried up and given for cultivation to Dewans Beli Ram, Ganga Ram, Moti Ram and Thakur Das in Batmaloo village 162. It is also to be noted that a Chakdar enjoyed many Chaks in many villages at one and the same time 163. An idea of the

161. JKA, Pol. & Gen. Deptt; File NO: 89/H-33 of 1907.
    The Syid Brothers namely, Syid Hassan Shah, Syid Mohd Shah, Syid Safdar Shah, Syid Ahmad Shah, and Syid Fazal Shah equally got 760 kanals and 8 marlas each. Ibid.
enormous land under Chaks can also be had from the fact that with the beginning of the present century, we find Rs. 26,883/9/3 were falling outstanding against the Chakdars of the Valley. This was a big amount when one bears in mind that one kharwar of paddy land had to pay only Rs. 1/- to Rs. 10/- in ascending order for a period of ten years.

The Chakdars were not satisfied with this enormous land they possessed at nominal rates. Considering that from the Dewan downwards there was hardly any official who was not a Chakdar, it is not to be wondered that every Chakdar held land far in excess of what they paid for. An instance or two may be quoted in this connection:

"Dewan Badri Nath got a grant of deserted Government garden and within it was included some land he had bought from a woman and which was stated, on what authority does not appear, to be assessment free. A few years later he bought some more land for Rs. 100/- (Imperial), which he included with the first lot but although in the possession of Governor at the time did not think it necessary to his assessment. That, however, is a trifling omission, for, from first to last he has never paid even Rs. 48/-, and his agent says the item is adjusted in his master's pay. This, however, seems hardly likely as there is no entry in the accounts that this money is due. The land measures nearly

165. JKA, Pol. & Gen. Deptt; File NO: 17/H-14 of 1902; JKA, Pol. & Gen. Deptt; File NO: 17 of 1902.

8 kharwars, or nearly 32 acres, and is gradually converting itself by lapse of time into a maufi tenure. Another Pandit got a Chak of 10 kharwars "Zarniazi," but he modestly took possession of only 9½ kharwars and held it at Rs. 1/- for wet and 8 annas for dry per kharwar for 10 years, at the end of the period, he paid at the rate of Rs. 10/- and Rs. 5/- respectively. In 1873 A.D., Wazir Pannu's order doubled the assessment, and from that year Rs. 145/- assessment and Rs. 21/8/0 cesses total Rs. 166-8-0 per annum have been paid up to date. In 1877, it was found he holds 18½ kharwars, and he has, therefore, been paying at the rate of Rs. 9/- per kharwar instead of Rs. 20/-. Another Pandit petitioned for land at Rs. 5/- per kharwar; this was refused, but he got a mukarrari patta for 3 kharwars for Rs. 25/-. On measuring he was found in possession of 5 kharwars and as he only pays the Rs. 25/- he has got this land at Rs. 5/- per kharwar in spite of the recorded refusal.167

This is not all. Since the Chakdars, who needed to repeat, were highest officials simultaneously, devised other means to extend the limit of their Chak. For example, if an official was tempted to include a particular area of land within his Chak, he unleashed a reign of oppression on those peasants who occupied the coveted land. As a result, they were left with

no alternative but to desert their lands. The Chakdar would lose no time to destroy any proof of the land having been cultivated when he entered upon it and settled his own cultivators in the grabbed land. An instance will speak for itself:

"A Tehsildar cast his eye upon a fine village within his charge, close to Srinagar. There were six or seven Kharwars fallow and waste, which supplied a pretext for developing the country and improving the revenue by applying for a Chak. He had good influence at headquarters and his friend the Dewan, about 5 years ago (in 1882), gave him a mukarrari patta for 20 kharwars at the usual rates of Rs. 12/- for wet and Rs. 6/- for dry land, but the Tehsildar took care to get it inserted that all the land was dry. The revenue office gives us no information as to what these privileged persons pay, and as they do not pay through the village or tehsil, it is difficult to find out locally, but I venture to think the payment in this case does not exceed Rs. 150/- per annum. For some such trifling sum he is in possession of 29 kharwars of fine land of which 20 kharwars are irrigated and chiefly shal, so that even at the nominal rates of the patta, he should be paying about Rs. 300/-. Some of the villagers objected to their land being thus appropriated and specially to the water supply being controlled for the benefit of the land seized, but the Tehsildar specially reduced

