CHAPTER - III

LAND REFORMS AND POLITICS IN JAMMU AND KASHMIR

Among the States of the Indian Union, Jammu and Kashmir has the distinction of introducing land reform legislation of considerable magnitude. In fact, as early as 1944, the New Kashmir Manifesto included the basic principles of land reforms such as the abolition of intermediary agencies of exploitation and landlordism, land-to-the-tiller programme and so on. The National Conference, under the leadership of Sheikh Mohammad Abdullah, was opposed to monarchical and autocratical rule which failed to raise the living standards of the masses and to remove the ignorance, illiteracy, unemployment and poverty of the people. Maharaja Hari Singh, instead of alleviating the sufferings of his subjects, placated and fostered the interests of his clan and a large body of courtiers through grants of big chunks of land as Jagirs. There was no attempt at remodelling the agrarian economy which was based on a feudal land system which presented a picture of inefficiency, low productivity and stagnation.

After independence of India, when it was found that the Maharaja was not keen to accede to India and wanted to retain Jammu and Kashmir as an independent sovereign entity, the resentment of the people against his dynastic autocracy
increased. The National Conference gave a call for a struggle to bring about an early end of the Maharaja's rule and this provided the necessary agitational fuel to the political fire. By that time, the economy of the State had been completely paralysed by the massive, sudden and clandestine invasion of the State by the tribesmen supported by the Pakistani armed forces. The peasants in most parts of the State had fled for safety, abandoning their homes and hearths and seeking asylum in forests or other places of safety. The people who had not fled, were handicapped from bringing the land under plough because their draught animals had been killed and their agricultural implements and hamlets, along with food grains burnt by the tribal marauders.

With this state of affairs, the then administration was not only confronted with the complex problem of maintaining law and order but also that of the rehabilitation of the uprooted sections of the population. When Sheikh Mohammad Abdullah and his party came to power, the first problem which faced them was to devise measures to better the condition of the peasants who, constituted more than 80 per cent of the population. A frontal attack was made on the State's feudal land system which had sucked the blood of the cultivators and deprived them of their personality and reduced them to abject destitution obviously radical measures were needed to deal with social and economic malaise which had seized the State.
for "an absolute accession" with India. The reason for their demand was obvious. The Praja Parishad was purely an agent of feudalism and when the feudal class became powerless and nationalists were popular throughout the State because of their legislation on land reforms, they naturally, thus tried to exploit the communal sentiments of the people.

But all this opposition did not deter the Government to introduce these popular measures calculated to render much-needed relief to the oppressed and poverty stricken people.

The various measures which the Government took from time to time, may here be divided into two phases:

(i) First phase of land reforms: 1950s; and
(ii) Second phase of reforms: 1970s.

First Phase of Land Reforms: 1950s

The first phase of land reforms commenced with effect from 1948 when the Government, headed by Sheikh Abdullah as Prime Minister and Mirza Afzal Beg as Revenue Minister, took steps to redeem their promised pledges. The first step in this direction was taken in April 1948, when the Government enacted legislation to remove the burden of parasitic hierarchy of Jagirdars, Muafidars and Mukkarraries and a feudal system which was in force in the State. As a result of this enactment, 396 Jagirdars and Muafidars and 2,347 Mukkarraries were removed from the rural scene. Table A-I

66. Table A1 is given in Appendix A.
will show the number of Jagirdars, Muafidars and Mukkarraries in the State, community-wise. The Jagirdars and Muafidars used to pocket Rs. 5,56,313 of the land revenue annually.\(^6^7\)

As a result of this step, the Government saved for the State about seven lakh rupees per annum and relieved the much exploited peasants of the burden of payment in kind to the tune of Rs. 31.2 lakh and released 4,250 acres of land, granted to Jagirdars, in favour of the cultivators of the soil. A population of about 250,000 was freed from the servitude of serfdom and feudal autocracy as a result of the abolition of Jagirs and Muafis.\(^6^8\)

The administration of Chenani Jagir, which had become a cesspool of authoritarian and autocratic rule, was taken over on 5 April 1948. At the same time existing abatement of land revenue of 12\(\frac{1}{2}\) per cent allowed to Chakdars, a privileged class of landholders to whom land had initially been passed on as a grant, was discontinued.

That the elimination of the Jagirdars and similar right holders in land was only the first step in a new land policy became evident in October 1948 when the Government initiated the second land reform legislation by amending the State Tenancy

\(^{67}\) Wolf Ladejinsky, op.cit., p. 180.

\(^{68}\) Mirza Afzal Beg, op.cit., p. 52.
Act of 1924. The cultivating tenants, as a class, was granted rights of protected tenants. A protected tenant is not liable to ejectment except when he uses the land in a manner which renders it unfit for the purpose for which it is held.

The bulk of the tenants other than occupancy tenants were granted the right of protected tenancy in respect of a prescribed unit of land in their cultivating occupation. The right did not extend to State land or land in occupation of State department postures, land situated within a contomment or the limits of a railway, canal, municipality or zone area. (This provision of law was amended more than once and the existing position is that the right of protected tenancy is extended to all the tenants as designated in respect of the land in their cultivating occupation on 8 April, 1965).

