

B.G 5TH Semster History

Prepared by Prof. Kowser Ahmad Ganai

Land reforms in India

At the time of independence ownership of land was concentrated in the hands of a few. This led to the exploitation of the farmers and was a major hindrance towards the socio-economic development of the rural population. Equal distribution of land was therefore an area of focus of Independent India's government.

Land reform is a broad term. It refers to an institutional measure directed towards altering the existing pattern of ownership, tenancy and management of land. It entails “a redistribution of the rights of ownership and/or use of land away from large landowners and in favour of cultivators with very limited or no landholdings.”

Objectives of Land Reforms:

Land reform is a part of heritage of the country's freedom movement since the agrarian structure that we inherited from the British at the time of independence was of the feudalistic exploitative character. Zamindars- intermediaries- moneylenders played a big role in exploiting the masses.

It is in this background that we have to examine the objectives of land reform policy in India. Land reform measures aim not only at raising agricultural productivity. It is also viewed as a tool for social upliftment.

Under the 1949 Indian constitution, states were granted the powers to enact (and implement) land reforms. This autonomy ensures that there has been significant variation across states and time in terms of the number and types of land reforms that have been enacted. Land reform can be classified into four main categories according to their main purpose.

- i. Abolition of intermediaries between the State and tenants;
- ii. Tenancy reforms that provide (a) security to tenants, (b) rationalisation and regulation of rent, and (c) conferment of ownership rights on tenants;
- iii. Fixation of ceiling on landholdings

IV. Consolidation of landholdings

(i) Abolition of intermediaries:

Abolition of zamindari and similar intermediary tenures during 1950-55 essentially involved removal of intermediary levels or layers of various amorphous and parasitic groups in land between the State and the actual cultivators. However, such abolition of intermediaries involved compensation to the owners of land.

As a result of this measure, about 2.5 crore farmers were brought into direct relationship with the State. This facilitated distribution of 61 lakh hectares of land to landless farmers. Large areas of privately-owned forests and wasteland now vested in the State.

Despite abolition of intermediary rights, poor peasantry continued to be exploited in various ways. It led to large-scale ejection of poor tenants from land. While landlordism has been abolished, absentee landlordism now continues to flourish. The legislation conferred ownership rights not upon the actual cultivator, but on the statutory tenant, who himself was an intermediary with a chain of sub-tenants under him.

- (i) The law permitted the intermediaries to retain their home farms,
- (ii) No limit was put on the area of land they could retain,
- (iii) The term ‘personal cultivation’ was ill-defined, and
- (iv) No protection was given to sharecroppers and other tenants-at-will.

Thus, the abolition of intermediary rights on land has not been an unmixed blessing. Undoubtedly, this zamindari abolition has paved the way for a remarkable shift in the balance of power. But the goal of “land to the tiller” was yet to be achieved.

(ii) Tenancy Reforms:

Tenancy legislations have taken three forms:

- (i) Regulation of rent,
- (ii) Providing security of tenure, and
- (iii) Conferring rights of ownership for tenants.

Rent payable to the landowners should not exceed one-fifth to one-fourth of the gross produce of land. In the light of this guideline, all the states have enacted laws

for fixation of rent. However, large inter-state variations exist in the fixation of land rent rates. Further, one notices inter-state differences in land rents.

Even the tenancy reforms have failed to regulate rent. Owing to the weak position of tenants, demand for fair and just rent from landowners occasionally lead to ejection from land.

Tenancy Legislations have made it clear that in no case the tenants can be evicted except only in the situation where landlords themselves want to resume cultivation. Even in the event of resumption of cultivation by the owners, tenancy legislations have made it obligatory to leave a minimum area for the tenant.

A very important aspect of land reform is the conferment of ownership rights to tenants in respect of non-resumable land. As a result of this measure, by 2000, only around 124.2 lakh tenants operating no more than 4 p.c. of the cultivated area have been benefited from this ownership rights or their rights have been protected on 63.2 lakh hectares of land.

On the eve of tenancy reforms, the area under tenancy was around 50 p.c. As a result of this action, this area has been reduced to 15 p.c. of the operated area by 2000.

Overall impact of tenancy reforms has been rather limited. Firstly, tenancy laws have been violated. For instance, in Bihar, the maximum limit of rent was kept at 25 p.c. of the gross produce. But tenants are required to pay even more than 50 p.c. as their social standing is abominably low. Secondly, as regards the security of tenant- cultivator, escape clauses have been misused against the interest of tenants.

Tenancy laws that have been framed in different states contained a provision for the resumption of land by the landowners for 'personal cultivation' with the object of protecting the interests of landowners, rather than tenants.

Due to a loose definition of the term personal cultivation, landowners continued to resume land for self-cultivation. The law also permitted the voluntary surrender of tenancies. Informal or concealed and oral tenancies are still prevalent.

Thus, the right of resumption of land for self-cultivation has rendered all tenancies insecure. Finally, there is no legal provision for conferring ownership rights in the tenancy laws of some states. In reality, legislation for conferment of ownership rights could not yield good results because many tenants are incapable of buying land from the landowners and many of them are unwilling to do so.

