

# Land Tenure System in Jammu and Kashmir: Empirical Investigations from a Village in Kulgam District, Jammu and Kashmir, India

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**Abstract** - The agrarian system of the state has gone all the way through transformations from time to time under various leaderships and State interventions. Land tenure system of the state has witnessed a series of evolutions from tenancy and sharecropping practices to “land to the tiller” by state intervention from 1940s to 1970s. Before land reform measures the ownership of the land was confined by Kings in form of Jagirs and Muffis with state intervention tenants have got rights over the land which they were cultivating for Jagirdars and Muffis. After 1970s land reform measures agrarian system had witnessed tremendous changes in ownership and land use practices. The paper shall provide a detailed account of changing patterns of land tenure in the state.

**Keywords:** Land, Tenancy, Reform, Peasants

## I. INTRODUCTION

India is a land of small farms, of peasants cultivating their ancestral lands mainly by family labour, despite the spread of tractors in the 1980s by pairs of bullocks. Although land holdings in India are typically small throughout the country, the average holding size by state ranges from about 0.5 hectare in Kerala and 0.75 hectare in Tamil Nadu to three hectares in Maharashtra and five hectares in Rajasthan (NSSO 2006). Factors influencing this range include soil, topography, rainfall, rural population density, and thoroughness of land redistribution programmes in India.

Many factors historical, political, economic, and demographic have affected the development of prevailing land tenure system in India. The operators of most agricultural holdings possess vested rights on land they till, whether as full owners or as protected tenants. By the early 1990s, tenancy laws were introduced in all the States and union territories except Nagaland, Meghalaya, and Mizoram (Joshi 1975). The implementation of these laws has varied from state to state. West Bengal, Karnataka, and Kerala have achieved more success than other states. The land tenure system is complicated, and it has varied widely from state to state (Thorner and Thorner 1961).

Independent India inherited a structure of land holdings characterized by heavy concentration of cultivable areas in the hands of relatively large absentee landowners, the excessive fragmentation of small landholdings, an already growing class of landless agricultural workers, and the lack of any generalized system of documentary evidence of landownership or tenancy. Land was important as a status

symbol, from one generation to the next. There was a tendency for an original family holding to be progressively subdivided, a situation that continued in the early 1990s. This phenomenon resulted in many landholdings that were too small to provide a livelihood for a family (Thakur and Sunil 2009).

Borrowing money against land was prevalent from time to time and frequently resulted in the loss of land to local moneylenders or large landowner, further widening the gap between large and small holding (Thorner 1978). Moreover, inasmuch as landowners and moneylenders tended to belong to higher castes, petty owners and tenants to lower castes, land tenure had strong social as well as economic impact. By the early 1970s, after extensive legislations large absentee landowners had for all practical purposes been eliminated; their rights had been acquired by the state in exchange for compensation in cash and government bonds.

Like rest of the States of the country government of Jammu and Kashmir in 1963 set up a Land Commission to find out discrepancies which had crept in over the years in the land tenure pattern. The recommendations of this Commission formed, by and large the basis of Jammu and Kashmir Agrarian Reform Act 1972. It was further amended as the Jammu and Kashmir Agrarian Reform Act, with a ceiling of 12.5 standard acres including orchard land (Bakshi, 2002).

The agrarian system in the State was feudal in nature and the cultivators suffered greatly due to heavy taxation and levy on the land (Lawrence 2005). Only those who pleased the kings were bestowed with land in the form of *Jagirs* or *Muafis* (The grantee of the *Jagir*, called a Jagirdar, was in effect the ruler of that region and substantial income that was earned was in form of taxes collected from miserable peasants and tenants). Some of the leading officials of the administration also got some land as privilege and came to be known as Chakdars (Zutshi Chitralakha 2004). Later the main demand of the National Conference movement, which was launched in 1931, was the transfer of ownership rights on land from the Maharaja to the peasants/tenant.

This demand was conceded as a result of the 1931 movement and lakhs of petty cultivators, who were till then tenant-at-will, got ownership over the land. Later when the National Conference Government came to power in March

1948, it gave priority to the re-organization of agriculture on a modern and rational basis, through the abolition of landlordism, securing the land to the tillers and the formation of cooperative associations (Bamzai 2008). Consequently, it was in this context that the Big Landed Estates Abolition Act 1950 was introduced. The main features of this legislation were

1. Fixation of a ceiling on the holding of the proprietor at 22.75 acres (182 kanals) of land, excluding orchards, fuel and fodder reserves and cultivable wasteland.
2. Transfer of surplus land to the tillers cultivating the land without any payment.
3. Surplus lands which were not in the cultivating possession of any person, were acquired by the State.

Across the country the ceiling laws were not of great success. The inadequate compensations of owners, loopholes in the government policies and limiting the number of beneficiaries. The land distribution programmes benefited only up to 5 percent population that is highest in states West Bengal, Jammu and Kashmir and Assam (Binswanger-Mkhize *et al.*, 2009).

## II. METHODOLOGY

The research work includes both primary as well as secondary sources of data collection, at theoretical level we have attempted to illustrate earlier studies, while at empirical level a village was selected in newly carved out district Kulgam of Kashmir Valley. The study sample consisted of 300 families selected randomly from the village and the heads of families were interviewed with the help of a structured interview schedule (which was pre-tested before the data collection). During data collection various research techniques were used like observation, structured interviews, questionnaires, and group discussions with

respondents. After the collection of data, a code book and code sheet were prepared for analyzing the data.

