

# Historical Developments of Land Reforms in Jammu and Kashmir

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## **ABSTRACT**

*Jammu and Kashmir State has the distinction of having introduced land reforms in the entire South Asia which abolished the feudal order and consequently restored land to 'tiller' was a revolutionary triumph of the modern world. 'Land' is central to any economic and social system and it has remained so in every historical phase of human existence. A start was made in this direction with the abolition of the existing feudal institutions, such as Jagirs and Mukkarrarree in the year 1948. The important feature of the reforms introduced as a result of the enforcement of the Big Landed Estates Abolition Act, 1950, was that 4.5 lakh acres of land held in excess of 22.75 acres (excluding orchards) were expropriated from as many as 9,000 and odd land owners, and out of this ownership rights of over 2.31 lakh acres of land were transferred to cultivating peasants.*

**KEYWORDS:** *Abolition, Agrarian, Absentee Landlords, Economic and Social transformation, Land Reforms.*

## **INTRODUCTION**

Land reform usually refers to redistribution of land from the rich to the poor. More broadly, it includes regulation of ownership, operation, leasing, sales, and inheritance of land (indeed, the redistribution of land itself requires legal changes). In an agrarian economy like India with great scarcity, and an unequal distribution, of land, coupled with a large mass of the rural population below the poverty line, there are compelling economic and political arguments for land reform. Not surprisingly, it received top priority on the policy agenda at the time of Independence. In the decades following independence India passed a significant body of land reform legislation. The 1949 Constitution left the adoption and implementation of land and tenancy reforms to state governments. This led to a lot of variation in the implementation of these reforms across states and over time, a fact that has been utilized in empirical studies trying to understand the causes and effects of land reform. The responsibility of land reforms is owned by the government with a view of benefiting those who either have petty holdings or have no land at all. As big land owners are quite unlikely to share their holdings with their landless counterparts, intervention by the government using force of law legislation is necessary to secure social justice for the masses.

Since agriculture occupies important place in the state economy of Jammu and Kashmir, due emphasis was placed on land reforms since independence, among all the states Jammu and Kashmir has the unique distinction of having introduced land reform legislations of considerable magnitude and thus brought big land reforms. The

defects existing with Indian agrarian structure pointed out by Planning Commission, highlighted the need for land reforms. The existing system during the beginning of Planned Growth, allowed the landlord and intermediaries to grow richer and they continued to flourish at the cost of the actual tillers.

The cultivator tenants had to live a very tough life. Tenant got little incentive to increase his output since a large share went to the landowner. Very small margin was left for the actual cultivator and this amount was quite insufficient to provide for a capital investment on the land. The landlords grew richer, the intermediaries continued to flourish, the state was deprived of its share of legitimate increase in revenue and the cultivator tenants were in hand to mouth existence. The objectives were to understand how well land reform projects are performing and transfer mechanism and land redistribution and to study the problems faced in implementation of land reforms.

## II.LITERATURE REVIEW

Nyla, Ali Khan (2012) *Parchment of Kashmir: History, Society, and Polity* is an edited volume of interdisciplinary chapters that address various aspects of political, cultural, and socioeconomic life in Kashmir and this book was helpful in studying the socio-political components of Kashmir. Wani, Gull (2011) *Kashmir: Identity, Autonomy and Self- Rule*. Apple Books: Srinagar. The book sufficiently highlights the revolutionary sentiment that evolved as a result of the oppressive social structure regime that ultimately culminated within the emergence of Jammu and Kashmir Muslim Conference in 1932 and that got born again into the All Jammu and Kashmir National Conference in 1939. This era conjointly witnessed the emergence of assorted labour unions just like the Mazdoor Sabha that influenced the formation of Naya Kashmir document that was later on adopted by the National Conference in 1944. This pronouncement formed the content of land reforms from 1947 to 1950. It absolutely was during this amount that the National Conference articulated the notion of Kashmiriyat. The author has superbly summarized the role of poetry, particularly of Mehjoor, within the evolution of Kashmiriyat as a separate identity.