(iii) Ceiling on Landholdings:

To reduce the existing disparities in the pattern of land-ownership and make some land available for distribution to landless agricultural workers, the Second Plan (1956-1961) recommended the imposition of ceilings on agricultural holdings.

It was envisaged that land above a certain limit would be acquired by the State and redistributed among the landless workers and small farmers so as to meet their hunger for land and, thus, to enable them to create economic holdings.

Land ceiling laws were passed in two phases. In the first phase—which lasted up to the end of 1972— ‘landholder’ was treated as the unit of the cultivation. This ceiling unit was changed to ‘family’ after 1972. The ceiling limits have also been lowered in the second phase with differences varying as between irrigated land with two crops, irrigated land with one crop, and dry land. But exemption for orchards, grazing land, cattle- breeding farms, religious/charitable/educational trusts, sugarcane plantations, tank, fisheries have made the ceiling laws virtually redundant.

Up to end September 2001, the total amount of land declared surplus was 73.67 lakh acres, 64.95 lakh acres of land have been taken over by the states. A total of 53.79 lakh acres of land have been distributed among 54.84 lakh tenants. This amounts to saying that about 12 lakh acres of land could not be distributed because of variety of reasons, of which litigation is considered to be the most inhibiting factor.

The operations of the ceiling law made virtually no impact on the agrarian structure. The enforcement of the ceiling law was preceded by a public debate spread over several years. This enabled landowners to manipulate land records leading to fictitious (benami) and fraudulent partitions of lands among their relations, friends, fictitious trusts, etc.

We have seen that the extent of area declared surplus is much less than the estimated surplus, mainly due to a wide range of exemptions provided in the ceiling laws, shortcomings and loopholes in the laws and inefficient implementation of the laws.

As a result, only the small landowners were caught in the net and most of the big landowners or jotedars circumvented it and, even if the land was taken from them, it was not redistributed among the landless peasants. Lack of political will is considered to be the greatest stumbling block for its speedy implementation.

(iv) Consolidation of Landholdings:

Fragmented and subdivided landholdings as well as small-sized holdings have made Indian agriculture un-remunerative. So consolidation of these lands is necessary to boost efficiency and economy in India's agriculture. It has been completed in the states of Punjab, Haryana and Uttar Pradesh.

Till December 2001, nearly, 163.3 lakh acres of land or 1 /3rd of the total cultivated area have been consolidated. Thus, the success story in this regard is rather disappointing. One of the reasons for the tardy progress of this aspect of land reforms is that small farmers have a strong fear that consolidation favours large farmers. That is why the threat of eviction of tenants from land out of consolidation is the greatest.

An Overall Appraisal of Land Reforms:

After more than 60 years of independence, one notices some achievements in the sphere of land reforms. At the same time, our efforts in this direction have not yielded desired results. Most of the planks of land reform measures are ambivalent and there are large gaps between policy and legislation and between legislation and implementation. And **“land reform measures were conceived boldly but were implemented badly”**—observed an expert.

The laws for the abolition of intermediaries had been implemented fairly well. As a result, 20 million cultivators were brought into direct relationship with the State. But this reform led to large-scale ejection of tenants from land which they had been cultivating for generations as the laws failed to offer any protection to these masses.

Thus, the slogan “land to the tiller” virtually remained unfulfilled. A class of neo-zamindars or absentee landlords has sprung up in rural India who grabs the produce of the earth as well as the land!

It was hoped that tenancy reforms would ensure better results as far as the lot of tenants and sharecroppers were concerned. Tenancy reforms devised so far have not brought to an end of the system of absentee ownership of land nor have led to disappearance of tenancies.

Everywhere the immediate consequence was the ejection of tenants on a massive scale. The consequence of the tenancy policy was to push tenancies underground. Most of the tenancies that still exist take the form of informal or concealed crop-sharing arrangements.

Again, there are reports of large-scale evasion of ceiling laws because of non-implementation of the laws. For instance, in the district of Purnea of Bihar “there are several landowners who own, and effectively control, at least 1,000 acres each, a few of them owning as many as 5,000 acres..... But land records show them to be owning not more than 15 acres—the upper limit according to the ceiling laws—the rest of land being transferred to mostly benamis (fake owners).” [C. H. H. Rao]

To sum up, land reform programmes implemented since 1948 have not led to any radical distribution of land or removal of some of the obstacles to raising agricultural productivity. Nevertheless, it should not be written off as a non-event'. It brought great changes. It did away with the numerous layers of parasitic intermediaries in almost all the states.

All the measures listed above, however, have left untouched the bottom layer of the agrarian structure consisting of agricultural labourers, sharecroppers, except in the states of West Bengal and Kerala where left-wing political parties changed the destiny of the poor peasantry vis-a-vis the jotedars, are poor customers.

