



Original Article

International Journal of Educational Research and Technology

ISSN 0976-4089

IJERT: Volume 3 [4] December 2012: 01 - 07

© All Rights Reserved Society of Education, India

ISO 9001: 2008 Certified Organization

Website: www.soeagra.com/ijert/ijert.htm

Appraisal of Land Reforms in Pulwama with Special Reference to J&K State Lands (Vesting of Ownership Rights to the Occupants) Act

Manzoor Ahmad Hajam, Mudasir Shafi

School of Studies in Economics, Jiwaji University, Gwalior- (M.P.) India

ABSTRACT

The eradication of the defects with existing agrarian structure is the need of current land reforms system. All intermediaries between the tiller and the state should be eliminated and all middlemen should be replaced by non-profit making agencies like cooperatives. The maximum size of holdings should be fixed and the surplus land should be acquired and placed at the disposal of the village cooperatives. Small holdings should be consolidated and steps should be taken to prevent further fragmentation. Therefore, it is imperative that the preparation of land records should be given top priority in the whole scheme of enforcement of land reforms. Tenants, tenants-at will, and share-croppers should be promptly and properly identified and their names should be recorded forthwith. It can, however, be said that the interest of the owner should not be ignored.

Keywords: agrarian structure, village cooperatives, fragmentation, pulwama

INTRODUCTION

The concept of land reforms is used with different meanings and has been given different interpretations. Some defined it very broadly to include all policies relating to transformation of agrarian economy. United nations in its third report on the progress of land programme include all measures designated to eliminate obstacles in the agrarian development including modification in rural credit ,land division ,land taxation ,market facilities cooperative organization ,agricultural education and advisory services . 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 stigma of Indian Agriculture is the highly defective in structure of its land holdings. The measures of land reforms aim at correcting it. The term 'land reforms' involves procurement and redistribution of large holdings of agricultural land among the small farmers and landless agricultural laborers. It is an instrument to bring about improvements in the institutional framework of land. 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 bought 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.

RESEARCH METHODOLOGY

The total geographical area of the state is 2, 22, 236 km². Net sown area accounts for maximum area under a particular land use type, followed by forest land put tonon- agricultural uses, barren land and permanent pastures and other grazing land in the state (Table 1). Total forest cover in the state is far below the area prescribed by the 1952 Forest Policy according to which 66 per cent of land should be under forest cover in the hilly region. However, barring Ladakh region, the state has only50 per cent of its area under forest cover.

Carved out of Anantnag district, the Pulwama district came into being in 1979. The district, situated 32 Kms. from Srinagar in south Kashmir, is surrounded in the north by Srinagar, . In District Pulwama there are four (4) tehsils namely Pulwama, Tral, Awantipora & Pampore. The total number of villages came down to 331 with four (4) CD Blocks and part of Keller block. The reporting area of this district has been reduced to 0.61 lac Hectares from 0.98 lac Hectares after creation of the new Hill District, Shopian. As per 2011 census, the District Pulwama has a population of 5.70 lacs. The total literacy rate of the district is at 65.00%. It is 75.41% in respect of males and 53.81% in respect of females. . The main crops in the district include Paddy, Maize, Mustard and Pulses. Fodder is also cultivated in the winter. The world famous saffron fields adorn the district and the cherished apple, Ambree is also grown here.

Random sampling technique was used to identify four villages of district Pulwama .From these villages family head was interviewed and pretested Questionnaire was administrated. The questionnaire was translated in Kashmiri language, and there response was noted. The data for the study are collected by survey method for the purpose of the study, data and other information have been collected from primary as well as secondary sources.

Table 1: Land distribution percentage

S.No	Land use types	(1997-98)	(1998-99)	(1999-00)	(2002-03)
1	Forest	27.19	27.23	27.24	27.23
2	Net area sown	29.53	30.38	30.22	30.22
3	Land put to non agricultural use	14.00	12.04	12.04	12.04
4	Barren land	9.37	12.04	12.13	12.13
5	Permanent pastures and other grazing grounds	5.16	5.21	5.17	5.10
6	Land under miscellaneous trees and other groves	4.50	3.02	2.98	3.00
7	Cultivable land	5.90	5.75	5.84	5.80
8	Fallow other than current fallow	0.33	0.33	0.29	0.33
9	Current fallow	3.75	3.97	4.00	3.97

Source: Digest of Statistics (2004-2005), Govt. of Jammu and Kashmir

The average size of land holding is recorded maximum for Leh (1.38 ha) and minimum for Srinagar (0.37 ha). However, the value for total arable land is not the same, as the value recorded is maximum for Jammu (159.27 thousand ha) and minimum for Kargil (12.94 thousand ha). Such a difference in size of land holding of the people and total arable land exists chiefly due to an uneven

demographic distribution pattern arising out of physio-climatic conditions. Ladakh district, covering about 70 per cent of the total geographical area of the state, is high plateau devoid of any vegetation, hence has only 2.5 per cent of the state's population living mostly in villages located near the rivers. This is the reason why general density of the population in the state as a whole is low, whereas the concentration of the population in some pockets is quite high.

