CHAPTER-III

AGRARIAN TRANSFORMATION IN JAMMU AND KASHMIR

Historical Background:

The state of Jammu and Kashmir lies between 32° and 37° North and 73° and 80° East. It is almost entirely a mountainous region. Geographically, the state falls into four natural regions: in the south lies Jammu region; in the Centre lies the valley of Kashmir; to the north of Kashmir valley is Gilgit; and to the East and North East of Kashmir valley is Ladakh region. The state had a population of four million, according to census report of 1941. In 1947, when South Asian subcontinent was divided into India and Pakistan, the state of Jammu and Kashmir was bifurcated. Gilgit division in the North and Muzafarabad, Mirpur and parts of Poonch district i.e. northern, western and south-western areas of the state were annexed to Pakistan. Ladakh region, Kashmir valley and Jammu region were incorporated into India. The state is strategically of great importance owing to the fact that, it has common borders with Pakistan, Afghanistan, China, Central Asian states and Tibet. In view of this geographical significance, its historical evolution has been deeply turbulent and volatile. The state of Jammu and Kashmir as it exists
today, was created by British Government through an agreement and arrangement between the then East India Company and the then ruler of Jammu region Maharaja Gulab Singh. Till eighteen hundred forty-six; Jammu, Kashmir & Ladakh were separate and distinct areas under different rulers.

"In November Eighteen hundred forty five, war broke out between the Sikh’s and British at ‘Sobroal’ as the British thought the Sikh kingdom of Lahore a menace to their emerging political fortunes in India. Gulab Singh who formerly belonged to ‘Sikh-Darbar’ played his political cards well in this British-Sikh confrontation and adroitly succeeded in earning the gratitude of British diplomats. Subsequently, he became the Prime Minister of Punjab after the Sikhs were vanquished. Meanwhile, the British were conducting negotiations with the defeated Sikhs and demanded a war indemnity of rupees one and half crore. The ‘Sikh-Darbar’ was not in a position to pay so much. In view of the same, the subsequent negotiations culminated in ‘Sikh-Darbar’ offering to cede the territories between the River ‘Beas’ and
"Sutlej" in lieu of one crore of rupees and the British government accepted this offer. On March Nine, eighteen hundred forty-six, the British and Dhuleep Singh of Lahore concluded the Treaty of Lahore. Among other things it was also provided in this treaty that "in consideration of the services rendered by Raja Golab Singh of Jammu, to the Lahore State towards procuring the restoration of the relations of amity between the Lahore and British Government. the Maharaja (Dhuleep Singh) hereby agrees to recognize the independent sovereignty of Raja Golab Singh in such territories and districts in the hills as may be made over to the said Raja Golab Singh by separate agreement between himself and the British Government......" (Anand, A.S., 1994: 10-12).

Seven days after the conclusion of this treaty, another treaty was executed between Raja Golab Singh and British Government in eighteen hundred forty-six at Amritsar. By this treaty of Amritsar, notoriously referred to in the state of Jammu and Kashmir as "Sale Deed of Kashmir" - the British government made over to Raja Golab Singh the state of Jammu and Kashmir for a total
sum of Rs. 75,00,000, the area of the state being 84471 sq. miles inhabited by 2.5 million people. The treaty of Amritsar ran as follows:

**Article-I:** The British Government transfers and makes over, for ever, in independent possession, to Maharaja Gulab Singh and heirs male of his body, all the hilly or mountainous country, with its dependencies situated to the Eastward of the river Indus and Westward of the river Ravi, including Chamba and excluding Lahore, being part of the territories ceded to the British Government by the Lahore state according to the provisions of Article IV of the Treaty of Lahore dated 9th March, 1846 A.D.

**Article-II:** The Eastern boundary of the tract transferred by the foregoing Article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British Government and Maharaja Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

**Article-III:** In consideration of the transfer made to him and his heirs by the provisions of the foregoing Articles, Maharaja Gulab Singh will pay to the British Government the sum of seventy-five lakhs of rupees (Nanakshahi), fifty lakhs to be paid on ratification of this Treaty and twenty-five lakhs on or before the 1st October of the current year, 1846 A.D.
Article-IV: The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without the concurrence of the British Government.

Article-V: Maharaja Gulab Singh will refer to the Arbitration of the British Government any dispute or questions that may arise between himself and the Government of Lahore or any other neighbouring State and will abide by the decision of the British Government.

Article-VI: Maharaja Gulab Singh engages for himself and his heirs to join with the whole of his military forces, the British troops when employed in the hills or in the territories adjoining his possessions.

Article-VII: Maharaja Gulab Singh engages never to take or retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

Article-VIII: Maharaja Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of the Articles V, VI and VII of the separate engagement between the British Government and the 'Lahore-Darbar', dated 11th March, 1846 A.D.

