



National Conference and land reforms in Jammu and Kashmir

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Abstract:

After the British left, India had to undo a lot of damage they had done to our economy and society. During the British times the tillers of the lands were not its owners. So as a farmer did not have actual ownership of the land. The ownership was with the intermediaries i.e. the Zamindaris, Jagirdars etc. The farmers would farm the land and pay rent to these Zamindaris. The government realized that the agriculture output was not sufficient for the whole country. One way to boost the produce was to make the tillers of the land its owner. And so efforts were made to abolish the intermediaries and this was known as the land reforms and many states in India passed the Zamindari Abolition Act. From the early Hindu period down to 12th century, Ownership of land in Jammu and Kashmir vested in the hands of Kings. Peasants could occupy the Land for cultivation subject to payment of a fixed rent or at the pleasure of the Kings of their agents. In 1846 Maharaja Gulab Singh brought Jammu and Kashmir from British under the treaty of Amritsar.

Introduction:

Till 1948 Extreme levelers of poverty and deprivation were deeply rooted in Jammu and Kashmir. Taxation was high extracted in the both cash and kind and the predominantly Muslim peasantry had to pay much more than half the share of their crop in lieu of all various Taxes. The state and its feudal intermediaries appropriated three fourths of all Rice yields. The people had no stores of grain to fall back on¹. The practice was prevalent during the Mughal period and continued till the Sikh period. As a result Jagirdars were without proprietary rights. In addition land was kept reserved for the Royal household, known as khali which over the years turned into khalsa land and still retains the some Name, though it is now the property of the state. It led to the concentration of large areas of land in a few hands. Result was an intermediate class between the land lord and the cultivator. The cultivators were continuously improving the land due to the pressure of the landlords.

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 small holdings and went on to become the most publicized land reforms of the country. Its implementation can be classified into two phases that is reform between 1940's to 1950 and reform between early 1970 to late 1973. Since the time of introduction of land reform measures in the state in early 1950's, peasants were cultivating land for the land lords. The economy of the state being high cost mountains economic region and that cause 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. 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.²

Sheikh Abdullah took over a prime Minister of Kashmir on March 5, 1948. Sheikh Abdullah immediately wanted to fulfill his promised policy of land reforms and do away with Jagirdarana system. Sheikh Abdullah started introducing the land Reforms policy; this was the first era of conflict. It is very significant that this history of land reforms were never found to be important enough to be included. There is not a single study of the land reforms that has taken place⁴. In April 1949, the state Government appointed a land reforms committee to prepare a plan for the abolition of big landed states and transfer of the land to tillers. This was intentionally done to deprive the mostly Hindu population of the state who held land large number as land lords. They were economically rich and sound from the very beginning but had got a severe setback at the time of introduction of land reforms movements. The Number of such land lords exceeded twelve thousand. All these people were deprived to hold not more than 182 Kanals of land and rest was taken by the state without paying any compensation⁵. Shiekh Abdullah was the main leader who was favoring land reform movements in the state and wanted to distribute it equality among the peasants. Due to this land reform revolution an exodus started among Hindus who had to surrender their huge occupied lands and during this period the Hindus had felt for Jammu and started to settle there.

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.

Agrarian reforms after 1948:

The National Conference Government came into power in March, 1948. Immediately after coming to power declared the abolition of the privileges of muafidars and mukkararee-khawar (recipients of cash grant). Further it gave priority to the reorganization of agriculture on a modern and rational basis, through the abolition of landlordism, securing the land to the tiller and the formation of cooperative association. These steps were taken to free the peasants from the burden of the parasitic Jagirdars and kardars. Besides, waste land was granted to tiller for cultivation. Towards the end of 1949, a land reform committee was appointed by the government to submit a detailed plan for the reorganization of agriculture in the state. It was in this context that the big landed estates abolition Act, 2007 (1950) was introduced. This was a landmark in agrarian reforms not only in the state but in the country as a whole.

Wazir committee Recommendations:

The commission was appointed by state government under the chairmanship of (Retd) Justice Wazir, which is known as Wazir commission, following was the main recommendation as under³. In Kashmir a proprietor should be fixed at roughly 28 acres and in Jammu at 34 acres against the prevailing unit of 22.75 acres. In second lands attached to Buddhist religious institutions in Ladakh called Gumpas should be excluded from the operation of the act in 1965 all non occupancy tenants admitted after 1955 were deemed to be protected tenants provided that the land held by them did not exceed two acres of wet land or four acres of dry land in Kashmir province and four acres of wet and six acres of dry land in Jammu province. An owner who's holding did not exceed four acres of wet land or six acres of dry land in Kashmir province and six acres of wet land or eight acres of dry land in Jammu province was permitted to resume land up to the limit. By the imposition these laws large areas of cultivated land were transferred to the state after the expropriation of land lords, which was to be distributed among the land less agricultural labors and displaced persons from time to time. A number of Land was transferred to the tillers, the legislation give more rights to the tenants for making the resumption laws stringent⁴. By the imposition of these laws large areas of cultivated land were transferred to the state after the expropriation of landlords from the 1967 kharif season, all holdings subject to land revenue up to rupees 9 were exempted from its payment. In case a tenant fails to cultivate his land without sufficient cause for more than one year, his right of occupancy or protected tenancy is deemed to have extinguished from the end of the year⁵.