Behera, Navnita Chada (2006) *Demystifying Kashmir* is a most important book which contains most of the information about the Kashmir and the book was helpful in almost all matters particularly the violence, human rights abuses, Dogra rule, colonialism, culture, regions of Kashmir and kashmiri Pandits. Traces Kashmir history from pre partition India to the current-day situation. Provides an analysis of the philosophical underpinnings and the local, bilateral, and international dynamics of the key players involved in this conflict. Conclusion focuses on the parameters, players, politics, and prognosis of the ongoing peace process in Kashmir.

Ganaie, Nasir Ahmad. *Hindu Socio-Religious Reform Movements in Jammu and Kashmir: Pre-independence phase*, Asian Journal of Multidisciplinary Studies, Volume 3, Issue 7, July 2015. In this article the author clearly has mentioned how the state subjects were motivated by the social reform movements of that time particularly by the western impact on education and how their behavior changed towards the socio-political participation. This developmental attitude within the community indulged new behavior and attitude in the state subjects and it was due to these social and religious reforms movements, which made the people of the state more attentive towards the newly formed government and new concepts within the state like the newly inducted one of "Naya Kashmir" manifesto by the leading political party National Conference of the state.

Rai, Mridu (2004) *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir*. Disputed territory, a contention of war between the union of India and Muslim republic of Pakistan contains a huge Muslim majority population. The book *Hindu Rulers, Muslim Subjects: Islam, Rights and History of Kashmir* by Mridu Rai is a brilliant publication by the author on Kashmir history and a pioneering historical study of rights, religion and regional identity of Kashmir. The book is a major contribution for taking study on Kashmir. The book not only deals with historical facts but it also studies colonial period in Kashmir. The publication is totally clear in terms of the socioeconomic division of Kashmir during the colonial period and clearly tells us that how the state economy was ruined and how the state treasury was almost made empty and the author on Page No. 145 clearly mentions it and tells us how the dogra ruling class of the state used the illegally retained property and wealth for their personal use and also for spreading the dogra kingdom and the book tells us about how Kashmiri Muslim subjects had become so enmesh in defining the protest of Kashmiri Muslims against Hindus. The book deals with the emergence of modern Muslim identity and book mainly focused in the problems of religion, politics and protests in Kashmir.

### III.HISTORY OF LAND REFORMS IN JAMMU AND KASHMIR

Jammu and Kashmir is the only state of the Indian union which enjoys two special "statutes". Of the two, the first has been conferred upon it by Article 370 of the Indian constitution, and the second, the radical reforms, i.e., abolition of landlordism, land to tiller and cooperative association has been earned by the state. Jammu and Kashmir has achieved a unique distinction among all the states of India by introducing Land reforms of considerable magnitude, including the remission of land revenue on smallholdings and went on to become the most publicized land reforms of the country. Its implementation can be divided into Two phases – the reform introduced between the late 1940s and early 1950s and the reform introduced between in the 1970s (Zariah Ishlat introduced in 1971 and implemented in 1973) the latter being Land Reform.

The economy of the state being high cost mountainous economic region and that causes the state a number of developmental challenges. The most vulnerable challenges to state economy are natural disasters, external events and highly unequal geographical locations which are causing highest volatility in states domestic production and resulting in the weak economy of the state. Ever since the beginning of settled life rural societies have undergone various innovative and technological changes. In agrarian societies changes have taken place in the form of structural and procession transformation, these changes have sometimes been imperceptibly slow, sometimes 'strikingly rapid' and at sometimes even 'qualitative in nature and character', resulting in transformation of one type of rural society in to another (Desai 1978). Like rest of the world agriculture of the state of Jammu and Kashmir is also witnessing a rapid transition regarding shifts in patterns of crop cultivation. Since the time of introduction of land reform measures in the state in early 1950s, peasants were cultivating land for the landlords. With the introduction of various reform measures introduced by the constitution of India and as it was implemented by the state, peasants have got ownership over the land which they were cultivating for others. With the passage of time peasants have started replacing traditional crops with new cropping patterns.