Article-IX: The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.
Article-X: Maharaja Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmiri shawls.

This Treaty consisting of the above Articles has been this day settled by Frederic Currie Esq. And Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General, on the part of the British Government, and by Maharaja Gulab Singh in person and the said Treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B., Governor-General.

Done at Amritsar this sixteenth day of March in the year of our Lord 1846, corresponding with the seventeenth day Rabi-ul-Awwal 1264 Hijri.

(Signed) H. Hardinge (Seal)
Maharaja Gulab Singh
(Signed) F. Currie
(Signed) H.M. Lawrence

By order of the Right Honourable
The Government of India
(Signed) F. Currie.
Secretary to the Government of India.
With the Governor-General.

In this way Kashmir came into the hands of Maharaja Gulab Singh. He was already the master of Jammu, Ladakh and Baltistan had also been earlier
conquered for him by his General Zorawar Singh (1835-40 A.D.). After taking the possession of Kashmir, Maharaja Gulab Singh occupied Gilgit as well. Thus he founded the modern State of Jammu and Kashmir:

The total population of Jammu and Kashmir State, according to 1941 census was 4021616 as compared with 3646243 in 1931. The mean density had thus risen from 43 per square mile to 48 during the decade 1931-1941. If, however, we exclude the Indus Valley which occupies 3/4th of the total area, but accommodates a population of only 1/13th of the total, the mean density per sq. mile according to at the 1941 Census would be 177.

Agriculture was the main occupation of the people, supporting roughly 87.5 percent of the population. Of the total population roughly 89.1 percent of males and 90.3 percent of females did reside in villages. This large percentage lived on the income derived from 21,99,367 acres of actual cultivated area and such forest produce as was within its reach.

Gaga Nath in his report on administration of Jammu and Kashmir State, November, 1944, maintains that the general attitude of an agriculturist precludes him from taking any risks in regard to improvements in the methods of cultivation. Apart from the fact that general rural outlook on life and religion does make the average villager victim of superstition, pathetic
contentment and sullen fatalism, thereby inducing in him lack of enterprise and inaction, the average agriculturist had little spare capital which could afford him any scope for adventure.

Owing to this attitudinal orientation, only 6 per cent of the gross cultivated area was under cash crops during 1930's and 1940's whereas about 85 per cent of the same was under traditional cropping pattern in Jammu and Kashmir State. No major shift in this cultivation pattern is expected in the near future. Shri Ganga Nath Report also talks about the surveys conducted by the Rural Development Department which, et al., came to the following conclusions:

i. The average villager is indebted, employed primitive methods of farming, used old implements of agriculture, was illiterate and had a low standard of living.

ii. Village roads are on the whole bad, cottage industries are not sufficiently organized and self-sufficiency of the village has been rudely shaken.

iii. The produce of the villagers is not keeping pace with the increase in population and therefore the pressure of the population on land is continuously increasing.
The following lines from Ganga Nath Report encapsulate the condition of rural population of Jammu and Kashmir during 1940's i.e. just before independence. On the whole we feel that petty cultivators and tenants other than those in the frontier province and in the hilly tracts of Jammu province are in a slightly better position than their brethren in British India. This is accounted largely by the greater popularity and scope which cottage industries enjoy and the greater use which a peasant in these areas is able to make of his enforced leisure. Unlike the tenants of British India, however, the tenants of the state living in the hilly tracts of the Jammu province are in a miserable plight. These tenants by prescription and tradition possess few rights of their own. They are short of capital and their only interest in life seems to be to carry on as best as they can with such scant means as are available to them. In regard to the efficiency of their farming methods, the peasants of this state do not compare unfavourably with their neighbours as would be clear from the fact that in the field of rice cultivation, while a Chinese farmer gets 1800 lbs. per acre, Japanese farmer 2,400 lbs. per acre in the same area, India yields an average of 900 lbs. per acre and the state 1080 lbs of rice in per acre."

After Amritsar treaty, the proprietary rights in all the lands of Jammu and Kashmir vested in the Ruling chief exclusively. The territories of Jammu were already
hereditarily ruled by the ancestors of Gulab Singh and the territories of Kashmir were purchased by Gulab Singh from the Britishers vide Amritsar Treaty. In view of the same, any sale of any such lands by anyone else was illegal. The Govt. for all legal as well as practical purposes became, “a farmer working with coolies under a management closely approximating forced labour.”