## III. STUDY AREA

The present study was conducted in a village of Kulgam District (a newly carved out district among 22 Districts of Jammu & Kashmir State). Kulgam is mainly populated by village's approximately around 265 villages; the district is at 9th position in the state by number of villages. The district consists of 5 blocks: Quimoh (including the study area), Pahloo, D. H. Pora, Devsar and Kulgam. District Kulgam is located at 33.65°N 75.02°E having a geographical area of 119791 hectares including 478 hectares of forest land, 3569 hectares of follow land.

Out of the total land 76710.5 hectares are in net sown area and 45236 hectares is irrigated land. The total cultivable area available in district for cultivation of various crops is 27070.05 hectares out of which 17910.69 hectares is irrigated land and 9159.36 hectares is un-irrigated land, the district has an estimated population of 46739, out of which 80% is directly associated with the practices of land cultivation.

## IV. RESULTS AND DISCUSSION

Land is a basic asset of livelihood for native populations, majority of the households in the state have access and control over the land. But the fact is that their holding size is small when compared to the national average (1.06 hectares). We have measured landownership in three headings irrigated, transplanted land and un-irrigated land. In the village average holding size is 0.69 hectares which is much lower when compared to national average of 1.06 hectares. In the village there are 17% landless households, and 83% households have access to irrigated land with variations in size from 0.25 hectares to more than 1 hectare.

TABLE I SHOWING TOTAL AREA OF THE VILLAGE AND REVENUE GENERATED FROM LAND

Total area of the village	667.16 Hectares		
Total population of the village	5132		
Number of households	851		
Number of households studied	300 (Population of studied households 1809)		
	Landless Households	Land owning Households	
	51	249	
Per capita land in studied families	0.13 hectares per person		
Total land holding size among studied households in hectares	Agricultural	Horticultural	Meadows Pastures and Residential Area
	118.50 Hectares 2370 Kannals	73.50 Hectares 1470 Kannals	36.45
Revenue generated from land in rupees in studied households	9480000	198450000	Nil

Source: The Information is based on empirical investigation/Primary data collected by author

In the studied village the per capita land holding is 0.13 hectares and average revenue generated from the agriculture and allied occupations is Rs. 40516/person/year. Land being the main source of livelihood helps the native populations in maintaining the day today expenses. For the last two decades (1990 and 2000s) villagers have started cultivating fruits by transforming their irrigated land to horticultural land. Near about half of the village population has transplanted apple trees on their irrigated land, earlier they were cultivating various kinds of crops on it. In the village almost 60% households have transformed their agricultural land to orchard land and the trend is going on.

Land is the only ancestral property that is getting transferred from generation to generation; there are 16.67% landless households, 76.33% have got the land from their ancestors (father to son), for a longer time in most parts of Jammu and Kashmir State the rights of land inheritance have deprived the rights of the women (Chowdhry 2017). Although there are some families where land has got transferred from mother to son, 3% households have purchased land, there are 4% families that have got ancestral land and along with that they have purchased land, which resulted in overall increase in holding size. Some of the families of the village were able to cultivate extra-produce with the introduction of horticultural sector. These families of the village have transformed their land from crop to fruit cultivation in late 1980s and early 1990s. With the generation of extra agricultural produce, they were able to purchase additional land. The land market has always remained in fluctuation, families having small holding size use to sell out their land in economic crises.

The process of selling out of land in the village has resulted in the landlessness. These families of the village to generate the necessary cash to purchase their parcels or meet the household expenses, offer land for sale to the rich peasants which in turn results in landlessness. The demand of land is increasing with the passage of time the cost of the land is also increasing. In most of the families have purchased land before the introduction of agrarian transformation. In the village 7% households have purchased land with variation in price from Rs 30000 to Rs 120000 per 0.5 hectare of land, in the village there is difference of cost between irrigated and transplanted land, the cost of the transplanted/orchard land is higher as compared to irrigated land. With the emergence of horticultural sector, the cost of the land has increased in the village. Prior to 2019 the special status of the status granted land rights to permanent residents of Jammu and Kashmir state only. After the abrogation of article 35A & 370 any Indian national can purchase nonagricultural land in the state.

## V. CONCLUSION

Even after four decades of agrarian reforms (1972) in Jammu and Kashmir State, inequalities in holding size still exist. During the study we had come across the data that suggested average land holding size is small in the village (0.69 hectares) as compared to state's average of (0.73 hectares) and national average of (1.06 hectares). With the transformation of agrarian system of the state strain on land has increased. The process of transformation of land to horticultural and residential sector is responsible for exerting more pressure on land. Various factors are responsible for putting pressure on land, rapid growth of population has resulted in separation of households and distribution of ancestral property which resulted in decrease in land holding size. Other factors like total dependence on land are leading towards landlessness. Families having small holding size are selling out their land in order to meet the expenses of household including construction of new house and marriage ceremony etc. With the transformation of agriculture some families in the village were able to increase their holding size by purchasing more land with the help of extra income generated from fruit cultivation. This is emerging out as a new class of peasant entrepreneurs in the village.

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