Like most States in India, the farm holdings of Kashmir are small (frequently only 1 to 2.5 acres) fragmented to a point perhaps unequalled in India. Before land reforms, many farmers worked as tenants. The total cultivated area of Jammu and Kashmir is estimated at about 2.2 million acres of which the tenanted acreage was roughly one-third of the total. The land was in the hands of 12,000 non-cultivating owners but among them about 500 owned as much as 300 acres each and less than 2,000 owned as much as seventy-five acres each. The number of landless tenants was estimated at 30,000. To this may be added an estimated 2,50,000 poor owners who also cultivated most of the tenanted land. Only a small part of the tenants enjoyed occupancy rights, the great majority were tenants-at-will i.e. they could be ejected at the landlord's pleasure.
It was provided in the Act that a landlord, who secured the ejectment of his tenant, on the ground of his need for personal cultivation, is bound to bring such land in his personal cultivation within six months in case of two-cropped land and within one year in case of one-cropped land from the date of entry into possession, failing which he forfeits his right to hold such land in future and such land may be restored to the ejected tenant.

This Act (Amendment of 1924) also reduced the rent for tenancies above twelve and a half acres to twenty-five per cent of the produce on the land and thirty-three and a half per cent on the other land, benefiting sixty per cent of all the cultivators. The law provided that where the tenancy exceeded 12½ acres, the maximum rent in respect of the abi (wet) land including such dry land as grain sugarcane, wheat, maize and linseed shall be one-fourth and in respect of the Khuski (dry) land one-third of the produce. Where a landlord did not provide seeds, implements or draught cattle, he would not be entitled to any share of the fodder. In case of tenancy holdings not exceeding 12½ acres, rent could not exceed one-half of the produce and the existing rent where it was less than one-half could, in no case be enhanced.

In 1955 the Jammu and Kashmir Tenancy Act 1980 was amended with a view to stabilize the security of tenure of
the tenants and, at the same time, provide opportunity to the non-cultivating landlords to resume land for self-cultivation, subject to the condition that land held by occupancy tenants (tenants having permanent and hereditary rights in land) cannot be so resumed nor can land be resumed from a tenant for a fixed term before the expiry of the term for which it was let out to him. This unit of resumption by the landlord of land for personal cultivation was two acres of Abi (wet) and four acres of Khuski (dry) land in the Kashmir Province including the district of Ladakh, and four acres of wet and six acres of dry land in the Jammu Province subject to the condition, that where the size of holding of a landlord exceeded four acres of wet or six acres of dry in the Kashmir Province and six acres of wet and eight acres of dry in the Jammu Province. The law permitted a protected tenant to transfer his tenancy right to mortgage and it also laid down that no suit shall lie for ejectment of a tenant by a landlord on the ground of resumption of land for personal cultivation.

Having abolished the Jagirs and Muafis and granted security of tenure to the peasants, the Government appointed a 'Land-to-the-tiller Committee' in 1949, to look into the problems of peasantry. At the same time, it considered the chronic problem of indebtedness. The Kashmir peasant like other peasants in India, was "born in debt, lived in debt and died in debt." According to official estimates rural debt
amounted to Rs. 310 lakhs and urban debts to fifty-six lakh rupees which meant a per capita average of forty-eight rupees.70

In February 1950 the Government, therefore, issued an ordinance delaying for six months the realization of all debts, a process that finally culminated in far-reaching measures known as "Distressed Debtors Relief Act".71 The Act provided that, in the first instance, Conciliation Board was to endeavour to bring about a settlement between the debtor and creditor. In case of its failure to do so, the Board was authorised to make its own award considering all the circumstances including the past history of debt of the particular case. In all

70. The Times of India, (New Delhi), 21 April 1950.

71. The salient features of this Act cannot be better described than in the following words of the Board of Judicial Advisers in their judgement in case of Degamber Sain versus Pt. Lachuman Dassi "In order to relieve indebtedness of the State subjects, particularly agricultural communities, the Act No. XVI of 2006 was passed and regional conciliation boards were constituted. The scheme of this Act is to have all debt liquidated through tribunals, designated in the Act as conciliation boards, within a short period. Section four requires every debtor and creditor to apply to the conciliation board for the settlement of the debt in which he may be interested. Obviously, it is to the interest of the debtors to move to the board but the creditor is also required to approach it on pain of his debt being extinguished in default of his making an application within four months from the date a conciliation board is established for the area in which debtor resides or holds any land. It is not, however, every debt which can be liquidated through the board. The word 'debt' signifies pecuniary liabilities of a debtor in cash or kind except no less than seven categories of his pecuniary obligations. The jurisdiction of the conciliation board is limited to debts amounting to Rs. 5,000 or less! Jammu and Kashmir Government, Land Reform Officer, Towards Solvency, (A Review of the Working of the Distressed Debtors' Relief and Restitution of Mortgaged Properties Act in Jammu and Kashmir State for the Period ending 15 May 1952), Jammu, pp. 1-2.
eleven boards were set up in the State. Table A-II\textsuperscript{72} will show the number of applications filed before the Boards, the debt claimed and the adjustment made by the Boards by the cancellation of debts during the period under review.