Andrew Wingate, the first Settlement officer in Kashmir in his report mentions that, whatever rights the cultivators might have had under customary or conventional stipulations, it was certain that ownership of villages unless conferred by Darbar by Sanad did not exist in Kashmir. He further writes that the Darbar could not have protected itself without the assistance of the cultivators, nor was any Land-Settlement likely to last which did not engage the active sympathies of the peasantry in support of the state policy. This assistance and sympathy could only be won by conferring upon the cultivators the possession of the land they tilled. It was at the instance of the strong recommendations of Andrew Wingate and his successor, Walter Rooper Lawrence that the occupancy rights were given a legal sanction by Maharaja in 1895-96.

However, for all practical purposes the lands of Jammu and Kashmir were in the iron grip of Jagirdari system and chakdari system. The tenants were at the mercy of Jagirdars and chakdars and did not enjoy even
the occupancy rights. Nevertheless, the occupancy rights of the tenants were not interfered with because of the fact that interference in this right was neither in the interest of the Govt. nor those of the peasants. The possession of the occupancy rights by the peasantry was a practical if not a legal fact.

It was because of this regard shown to the hereditary occupancy rights that we find some influential persons offering protection to the peasants from begar or forced labour and official persecution in lieu of forged agreements from them to the effect that their village had long been the property of such and such a pandit.

The peasants were in an abject and miserable conditions. Almost all historians who have written about this period were compelled to bring out their pitiable conditions. P.N. Bamzai, while writing about the period comments, that the food of the majority people consisted of boiled rice and vegetables, although a considerable number of people lived on singhara (water nut) maize and barley. Moorcraft records that singhara constituted almost the only food of at least 30,000 people for five months in the year and the nadru or the stem of nymphae lotus, of about five thousand people in the city for nearly eight months. This is a striking proof of the poverty and low standard of life among
the common people of that era. Peasants lived in dwellings, which were worse cowsheds of our times. "Even the best house in the Lolab Valley could afford no better shelter in rain than a chinar tree. These huts were made like log cabins and were covered with mud plaster (Bamzai, P.N. 1962; Vol. 1:132).

Another contemporary historian, P.N. Bazaz says that, "the poverty of the muslim masses was appalling. Dressed in rags which could hardly hide his body and barefooted, a muslim peasant presented an appearance rather of a starving beggar than that of one who filled the coffers of the state. He worked laboriously in the fields during the six months of the summer to pay the state its revenues and taxes, the officials their rasum and the money-lender his interest. Most of them were landless labourers working as serfs of the absentee landlords. They hardly carried as their share of produce, enough for more than three months. For the rest they had to earn by other means. During the six months they were unemployed and had to go outside the boundaries of the state to work as labourers in big towns and cities of British India. Their lot, as such, was no good, and many of them used to die every year, unknown, unwept and unsung outside their homes. The disgraceful environment and unkind surroundings in which so many of them died was a slur alike on the people and the
government of the country to which they belonged (Bazaz, P.N. 1954: 144).

Owing to the exorbitant taxes and the loot of the corrupt officials of the government, most of the cultivators gave-up their lands and abandoned the profession of cultivation before Pratap Singh came to the throne. It was with great difficulty that Sir Walter Lawrence, the Settlement Commissioner during 1890's, could persuade people to take possession of land.

The main features of the Settlement which Sir Walter Lawrence effected were:

i. the state demand was fixed for fourteen years.

ii. payment in cash was substituted for payment in kind,

iii. the use of force in the collection of revenue was done away with,

iv. begar (forced labour) in its more objectionable form was abolished.

v. occupancy rights were conferred on Zamindars in undisputed lands.

vi. the status of privileged holders of land was investigated and land in excess of the sanctioned area assessed at the ordinary rates.
vii. waste lands were entered as *Khalisa*.

viii. permanent but non-alienable hereditary rights were granted to those who accepted the first assessment, and all land was carefully evaluated on the basis of produce, previous collection and possibility of irrigation. The *rasum* and exactions of *Jagirdars* and big landlords were abolished and the rents and liabilities of the cultivators were defined (Bazaz, P.N.. Op.cit.: 139).

The landlords of Kashmir had the right to occupy land so long as they paid the revenue but, they could neither sell nor mortgage it. The 'tenants-at-will' held land subject to the will of the proprietor, who could eject them at any time.

In Kashmir occupancy tenants consisted mainly of those tenants who held land at the time of Lawrence's Settlement and had once been declared by a competent court to be so. In the cities and towns of Kashmir people were given the rights of selling or mortgaging the land.

**Peasants-Stratification:** The peasants of Kashmir were never homogeneous. They were stratified on the basis of legal and economic position. Broadly, the stratification was as under:

i. *Khalisa* peasants; these were mainly Government cultivators.
ii. Kashtkars; These people were working under privileged landholders.

iii. Assami or Maurusi peasants; These were the people who were hereditary peasants.