Impact of the Land Reform Policy:

Land reforms are being attempted for twofold reason: to improve production and productivity and the distribution of income/asset. Land reform measures are costless methods of increasing production in the agricultural sector. It serves the purpose of social justice too. Let us see how far land reform measures have improved productive efficiency of the agricultural sector and ensured social justice.

i. productive Efficiency:

So far as productive efficiency is concerned, the land reform measures adopted in recent years have not made any significant impact. The probable reason is that the reforms have not been effectively implemented.

The ownership of land has not yet been fully transferred to the tillers. The actual rents still rule high. The consolidation of holdings has not been completed. Cooperative farming has not made much headway. In the- absence of economical holding being in actual possession of the tiller, in which he has a permanent interest, the modern techniques cannot be applied to land. Naturally, productivity continues to be low.

ii. Social Justice:

The objective of social justice has, however, been achieved to a considerable degree. The intermediary rights have been abolished. India no longer presents a

picture of feudalism at the top and serfdom at the bottom. The tenancy laws have given the tillers protection from exploitation by providing them security of tenure and fixing maximum chargeable rents.

It is true that the pace of implementation of land reform measures has been slow. Moreover, there is a marked unevenness in respect of progress in various states. This does not, however, mean that there has been no achievement at all in the sphere of land reform since independence.

But the progress has been slow and it needs to be accelerated. The manifold problems of our land are to be solved through the introduction of a suitable land policy.

Bhoodan movement

The comprehensive land reform policy that evolved after independence was of Vinoba Bhave. He was one of the great spiritual leaders & reformers of modern India, whose work & personal example moved the hearts of countless Indians. The movement passed through several stages in regard to both momentum & allied programmes. Acharya-Vinoba Bhave, is the founder of the Bhoodan movement or land-gift movement. It was founded in October 1951. He travelled thousands of miles by foot accepting donations of land for redistribution to the landless. By 1969, the Bhoodan had collected over 4 million acres (1.6 million hectares) of land for redistribution.

Assuming that there were 50 million landless peasants in India. Vinobaji set himself the task of collecting in land gifts of 50 million acres, so that one acre could be given to each landless peasant with an average of five members. Each such family, it was hoped, would end up with 5 acres. He called in Gandhian terms upon the landowners to feel compassion for the plight of the landless and to demonstrate their compassion by giving to the Bhoodan movement one sixth of their holdings. Since roughly 300 million acres were under cultivation in India,

such gifts, if made all over the country, would total up in the required 50 million acres.

The Movement however, attracted the attention of many fellow-seekers & thinkers from outside India. Louis Fischer, the famous American correspondent said: "Gramdan is the most creative thought coming from the East in recent times". Hallam Tennyson, the grandson of the famous English poet, Alfred Tennyson, wrote a book, "The Saint on the march". He narrated his memorable experiences as he moved with Vinoba into rural India. Chester Bowles, the American ambassador to India, observed in his book, "The dimensions of peace": "We experienced in 1955, the Bhoodan Movement is giving the message of Renaissance in India. It offers a revolutionary alternative to communism, as it is founded on human dignity". The British Industrialist, Earnest Barder was deeply impressed by the Bhoodan movement & implemented the Gandhian concept of Trusteeship by allotting 90% share in the company to his industrial workers. The British quaker, Donald Groom, trekked with Bhoodan Sarvodaya co-workers for six months in the central India covering a distance of 1400 miles. The American friend Rev. Kaithan turned himself into a Sarvodaya co-worker & established a community centre in South India. David Graham, an English journalist of Sunday Standard, included Vinoba as one of the creative rebels. Arthur Koestler, in 1959 wrote in London Observer, that the Bhoodan Movement presented an Indian alternative to the Nehruvian model of Western development.

Objective:-

The basic aim and objectives of Bhoodan movement was to bring about a social order based on equality of opportunities by ensuring balanced economic distribution.

The movement got off to a good start from 1952 to 1954. More than 3 million acres of land were received as Bhoodan during these periods. But the movement could not continue with that vigour and success due to certain weaknesses.

The fundamental weakness of Bhoodan movement was that its appeal was directed not to the poor and landless, but to the rich and landlords. When the Bhoodan campaigners marched into the village of the well off, they made a good show by giving away a few patches of land.

Merits:

1. It was a bold step towards solving the problems of landless labourers in very peaceful manner.
2. It helped in bringing more land under plough. Even uncultivable land was cultivated.
3. It helped in reducing exploitation of the poor cultivators by the rich zamindars.

To conclude taking an overall view it cannot be gainsaid that the Bhoodan-Gramdan Movement, despite all its real & apparent limitations, it would ever be deemed as a glorious attempt for a peaceful & non-violent solution of the basic land problem of Indian society & through it for a non-violent reconstruction of the Sarvodaya socio-economic order.

Unit iii:-

Major political developments

Emergency administration and Formation of nationalist government:-

The years of 1940s were turbulent in the Indian subcontinent due to unrest caused by world war II, Quit india movement and unending communal riots. These events convinced the British government both at home and in India that their days of rule are strictly counted. Seeing explicitly writing on the wall the British government at home acting on the advice of viceroy, Lord Mountbatten announced partition plan i.e; India was to be divided in to two dominions viz dominion of India and dominion of Pakistan and the 562 odd princely states were given the option to join either of the two dominions by or before 15th August 1947. However, the Maharaja of Jammu and Kashmir remained indecisive giving birth to” Kashmir imbroglio”.