168. INA, For. Deptt; K.W., Sec. E., Nos. 106-10, Progs, Feb., 1890; INA, Peasant Position, pp. 1-6; E. F. Knight, Where Three Empires Meet, pp. 60-70; M. F. Hussain, op. cit., pp. 132-33; Bazaz, op. cit., pp. 231-33. For full details of this, see the Chapter, Peasantry.
them to reason by getting their revenue demand raised by between thirty and forty percent; and the village is now labouring under heavy outstanding balances. This leads to cultivators disappearing and as they disappear, their fields are quickly added to the Chak. He is now trying to turn the villagers out of their "abadi" and to house his own cultivators there instead.  

Given the huge sums of money falling against these Chakdars, it is doubtful whether they paid, too, even the smallest amount due to them. We even find a most responsible person like Governor evading the amount due to him for his Chak.

Basically Maharaja Ranbir Singh was trying his best to increase the revenue of the state by attempting all the means at his disposal to achieve his objective and all the devices he used including the grant of Chaks, which became an easy instrument in the hands of the officials to fulfil their vested interests by subverting these devices, resulting in the accumulation of arrears against the poor cultivators.

169. Wingate, _op. cit._, pp. 85-86.


172. For full details, see Chapter, _Peasantry_.
facilitating the massive land grabs which ultimately precipitated the growth of absentee landlordism in Kashmir. In fact, the land granted in the form of various kinds of Chaks became very handy for justifying land grabs even though the sanctions of grant contained some severe conditions which the grantees never adhered to, instead went ahead unheeded for grabbing by means of various fraudulent practices. The famine of 1877-79 gave them the first opportunity for occupying the fallow lands of cultivators temporarily against which they got the pattas issued by the Darbar; and to their utter disappointment when the cultivators who had left to serve themselves from starvation returned found themselves ousted from their lands.

These were not the only frauds perpetrated for the expropriation of land. There were more crude and cruel methods used for this purpose. False agreements were taken by them from the villagers to the effect that a particular village had been held by a particular person for a long time and that it belonged to his ancestors who had left the village and that they recognized them as such. Wingate had identified about 14


174. INA, For. Deptt., Sec., E., Nos. 81-82; Progs, March, 1883; INA, Mr. Fanshow, Note on the Famine in Kashmir, pp. 6-27; Wingate, op. cit., pp. 82-83.

175. Ibid., Also, JKA, Pol. & Gen. Deptt; File NO: 107/H-94 of 1904.
villages in one tehsil alone which had been thus transferred to influential persons, including Governor, Wazir-i-Wazarat and the Secretary to the Wazir-i-Wazarat. 176

During the initial stage of Maharaja Pratap Singh's reign, it was decided to have a trustworthy land settlement in Kashmir, for which the services of some British officials were hired, and Andrew Wingate was the first Settlement Officer who took the task of land assessment and measurement from June 1, 1887 and submitted his report on August 1, 1888 177. After a minute study, he made various recommendations regarding the Khalsa cultivators, arrears, chakdars, waste land, water distribution, forced labour, etc. Regarding the Chakdars, he argued that the authority for the allotment of Chaks with a view of bringing waste lands under cultivation and thus increasing the land revenue had been misused by officials for parcelling out cultivable lands among themselves, which, in fact, had reduced the revenue 178. Since that authority had been accepted, recommended Wingate, the rules should, therefore, confer occupancy title on such landholders but giving them the right of sale and mortgage unless sanctioned otherwise 179. With regard


177. See Infra, Chapter, Peasantry.


179. Ibid., pp. 94-96.
to the excess lands, these be resumed, he argued, on the report of the Settlement Officer, otherwise these lands be recognized and such a provision would do away with the difference made in the tenures of the cultivators and the Chakdar. He also recommended that the Settlement Officer should also have the power to decide, if the cultivators had the right of occupancy under the Chakdar in case the land taken as a Chak had been cultivated land or temporarily fallow and also should have the power to give the right of occupancy to a cultivator evicted since the day the settlement started. In order to resist the rights in land being transferred to cultivators, all the Chakdars were expected to combine themselves and threaten to give up the lands. In that case the Darbar should, Wingate stated, readily accept their resignations and keep the cultivators with itself by winning their sympathies. The land thereafter, could be re-allotted in a very short time and revenue increased despite temporary set-back and though the Chakdars would find ready allies in officials, but the Darbar could win the support of the peasantry.