The possession of the occupancy rights had been defined by Lawrence in the following words:

"The assami may be defined as a name recognized by the state as the lawful occupant of land in Kashmir, and in the Mughal times and thereafter, from the point of view of the state, the status of 'assami' in theory meant nothing more than a tenant-at-will. But, in the village the assami was man in whom vested the miras or hereditary right to certain plots of good and irrigated land within the boundaries of the village. In the main disputes which I have to decide as to rights in land the decision always rested on the existence of miras, and in the village it was never difficult to ascertain on the spot whether a claimant was a mirasdar or not. Changes of dynasty and changes of system, earthquakes, floods and famines, have alike failed to obliterare the hereditary principle in land tenures in Kashmir, and while
Mughals, Pathans, Sikhs and dogras have steadily ignored the existence of hereditary occupancy rights, these rights have been kept alive by the village (Lawrence 1895:128).

Another category of workers was that of landless labourers. They were a highly exploited lot. They lived in absolute penury and powerlessness. They were worst among the workers. As per the then obtaining situation, there was no competition among tenants where the population was less in proportion to cultivable land. In such circumstances, the owners competed with one another for the services of the tiller. All means of persuasion were used to settle new tenants on land and they were evicted only when they defaulted in payment of revenue or the owner's share of the produce, otherwise known as rent, which the tenant paid in cash or kind. In such a situation the powerful landowner was bound to have a lions share. The labourer did not enjoy the status of a tenant. He just toiled against nominal wages and earned the produce for the class of the landowners. This bought into existence the class of landless labourers, whose lot was worse than the traditional slaves of the Middle Ages.

The situational inequality or institutionalized stratification inspires the downtrodden people to summon all their determination, worth power, influence
and resources. The systemic and systematic exploitation dictates a dialectical scenario where the exploited masses unavoidably and inevitably get into conflict with the ruling minority of the society. The peace and silence of a society is then disturbed by a craving for change, which generates confrontation and violence. The urge for change may get dormant for a while but it never dies down completely. Man revolts when he is denied his birthrights. A man with a hungry stomach and a naked body in the heat of summer and the cold of winter and unable to support his wife and children, when subjected to further torture and suffering, is compelled from the deeps of his personality to challenge these conditions. His mind is suffused with the a radical and revolutionary orientation and with determination and purpose he breaks all chains of suffering mostly by capturing power and demolishing all barriers in the way of his progress. This is an oft-repeated scenario witnessed by history at various points of space and time. Such revolutionary fervour has almost always succeeded in bringing about a new social and political order. The leaders and followers of such revolutions have characterized every society of the world and they have successfully dictated new social and political agenda, of course, within differing situational parameters.

Kashmir too was being subjected to unspeakable social, political and economic humiliations. The
fundamental rights and even birth rights of Kashmiris were violated with impunity and they were caught within the vortex of an excruciating system of exploitation. It was a virtual enslavement of an overwhelming proportion of the masses by an insolent and arrogant class driven solely by considerations of personal aggrandizement. Many historical narratives have repeatedly tried to bring out this essentially indescribable, story of suffering and exploitation.

The feudal era in Kashmir, as everywhere else, provided a scenario of gross distributive un-equivalence. The means of production (mostly land) were controlled by a tiny minority. The interests of this tiny minority always got better of considerations of common good. With the self-righteous mindset and blissfully unaware of the political and economic reforms taking place across the lobe, their sole aim and objective was to devise new mechanisms of exploiting the masses. Such objective conditions were bound to generate a new consciousness amongst the masses.

One of the founding fathers of this ideology was Mirza Mohd. Afzal Beg. He had a thorough understanding of the peasants and their miserable conditions. In view of the same, implementation of Land Reforms was his top priority. He was first among equals.

Mirza Mohd. Afzal Beg was a Pioneering Freedom Fighter and a Stalwart of Kashmir Movement.
in the National Conference who was keen to see that Land Reforms see the light of the day. In his autobiography, he has described the conditions of the peasants at length and has highlighted all the aspects of exploitation of the peasant masses. While highlighting the economic set up of his state Mirza Mohd. Afzal Beg says, "The economic system of Jammu and Kashmir was not different from that of the Asiatic countries particularly from India. The tillers of the soil who put their own blood into labour, the working peasants, had their rights at the mercy of a section of people, the class which had no interest in that land itself. This class was interested in exploitation of the land and its produce for its own benefit. The conditions of the peasants never bothered them. Slowly the peasants sunk low and passing through the worsening stages of poverty and degradation, reached a stage where society almost refused to confer on them even the status of human beings under the capitalist order of society which automatically breeds class struggle (cf. Encyclopaedia of Kashmir, 1995; Vol. 10: 225).