Hearing of tribal advancement from Pakistan to Srinagar for forcibly occupying the state, Maharaja Hari Singh along with the entire council of ministers left the valley on 26th of October 1947, thereby creating vacuum which at this critical juncture was filled by the national conference. It organized district and Mohalla committees to function as local government. It organized a National militia for repulsing invaders who were fastly approaching to Srinagar. Moreover, the economic blockade of the state by Pakistan, together with the severe winter of 1947-48 added to the hardships of people. It is said that salt, an essential commodity of both rich and poor could not be had even for Rs 10 per kilogram. The conference despite all odds ensured essential supply to the states people over snowbound Banihal pass. Besides catering to needs of people the emergency administration (as it was called) with Sheikh Abdullah as head provided all possible assistance to the army in the form of pack- ponies, transport, vehicles, labour etc who were busy fighting the tribals. It is important to mention that Indian narrative is that the Maharaja Hari Singh on 26th October 1947 signed instrument of accession (conditional) with

India, surrendering three of its vital powers viz defence, communication and foreign affairs to Indian government. The Jammu and Kashmir government retained autonomy in all other matters which was reinforced by Article 370 of the Indian constitution.

Maharaja Hari Singh probably partly due to the influence of the Indian government and partly due to the marvelous role of National Conference emergency administration deposed Meharchand Mahajan as prime minister of the state and converted the emergency administration into a regular council of Ministers with Sheikh Abdullah as prime minister on 5th March 1948.

5th March 1948 is a very important date in the history of Kashmir because two and half decades resistance to Dogra rule bore fruit and a popular government with Sheikh M. Abdullah as its head was established. The other members of his cabinet were:

Bakshi Ghulam Mohammad- Deputy prime minister

Mirza Afzal Beg--- Revenue Minister.

Sardar Budhsingh ----- Health and rehabilitation minister.

Gulam Mohammad Sadiq ----- Development minister.

Shyam Lal Saraf ----- Minister of Civil supplies and local self government.

Girdharilal Dogra ----- Finance minister.

Pir Mohammad Khan ----- Education minister.

National conference had in year 1944 through Naya Kashmir manifesto envisaged a programme of social and agrarian reforms, including abolition of landlordism. The formation of the popular government, no wonder, could have raised hopes of people, believing that a just socio economic order is not a distant dream. People had right to expect and dream on these lines after all it is

what for they had struggled and made sacrifices. National conferences didn't let people down.

Formation of constituent assembly and end of monarchy:-

The state of Jammu and Kashmir by 1950 though ruled by the popular government but it still derived its powers from the Maharaja. The National conference had promised a democratic government to people, which it realized could not be established without formulating constitution and ending centuries old monarchical rule. On 27th October, 1950, the general council of the conference passed a resolution asking for elections to the constituent assembly for the purpose of giving to the state a constitution and simultaneously functioning as its legislature. On 1st May 1951, Karan Singh, the then head of the state issued a proclamation directing the formation of the assembly. The assembly was to be constituted of elected representatives of the people of the state. The election took place in August- September 1951. All the 75 seats were won by the national conference.

The constituent assembly hence formed had three objectives.

- i. Framing a constitution for the state and finalizing administrative arrangements with the centre.
- ii. Decide the future of the ruling family.
- iii. Decide about the compensation to expropriated proprietaries.

The elections and its results in favour of National conference led to formation of a democratic government with Sheikh Abdullah as the prime-minister of the state.

The constituent assembly in March 1952 took a historic decision that no compensation will be paid to expropriated landholders who were affected by the Abolition of Big landed estates act.

The constituent assembly in November 1952 decided to abolish monarchy and the head of the state was to be called the Sadar-i-Riyasat, to be elected by the legislative assembly for a period of five years. Dr. Karan Singh (yuvaraj) was the first Sadri-Riyasat of the state.

The formation of a constitution is long and slow process, the constituent assembly which functioned legislature of the state as well, formed various committees and it was due to their sustained efforts state constitution was drafted. The constituent assembly adopted the states constitution on November 17, 1956 and it came in to effect on 26th January 1957.

Praja Parishad Agitation

Praja Parishad was a political party active in the Jammu division of the Jammu and Kashmir. It was founded in November 1947 by the Rashtriya Swayamsevak Sangh activist Balraj Madhok, and served as the main opposition party in the state. It maintained close ties with Bharatiya Jana Sangh during its lifetime and merged with the latter in 1963. Its main activity was to campaign for the close integration of Jammu and Kashmir with India and oppose the special status granted to the state under the Article 370 of the Indian constitution. After its merger with the Bharatiya Jana Sangh, the precursor of the present day Bharatiya Janata Party, the party gradually rose in stature..