180. Ibid., pp. 60-104.
181. Ibid.,
182. Ibid.,
183. Ibid.,
The proposals of Wingate were opposed and resisted by all the vested interests led by the formidable combine of officials and land grabbers and even the cultivators were made to believe that the work undertaken by Wingate would in no way benefit them and is totally futile and useless. Wingate, therefore, had to scumb this resistance and thus gave up his task due to the stuff resistance.

Lawrence, therefore, succeeded Wingate in 1889 and continued his work vigorously in face of strong opposition even to the extent of non-cooperation from the existing official revenue agency in the field. About the various types of Chakdars, who had been allotted lands by the government, Lawrence proposed that their land allotment be confirmed on privileged rates upto next settlement, and the excess land held by them be retained if there was no dispute but only on ordinary rates. The privileged rates could continue only for ten years of settlement after which only ordinary rates could be applicable.

184. Bamzai, op. cit., p. 690
185. Lawrence, op. cit., p. 424.
186. Ibid., p. 426.
188. Ibid., pp. 424-45.
All waste and fellow lands were entered as Khalsa lands at the time of survey but the assamis of the villages in which the waste lands were located could have the prior right to acquire them under rules and if they failed to acquire these lands, then outsiders could acquire these. Such kind of lands were entered in the revenue records as Chaks.

The Settlement of W. R. Lawrence gave a legal status to the Chakdars by confirming them the assami rights, or in other words he confirmed the Chaks granted to various persons of non-cultivating classes by entering them as assamis and that too on privileged rates. Even the excess land which these Chakdars had grabbed by fraud were legalized in their favour, which completely strengthened their position. They now made many more devices to grab more and more land by whatever means they could. Since they were very influential persons; they could easily motivate the revenue officials to do what they wished.

189. Ibid.
190. Ibid., Also, JKA, For., & Pol. Deptt; File NO: 66/MG-1 of 1922; Bazaz, op. cit., pp. 71-73.

The Chakdars enjoyed about 10% reduction on their assessment rates—5% on hak malikana and "bisvi", and 5% on lehri land, added by the concessions already enjoying. But the Settlement Commissioner in 1900 A.D. recommended for the stoppage of these concessions on the plea that there was no use of continuance of this reduction as they were being given to construct houses for chakdars and tenants. On the other hand, a controversy arose between the Resident of Kashmir and the Darbar on the terms of hak malikana and bisvi, which, as per the Resident, meant that the Chakdars were enjoying proprietary rights. The Maharaja, on the other, rejected any such right of the Chakdars and said that such rights were exclusively held by the Maharaja himself. On this, the Resident recommended to change these terms in future in the Pattas. JKA, Pol., & Gen., File NO: 127/H-4 of 1900.
but mostly these Chakdars played both the roles of officials and Chakdars. As stated above, they adopted various foul means to grab land immediately after the Lawrence's Settlement completed in 1893. For instance, Pandit Ishar Wariku, a Chakdar, entered the land in village Gund, tehsil Pattan, in his name as Chak by fraud. Sometimes, Chakdars used to hide their names and entered the Chaks in the names of various fictitious persons but actually retained and possessed all these by themselves. For instance, Ram Joo Chakdar acquired possession of several Chaks which were issued to different men under pattas by fraud. Likewise, a Chak measuring 109 kanals and 6 marlas was transferred to the son of late Pandit Gobind Ram, Chakdar, in village Haran, tehsil Srinagar, due to the fraudulent device that the Lambardar and the peasants had no objection on this, which was totally baseless. Besides using such unfair means, they also adopted legal procedure to acquire lands as Chaks which could enable them to grab more land in the guise of these grants. For instance, only in one year of 1894, about 5,337 applications were received by the Revenue Department.

F.N. 192

192. Lawrence, op. cit., p. 426; Also, JKA, Pol. & Gen. Deptt; File NO: 76 of 1896; JKA, For. & Pol. Deptt; File NO: 66/MG-1 of 1922.


196. JKA, Pol. & Gen. Deptt; File NO: 234/H-52 of 1908.
for grant of Chaks. Though in 1923, Tenancy Act was passed which imposed restrictions on unfair possession of land by these landlords and also forbade the unnecessary eviction of the tenants, yet the Chakdars continued to acquire more and more land who turned the Act, thereby, to a mere paper edict.