Table 2: Statement Showing Gross Cropped Area for the year 2008-11

District	2008-09	2009-10	2010-11	District	2008-09	2009-10	2010-11	Area in hectares
Srinagar	6785	6659	6582	Jammu	176364	180306	178820	
Ganderbal	18121	18121	19337	Samba	59799	60137	60957	
Budgam	52015	53353	50506	kathu	127245	121477	125011	
Anantnag	73869	74016	71873	Udhampur	78053	75738	81798	
Kulgam	37732	37821	37816	Reasi	37428	37636	37827	
Pulwama	57389	57069	57004	Rajouri	97252	101026	98170	
Shopian	25185	25185	25207	Poonch	46193	47092	46544	
Baramulla	67148	67131	66298	Doda	39535	40913	38674	
Bandipora	21780	24522	24696	Kishtwar	23010	22442	21542	
Kupwara	45651	46651	45651	Ramban	24901	26918	24645	
Leh	10516	10608	10203	Kargil	10732	10753	10745	

Source: Compiled from statistical Dept. records, Govt. of Jammu and Kashmir

RESULTS AND DISCUSSION

From the survey it has been seen that the people that those who have applied for less land have got the property right on land as compared to the more those who want property right on larger land (Fig 1.), the probable reason may be that government agency is giving right in less land as there involves less complicated legal matters.

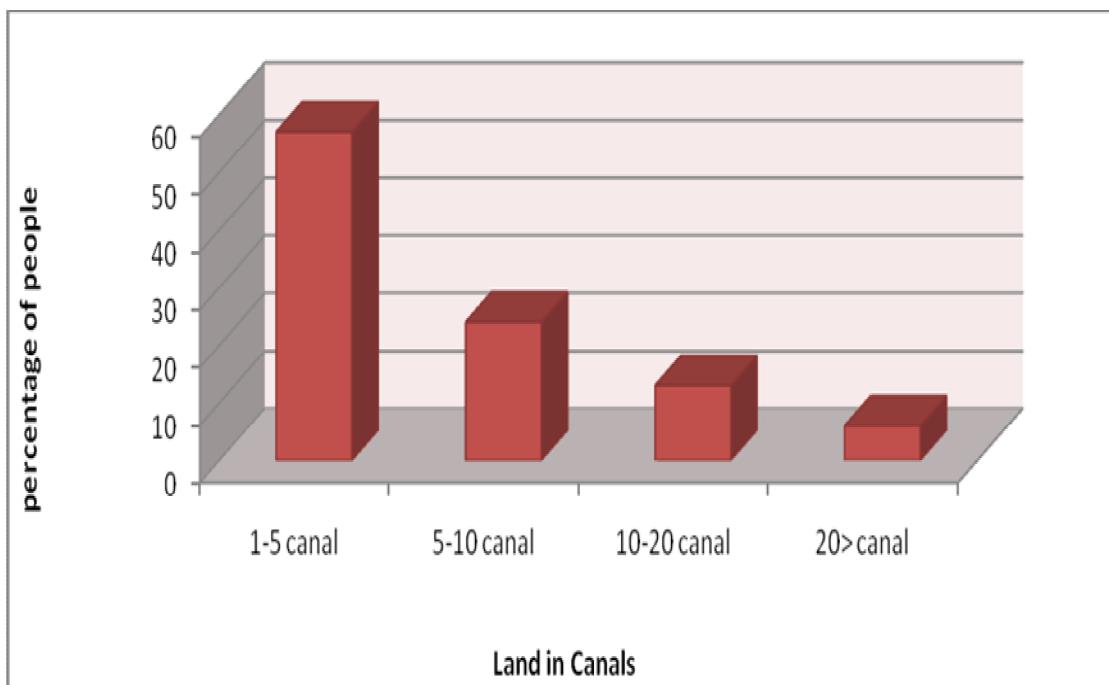
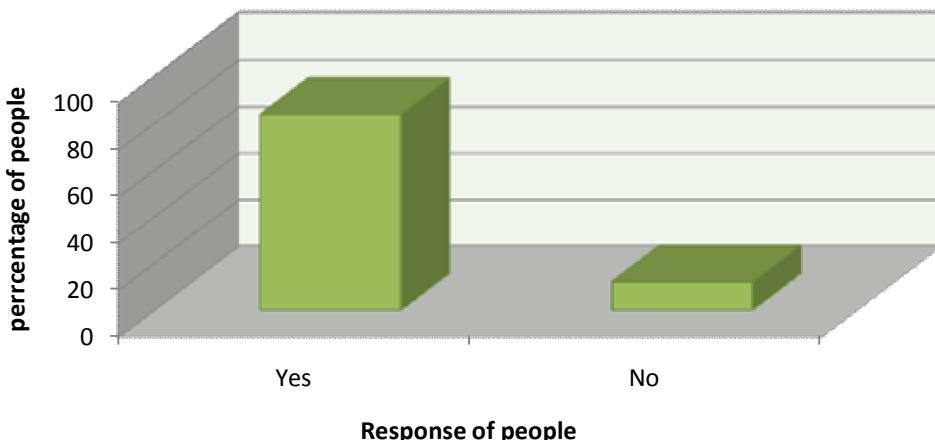
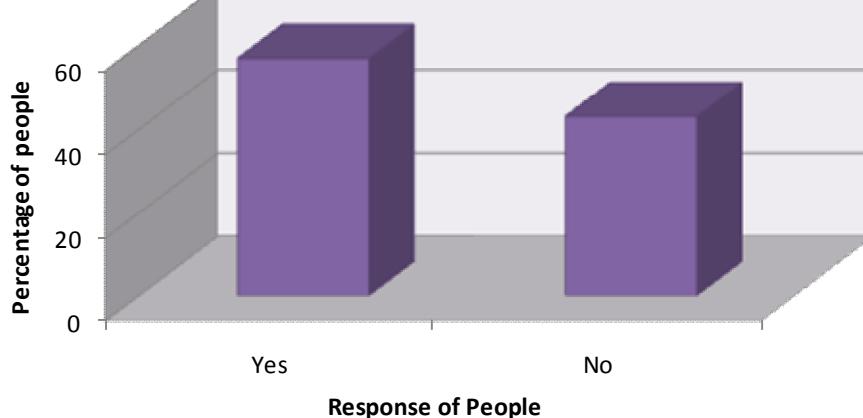