On the one hand, the *Jagirdar* was virtually the ruler who lived like a despot. His lordship was above reproach and beyond responsibility. On the other side of the fence there were lakhs living like the orphans of fate.
Land Revenue system: During pre-British days the amount which was realized as land revenue had little relation to the rent which the kisan had to pay. Revenue was recovered in cash or kind either directly by Government officer or through middlemen from those cultivators who tilled the land and produced crop. The middlemen were called kardars or Mustajars who were powerful people and by threat of either being royal descendants or being connected with feudal chiefs or influential persons could exercise un-restricted rights. There was also the revenue farmer with large and arbitrary power who was responsible for collecting the revenue of a fixed territory. When the crops were getting ready the intermediary revenue officers used to post their own watch and ward to keep the peasants away from the crop. The peasant was subjected to ruthless penalties if out of starvation he dared to use a little corn for his daily use. There were cases when even the peasant after having visited his crop had his mouth searched lest he had few grains in his mouth. If it could be proved that he had even swelled a few grains then no means of punishment were spared to humiliate him.

Privileges of Landlords: The privileges of landlords i.e. Jagirdars and Maufidars were almost absolutely inviolate. They were virtually Monarchs of their Jagirs. A sample of their privileges as tabulated hereunder may
not give us an exhaustive profile of the then obtaining state of affairs but it can be illustrative so far as it goes:

1. Inside the Jagir lands he could exact grazing fees on cattle in the same manner in which he recovered the assigned land revenue and this right was conferred in all cases irrespective of the fact whether or not it was expressly contained in the instrument of grant.

2. He enjoyed the same rights in respect of the forests within the Jagir as state did.

3. Inside the Jagir the right of landholder dying heirless instead of escheating to the state devolved on the Jagirdar.

4. He needed no shooting licence within the estate.

5. He needed no State Subject Certificate like other people.

6. If the state acquired any part of the estate, it was he who received compensation.

7. Village headmen were the men of his own choice.

8. State land given on ground rent entitled Jagirdar to receive that rent.

9. Income from water-mills accrued to him.
10. He recovered the extra grazing fees in respect of the cattle of his Jagir that grazed in pastures outside his estate.

11. He possessed prior rights to reclaim lands for cultivation.

12. He was exempted from personal appearance in civil court.

The absentee landlordism had led to three main defects with regard to management and production of the available land. Firstly, it led to sub-letting of the land holdings which process often resulted in a chain reaction and created a situation where a host of sub-contractors could be seen fragmenting and sub-dividing thousands of plots of land across the state. Secondly, the mushrooming of these sub-contractors did extend the impact of exploitation both vertically and horizontally. Thirdly, it generated a scenario where full utilization of cultivable land could not always be worked out, in view of the fact that agricultural labourers found the terms and conditions of such operations as extremely unrewarding and most of them preferred to migrate to the plains of Punjab with a view to meet out extremely pressing demands of survival. Thus the absentee landlordism generated a network of sub-landlordism and in many cases the chain could be traceable upto ten middlemen who often fattened in luxurious surroundings sustained by the excruciating
labours of the exploited tenants. The exploiting system of absentee landlordism was economically as unproductive as it was ethically unjust. A tiny minority of land owners was riding roughshod over a huge majority who didn’t own anything. The landowner got everything while doing nothing and the tenants did everything without getting anything, in the bargain. The absentee landlordism had thus reduced lakhs of peasants of Jammu and Kashmir State to abysmal depths of drudgery. They were condemned and consigned to a socio-political arrangement where they were alienated from their own moral and spiritual moorings by internalizing the world-view and value system of their feudal lords. The obtaining heedless and careless socio-political conditions literally reduced them to voiceless wretches and tongueless, “hewers of wood and drawers of water”.

Thus we see, before 1947, the State of Jammu and Kashmir was hierarchised in a complex network of Jagirdari system. However, the Jagirdars themselves were stratified into big, intermediate and small categories. For example, while the total cultivable land in the state of Jammu and Kashmir was 21,99,367 acres according to 1941 census, four hundred and seventy-two absentee landlords owned between themselves 11,59,664 kanals of land. Their average land holdings were above 2000 kanals or 250 acres and they may be
characterized as big landlords. On the other hand, 1886 absentee landlords appropriated between themselves 11,26,088 kanals of land. Their average land holdings were around 597 kanals or 30 acres and they may be characterized as intermediate landlords. Small landlords estimated to be about 1.5 lakhs in the forties of 20\textsuperscript{th} century held 11 per cent of the total cultivable land of the state during the same decade. As compared to that the cultivating peasants numbering about 8 lakhs held only 32 per cent of the total cultivable land of the state. Their were also 3 lakh tenants who did not own anything but cultivated about 10 per cent of the land held by others.