It all began with a movement of the peasants in 1931 under the leadership of Sheikh Abdullah. Then came in 1944 the Magna Carta of social change, the Naya Kashmir (New Kashmir) resolution, in which land reform was an integral part. The resolution promised "abolition of landlordism, land to the tiller and co-operative

association of tillers to regulate production and sale of crops and agricultural goods.” Sheikh Abdullah’s ideals and leadership kept aloft along with the ideals of secularism and socialism, Kashmir’s long drawn struggle against autocracy and feudal system. Sheikh Abdullah championed land reforms and decentralized planning under the banner of the political party– the Muslim Conference in the beginning and later changed to National Conference. He raised peasants’ issue through the doctrine of ‘Land to the Tiller’.

Prime Minister of Jammu and Kashmir Sheikh Abdullah, soon after coming to power, started the agrarian reform programmer in the state in 1948, with the abolition of sinecure payments such as jagirs, muafis and mukarraries. Earlier, the beneficiaries of jagirs and muafi’s had a number of privileges at the cost of the citizens within the territorial limits of such jagirs, approximating the rights of the erstwhile maharaja of Jammu and Kashmir in matters of fiscal nature.

In one stroke, the new state government abolished 396 jagirs/muafi s involving an annual land revenue assignment of Rs 5, 56,313.4. The government also abolished fixed cash grants known as mukarraries (2,347) to the tune of Rs 1, 77,921 per annum. These changes were viewed as very revolutionary because they took away the privileges of the erstwhile maharaja and feudal vassals over most of the cultivated areas in the state without payment of any compensation.

Land reforms in the state were also seen as correcting a historical wrong against the peasantry and were one of the most important promises of the National Conference’s *New Kashmir Manifesto* (1944). The state government’s next step in 1948 was to protect the rights of the tenants through amendment of the State Tenancy Act of 1924. The change in the tenancy law was followed by the Big Landed Estates Abolition Act, 1950, Jammu and Kashmir Agrarian Reforms Act, 1972, and Jammu and Kashmir Agrarian Reforms Act, 1976 (Verma1994).

The most important feature of the reforms introduced as a result of the enforcement of the Big Landed Estates Abolition Act, 1950 was that ownership of land in the state was subjected to a maximum ceiling of 22.75 acres. All holdings above this ceiling were distributed among the tillers. Passing of this Act led to the expropriation of 9,000 land owners (both in Jammu and Kashmir) who owned among themselves 8 lakh acres, without payment of compensation for the surplus land. Thus, 2.3 lakh acres were transferred to about 2 lakh tillers out of 4.5 lakh acres of land taken away from land owners (Dhar 1989: 235).

Sheikh Abdullah, in 1931, launched a movement against the maharaja of Jammu and Kashmir and among other things, he demanded grant of normal rights to a citizen to hold land as owner. As a result of this agitation, the maharaja was forced to set a commission of inquiry called the *Glancy Commission*, headed by Bertrand J Glancy, to find out the legitimate grievances of the people and make appropriate recommendations. On the recommendations of the Glancy Commission, appointed on 12 November 1931, Prime Minister of J&K Colonel Colvin on 10 April 1933 issued a government order directing that the implementation of the recommendations be commenced forthwith. Among many recommendations, the commission had suggested granting of proprietary rights, with the accompanying right to transfer land, to the cultivators who were till then tenant-at-will of government-owned lands. This was achieved at a time when India, including Jammu and Kashmir, had not gained Independence (Beg 1995). In Jammu and Kashmir, the demand for restitution of the ownership of

land to the farmers goes back to 1924 when Viceroy Lord Reading was presented with a 17-point memorandum from prominent Kashmiri Muslims to inquire into their grievances.

When 'the most drastic piece of land reform in India' was passed, Jawaharlal Nehru became envious of the government of Kashmir for its speed and clarity. He said, "I confess that I look with some envy on the speed and clarity with which they (Kashmir Government) have performed this task there, considering the enormous trouble we have had in the various States of India, the difficulties, the obstruction and the delays that we had to face, and so, I became a little envious when I saw this was done in Kashmir."