Fig 1. People right on land in Pulwama**Fig 2. Agriculture productivity increased by land reforms**

The main finding is that there is a robust link between land reform and agricultural productivity. (Fig 3). Closer scrutiny reveals that, in an Indian context, this is due primarily to land reforms that change the terms of land contracts rather than actually redistributing land. Consistent with the agricultural impact, the survey reveals that land reform has raised agricultural wages. The impact of land reform on growth also depends upon the type of land reform. Overall, there is some evidence that the gain in poverty reduction did come at the expense of lower income per capita. We show that all of these results are consistent with a simple model of agricultural contracting.

**Fig 3. Property rights on the NAZOOL/KHALSA SARKAR by Roshni Act**

As per the renewed Roshni scheme, ownership of the government land which is under farmers' cultivation will be given to them at a meagre rate of 10 per cent of the rate prevailing in their respective areas.⁵⁷ % (fig 3)people got the property right on the land which was under cultivation. As per the Roshni Act the total ceiling of the agriculture land owned by a farmer including his proprietary land and government land, which can be purchased by him, shall not exceed 100 kanals as prescribed under the Agrarian Reforms Act.

The most important contribution of land reforms was abolition of intermediaries and giving land titles to the actual cultivators. This released productive forces and the owner cultivators put in their best to augment production on their holdings. Whereas land reforms were important in increasing agricultural production during the first period, it also needs to be emphasized that

during this period major output increases also took place because of large investments in irrigation infra-structure. the general trend is that it is more time consuming on property right on land as many hurdles come in the way of legal procedure. Thus along with legal changes in modern technology was an important instrument of growth. The most important limitation of land reforms in various states was its failure in implementation of land reforms as almost 1- 2 years is needed for obtaining the legal property right on land.(Fig 4).



Fig 4. Time you got property rights on the land identified under the Roshni act.

Consequently land ownership distribution continued to be highly skewed. Because of this even during the first period, the inter-personal inequalities continued to be very large. It is no doubt true that the extent to which land reforms resulted in abolishing the inter-mediarries did release production forces by removing institutional barriers and thereby led to increase in output. Highly accelerated output when super-imposed on iniquitous institutional framework has had a far reaching impact on agrarian structure and land relations.