These Boards not only scaled down the debts to a reasonable level within the capacity of the debtor to pay, but in certain cases, the payments were spread over a number of annual instalments, sometimes even sixty in number. The net result was that the debts to the tune of Rs. 290 lakhs were settled to Rs. 98 lakhs only and sixty-one per cent of the claims were disposed of by conciliation.\textsuperscript{73} These conciliation Boards, however, had to face a lot of problems, the main handicap being the non-availability of written evidence on the part of the debtor of the principal amount and the interest charged on it. Michael Brecher who was in the valley in connection with his field work, observed that the illiterate debtor peasant almost never received any written acknowledgement of payments of interest to the creditors.\textsuperscript{74}

\textsuperscript{72} See Appendix-A for Table A-II.

\textsuperscript{73} Mirza Afzal Beg, "Land Reforms in Jammu and Kashmir", Mainstream (New Delhi), 14th Annual Number, 1976, p. 28.

Among .other reform then announced in 1948 was that the waste lands were granted to the tillers for cultivation. It was pointed out that the "numbers who have no employment other than in agriculture are mostly in excess of what is really required for the thorough cultivation of the land." 75 Table A-III 76 will show the area of waste lands in the State. As a result of it, all waste land in the State was brought under cultivation.

On the 13 July 1950, the nineteenth anniversary of the Martyrs' Day, the Government made the historic decision of transferring the land-to-the-tiller and on 17 October 1950, the Constituent Assembly passed the Big Estates Abolition Act. 77 This Act has revolutionized the whole fabric of rural economy and was acclaimed by peasants as being their "Magna Carta." 78 In fact, in the whole of Indo-Pak sub-continent, a revolutionary measure of this type was nowhere given a practical shape except in the State of Jammu and Kashmir.


76. See the Appendix-A.

77. The main features of the Big Estates Abolition Act have been given in Appendix-A.

78. Hindustan Standard, (Delhi), 20 September 1952.
Under the Act, a proprietor retained only 22.75 acres (182 Kanals) of land besides orchards, grass farms and fuel services and the right of ownership of land in excess of this limit was taken over and transferred to the tillers\textsuperscript{79} to the extent of their actual cultivating possession during Kharif 2007 (September-October 1950).\textsuperscript{80} Tables A-IV and A-V\textsuperscript{81} will show the number of landlords possessing above 100 Kanals of land as community-wise. On the most important question of compensation, the Act stipulated that the Legislative Assembly of the State should resolve it at a future date and this body held that lands would be taken away without any payment of compensation. All the members of the Constituent Assembly

\textsuperscript{79} The Act defined the tiller as: "A tiller meant a person who tilled the land with his own hands and with references to the land owned by a proprietor on the date of commencement of the Act and has been in actual possession of such land and included a tenant who, after lst of Baisakh 2004 (13 April 1947) had been ejected otherwise than in due course of law, or had ceased to cultivate the land owing to reasons beyond his control, but did not include a trespasser, a servant who was paid in cash or kind for his services, a person who was not the actual beneficiary and a hired labour."

\textsuperscript{80} The Act provides: "It is the peasant who will henceforth be responsible for payment of land revenue and cess assessed on that land.... The land revenue will be reckoned at village revenue rates. The law also prohibits the transfer of land which is not a State subject."

\textsuperscript{81} See Appendix-A for Tables A-IV and A-V.
fully supported the recommendation of the Committee. This important decision of the Constituent Assembly was hailed in the State as an outstanding contribution to the cause of social justice and to the building of New Kashmir. It marked the end of the era of exploitation which had reduced the tiller to penury and serfdom.

According to Planning Commission publication, about 9,000 proprietors were expropriated from 4.5 lakh acres of land in excess of such a ceiling, out of this 2.3 lakh acres were transferred in ownership right to the tillers free of any encumberances while the remaining land vested in the State. Table A-VI will show the actual transfer of land district and Tehsil-wise in the two Provinces ending the first fortnight of Har 2008 (30 June 1951). The total land transferred upto 30 June 1951 amounts to 406,194 kanals, that is, 50,774 acres.

82. For example, Mirza Afzal Beg (the then Revenue Minister) said in this regard that though the constitution of India provides for compensation but "this part of the constitution of India is not at all applicable to the State of Jammu and Kashmir". According to K.D.Sethi, "compensation would encourage new kind of exploitation." Another member Assad Ullah Mir pointed out that, "the public interest could not be sacrificed for vested interests." Finally, all of them viewed that, "what was robbed from them immorally and is due to them morally, for what they are being asked to pay those who get it without morality.


84. See Appendix-A.
Another benefit was the rise in the production of cereals in 1950s which was obviously due to these reforms. Now the peasants took more pains to produce because their feelings were attached to the land they tilled. They had become the masters of the land and were thus cultivating for themselves and not for the absentee landlords.

Thus the Act dealt the first blow to the concept of private property by providing the expropriation of the owners of land from areas exceeding a ceiling of 22.75 acres while the landlord, whose land was held by the tenants, was divested of the land in excess of the ceiling the rest of the land even though held by the tenants was retained by him (in his ownership right) with the landlord tenant relationship in tact. This meant the end of the system which had created feudal holdings.