**Ideological Impact of Bolshevik Revolution on Kashmir:** Despite geographical proximity the people of Kashmir had no direct contact with the people of the former Soviet Union. However, the flow of ideas did find their way into the valley inspite of the fact that British government took all the measures to plug every possibility of inflow of any revolutionary ideas. They were politically perceptive enough to grasp that the communist ideas were potentially much more of a menace to their domination of the Orient than all the Tsar's armies in the past. Inspired by Russian Revolution the Communist Movement in India had deeply involved itself with people's problems in the twenties of 20\textsuperscript{th} century. They were not only organizing
the peasantry and working class movements throughout India, but also guiding these movements in princely states. The young radicals of Kashmir who had come into contact with communists in the Punjab (Lahore) started trade unions and other activities in the state. They started a study circle and an organization namely Free Thinkers Association. Such organizations were ostensibly to be centres for conducting the intellectual activities but actually were meant for imparting Marxian ideology. Their main goal was to impart political education to the upcoming generation of Kashmir.

There was also an attempt to form a kisan sabha in October 1937. Its first meeting was held at Hyderpora (Srinagar) on 28th and 29th of October. The meeting was presided over by Sofi Mohammed Akbar. But, it did not pick up despite the fact that Sheikh Mohammed Abdullah while addressing Mazdoor Sabha (on 29th September, 1939) at Zaindar Mohalla had declared: "My energies will be now directed towards the villages". It was a confession of the fact that till then he had never attempted seriously to organize peasantry in Kashmir. Many communist leaders visited Kashmir right from 1937. Some of the radicals in the National Conference had fully adopted the Marxian ideology. By 1939 communists in Kashmir had started propagating the same openly. The statement issued by National Conference on 18th of May 1942 on Fascist Germany's
attack on the Soviet Union gives us the idea of the influence of communists on National Conference. The statement, in its operative part, is worth quoting:

"... at this juncture of world history, it is high time that the people should realize the significance of the increasing danger to our country from the world Fascist forces. People must be roused from their apathetic attitude towards this war, which in the opinion of the working committee is no more a purely imperialistic conflict but has changed into a peoples front of the entire world against Fascism and reaction, no matter that reaction is of home made variety or of a foreign brand (Dhar, D.N., 1989:207).

In its second session on 29th Sept., 1940 at Baramulla National Conference adopted some radical decisions in the shape of various resolutions. These resolutions pertained to the heart rendering conditions of the peasantry. One of the resolutions said: "..... no responsible Government would be acceptable to the nation in which tillers of the soil are not allowed to enjoy the fullest fruits of their labour; for this there can be no other way than those alone should possess and own soil who till it" (Dhar, D.N., Op.cit., p. 202). Most of the resolutions passed by National Conference were generally introduced by those who were professing
Marxian ideology, although they never identified themselves with communists and one among them was Prem Nath Bazaz. Communists were provided a golden opportunity when they vindicated the long cherished desire of the peasantry in the form of drafting a memorandum in 1944 for the Royal Commission presided over by Justice Ganga Nath. This Manifesto was later on published as 'New Kashmir' and adopted in the Annual Session of the National Conference held at Srinagar on Sept. 29th and 30th in 1944. The introduction to 'New Kashmir' which is signed by Sheikh Mohammed Abdullah contains the following lines:

"In our times Soviet Russia had demonstrated, before our eyes, not merely theoretically, but in her actual day to day life and development, that real freedom takes birth only from economic emancipation. The inspiring picture of regeneration of all the different nationalities and the peoples of the USSR and their welding together into the united mighty Soviet State that is throwing back its barbarous invaders, with deathless heroism, is an unanswerable argument for the building of democracy on the corner stone of economic equality" (Dhar, D.N., Op.cit.:208).
Some points in Peasants Charter as laid in 'New Kashmir' are as follows:

1. Every peasant had a right to work on the land unless he is provided with alternative and congenial work on equal conditions.

2. All land which at present belongs to the landlords will revert to the peasant, when social parasitism is abolished.

3. Every peasant family will be guaranteed a higher standard of living in accordance with the national norm.

4. The right of the peasant to maintenance from village produce will be recognized as the first claim on it.

5. All feudal dues, levies and forced labour to be completely abolished.

6. Rural indebtedness has been the millstone of the peasantry of the state. The peasant must be made completely debt-free. wherever the borrower has paid off original amount, there shall be no further payment of interest.

7. The peasant, in common with all other workers of the state, is entitled to all the benefits of social insurance.
8. The peasant in a planned economy will be protected against famine, flood, frost, crop pests, fire and cattle or animal diseases.

9. The peasant shall have the benefits of modern scientific research...

10. Cheap and speedy transport facilities to be provided for all peasants.

11. The peasant shall be provided with cooperative marketing facilities to eliminate wastage of labour power.

12. The peasant shall be ensured the benefits of local forest products and freedom from harassment by forest officials.

13. The peasant shall have the right to free medical and nursing facilities under the plan.

14. The peasant has a right to a clean, weather proof and healthy home in a planned village with pure drinking water supply.