Banjar land is most useless land and it is naturally not suitable for agriculture purposes. It includes the most part of the land which is not under cultivation. Keeping in view the increase in population food security is the urgent need of hour. Land is fixed and can't grow to increase its area that have to make the best use of the available land to increase the productivity. Most people want the property right on the banjar land so that by using modern agricultural practices to make it fertile and increase the productivity. Grazing land is the other type which needs intervention to make it more useful for the people.

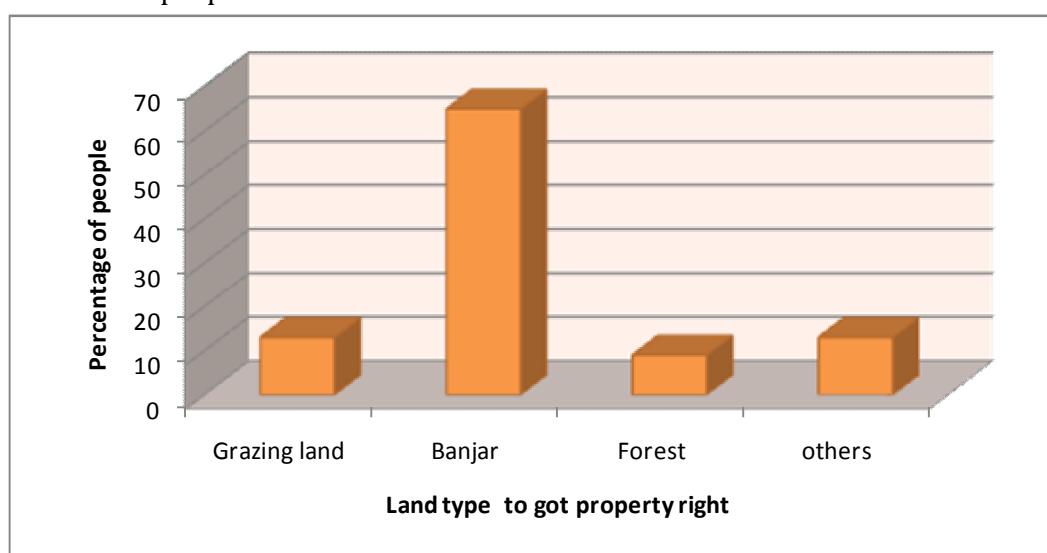


Fig 5. Property rights should be given to the farmers on different type of land

In the context of the socio-economic conditions prevailing in the country, no tangible progress can be expected in the field of land reforms in the absence of requisite political will. The sad truth is that this crucial factor has been wanting. In no sphere of public activity in our country since independence has had such a big gap between precept and practice i.e. between policy pronouncement and actual execution. Except in a few scattered and localized pockets, practically all over the country, the poor peasants and agricultural workers are passive, unorganized and inarticulate. The basic difficulty in our situation arises from the fact that the beneficiaries of land reforms do not constitute a homogeneous social or economic group. Towards the implementation of land reforms, attitude of bureaucracy has been generally lukewarm and indifferent. This is, of course, inevitable because, as in the case of men who wield political power, those in the high echelons of the administration also are either big land-owners themselves or have close nexus with big land-owners.