The Chakdars, like other landlords, were eagerly awaiting the day when the peasants will get the proprietary rights along with the right to sale and mortgage and when the peasants were given proprietary rights in 1933, the Chakdars and other like absentee landlords, Jagirdars and Muafidars began to get more and more land from the peasants on nominal prices. This can be substantiated by the fact that in 1933-39, the total area of land including forests in Kashmir was 17,78,000 acres. The total cultivated area was 9,46,000 acres, out of which about 2,91,689 acres were under Jarcia and maufis, while the rest i.e. 6,54,311 acres were under the


198. See Supra. Also the Chapter Peasantry


Chakdars and the small portion of assamis with proprietary rights. Since the number of the assamis with proprietary rights was very small, it can be no rash to conclude that not less than four lakh acres would have been under Chakdars.

In 1924, the landlords of Kashmir submitted a Memorial to the Viceroy of India demanding the grant of proprietary rights to the peasants, which, in reality, could serve their own purpose. Then in 1931, two Memorials were submitted to Maharaja Hari Singh but a close examination reveals that the leaders, in all respects, protected the vested interests, as they were either the mouth-pieces of these vested interests or were themselves having vested interests. In 1931, Maharaja Hari Singh appointed a Commission of grievances under the Chairmanship of B.J. Glancy, but this Commission, too, did not recommend any change in the structural organization, and, therefore, left the problem as it was. In spite of passing the Agriculturist's Relief Regulation of 1925, Tenancy Act of 1923, Land Alienation Act of 1933 and the Right of Prior Purchase and

203. Ibid., See also, Bazaz, op. cit., pp. 229-30.
204. See, Chapter, Land Ownership.
205. Supra, fn. 94
206. Supra, fn. 110 and 111.
Pre-Eemption Act, which restricted the Jagirdars, Chakdars, Waddars and others like to acquire the lands illegally, but it is a fact that they did so due to the poverty and ignorance of the peasantry. Leaving a detailed discussion of these above mentioned laws to the last chapter, it is suffice to say here that it was only after 1947 that drastic steps were taken to abolish this absentee landlordism in Kashmir. In the meanwhile, Maharaja Hari Singh vide his Order NO: 1 of 1930, dated 23.8.1930 directed that all Jagirdars, Muafidars and Chakdars of the provinces of Jammu and Kashmir with an annual income from such grants of not less than Rs. 3,000/- per annum should reside in their holdings as per the following pattern:

1. If he has a holding in Kashmir and a holding in Jammu --- 3 months altogether in each though not necessary at a stretch.

2. If he has a holding in one province only. --- 6 months altogether but not necessary at a stretch.

However, exigencies of service or illness could condone absence but permission should be obtained:

1. By Jagirdars --- From the Ruler
2. By Pattadars --- From the Minister
3. By Muafidars and Chakdars --- From the Governor of the province.

208. Ibid;
209. See Infra, Chapter, Peasantry
For a long time, these peasants were better off than the Khalsa peasants—a fact which has been unanimously reported by our contemporaries. Since the Chakdars were occupying influential positions in the state, their peasants were neither subjected to the Gilgit begar not to enormous illegal exactions of the revenue officials borne by the Khalsa peasants. Evidently, the Chakdars did not find any difficulty in cultivating their lands. The protection from Gilgit begar and official oppression attracted a large number of government cultivators to settle in the Chak lands. This was in spite of the fact that it was categorically stated in the Pattas that the holder would not employ any government cultivator.

211. See, Chapter, Khalsa.

212. Ibid.


officials, however, reduced this provision to a mere paper edict. No wonder, therefore, one finds the Chakdars yielding better returns than the Khalsa land.

In addition to one-half of land revenue, the Chakdars imposed other illegal taxes on the peasants like Bodh, nazrana, kama, malikana, begari, chowhidari, patwari, mukaddami, maswari, nehari, etc. The Chakdar also appointed his own Mugaddams and Shaddars for guarding and collecting his share. This was imperative because "batai" system prevailed in the Chak lands of the Valley as well.