Inception

The Dogra Hindus of Jammu were originally organised under the banner of *All Jammu and Kashmir Rajya Hindu Sabha*, with Prem Nath Dogra as a leading member. The Rashtriya Swayamsevak Sangh was established in Jammu in 1939 with the efforts of Kishen Dev Joshi. Jagdish Abrol and later Balraj Madhok, who arrived in 1942, are credited with its expansion. Madhok moved to the Kashmir

Valley in 1944 and established RSS there. Prem Nath Dogra was also the chairman (*sanghchalak*) of the RSS in Jammu.

In May 1947, following the partition plan, the Hindu Sabha threw in its support to whatever the Maharaja might decide regarding the state's status, which in effect meant support for the state's independence. However, following the communal upheaval of the partition and the tribal raid, its position changed to supporting the accession of the state to India and, subsequently, full integration of Jammu with India.

The *Praja Parishad* was founded in November 1947 with this background, soon after the Pakistani tribal invasion. Balraj Madhok was a key organiser of the party and Hari Wazir became its first President. Prem Nath Dogra and others soon joined in. According to Madhok, the objective of the party was to achieve the "full integration" of Jammu and Kashmir with India and to oppose the "communist-dominated anti-Dogra government of Sheikh Abdullah."

Praja parishad agitation (1949–1953)

In early 1949, the Praja Parishad started protesting against the policies of the National Conference government led by Sheikh Abdullah. The government swiftly suppressed it by arresting as many as 294 members of the Praja Parishad including Prem Nath Dogra, its president. Balraj Madhok was externed from the state. The Praja Parishad's call for full integration directly clashed with the demands of National Conference for complete autonomy of the state. The Indian leaders intervened and arranged a temporary truce. However, the simmering tensions came to the fore again in the elections for the Jammu and Kashmir Constituent Assembly in 1951.

The Praja Parishad initially contested 28 out of 30 seats allocated to Jammu in the 1951 elections. However, the nomination papers of thirteen of its candidates were rejected on the grounds of technicalities. Sensing that the elections were being railroaded by the ruling National Conference, the Praja Parishad announced a boycott of the elections shortly before the polling. Consequently, all National Conference candidates were declared as winners from the Jammu province. Thus obstructed from democratic participation, the Praja Parishad took to the streets organising protests. Calling for "full integration" of the state with the rest of India, the Parishad issued a rallying cry of "*Ek Vidhan, Ek Nishan, Ek Pradhan*" ("one constitution, one flag and one premier"). This was in marked opposition to the state trying to formulate its own constitution, carrying its own flag and calling its head

of executive "Prime Minister."¹ On 15 January 1952, students staged a demonstration against the hoisting of the state flag alongside the Indian Union flag. They were penalised, giving rise to a big procession on 8 February. The military was called out and a 72-hour curfew imposed. N. Gopaldaswami Ayyangar, the Indian Cabinet minister in charge of Kashmir affairs, came down to broker peace, which was resented by Sheikh Abdullah.

By this time, the Bharatiya Jana Sangh was formed in Delhi to champion Hindu nationalist politics, and the Praja Parishad became its affiliate in Jammu and Kashmir.¹ Even though Jana Sangh won only 3 seats in the Indian Parliament in the 1951–52 general elections, Shyama Prasad Mukherjee was a powerful leader, commanding a big block of support from various opposition parties. The Party and Mukherjee took up the cause of Jammu with vigour. The Praja Parishad submitted a memorandum to the President of India in June 1952, calling for full integration and staged a big demonstration outside the Indian Parliament. The Hindu Mahasabha Member of Parliament N. C. Chatterjee ridiculed the autonomy of Jammu and Kashmir as a "Republic within a Republic."

In order to break the constitutional deadlock, the National Conference was invited to send a delegation to Delhi. The 1952 Delhi Agreement was formulated to settle the extent of applicability of the Indian Constitution to the state. Following this, the Constituent Assembly abolished the monarchy in Kashmir, and adopted an elected Head of State (*Sadr-i Riyasat*). However, the Assembly was slow to implement the remaining measures agreed in the Delhi Agreement.

The Praja Parishad undertook a civil disobedience campaign for a third time in November 1952, which again led to repression by the state government. The Parishad accused Abdullah of communalism (sectarianism), favouring the Muslim interests in the state and sacrificing the interests of the others. The Jana Sangh joined hands with the Hindu Mahasabha and Ram Rajya Parishad to launch a parallel agitation in Delhi. In May 1953, Shyama Prasad Mukherjee made a bid to enter Jammu and Kashmir, citing his rights as an Indian citizen to visit any part of the country. Abdullah prohibited his entry and promptly arrested him when he attempted. An estimated 10,000 activists were imprisoned in Jammu, Punjab and Delhi, including members of Parliament. Unfortunately, Mukherjee died in detention on 23 June 1953, leading to an uproar in India and precipitating a crisis that spiralled out of control. Sheikh Abdullah lost majority within his five-member Cabinet. He was dismissed from the post of Prime Minister and put in prison, by the orders of *Sadr-i Riyasat* Karan Singh.