In 1953, the State Government with a view to relieving the peasantry of hardships caused by compulsory procurement of food grains took another revolutionary step by abolishing the much-hated system known as Mujwaza system. The tenant was given the freedom to sell his surplus grain to the Government.

The legislation enacted in 1950 was expected to completely overhaul the position of the peasant class. It is difficult, however, to assess the working of such reforms without knowing who owns land, who works on it, in what
quantities and under what terms. The reforms were aimed at liberating the peasant from the fetters of complete economic dependence on the landlord, but in practice, however, it could not fulfil its intended objective. A review of these measures, is, therefore, imperative for ascertaining the social and economic effects of the agrarian change brought by these measures. For their total effect, as Daniel Thorner, has pointed out, they have to be examined and assessed in the light of the day-to-day functioning of the village life. "Mere statistics of so and so many hundred thousand acres taken away from the big landlords can be quite misleading."

88. Ibid.
An examination of the implementation of land reforms enacted during 1950s, it can be said that it was made ineffective due to two factors, namely, (a) the same old bureaucracy was in charge of their implementation, and (b) there were loopholes and flaws in the legislation itself which gave ample opportunities to those who could manipulate the law. The defective legislation and its ineffective implementation led to the frustration and disappointment of the small-holders, share-croppers and landless people, on the one hand, and on the other enabled the well-to-do section of land holders to evade the law.

The work of implementation of land reforms which was done through the agency of Government i.e. through the official apparatus of the Revenue Department, traditionally corrupt, could by no stretch of imagination be done faithfully. The biggest defect being that neither in the formulation of

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89. Daniel Thorner, while assessing the economic and social consequences of the agrarian change, brought about by these reforms, points out: "The basic machinery for enforcing the Act (1950) was to be notorious crowd of the Kashmir Revenue Department, dating back to the regime of Maharaja. This machinery was utilized because there was no other in existence and because National Conference, motivated by special sense of urgency arising from the plebiscite issue, felt it lacked time in which to create an alternative enforcement agency. The National Conference Government did not entrust enforcement work solely to the officers of Revenue Department, but associated with them at the village level some Conference's own local political leaders. The intention was for the latter to keep a check on the acts of the former. In actual process of implementation, however, the two elements co-operated all too well, with and for each other, at the expense of the 'actual tiller'. Daniel Thorner, *The Agrarian Prospect in India*, 2nd ed. (Delhi 1972), p. 53.
land policy, nor in its implementation were the people associated with it at any stage by the Government. Premature publicity, long before these became law, gave petty revenue officials an opportunity to change entries in village papers. In many instances, it is learnt that landowners alienated their estates in favour of their relations through petition deeds, gifts and similar methods and in some cases, landowners with the help of local officials, secured changes in the entries, thereby gaining the status of tillers and thereby retained the land in excess of the ceiling. Most of the interviewees agreed with this view and pointed out that large holdings were sub-divided among the family members into small holdings equal or smaller in size to the ceiling of 22.75 acres in order to escape alienation of land through compulsory land distribution under the provisions of Big Landed Estates Abolition Act.

As far as the role of Shiekh Mohammad Abdullah and other leaders in the implementation of the land reforms is concerned, it may suffice to say that having enacted the legislation, they left it to the official machinery to take care of their implementation. Most of my interviewees pointed out that no movement was organized at the State level by the

National Conference or its Government to ensure full implementation of these measures. It was, on the other hand, admitted that some of the leaders who owned large areas of land, also resorted to the same tricks to save as much land as possible for themselves as were resorted to by other landlords. Perhaps the former did it more efficiently and with greater success. Such landowning elements in the national Conference were at first small in numbers but later through acquisition of landed property by its workers and deliberate infiltration into its ranks by landlords, swelled to considerable strength in order to partake the fruits of reforms. In this way the process of implementation of land reforms did actually suffer on account of the ineffective leadership at all levels.

The second important factor which marred the effect of land reform legislation, for which it was ostensibly passed, was the various loopholes and drawbacks in the legislation itself. These defects made the land reform legislation ineffective and instead of helping the landpoor and landless agricultural labour, it strengthened the interests of a new class which emerged as a result of these reforms. This became clear after assessing the impact of the reform on the agrarian economy of the State by National Sample Survey.9

The Survey revealed that despite undertaking one of the most progressive reforms in the State, the percentage of non-cultivating owners of land i.e. agricultural rent-receivers or absentee landlords in the State, was as high as 11.47 per cent as against 2.15 per cent throughout the country. The Survey also revealed that those owners of land who cultivated their own land formed about 53 per cent of the total rural households in the State in comparison to the country as a whole, where it was 41 per cent. But inspite of it, the area owned by the cultivating owners in the State was 63.72 per cent as compared to India where it was 83.66 per cent.

The provision of ceiling, which was fixed at 22.75 acres could hardly be recognized as revolutionary because whereas average holding was barely two acres, a ceiling for holding had been placed at 22.75 acres of the best land. The ceiling besides being uneconomical, had another flaw which completely defeated its true content, that was its

92. Ibid.
93. Ibid.
inapplicability to orchards, fuel and fodder reserves, Kaps and Araks and grazing farms. Thus, a large area under orchards could not be distributed among the tillers.