216. Ibid.

217. INA, For. Deptt; Sec. E., Nos. 176-211, Progs, Dec., 1390; Wingate, Op. cit., p. 84.

218. JKA, Pol. & Gen. Deptt; File NO: 76 of 1896; JKA, Pol. & Gen. Deptt; File NO: 122 of 1896; JKA, Pol. & Gen. Deptt; File NO: 59 of 1897; JKA, For. & Pol. Deptt; File NO: 319 of 1933. For full details of these taxes, see Chapter, Acrarian Taxes.


It should, however, be noted that when the first
regular settlement was over, the Chakdars were given the assami
rights, while their tenants were entered in the revenue
records as kashtkars and in some places permanent occupants
and in some places given the assami rights. The Chakdars, on
the other hand, like other landlords were given not only the
right to vote but also representation in the Praja Sabha after
1937-39.

Before concluding, it seems necessary, as being a
new institution in the agrarian history of Kashmir, to throw
some light on some important consequences produced by the
Chakdari system.

First, it led to the enormous increase in the agricultural
output of the Valley when with the help of this institution a
considerable waste area was brought under cultivation.

Secondly, the Chakdari system helped in the involvement
of a good number of non-agriculturists into agricultural pursuits.
Since the Chakdars

221. See, supra, Also Chapter, Land Ownership and Khalsa.
222. Pandit Shridar was given a Chak with the right of
"hak assami" and his tenants recorded as kashtkars.
JKA, Pol. & Gen., Deptt; File NO: 107/H-94 of 1904.
223. JKA, Pol. & Gen., Deptt; File NO: 32-R/L-186 of 1913.
224. JKA, For., & Pol. Deptt; File NO: 385/R,G-41 of 1931;
JKA, For., & Pol. Deptt; File NO: 19/33 of 1931.
either attracted those people who were either denied by our social system to take up agricultural profession or had no means to break the ground afresh or led a life of parasites in the urban areas. In this way the Chakdari system proved an effective means in encouraging occupational mobility.

The Chakdari system reinforced the feudal structure of the society as it created an additional class of landlords who appropriated the maximum produce of the land. This negative aspect of this system was also perceived by the state when from 1894 they, for the time being, stopped the practice of granting Chaks and instead the Government established Tarakiat Muhakama (Land Improvement Department) which was entrusted with the work of cultivating the waste land. Nevertheless, the Chaks already granted were not cancelled. However, the policy of stopping the grant of Chaks, it should be noted, was really never implemented due to the opposition and resistance of the revenue officials and the Chakdars for their own selfish aggrandisements. Moreover, it is not only that there was a special kind of Chak, Chak Hanudi, meant exclusively for Hindus.

227. JKA, Pol. & Gen. Deptt; File NO: 67 of 1894.
but Chaks as such were generally given to the Hindus and the Dogras. This policy of the state sowed the seeds of communalism and communal politics which sprouted though later on; a discussion which is beyond the scope of our study.

MUAF I:

The Dogra Maharajas, like their predecessors, also granted the revenues of a small portion of land to religious personages, religious institutions and others of their liking.


It should, however, be noted that while these grants were also known as Agraharas during the Hindu period; their name changed during the Muslim period and were known as either Waqf or Madad-i-Maqsh grants. But the Sikhs changed it by Dharmarth. See for details, Tarikh-i-Kalan, pp. 191-216; J. C. Murry Ansley, Our Visit to Hindustan, Kashmir and Ladakh, p. 52; INA, R. G. Taylor, op. cit., Vol. VI, p. 60; William Moorcraft, op. cit., Vol. II, p. 125; M. D. Fauq, Tarikh-i-Aqwam-i-Kashmir, p. 291.
Revenue-free grants were known as muafis and the grantee was known as Muafidar. The term Dharmarth was also sometimes used. Sources are silent about the total area of land granted as muafi. However, the number of villages granted as rent-free grants was, to quote Lawrence "small."


However, the Maharaja under his order NO: 2, dated 23.8.1930, ordered that "all religious grants irrespective of their value may henceforth be called as muafi, the holder as Muafidar, and the document conferring the grant as Irshad." JKA, Ministry of Revenue, Notification NO: S-52, dated 20.12.1930, Jagirs, Muafis and Mukarraris, p. 45.