Several social scientists and historians see the action by Sheikh Abdullah as historic and a crucial step for the development of Kashmir. For instance, Ramchandra Guha says, "Within Kashmir Abdullah gave top priority to the redistribution of land. Under the Maharaja's regime a few Hindus and fewer Muslims had very large holdings, with the bulk of rural populations serving as labourers or as tenants at will. In his first year in power Abdullah transferred 40,000 acres of surplus land to the landless. He also outlawed absentee ownership, increased the tenants' share from 25 percent to 75 percent of the crops and placed a moratorium on debt. His socialistic policies alarmed some elements in the Government of India, especially as he did not pay compensation to the dispossessed landlords. But Abdullah saw this as crucial to progress in Kashmir". Thus Jammu and Kashmir has the unique distinction of introducing the most radical land reform in India. It was a watershed in the history of Jammu and Kashmir and a measure, the first of its kind in the sub-continent, lauded by different sections of society and people belonging to different walks of life in the country.

It must be stated here that the vision of Naya Kashmir and the radical land reforms in the early years of independence laid the foundation for decentralized governance in the state. In 1963 the Government set up a Land Commission to find out the various discrepancies which had crept in the land tenure pattern. The recommendations of this commission formed the basis of Jammu and Kashmir Agrarian Reform Act 1972 which was further amended as the Jammu and Kashmir Agrarian Reform Act, 1976. Under the Act the rights in a holding of land of any person not cultivating it personally were extinguished and vested in the State. The ceiling of holding in all other cases was reduced from 22.5 acres to 12.5 'standard acres' which could be higher than 12.5 acres depending on different categories of land of low quality and as low as 8 acres in the case of the best quality irrigated land. On February 9, 2007 the Jammu and Kashmir assembly passed the *Roshni Bill*. The bill was aimed at providing ownership of 16.6 lakh kanals to farmers. The ownership of Government land which is under farmers' cultivation would be given to them at a meager rate of 10 percent of the rate prevailing in their respective areas. The total ceiling of the agriculture land owned by a farmer including his proprietary land and the Government land, which can be purchased by him, shall not exceed 100 kanals as prescribed under the Agrarian Reforms Act.

#### **IV. THE NEW ACTS AND FEATURES**

##### **1. Jammu and Kashmir Tenancy Act, 1923, 1980.**

- An Act to consolidate, amend and declare the law relating to the tenancy of land in the state.
- First major reform in the field of agrarian history in the state.
- Act defined the castes, rights, liabilities and interests of tenants.

- Raised the economic, social and the personal status of the tillers.
  - Act has become redundant after enactment of Jammu and Kashmir Reform Act, 1976.
- 2. Jammu and Kashmir Land Acquisition Act, 1934.**
    - An Act to provide acquisition of land needed for public purpose and for determining the amount of compensation to be made on account of such acquisition.
  - 3. Jammu and Kashmir Alienation land Act, 1938, 1995.**
    - An Act to consolidate and enact the law relating of the transfer of agricultural land in the state.
  - 4. Jammu and Kashmir Land Revenue Act, 1939, 1996.**
    - An Act to consolidate, amend and declare the law in force with respect to making and maintenance of Record – of Right in land, the assessment and collection of land revenue and other matters relating to land and the liabilities incidents thereto.
    - Basic revenue law to deal with Revenue Administration.
    - Deals with classes and powers of various Revenue officers, the procedure for appeals, review and revision of the orders passed by Revenue officers, procedures for issue and services of summons, proclamations and their appearances, preparation of Record – of Rights, Annual Records and revision thereof and trial of suits.
  - 5. Jammu and Kashmir Evacuee (Administrators of Property Act) 1949.**
    - An Act to provide for the administration of Evacuee’s property in the state.
    - Vests the powers to administer said property with custodian General.
  - 6. Jammu and Kashmir Big Landed Estates Abolition Act, 1950, 2007.**
    - An Act to provide for the abolition of Big Landed Estates and their transfer to actual tillers.
    - Optimum unit of land retainable by a landlord was fixed at 182 Kanals.
  - 7. Jammu and Kashmir Utilization of Land Act, 1953.**
    - An Act to provide for utilization of lands in the state.
    - Issue directions for bringing abandoned land again under cultivation.
  - 8. Jammu and Kashmir Common Lands (Regulation) Act, 1956.**
    - An Act to regulate the rights in common lands.
    - Provide relief to the user of the lands, used for common purposes like roads, streets, lanes pathways, water channels, drains, wells, tanks or any other source of water supply to the villagers in general.
    - Provision for prohibition of encroachments over to restore the rights of the users.
    - Provision for assigning land for extension of “Village Abadi”, if existing land is in adequate for habitation of the villagers at any point of time.
  - 9. Jammu and Kashmir Land Grant Act, 1960.**
    - An Act to provide for grant of lands on lease by the government.
    - Applies to state and Nazool land only including buildings.
  - 10. Jammu and Kashmir Agrarian Act, 1976.**
    - An Act to provide for transfer of land to tiller’s there of subject to certain conditions and for better utilization of land in the state.
    - Transfer of land in ownership rights to tiller’s.