Bakshi Ghulam Mohammad, who succeeded Abdullah as the Prime Minister, implemented all the measures of the Delhi Agreement, making further concessions of powers to the Union government-The Praja Parishad agitation largely subsided after these event.

Dismissal of sheikh Abdullah and change of the government:-

Sheikh Abdullahs dismissal on 8th August 1953 was not spontaneous but well thought out decision, hatched both at New Delhi and in the valley. The principal actors who played part in it were Pandit Nehru, Maulana Abul Kalam Azad, B.N Mullick and from the valley Bakshi Ghulam Mohammad, G.M Sadiq, Shyam Lal Saraf and Dr. Karan Singh, the Sadar-i-riyasat. The change in ideology of Sheikh Abdullah sent ripples across India and the Indian government thought it prudent to have a loyalist in power in the state. The conditions were manufactured to ensure sheikh Abdullah's dismissal and subsequent arrest.

The announcement of Delhi agreement was followed by outbreak of a powerful agitation of Praja Parishad against it. The Praja Parishad was infavour of total merger of the state with the Indian union. In support of this Dr. S.P. Mookerjee of the Jana Sangh in May 1953, travelled to Jammu, where he was arrested and detained in Srinagar Jail. His death there in the following month under suspicious circumstances raised a storm of indignation in India against Sheikh Abdullah. It is from there on wards ways began to be devised for his removal and above all his voice against India had become louder.

Sheikh Abdullah in his speeches at Jammu and Srinagar on 12th, 15th, 18th of June, 1953 hinted that he was being forced to re-assess the Delhi agreement due to growing communal wave in Jammu and in India. He was quite emphatic in his speeches that the state had acceded only three subjects viz, defence, Communication and foreign affairs and had complete autonomy in all matters, nullifying even Delhi agreement.

Pandit Jawaharlal Nehru in order to persuade the Sheikh to be moderate in his criticism of Hindus and to shun hate speeches, sent Maulana Abdul Kalam Azad to the state to advise him. But Maulana failed and in fact advised Pandit Nehru to dismiss him "before he commits more mischief".

On top of it writes Korbil, "Came the highly inflammatory rumours that the United States was backing the idea of Kashmir independence and that Sheikh Abdullah had been encouraged in it when Adlai Stevenson had visited Srinagar in May 1952."

Probably working at the behest of the Indian government, many of the working committee members headed by Bakshi Ghulam Mohammad began opposing Sheikh Abdullah for his change in attitude towards the position of the state in the Indian union. An open rift developed in the cabinet. Three of the five members differed on the measures taken by the government in ameliorating the economic condition of the people and the slow implementation of the provisions of the Delhi agreement.

The state of crisis was precipitated by the Sheikh Abdullah's demand for the resignation of a member of his cabinet, Mr. Sham Lal Saraf, the development minister. He refused to resign unless the whole cabinet was dissolved and a new government formed. The memorandum was submitted to Sadr-i-Riyasat by the cabinet group led by Bakshi Ghulam Mohammad, accusing Sheikh Abdullah for deterioration in administration. The Sadr-i-Riyasat no doubt acting at the instance and with the support of the central government, issued an order on 8th August, 1953 dismissing Sheikh Abdullah from the prime ministership of the state on the charge of having lost the confidence of the cabinet. He however, was denied in a democratic way an opportunity to prove his majority on the floor of the house. On 9th of August 1953, Sheikh Abdullah along with some of his confidants was

arrested at Gulmarg and kept in detention at Udhampur in the Jammu province.

On 9th August 1953, Sadri-i-riyasat invited Bakshi Ghulam Mohammad to form a new government. He accepted the invitation and was sworn in as prime minister on the same day. He said in his radio broadcast,

“Recent developments have made it abundantly clear to all of us that a betrayal of the Country’s interest was in the offing which would have led to grave consequences.”

He further added, “An independent Kashmir under the influence of an imperialist power will be a grave threat to freedom and independence of Indian and Pakistani people”.

In order to completely erode Sheikh’s influence on the politics of the state, the “Kashmir conspiracy case” was launched against him, Mirza Afzal Beg and 22 other people on charge of having conspired with Pakistan for making of an independent Kashmir. Sheikh Abdullah spent almost eleven years behind bars . He was released in 1964 and the case was withdrawn.

Unit iv:-

Land Reforms: The Big landed estates Abolition act, 1950:-

The most pressing demand to which the national conference and popular government had to turn was to ameliorate the condition of peasants and to free them from the clutches of the cunning landlords. It is important to mention that by 1947, the number of absentee landlords was 1,50,000 who possessed about 11 percent of the total cultivated area. There were around more than 8 lakh peasant cultivators who had 32 percent of cultivated land under their possession. About 10

Percent of land was cultivated by 3 lakh tenants, Who did not possess any land of their own. This disproportionate distribution of land together with many who did not own any piece of land had created great unrest and consequently division in the society.

The popular government in October 1948, as an immediate relief to the tenants amended the state tenancy act 1924. The amended act had following features.