234. Lawrence, op. cit., p. 239.
Muafid grants were given either for life-time of the grantee or in perpetuity, or sometimes with ownership right. The tenure of the grant used to be specified in the Pattak. Those grants which were given in perpetuity became almost the personal property of the grantee "who acted as landlords working with farm labourers". And if the Muafidars did not evict}

235. See, Supra, fn. 231. See also, JKA, Pol. & Gen. Deptt; File NO: 16/H-7 of 1902; JKA, Pol. & Gen. Deptt; File NO: 60/H-98 of 1903.

The muafis granted during our period of study were assigned for life-time or in perpetuity. The Maharaja, however, was authorized to revoke the grant at any time, (JKA, Pol. & Gen. Deptt; File NO: 98 of 1895; JKA, Pol. & Gen. Deptt; File NO: 150 of 1895; Adm. Rep. 1889-90, p.47) For instance, the Dwaras stopped the practice of spending Rs. 15,000/- per annum on account of feeding no less than 3,000/- pilgrims to Amar Nath Cave in 1847 (Ganesh Lal, Sivahat-i-Kashmir, p. 32.) However, during the last phase of Maharaja Pratap Singh's rule, the "Swami Amar Nath Ji Fund" was established, under the supervision of Dharmarth Department, which supplied ration etc., to the pilgrims and the Revenue Department entrusted to supply coolies (JKA, Pol. & Gen. Department; File NO: 133/G-51 of 1918). Likewise, land was assigned on muafi basis to the Samadhi (grave) of Mian Lachman Singh, son of Maharaja Ranbir Singh, and it was laid down in the patta that the grant was irrevocable (JKA, Pol. & Gen. Deptt; File NO: 96/G-4 of 1897). Not only this, the whole village of Bagh Bachru, Srinagar, also was sanctioned as muafi to the Dharmarth Department to commemorate the memory of the above named Mian (JKA, Pol. & Gen. Deptt; File NO: 122/G-6 of 1905).


Syid Ali Shah was given proprietary rights over his muafi lands in the villages of Gorah and Mule in Shahabad Ilaga. Ibid., see also, JKA, Ministry of Revenue, Notification NO: S/52 dated 20.12.1930, Jagirs, Muafis and Mukarraris, pp. 45-46.

237. Ibid., Also, JKA, Pol. & Gen. Deptt; File NO: 117 of 1896.

the peasants, it was dictated by their personal interests rather than any security of tenure enjoyed by the peasants.\(^{239}\)

Since during our period of study, much emphasis was laid on the allotment of waste land to the favourites of the rulers\(^{240}\); there seems little doubt that the rulers would have preferred to give also waste land as muafi.\(^{241}\) Apart from some villages

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\(^{239}\) It is needless to repeat here that no peasant, whatsoever type of land he was cultivating, enjoyed neither proprietary rights nor occupancy rights for a long time, though assami rights or permanent cultivating rights were conferred on some kashtkars after 1900 A.D. (JKA, Pol. & Gen. Deptt; File NO: 163/GF-44 of 1907; JKA, Pol. & Gen. Deptt; File NO: 32-R/L-186 of 1913; JKA, For. & Pol. Deptt; File NO: 385/Ro/G-41 of 1931; JKA, For. & Pol. Deptt; File NO: 19/33 of 1931). Therefore, when any area of land was granted to someone, he honoured the "hereditary rights" only as long as the peasant satisfied him. The weapon of "unsatisfactory performance" of the peasant could be used any moment to justify his eviction. The peasant had no legal right to challenge the action of his master. It should be noted that when in 1923, the Tenancy Act was passed, it laid some restrictions on the landholders to evict their tenants, but such restrictions were not so strict which could have completely saved them from this eviction. For full details, see, *The Chapter, Khalsa and Peasantry*.


\(^{241}\) See, *Supra*. 
which were granted wholesale as muafi, the muafi was also given in terms of acres, traks and kanals.

There is no doubt that the muafi recipients were all the three communities, viz., the Muslims, the Hindus and the Sikhs; but the fact remains that the lion's share of the muafi grants was appropriated by the individuals and the institutions belonging to the Hindu faith. A permanent Trust


Village of Wakura, assessed at Rs. 3,015/-, was given as muafi to Kaviraj Murari Darijanji. Adm. Rep. 1926-27, pp. 7-8; JKA, For. & Pol. Deptt; File No: 13/31 of 1931.