- Optimum retainable land ceiling on land reduced to 12<sup>1/2</sup> standard Acres (100 Standard kanals) per family and absentee landlordism abolished altogether.
- Provision for resumption and disposal of surplus land.
- Prohibition on creation of fresh tenancies.

#### 11. Jammu and Kashmir State Lands (Vesting of ownership rights to the occupants) Act, 2001.

- Popularly known as Roshni Act.
- An Act to provide for Vesting of ownership rights to occupants of state land for purposes of generating funds to finance power projects in the state.
- Khariet, 2004 as cut – off date.
- Agricultural land was given free of cost.

#### 12. Jammu and Kashmir Disqualification Bill, 2004.

- The Permanent Resident Disqualification Bill, 2004 passed by the Jammu and Kashmir Assembly.
- The Bill seeks to disqualify women from their status as permanent residents of the state if they marry a non-resident.
- With the passing of the Bill, the state government has turned an executive order into law that deprives women of the right to own and inherit immovable property, get government jobs and other privileges if they marry “non – state subject”.

Women in India have traditionally been deprived of property rights and their property rights still meet with strong social opposition. Gender equity in land rights is promoted on the basis of welfare, efficiency equity and empowerment. The concept of land as a commodity also comes into conflict with traditional concepts of common property such as those of tribal societies and in the process of development and modernization, land rights of these communities are deprived and they face widespread displacement. It is therefore important that the unique existence of the tribal communities be understood especially in view of the ongoing indigenous struggles for ethnic identity in various parts of the country. Land reform policy in the past did not address the question of land rights of women. In practice, however, women are generally ignored as land ownership is given in the name of a male member of the benefitted family. It is thus desirable that law should specifically provide women with equal access to benefits of land reforms.

## V.CONCLUSION

The land reform in Jammu and Kashmir has transformed a feudal and hierarchical society. “The experience of capitalizing on the powerful property instinct and motivation of property less peasants to transform an unjust and non egalitarian agrarian structure in a democratic framework was indeed an important milestone in the state’s tryst with modernization and social justice.” The remarkable achievements of Jammu and Kashmir in land reforms must be used to enhance the quality of life of the people through good governance. That is possible only through the panchayats. Now that the panchayat elections are over, 34,000 women and men are elected to the 4130 halqa panchayats in 143 blocks. Today there is a tremendous possibility to take forward the social capital created out of the land reforms, through these local governments. When and how the state government will do it is the big question. The state of Jammu and Kashmir has been rightly called the heaven on earth and it has also suffered a lot firstly from the British colonial rule and later then the atrocity of the Dogra communal

rule in the beginning and up to the middle of the 19th century. The state of the Jammu and Kashmir with the union of the India, the sheikh Abdullah led government of the state strong came up with the land reforms movement and brought out the new manifesto of "Naya Kashmir" which can be transited into new Kashmir. The land reforms started in the state and the land was now distributed to the tillers of the state and this was the most important phase of the state in terms of the land reforms sector. The achievements were made and the people of the state got benefitted mostly who were not in possession of the land and this was a remarkable milestone in the history of the state.

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