1. It granted fixity of tenure to the tenants in respect of holdings not exceeding 2.1/8 acres of wet or 4.1/8 acres of dry land in the Kashmir province and about double the size in Jammu Province.
2. It fixed the maximum rent payable by a tenant to his landlord in respect of tenancy holdings exceeding 12.5 acres at 1/4th of produce or cash value thereof, in case of wet lands and at 1/3rd increase of dry lands.
3. It also provided for re-instatement of a tenant who had been wrongfully ejected after April, 1947 and prohibited the execution after 18th November, 1948 of government orders or decrees passed by any court against a tenant who has acquired the right of protected tenancy.

In April 1949, the government appointed a land reforms committee to take a giant leap in reforming agrarian relations. The mandate of the committee was to prepare plan for the abolition of big landed estates and transfer of land to the tiller. On 17th October 1950, the big landed estates abolition act was passed which brought a fundamental change in land relationship. The state of Jammu and Kashmir earned the distinction of being the first state to introduce land reforms. The main features of the act were.

- i. The proprietor was allowed to retain only 22.75 acres (182 kanals) of land. Out of this 20 acres (160 kanals) were earmarked for agricultural purposes, 1 acre (8 kanals) for vegetable gardening 1/2 acres (4 kanals)

for residential purpose and 1.25 acres (10 kanals) for orchards . The landlord was allowed to choose his retainable land.

- ii. Fixation of ceiling on the holding of proprietors at 22.75 acres of land excluded orchards, grass farms, fuel reserves and uncultivated waste land.
- iii. The expropriated land was to be transferred with full ownership to the tiller/ tenant to the maximum of 20 acres (160 kanals), thus putting ceiling on holdings of tenants as well.
- iv. The lands from which owners were expropriated and were not in cultivating possession of any person, went to the government, who distributed it among landless tillers field labours or made available for collective farming.
- v. The law provides that no tiller would be transferred land if he already owns more than 20 acres of land in ownership right.
- vi. The act placed restrictions on the transfer of land. All transfers after 13th April 1947 were declared null and void.

As far as the question of compensation to expropriators is concerned, the act provided that it will be settled by the constituent assembly of the state. The constituent assembly by its resolution dated November 6, 1951 appointed an eleven member committee to examine and report on the desirability or otherwise of the Payment of compensation to landlords for lands expropriated from them. The committee after looking in to pros and cons of compensation recommended that the payment of compensation to the expropriated proprietor was not desirable. It was also stated that compensation would only perpetuate the then already existing inequitable distribution of wealth.

The constituent assembly of the state on 26th March 1952, took a historic and unparalleled decision that no compensation whatsoever should be paid in respect of the land from which expropriation had taken place under the big landed estates abolition act. The decision freed the state peasants/tillers from the

enslavement of jagirdars. The decision was in tune with the democratic essence of ensuring social justice, social equality and social stability. It is worth to mention that though land reforms were carried throughout India but the expropriated proprietor was compensated but Jammu and Kashmir is the only state where no compensation was given to expropriators.

Delhi Agreement (1952) :-

The instrument of accession signed by Maharaja of Jammu and Kashmir on 26th October 1947, was ambiguous in its terms. Meanwhile, as the constituent assembly of the state was at work to Frame constitution, the Indian statesman thought it expedient to have the nature of the relationship between the state and the Indian government well defined, which it thought will be binding up on the constituent assembly and thereof, to the constitution of the state as well.

To quote Alaister lamb “It was evident that the constitution would take its time in the production of a definite document. In the meantime, given the Indian diplomatic emphasis, which was being placed on its proceedings, Nehru soon concluded that it would be as well to obtain from Sheikh Mohammad Abdullah, Some interim based definition of the kind of relationship between the Indian union and the state of Jammu and Kashmir that would in due course emerge. Above all it would be extremely useful to have the ambiguities of the interpretation of the word “accession” clarified”.

He adds that “It was the aforesaid objective that government of India requested the then Kashmiri leaders to come to Delhi for discussion headed by Mirza Afzal Beg. He held discussion with Jawaharlal Nehru in June 1952. In July 1952 Sheikh Abdullah along with Bakshi Ghulam

Mohammad and others joined the talks. The result was an agreement between known as “Delhi Agreement” signed on 24th July 1952.”

The main features of Delhi agreement are:

- i. That the sovereignty in all matters other than those specified in the instrument of accession continues to reside in the state. The government of India agreed that while the residuary powers in respect of all the states are vested in the centre, in case of Jammu and Kashmir, they shall be vested in the state itself.
- ii. The two governments agreed that in accordance with article 5 of the Indian constitution, persons who have their domicile in Jammu and Kashmir shall be regarded as citizens of India, but the state legislature was given power to make laws for conferring special rights and privileges on the state subjects in view of state subject notifications of 1927 and 1932.
- iii. It was agreed that the President of India shall command the same respect in the state as he does in other units of India. Articles 52 to 62 of the constitution relating to him should be applicable to the state.
- iv. The union government agreed that the state should have its own flag in addition to the union flag, but it was agreed by the state government that the state flag would not be a rival of the union flag. It was also recognized that the union flag should have the same status and position in Jammu and Kashmir as in the rest of India.
- v. There was complete agreement with regard to the position of the *sadar-i-riyasat*, though the *Sardar-i-riyasat* was to be elected by the state legislature, he had to be recognized by the president of India before his installation as such; in other Indian states the head of the state was appointed by the president and was as such his nominee but the person to be appointed as the head, had to be a person acceptable to the government of the state. With regard to the powers and

functions of the *sadr-i-riyasat*, the following was mutually agreed upon.