Again, under the said Act, no limit was placed on size of the holdings of the protected tenants who clandestinely sublet their lands which violated the spirit of law. The mode of implementation has shown that while the big landlords have been expropriated of their surplus land, a new class of landowners came into existence. As in many cases, a tenant who was cultivating more than 12.5 acres or any amount of land at that time, was made a fullfledged owner of that area. These tiller owners had themselves leased out their newly acquired land. Thus, a large number of tenants had come to own land far in excess of the ceiling on proprietary holdings. These defects defeated the purpose for which the Act was passed.

Second Phase of Land Reforms: Reforms of 1970s

The disheartening picture of the results of the land reforms compelled a reappraisal of reform strategy. These reforms, because of certain loopholes in them, had caused dissatisfaction among the various agricultural classes. In

order to pacify their grievances, the Government appointed a Committee, headed by Justice Janki Nath Wazir, the then Chief Justice of the State in 1953. The Committee, after inquiry, offered a number of recommendations to overcome these inconsistencies in the legislation. However, no action was taken by the Government to give these recommendations a practical shape.

Then in March 1963, the Government constituted a Land Commission under the Chairmanship of the then Revenue Minister, Syed Mir Qasim. The terms of reference of the Land Commission were, among other things, to examine the gaps in the existing law. The Commission submitted its report in 1968. One of the important recommendations of the Committee was that the system of landlord-tenant relationship in the State's agrarian economy should be replaced by the institution of peasant proprietorship of land. 97

The Government considered the report of the Commission and taking into consideration the total impact of the agrarian reforms in the country, passed another legislation known as Agrarian Reforms Act of 1972. With the formulation of this measure, the system of landlord-tenant relationship, wherever it existed, came to an end. 98 An owner could hold in ownership


only a prescribed ceiling of 12.5 'standard acres'.

The 1972 Act also adversely affected the orchards. Orchards were put into two categories: (a) old orchards as were already existing in Kharif 1971; and (b) new orchards. As far new orchards were concerned, they were kept in the ceiling. The old orchards could be held in excess of the ceiling and if a family happened to own in excess of the ceiling limit, it had to pay a tax upto Rs. 800 per standard acre. This was indeed an improvement upon the earlier legislation.

Another important feature of the 1972 Act was that the defence personnel including the members of Jammu and Kashmir Militia and dependents of those killed in action in 1965 and 1971 Indo-Pakistan hostilities, were given the right to resume land for personal cultivation upto the ceiling of 12½ standard acres.

The Jammu and Kashmir Agrarian Reforms Act of 1972 was, no doubt, a bold one and aimed at giving the cultivator his

99. The definition of 'standard acre' has been provided in the schedule appended to the Act of 1972. A standard acre has been assigned a valuation of one rupee and this standard acre has been taken to be one acre of irrigated land, for instance, in Kashmir valley, in Kandi, Pahari, etc. assessment circles. Thus, for this type of land, the ceiling area is 12.5 acres valuing 200 annas. Compared to this irrigated land in say 'darmiani Chakla' of Kashmir valley is valued at twenty two annas per acre. Thus, the ceiling area of irrigated land in this region (= land of value 200 annas) comes to 200 x 8/22 i.e. about 12 Kanals and 15 Marlas. It should be clear now that by this device variation in locality and fertility have been taken into consideration. The ceiling area would vary from 12 Kanals and 15 Marlas to 177 Kanals and 15 Marlas.
rightful place in the social order. However, the Act, due to certain flaws in its drafting, gave rise to unnecessary litigation and caused hardship both to the landlord as well as tenants. Many representations and counter-representations were made by the public pointing out lacunae and shortcomings in the Act.

In 1975, the National Conference came into power again. The first major task of the Government, soon after taking over administration, was to suspend the operation of this legislation. A seven-member Committee was appointed to recast and reshape\(^\text{100}\) the State's Agrarian Reforms of 1972. The Committee drafted a Bill which was finally enacted as the Jammu and Kashmir Agrarian Reforms Act of 1976. However, the Act could not be implemented due to some technical difficulties. Accordingly, when the Government returned to power in July 1977 it picked up the thread again by proposing some amendments in the Act. Finally, the Jammu and Kashmir Agrarian Reforms (Amendment) Act was passed which came into effect on 13 July 1978.

The most important feature of the 1978 Act\(^\text{101}\) is that in respect of land as defined in the Act, i.e. agricultural

\(^{100}\) Current, 30 August 1975.

\(^{101}\) The salient features of the Act are given in Appendix-A.
land excluding orchards, the landlord and tenant relationship has altogether been abolished. There will in future be only self-cultivating owners. Unlike the Act of 1950, the present Act provides for the payment of reasonable amount of compensation to those whose lands were taken over by the government.

The entire land in the State has been divided into six categories according to fertility or availability of irrigational facilities. For the land falling in best category, for example, irrigated land in 'maidan' assessment circle of Kashmir Valley, the price of one Kanal of land has been fixed at Rs. 1,000 and the ex-owner who was receiving rent half of the produce will be paid Rs. 500 per Kanal of such land. The price for the land falling in second category has been valued at Rs. 650 and an owner who was getting rent half of the produce will be paid Rs. 235 for one Kanal of such land and so on. For the third, fourth, fifth and sixth categories of land, one Kanal has been valued Rs. 585, Rs. 250, Rs. 175, and Rs. 30 respectively. The extent of payment to be made to the ex-owner shall be regulated by the rent that were recovered earlier for such land. It is thus equal to the amount paid to the ex-owner, increased by 10 per cent to cover administrative charges.