243. INA, For Deptt, Sec. Nos. 212-13, Procs, January 1853, INA, For. Deptt, Sec., Nos. 221-33, Procs, January, 1857.

The Kur Dwar, A Brahman, built a Dharmsala for the comfort of Bachus. So he was assigned a muafi land of 12 kanals and 17 marlas in Nownatia, tehsil Khas (Srinagar). (JKA, Pol. & Gen. Deptt; File No: 205/H-16 of 1907; JKA, Ain-i-Dharmarth, pp. 1-15). Thakur Rajput, assigned a muafi of 18 kharwals and 3 traks of land to Raghunath Ji Temple in Maisuma, Srinagar, and in village Sebadan, tehsil Nagam (JKA, Pol. & Gen. Deptt; File No: 163/G-44 of 1907). Likewise, 30 acres of land were assigned as muafi by the Darbar (Adm. Rep. 1913-14, p. 2) R. C. Koul, a Mufti of Shahabad, was having a muafi of 13 kanals and 12 marlas, which he transferred to his Kheredamad, Pandit Dina Nath, JKA, Pol. & Gen. Deptt; File No: 130/H-70 of 1917.

244. We have much evidences available which show that the major portion of muafi assignments was appropriated either by Jammu Dogras or by Kashmiri Pandits or by their temples, shrines and patshahalas. For details see, Adm. Rep. 1889-90, p. 47; INA, For. Deptt; Sec. Nos. 106-22, Procs, Feb., 1892; JKA, Pol. & Gen. Deptt; File No: 98 of 1895; JKA, Pol. & Gen. Deptt; File NO: 34/F of 1896; JKA, Pol. & Gen. Deptt; File NO: 45/G-13 of 1898; JKA, Pol. & Gen. Deptt; File NO: 68 of 1898; JKA, Pol. & Gen. Deptt; File NO: 139/H-106 of 1905; JKA, Pol. & Gen. Deptt; File NO: 163/G-44 of 1907; Adm. Rep. 1913-14, p. 2; Adm. Rep. 1915-16, p. 9. See also, JKA, Pol. & Gen. Deptt; File NO: 130/H-70 of 1917; JKA, Pol. & Gen. Deptt; File NO: 183/G-51 of 1918; JKA, For. & Pol. Deptt; File NO: 19/33 of 1931; JKA, For. & Pol. Deptt; File NO: 125/P.5 of 1933; JKA, For. & Pol. Deptt, File 318/D-5 of 1933; JKA, For. & Pol. Deptt, File 233/G-12 of 1939. etc. etc.
known as Dharmarth Trust was established to which was assigned the revenues of certain villages permanently for the maintenance of Hindu temples and shrines and also for the subsistence of their staff. The grants already enjoyed by the Muslims or their shrines were either revoked or drastically curtailed.

245. Maharaja Gulab Singh is said to have endowed about 5 lakh of rupees to this Trust (Seif-ud-Din, Diaries, Vol. III, f. 140; N.D. Nargis, Tarikh-i-Dogra Desh, pp. 685-86) and laid down that the amount be increased year after year. The amount was to be utilized for the purpose of the establishment of Sadabarts (temple kitchens), renovation and construction of the ancient temples and maintenance of Gowshales (cow-sheds) of the temples, starting and upkeep of the Patshales (Hindu schools), salaries for the establishment of the temples and other similar purposes, (JKA, Dharmarth Trust, An Introduction, pp. 1-2). Thus the Dharmarth Trust became the biggest institution to receive muafi grants in the state (INA, For Deptt; Sec Nos. 108-12, Progs. Feb., 1892). As the Dharmarth Trust had now become the biggest institution, Maharaja Ranbir Singh, in 1884, formulated a code of regulations known as Ain-i-Dharmarth (regulation for the Dharmarth Fund) with a view to put the Trust on a firm basis and a Committee known as "Dharmarth Council" was constituted for the supervision of the grants made to the temples (or the Trust). (JKA, Gen. Deptt. (PR), File NO: 2614/C of 8, 1942; JKA, Gen. Deptt. (PR), File NO: 717 of S. 1943; JKA, Ain-i-Dharmarth, pp. 1-3). That the Dharmarth appropriated the major portion of muafi grant can also be borne by the fact that for the year 1895-96, the budget of the Dharmarth Trust was Rs. 3,35,668/- (JKA, Pol. & Gen Deptt; File NO: 34/F of 1896).