- a) The head of the state shall be a Person recognized by the president of the union on the recommendations of the legislature of the state.
 - b) He shall hold office during the pleasure of the president.
 - c) He may by writing under his hand addressed to the president resign his office.
 - d) The head of the state shall hold office for a term of five years from the date he enters upon his office.
- vi. With regard to the fundamental rights, it was agreed that the state were to have fundamental rights. But in view of the peculiar position in which the state was placed, the whole chapter relating to “Fundamental rights” of the Indian constitution could not be made applicable to the state.
- vii. With regard to the jurisdiction of the supreme court of India, it was accepted that for the time being, owing to the existence of the board of Judicial advisors in the state, which was the state's highest judicial authority, the supreme court should have only appellate jurisdiction.
- viii. With regard to emergency, it was agreed that under Article 352, in case of external aggression, the government of India would have full authority to proclaim emergency in the state. However, in case of internal disturbance, emergency could be declared only with the concurrence of the state government. It was also agreed that article 356, dealing with suspension of the state legislature and article 360 dealing with financial emergency shall not be applicable to the state.

Plebiscite movement / Plebiscite Front:-

The dismissal of Sheikh Mohammad Abdullah and his arrest along with some of his confidants made these leaders to re-think not only about the political uncertainty of the state but also about themselves as to how they can carve a niche in the politics of the state because the state by then was determined to devoid any space to these political dissenters. It also seems that while in prison the leaders had thought of organizing plebiscite front. As Mirza Afzal Beg was released from jail on 29th November 1954, he began to conduct activities underground for the front. On 9th August 1955, he founded the “All Jammu and Kashmir plebiscite front” or plebiscite front. The front called for “Popular plebiscite’ to decide if the state should remain part of India or join Pakistan or become independent. Mirza Afzal Beg was the president of the front, the patron being Sheikh Abdullah who was Still in jail.

The plebiscite front fought on two fronts firstly, it demanded the government of India to fulfill its promise to hold a plebiscite in the state under the auspices of the United Nations, to decide the future of the state once for all. Secondly, it Consistently opposed the government and rejected any decision taken by the states constituent assembly regarding the accession of the state with India.

The front asked people for the non-cooperation with the government of the state and the centre. The front highlighted the failure of the government in various spheres and underrated the benefits to the people from various government measures. As the front propagated that the states accession to India was conditional therefore, it invalidated all elections, state or parliamentary. It regularly asked people to boycott General elections from 1956-1967. The front played

a decisive role in internationalization of Kashmir issue by submitting memorandums to president of U.S.A on his visit to India in 1959. Similarly, a memorandum was submitted to common wealth prime-ministers conference held in London in 1962. In 1964, it brought out a white paper refuting “The contention that Kashmir’s accession to India was final and irrevocable.”

The beginning of 1970s brought a sea change in the ideology of Sheikh Abdullah and he dropped plebiscite idea and began to crave for power. There were many forces behind his drift in ideology. In 1971, the government of Jammu and Kashmir banned the plebiscite front. Though Sheikh Abdullah vehemently criticized the government but to no avail. He even challenged the validity of the accession of the state to India. The government of India therefore, exiled sheikh Abdullah from the state. While in exile, Sheikh Abdullah was overawed by the charisma of Mrs. Gandhi. To quote contemporary Indian historian Ram Chandra Guha, “Throughout the 1971, he had been living in New Delhi, so had witnessed at first hand Mrs. Gandhi’s emergence as a national leader. The outbreak of war made him less confused; it now appeared to him that independence for his people was quite out of question. In June 1972, he met Mrs. Indra Gandhi and shortly afterwards he was allowed to go to Kashmir”. He returned to Kashmir with an altered psyche. In September, while speaking at a function the Sheikh Abdullah went so far as to say I am an Indian and India is my homeland. It is also true that government of India by then had realized Abdullah’s impact on the people of the state because in 1972 municipal elections, banned plebiscite front won a massive victory. The government of India therefore, thought it prudent to break deadlock with Sheikh Abdullah. It seems that some kind of understanding had already developed between Mrs. Indira Gandhi and Sheikh Abdullah therefore, once sheikh returned back to

valley, he was not only speaking different language but there were hectic movements for dialogue. The first meeting for dialogue was held on January 8 and 9, 1974 between the Sardar Swaran Singh (the then external affairs minister) from the Indian government side and the Sheikh Abdullah. It was followed by series of talks and eventually culminated in an Agreement, known as “Indira-Sheikh accord or “Kashmir accord”.