Orchards were again excluded from the application of the ceiling of 12.5 standard acres and no exemption for what were called 'old orchards' in the Act of 1972, has been provided in the Act. It also provides that no person or any member of whose family holds an orchard exceeding 12.5 standard acres shall be eligible to resume land for agricultural purposes, though the orchards have been excluded from the application of the ceiling built of 12.5 standard acres.

It has been estimated that after the implementation of this Act, about 40,000 acres of land will become available for allotment to landless cultivators. Besides, tillers of about five lakh acres of land will acquire rights of ownership in the State. 103

As per agricultural census 1970-71, there were 2,02,560 holdings wherein addition to the owned land, some of the land was rented also. Exact number of cultivators cultivating these 2,02,560 holdings is not known. There may be some twenty-five per cent of holdings having more than one tenant. Thus, it can roughly be estimated that 2.20 lakh cultivators, who in addition to their own land rented the land from others, may be benefited after the said Act is implemented. In addition to these there were 2,27,746 holdings which were wholly rented from others in 1970-71. Presuming that twenty-five per cent of the holdings have more than one tenant, total

103. The Times of India, (New Delhi), 16 May 1978.
The number of tenants can roughly be estimated to be about 2.8 lakhs. Besides these, the surplus land will be distributed among the landless tenants and agricultural labourers.

Another feature of the Act is that it provides that displaced persons cultivating evacuees' lands personally shall, in respect thereof, be deemed to be occupancy tenants and recorded as such. They shall be liable to pay rent equal to the amount of land revenue and cesses assessed thereon. Such displaced persons have been given the right to transfer their right of occupancy by sale, mortgage, or gift subject to the provisions of Alienation of Land Act.

Over and above the land reforms the Government from the very beginning has been taking steps to relieve the distress of rural and poor debtors by providing for a detailed investigation into the history of individual debts and preventing creditor from charging excessive interest. The Jammu and Kashmir Debtors' Relief Act 1948 and the Restituting of Mortgaged Properties Act were the vital measures adopted to achieve the objective in view of and to secure the restitution of immovable properties.

After examining the present Act, it may be noted, that it is by no means a major improvement upon the earlier legislation. The Government has estimated that, by lowering ceiling to 12.5 standard acres, about 40,000 acres of land may be rendered surplus with the implementation of these
reforms, yet in practice, it seems far from the reality. Such surplus land is hardly available and so far not a single case of surplus land or its redistribution has come before the Court in the valley. The reason for this is obvious. In 1950, the ceiling for agricultural land excluding orchards which was put up at 22.75 acres, had been further sub-divided and there is hardly any landholder who has in possession more than 12.5 acres. There may be a few exceptions but, by and large, agricultural labour is left without land as before.

The drafting of the law leaves much to be desired. Section four of the Act of 1978 distinguished the ownership of all persons who were not in personal cultivation in 1971. This provision affects not only the owners whose lands are in the hands of tenants but also those whose lands are with co-sharers, wholly or partially or licences. In a number of cases, as one informant pointed out very poor people, who go out of Kashmir in search of labour, have small parcels of land

104. This was confirmed by one of the leading lawyers of the State—Mr. Damodar Bhat, who deals with the land problem in an interview.

105. Agricultural labour consists of those who mainly lives on wages, hiring out their labour power. Some of them may own small pieces of land—may be an acre or half or less, but the main income of the family comes not from the small plot, but by hiring out himself for wages in agriculture or in some subsidiary trades. P. Sundarayya, The Land Question, (New Delhi, 1976), p. 11.
in the valley, which they leave in the hands of well-to-do farmers so as to get some money from them. This class of peasantry under the present Act suffers since the law does not provide for any right of resumption. This is an important drawback of the Act.

The present Act has excluded orchards from the ceiling. In 1972 Act although orchards were excluded from the purview of agrarian reforms but were certainly included in the ceiling. Whatever orchards were allowed to remain were subjected to taxation. This was a step in the right direction and hit the big orchardists. To take care of such big orchardists was passed the Act of 1978 which excludes all the orchards altogether. Under this Act, the provision has also been made for the payment of compensation, which retards the revolutionary content of 1950 reforms.

One might therefore, conclude that Kashmir land reforms have not benefited all the sections of peasantry. Precious little has been done for the welfare and security of petty tenants and landless labour. No doubt these measures have done away with the feudal set-up and have undermined the position of big landlords. But these reforms have not been able to transfer land to the poor and downtrodden sections of the society and bring about a radical recasting in their social conditions. The land has now gone into the hands of
rich peasant class under the various pretexts with the result that the benefits of these reforms have not percolated to the cultivating population at the lowest level.