246. Maharaja Gulab Singh ordered for the confiscation of all grants (INA, For Deptt; Sec., Nos. 955-58, Progs. Dec., 1847; Ganesh Lal, op. cit., p. 39; K. K. Pannikar, op. cit., pp. 135-36) but due to the opposition and pressure, he restored some (INA, For Deptt; Sec No. 1266, Progs. Dec., 1846; For Deptt; Sec Nos. 116-17, Progs. Sept. 1847), but much of them were either curtailed or substituted by inams (cash grants, commonly known in the revenue records as mukarrari grants) (JKA, Pol. & Gen Deptt; File NO: 117 of 1896). Some grants, however, were totally revoked. (INA, P.S. Melvill, Punjab Political Diaries, p. 207) Maharaja Ranbir Singh also assigned these revoked grants to the non-Muslims (Pandit Hargopal, Guldast-i-Kashmir, p. 206). Likewise Maharaja Pratap Singh also revoked most of such muafi grants (Adm. Rep., 1889-90, p. 47). Maharaja Hari Singh, too, did not lag behind and is said to have confiscated most of these grants possessed by the Muslims, especially after 1931 uprising, and assigned them to Jammu Dogras. M.F. Hussain, op. cit., pp. 132-33; The Daily Inqilaab, dated 29.11.1931, p. 2.
We do not have any statistical information regarding the total number of villages or total area of land alienated as muafis, but fortunately we have an evidence to show that in 1939-40, there were no less than 970 Muafidars in Kashmir, who, along with the Jaqirdars, appropriated about 12% of the total land revenue of Kashmir.

In 1930, it was proclaimed that the Jaqirdars and Muafidars, who used to take the revenue still in kind, "will henceforth realize revenue in kind and will get compensation for the loss incurred due to the replacement of cash into kind." In 1931, after satisfaction of the conditions of the "Coronation Boons", all the remaining wastelands in their estates


249. JKA, For. & Pol. Deptt; File NO: 125/P-5 of 1933; JKA, For & Pol. Deptt; File NO: 58 of 1933.


The Dharmarth Department was granted a compensatory assignment aggregating Rs. 7,610/- for converting kind into cash collections for 20 villages of Jammu in 48 villages in Kashmir. JKA, For. & Pol. Deptt; File NO: 125/P-5 of 1933. See also, JKA, Ministry of Revenue, Notification NO: R-9, dated 25.1.1935, Jaqirs, Muafis and Mukarraris, p. 17.

251. When Maharaja Hari Singh ascended the throne in 1925 after the death of Maharaja Pratap Singh, he announced some concessions for the peasants and landlords at the time of his coronation in the Darbar.
were transferred to them in assami rights and in the non-bhischara villages, they were reckoned as landholders. Since most of the Muafidars, like Jagirdars, were allowed to adopt sons known as the law of premogeniture, it was ordered in 1930 that "this law will now apply to all Jagirs and Muafis including those specially exempted heretofore". In 1931, however, it was ordered that this law could also apply to the personal muafis tenable during the pleasure of the Maharaja, but not to the religious muafis, muafis tenable during lifetime and those of sankalap and aghair-muafis.

In 1942, it was ordered that muafis not exceeding 100 acres or Rs. 1,000/- per annum in value, should be resumed after the death of the Muafidar, "if it is tenable during the lifetime of a Muafidar and if the grant is tenable during the pleasure of the Darbar, mutation of the muaf share be allowed if the muafi is of cash nature".

252. Supra, fn. 250. Also, JKA, Maharaja's Order dated 20.2.1931, Ministry of Revenue, Notification NO: S/58 dated April 17-18, 1931, Jagirs, Muafis and Mukarraris, pp. 51-56.


Unfortunately, these terms have not been explained in the revenue records, and, therefore, we could say nothing about the nature of these muafi grants.

255. Supra, fn. 252.

The new Government after independence in 1947, order the resumption of all muafis except those held as religious muafis, i.e., by religious institutions. In 1951, by the Order of the Government, all muafis tenable during the pleasure of the Maharaja or held in perpetuity or during the life-time or held in lieu of some political or specific service shall be resumed. However, a Muafid who had no other source of income could apply to the Ministry of Revenue, J&K Government, within one month for the grant of maintenance allowance.

Thus thousands of acres of land resumed from these Musafidars were distributed amongst the tenants without any compensation or cost.

259. Ibid.