15. The peasant has the right to recreation, based on a village hall as an expression of a common village life, provided with a radio and facilities for indoor and outdoor sport.

16. The peasant has the right to education, not only in three Rs, but with special application to land and its problems, up to the highest point of which he is

From the agricultural point of view a great social danger was looming large on the horizon of Jammu and Kashmir State. On the one hand, due to varied complications, the number of self-cultivating peasants was decreasing giving rise to larger and larger number of landless tillers. and on the other hand, a handful of people were grabbing the major portion of produce, appropriating a larger and larger share of wealth to themselves. They wallowing in their luxuries, and fervent in pursuit of extracting more and more. This state of affairs was the forerunner of a very grave class-conflict, the consequence of which was not difficult to foresee and estimate. The National Conference on coming to power was conscious of their responsibilities and the promises made in their Manifesto of ‘New Kashmir’ and of the consequences of the crisis that had been brought about by land slavery. In order to protect the interests of peasants and landless labourers and save them from exploitation, the economic reforms were necessary. The Government was aware of the obstacles, which the exploiting class and the vested interests would put at every stage. But, the Government's determination and will proved exemplary and in the end all the challenges of the vested interests were
steamrolled and in the end, a different scenario of agronomical system emerged in Kashmir.


"We have achieved our political goal of full responsible government but we realize that political freedom is not enough that to make it durable and an effective means of peace and progress in a country, it must be founded on souci-economic freedom. We are determined to make it worthwhile for the humblest and the poorest of our countrymen to love this country. By concrete acts of the government for his well being, we will help him to realize that his country loves him too, that it offers him opportunities to discover the best in him. Inevitably, the government will, as conditions permit, implement the economic programme of 'New Kashmir' which has inspired hope into the hearts of the millions of our countrymen. The tiller of the soil and the labourer, the kisan and the Mazdoor, the skilled and the unskilled worker, in the factory as well as in the small cottage industry, the landless
agriculturist, the petty shopkeeper, the petty farmer, and other neglected sections of our people will be given a fair deal. All this will be done with a view to the prosperity of the people and the country as a whole and, indeed as the only effective means to it. It will be our earnest effort to instill a new hope and a new sense of dignity among our countrymen so that the ignorance and poverty are removed and all exploitation of man by man comes to an end. We shall trust the common man and build a Panchayat Raj all the way up from the rural or small down unit to the top. And, while this will demand sacrifices and new adjustments from all of us particularly from those of us who have ridden the back of the poor people so long and fed and fattened on him, it need not fill any of us with fear, for we shall see that the change is peaceful and that there is no avoidable hardship anywhere" (cf. Encyclopaedia of Kashmir, Vol. 10:155-156).

Immediately thereafter all the Jagirs or Muafis were abolished. Three hundred and ninety six jagirs/mafis involving an annual land revenue assignment of Rs.
566313 were abolished. In pursuance of the same aims and objectives as outlined above, the new Government of Jammu and Kashmir with Sheikh Mohammad Abdullah as Prime Minister and Mirza Mohammad Afzal Beg as Minister of Revenue, Agriculture, Forests and Cooperatives passed orders seeking to implement the policy of transferring land to the actual tillers. In continuation with these reforms are passed the 'Big Landed Estates Abolition Act' in 1950, which provided a ceiling of 22.75 acres on land held by an owner. The rights of every owner in land, which was in excess of this ceiling, were extinguished and transferred to the tillers thereof, subject to the condition that no tiller could thereby become an owner of land, including land already held by him in ownership, exceeding 20 acres. It was also provided that where land in excess of 22.75 acres was cultivated by any tiller, such excess land would vest in the state. As a result of this enactment, 9000 and odd proprietors were expropriated from 4.5 lakh acres of land and out of this 2.3 lakh acres were transferred in ownership right to the tillers free of all encumbrances, and the remaining land vested in the state (Grover Virender (ed.), 1995:408).

The main features of the Big Landed Estates Abolition Act, 1950, emanating from Agricultural Plan, were as follows:
1. Existing proprietors, who own more than 160 kanals (20 acres) of land shall, subject to other conditions and limitations, retain and hold;

a) A unit of agricultural land not exceeding 160 kanals,

b) An area not exceeding 8 kanals for residential use or for use of vegetable gardening.

c) A residential site actually under building at the present moment including a compound attached to such building not exceeding 4 kanals in each case, and

d) Area under Bedzar or Safedzar not exceeding 10 kanals.