Political Movements and Land Reforms

It has been established in the previous section that the Jammu and Kashmir is the only State in the whole of Indian sub-continent which can boast of having introduced one of the most radical land reforms in the country. Here, the question which comes up to one's mind is how and why the initiation of land reform movement took place in the State. In other words, what were the main political compulsions which made it possible to introduce these measures in the State. The political motive is one which is sometimes omitted and played down in the literature on land reform. Yet, in the last resort, it is the one which is often the most decisive. A review of the movement of land reforms is therefore necessary for understanding the major economic and political developments in the State which had a direct bearing on land reforms. In fact, land reform measures are connected more with the unusual political circumstances of the valley and these themselves cannot be best understood without their special context. 106

In order to understand it, we have to trace the political history of the State right from 1930s. The struggle for freedom and democratization of the administration in the Jammu and Kashmir State goes back to the year 1930-31.\textsuperscript{107} It was on 13 July that the Peoples' Movement in Kashmir began. The origin of discontent was purely economic, that is inadequate representation of Muslims in the State services and in the economic and industrial life of the State generally. The Muslims tillers, labourers and artisans were the target of exploitation by the richer sections of society which overwhelmingly consisted of Non-Muslims. Agrarian discontent and lack of suitable opportunities for the educated Muslims were the motivating forces for the Muslims masses to agitate against the despotic Dogra-regime.\textsuperscript{108}

Though religious and communal in character the movement had proved to be the starting point of the great political awakening in the State. The political battle was obviously against the Dogra Rule and Dogra domination in administration.\textsuperscript{109} The demand for the abolition of Monarchy


in the State was passed by the leadership which had come
to be owned by the majority community. The movement made
the people politically conscious and roused them from their
age-old slumber of inactivity. It inspired them with bright
hopes and fired them with enthusiasm. "The blood spilled in
these actions, the pain and misery inflicted on the broad mass
of the people during 1931-34, nurtured innumerable potential
Maqbool Sherwani's and Khaliq Shoras, women and even children
from among the toiling masses participated in their thousands
in the most hazardous mass action during this period. Without
this solid asset, miracles of 1946-47 would be unthinkable". 110

The movement received active approval and cooperation
from the neighbouring province of the Punjab, where under the
guidance of Sheikh Mohammad Iqbal, the Kashmir Committee was
founded to activise the struggle of the Kashmir Muslims. 111
Very soon Muslim Conference was founded in the State and
Sheikh Mohammad Abdullah became its President. The demands
put forth by the Muslim Conference were not communal in nature.
They reflected the urges of all sections of the population.
These demands related to the setting up of a representative
legislature, freedom of press and speech, redress of the
grievances of landowners, eradication of corruption, due


representation to all communities in Government services, deliverance of the peasants from the ruthless exploitation of Jagirdars and development of trade and industry. Thus "the outward complexion of the organization, no doubt, still suffered from a lacuna but its essential content was progressive in nature". 112

In the beginning of 1935 the leadership of the All-Jammu and Kashmir Muslim Conference, which had now become the biggest political organization in the State, was canvassing support for broadening the scope of the conference. In August 1938 the Muslim Conference formulated a document in the shape of 'National Demand'.113 Its essence was the demand for the establishment of full responsible Government, a legislature elected on the basis of adult franchise, representatives of workers and traders, and preservation of rights of minorities etc. The signatories to this document were both Muslims and Non-Muslims. Among the Muslims may be mentioned Sheikh Mohammad Abdullah, G.M. Sadiq, Bakshi Gulam Mohammad and other leaders of Muslim Conference. The Non-Muslims included P.N. Bazaz, Shayam Lal Saraf, S.N. Peshin, Jaya Lal Kilam, Sardar Budh Singh, Khayshap Bandhu and others.114

113. Ibid., p. 25.
114. Ibid.
By 1939, it was apparent to the leaders that is the political activities in the State were to be really broad based, it was imperative that non-Muslims should come into the fray more openly. The Indian National Congress, which was giving support to the State Peoples' movements advised the Muslim Conference to convert itself into a broader organisation. Jawaharlal Nehru was certainly instrumental in persuading Sheikh Abdullah to see light on this issue. Thus in the context of growing sentiment of nationalism and the rising position of the National Conference, it became inevitable for the Muslim Conference to throw open its doors to all the people of the State for political agitation and struggle.

In 1939, on 10 June Convention of Muslim Conference was held at Srinagar with 176 delegates from all districts of the State attending it. By a resolution adopted on 11 June 1939 it threw open its membership to all irrespective of caste and religion. Thus the Muslim Conference was converted into National Conference to give it a broader and secular outlook. This was a milestone in the history of evolutionary growth of people's movement in the State. With

the conversion of Muslim Conference into All Jammu and Kashmir National Conference, the freedom movement in Kashmir joined the mainstream of national politics.

In the very first session of the National Conference, the "National Demand" Resolution, formulated by Muslim Conference in 1938, was passed asking for the setting up of complete responsible Government in the State, establishment of a legislature from among the members elected by adult franchise, inauguration of joint electorate and certain reservation for minorities.

The National Conference idealized the struggle for India's Independence from the British and the main national goal of realization of a United India. It rejected the Muslim Leagues' demand for a separate State for the Muslims in India. Inside the State of Jammu and Kashmir the National Conference addressed itself to the task of securing responsible government for the people of the State, provision of basic rights for the people, abolition of discriminative rules and laws and social and political imbalances on religious and regional bases, the abolition of landlordism and other economic monopolies, etc.