Land Reform in Kashmir has clearly done away with the Jagir's and has weakened the position of all the great landlords. The individuals at village level were getting benefited¹⁸. Sheikh's great

achievement of Land reform Act changes the whole state. J&K was the 1st Indian state to pass such a revolutionary law that gave ownership rights to peasants over lands. The peasant's emancipation reform was the greatest achievement of the Sheikh Abdullah.

Big landed estates abolition Act, 1950:

This Act was passed in 1950 by Sheikh Abdullah by an order issued in the name of Yuvraj Karan Singh in whose favor Maharaja Hari Singh had passed the crown at his forced abdication of the state in 1949. At that time, Jammu and Kashmir constitution Act of 1939 was in force which did not provide writ remedy in favor of a native of the state. Nobody have power to challenge this act. According to act the Proprietors could however, retain orchards, grass farms and fuel and fodder would have full freedom to choose which acres of their holding they would keep for these purpose. The amount was transferred in ownership right to the tiller without compensation the original owner. The landlord was allowed to keep not more than 160 canals. The expropriated land was to be transferred in full ownership to the tenant to the maximum of 160 canals (20 acres), remaining land was transferred to the government for distributing among landless tillers. The effect of the policy of land revenue also gives the land to the peasant of ponch and udhampur. The reform no debt was aimed at freeing the peasant from the unbearable burden of complete economic dependence on the landlord. Odd properties were expropriated from 4.5 lakhs acres of land and out of This 2.3 lakhs acres were transferred in ownership right to the tillers free of all encumbrance and the remaining land vested in the state. The transformation of rural Kashmir as a result of those sweeping "land reforms" had far-reaching political consequences. As a result the agriculture was improved for the dry lands and consequently ten old and new canals were either restored or constructed. In the year 1948 there was 222 multi-purpose cooperative societies were but in the year 1950 give the figure of 17,371 agricultural cooperatives. That result was purchase and scale cooperatives were 386 and non agriculture credit operatives were 378. This appeared to be the first act of brazen disloyalty, breach of trust committed by Sheikh Abdullah towards Maharaja Hari Singh. The Lands owned or held by or on behalf of the Maharaja were also taken away in excess of the prescribed limits without making any compensation. It was an Act that gives the citizens fundamental rights, right to hold property and right to livelihood. This act changes the whole agriculture system in the state. It was the land marks achievement of national conference party⁶.

The Jammu and Kashmir Agrarian Reforms Act:

The act came into force in May 1975, with the following main provisions.

1. Vesting ownership rights of land (excluding orchards) held by owners and intermediaries, who are not in its personal cultivation to those who held such land in personal cultivation to those who held such land in personal cultivation on Sep, 1, 1971.
2. Imposition of ceiling of 100 standard Kanals (12.5 standard acres) and vesting of all land in excess of this ceiling with the state.
3. Payment in lieu of all land vested with the state as a result of 1 and 2 above at rates specified by the government.
4. Provision for resumption of land by any intermediary or absentee landlord on certain specified conditions.
5. Full compensation for evacuee lands.
6. While there is no ceiling as such on orchards, an annual tax has been imposed on such portions of an orchard, with exceed 12.5 standard acres at the rate of Rs 800 per standard are.
7. The standard acre has been defined with reference to various kinds of soil in irrigated and UN irrigated areas. The above provisions of the 1972 act removed some of the flaws present in the previous legislations and redefined the ceiling limit. Thus if the ceiling imposed on the basis of above provisions is converted into locals acres for different areas it falls in the range of 9.09 acres to 22.22 acres,. Subsequently rules were framed for the implementation of the above provisions and the whole state has been divided into 305 circles, each circle comprising a few patwar Halqa. The implementation programmes maintained some momentum till date 1974 but in early 1975 the state experienced a political change the incoming of sheik's government. The new government stopped the implementation process on the basis of the representation which it received from different sections about the hardships faced by landlords as well as tenants and ordered a thorough investigation into the implementation of the 1972 Act⁷.

Conclusion:

As expected India's most publicized land reforms became a success. This achievement has been attributed largely to the political will of the leadership of J&K especially that of Shiekh Abdullah and the special status granted to the state under Article 370 of the Indian constitution. The article of the Indian constitution originally intended as an interim measure gave exemption to J&K from the fundamental Rights and Directive Principles. Shiekh Abdullah, to whom Maharaja Hari Singh had handed over the reins of the state after signing the instrument of Accession to India, had sought such an exemption so that his government could implement the promises made in his New Kashmir Manifesto. As expected, there was also a strong reaction against the land reforms because majority of the beneficiaries were poor.

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