2. Any proprietor who owns more than 160 kanals of land shall have the option to select the area specified in Article 1 within a period of one-month failing which a Revenue Officer, not below the rank of Tehsildar, shall allot him the said area.

a. All big orchards of a specified area shall be forthwith nationalized and shall become the property of the state, and

b. Orchards other than these shall continue to be the property of the present owner.

3. The right of ownership in land in excess of other area mentioned in Article 1 shall cease to vest in
the present proprietor from the date this order comes into force.

4. All the land from which the present owner has been expropriated shall be transferred to the tiller under whose cultivating possession such land is at the present moment.

5. The tiller shall be the full owner of the land transferred to him.

6. The tiller shall pay to the government besides land revenue and other dues payable at present a special cess called the "Land development cess."

7. The government shall determine the rate of this cess and all income derived therefrom shall be credited to the Land Development Fund which shall be available for effecting improvements on such lands.

8. No proprietor or tiller shall transform land or any interest therein without the previous permission of the government.

9. Except so far as herein before provided, no tiller or proprietor shall hold or retain possession of more than 160 kanals of land.

10. The actual size of the holding of the tiller to whom land has been transferred under this order shall be finally adjusted in due course of time.
11. The Government shall appoint a committee to determine the assessment and the method of payment of compensation for the orchards that are nationalized.

12. The government shall pay to the proprietor who has been expropriated from the land under the following among until Constituent Assembly of the State is convened and the question of compensation is finally decided.

a. For the first year after expropriation an amount equal to \( \frac{1}{4} \) of land revenue of the land from which he has been expropriated,

b. For the second year \( \frac{2}{3} \) of such land revenue;

and

c. For the third and subsequent years \( \frac{1}{2} \) of such Land Revenue, provided that:

i. The amount so payable shall not in any case exceed a sum of Rs. 3000 per annum; and

ii. No amount shall be payable on account of any area appropriated by the owner from Shamilat-Deh (Village Common).

The presumption in Reforms was that land belonged to those whose labour produced the wealth of the grains. No civilized government can claim to be
democratic so long as it does not take steps to bring about maximum possible happiness to the largest number of people. The Land Reforms Act was a step in this direction. A contemporary historian D. N. Dhar, describes the historical Act as,

“At the sunrise on the beautiful morning of 14 July 1950, when the peasant cultivator of Kashmir walked over his fields, he could not believe that the land belonged to him now and that he had overnight become its master. He did not know that his forefathers, centuries ago, had served the Damaras lords who fought wars against kings for their power and influence. Nor did he know that they had been used by the Kashmiri nobility under the Sultans to fight the Sayid Nobles across river Vitasta (Jhelum) for dividing the valley among themselves. He did not know about the tyranny inflicted on them by the hatchet of a pathan, Sirdar and the Kripan of a Sikh Nazim. He was blissfully ignorant of the role of Revenue farmers and the exacting Kardars. He only knew the injustice and cruelty perpetuated by the rapacious Jagirdars, absentee landlords, usurious Wad-dars and unscrupulous officials. He still dreaded the word Gilgit where his ancestors used to be
taken on begar. But on this great day he was walking with his head high in an atmosphere of complete freedom. Freedom from feudal bondage (Dhar, D.N., 1989:409).

In 1972 ‘Agrarian Reforms Act’, was passed which, in effect, declared extinguishment of the rights in land of persons not cultivating it personally and simultaneously prescribed a ceiling of 12.5 standard acres on land. But, this act provided for an exemption in favour of orchards.

Most of the tillers were not happy with this Act. Because they were supposed to get ownership right after 20 years. During this period the Government was to recover rent from them on the basis of the average rates of produce ascertained at the time of the last Settlement. This rent was payable to the former owner towards the amount that was due to him in lieu of the extinguishment of his rights. There were many other aspects of this law, which made both former owners and tillers unhappy.

A new law called ‘Jammu and Kashmir Agrarian Reforms Act., 1976’, was passed and the Act was retrospectively effective from May 1, 1973, the date on which the earlier Act of 1972 became effective. This Act made no exemption in favour of orchards. Further, although the Act adopted the basic principles of “land to the tiller”, it did not throw the petty landlord on the
roadside as the earlier Act did. On the other hand, he was permitted to cultivate some portion of his holding which was equal to the portion of the produce that he was recovering as rent from the tiller. The distinctive part of this Act was that the tiller did become owner of half of the land left with him without paying any compensation for it. At the same time, to ensure that the aggregate of land resumed by a former owner did not reduce the tiller’s holding to too low a level, it was further provided that no former owner could resume land so as to result in more than five standard acres coming to his possession.
References:


2. Justice Ganga Nath was the President of the Royal Commission appointed for examining the Constitutional Reforms for the State. His report on Administration of Jammu and Kashmir State of November 1944 is available at Achieves Srinagar.

3. Ibid., pp. 85-86.


5. Ibid., p. 86.