In order to enlist the support of the downtrodden masses, it became obligatory on the part of National Conference

117. Kashmiri Rallies for Freedom (An illustrated account of the political convention held at Srinagar and other places in Kashmir), Lallar Publication (Delhi, n.d.), p. 30.
leadership to promise some economic gains to them so that they could mobilize the people for political struggle. Thus the National Conference had a political interest in this measure in order to strengthen its social and political base. In this bargaining with the masses, the leaders of the National Conference came out with the revolutionary document of *Naya Kashmir*, which is regarded as the political Bible of the State. 118

In February 1944, the National Conference adopted the manifesto of *Naya Kashmir*. In this document it was made sufficiently clear to the people of Kashmir that they would have no patience whatsoever with the old system of land tenure of the State. It envisaged and enunciated a radically new rural economy making fundamental changes in the then land relationships. Greater emphasis was attached to the fight against the immemorial poverty of the peasants and artisans and unmitigated helplessness of the worker. The main features of the *New Kashmir* were 'land-to-the-tiller', the abolition of all forms of exploitation of the working class, guarantee of basic rights, etc. The entire peasantary rallied behind the slogan of 'land-to-the-tiller'. The urban masses also responded to the slogan that all exploitation must be ended. Thus the National Conference enlisted the support and cooperation of masses who were reeling under the oppression of feudal and semi-feudal class of landlords.

The New Kashmir document as it is quite clear, was a revolutionary one and envisaged a socialistic system of society. No sector of national movement in this sub-continent conceived of anything like this document. The Fundamental Rights Resolutions of the Karachi Session of the Indian National Congress, or even the documents of the Lucknow and Faizpur Sessions respectively in 1936 and 1937, are miles behind in their democratic content from the point of view of common people. Here one would rather ask a question who were the persons who actually influenced and guided the National Conference Leadership in the formulation and achievement of this economic and political programme.

Even a causal and cursory reading of the political movement in the State proves it without any doubt that this revolutionary document was the work of Leftist Group 119 of the National Conference who had been inspired and guided by the teachings of Marx and Lenin and the persons like Rajni Palm Dutt, the veteran British Communist leader. This group virtually assumed the "Central Direction" 120 of the National


Conference policies. Ever the leading critics of communism have admitted their contribution by stating that, "No discussion on the political situation in Kashmir of that period would be complete without the role of B.P.L. Bedi and Dhanwantri, the two powerful communist personalities who with headquarters at Srinagar and Jammu respectively dominated the politics of the State for over a half decade".121

This communist influence on National Conference organisation is seen right from the late thirties when Sheikh Mohammad Abdullah completely came under their spell. They addressed several meetings, convened by the National Conference in various parts of Srinagar. Meantime, in the early forties, the international situation was undergoing a rapid change. The leaders of national movement like Gandhi and Nehru were conscious of the dangers of fascism and they realised the necessity to mobilize public opinion on a massive scale in support of the forces fighting against the enemies of humanity. However, the people of India continued to be under the strong hold of British imperialism. They could not be roused to join the struggle against imperialism. During this period, in Jammu and Kashmir State, the leaders of popular movement who had subscribed to the National Demand, participated in the All India States People's Conference at Ludhiana, presided over by Pandit Nehru.

In the 1940-42, the National Conference with the help of the Progressive Group in it, was able to mobilize the people in support of the demand that sovereignty in the Princely States should vest with the people instead of the Rulers. This was the main theme of the resolution passed at the annual sessions of National Conference in 1940-41. Thus, by 1943, a sizeable, powerful, qualitatively effective and ideologically well-equipped group in the National Conference under the leadership of G.M. Sadiq had got crystalized. Although the British Political Department, operating in Kashmir tried hard to suppress the activities of the masses, yet this small but dedicated and determined band of revolutionaries succeeded in successfully combating these vested interests. The impact made by them on the political movement of this period is quite visible.

And finally, in 1944 National Conference came out with the revolutionary document of New Kashmir. The adoption and acceptance of the New Kashmir by the National Conference and the introduction to it by Sheikh Mohammad Abdullah were a clear proof of the impact that the October Revolution and the establishment of Socialist State had made on the masses, who were struggling against feudalism and imperialism.

During the period 1946-48, Kashmir was under a great deal of political uncertainty. The Act of 1947 gave the Princes of Indian States choice to accede to either of the two Dominions or have political arrangements with both of
them. Kashmir was a State with a Muslim majority population and a Hindu Ruler. Ironically, however, the major political party of the State - the National Conference - was pledged to Secularism and it was the popular Muslim leaders of Kashmir who rejected the two-nation theory and called for the accession to India. The problem of Kashmir obviously posed a dilemma and resulted in a crisis in 1947. Kashmir's special status, due to this crisis which was granted by Article 370 of the Indian Constitution, made it possible for the authorities to include such measures as "expropriation of land without any payment of compensation."

Thus, we can conclude by stating that the operation of Leftist Movement in the State and the exceptional circumstances had an important impact which helped in the introduction of these revolutionary measures.