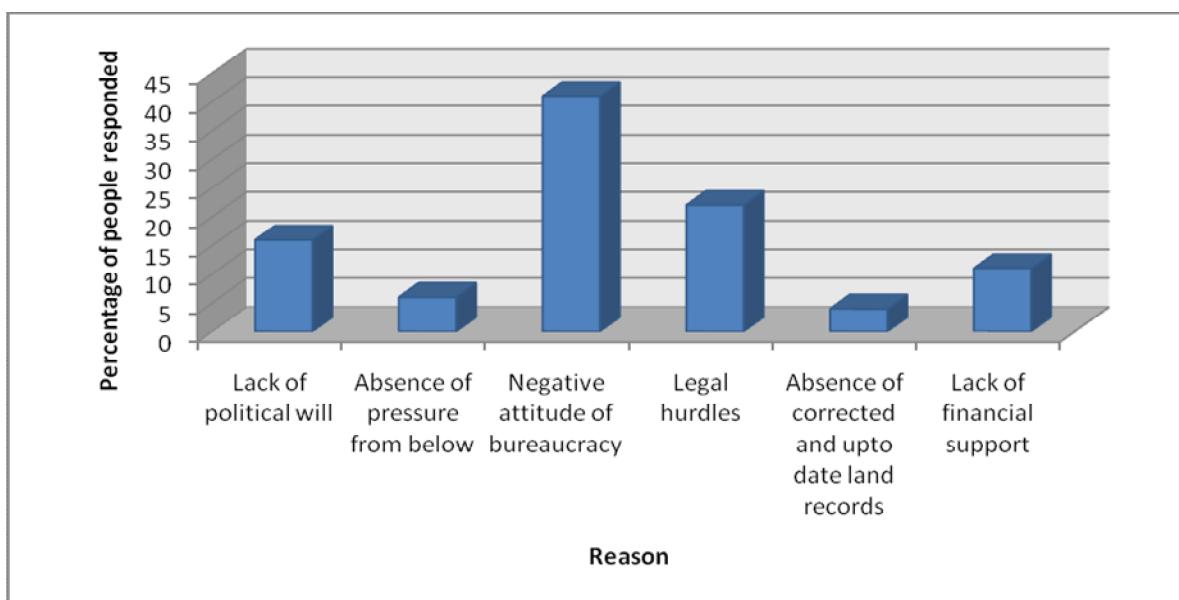


Fig 6. Reasons for low progress in land reforms

Legal hurdles also stand in the way of land reforms. The task force categorically states: "in a society in which the entire weight of civil and criminal laws, judicial pronouncements and precedents, administrative procedure and practice is thrown on the side of the existing social order based on the inviolability of the private property, an isolated law aiming at the restructuring of the property relation in the rural area has little chance of success. And whatever little chance of success was there, completely evaporated because of the loopholes in the laws and protracted legislations". The absence of correct and complete land records further added a good deal of confusion. It is because of this that no amount of legislative measures could help the tenant in the court unless he could prove that he is the actual tenant. This he could only do if there were reliable, and up-to-date records of tenants. Lack of financial support plagued the Land Reform Act from the beginning. Many states declined to include even expenditure of such essential items like preparation of records of rights in their plan budget. The state plans which are nothing but aggregate of expenditure programmes hardly made any reference to land reforms. Whatever funds were needed for finalizing of this programme had to be provided in non-plan budgets. It is because of this that the expenditure for land reforms was always postponed or kept to the minimum. The implementation of land reforms is not an administrative issue, it is more of a political issue. Therefore, it is necessary to strengthen the political will for implementing land reforms. The task force of the Planning Commission in a very forthright manner states: "it should, however, be clearly understood that the mere setting up of efficient administrative machinery will not by itself lead to any substantial improvement unless the political and economic hurdles operating against the programme are removed."

CONCLUSION

The studies have revealed that ceiling laws have not been able to make any appreciable breakthrough in reducing concentration of land in the hands of a few big farmers. These laws are devised to achieve the objective of substantially reducing the present inequalities in land holdings. It is, therefore, suggested that present ceiling legislations should be enforced vigorously. For instance, it is necessary to take firm measures against fiction and *benami* transfers which have been deliberately manipulated by big landowners in order to bypass ceiling legislations. The state government should conduct a proper inquiry into such transfers. If it is found that the transfers were made purposely to evade the provisions of ceiling laws, the land so transferred should be vested in the state after imposition of some penalty on the transferee. In cases where fictions co-operative societies have been organized with a view to concealing the surplus land, such cooperatives should be subjected to proper investigation. And where many partners have been shown in a holding, but the holding as a whole is under a single management, such cases should also be brought to lime-light and adequate actions should be taken to undo it.

There is enough force in the argument that land should be distributed to small peasants owning less land than the economic holding or the minimum operational holding. Some have also argued that it is not only important to fix a ceiling on land holding, but it is also important to fix floor so that a large number of peasants may have at least a small operational holdings. But in the view of massive landlessness, a serious lack of employment opportunities and a subsistence level of, almost half of the rural population below the poverty line, the land should be distributed to the landless laborer to whom land, however small, is the source of employment and relief from destitution. Hence for a long time to come a floor or ownership cannot be applied. The Planning Commission has observed that ceiling legislations have suffered not only because of certain political and economic constraints but also because of a very inadequate and inefficient administrative machinery for enforcing it. The same is true for other kinds of land reform measures. It means that existing administrative machinery has generally failed to prevent the evasion of effected laws and has been functioning largely in collusion with the vested interests, especially at the village and tehsil levels. The existing districts civil and revenue courts cannot properly discharge those functions being already over-burdened with other kinds of litigations. Besides, the existing system causes unnecessary delays and makes justice very costly. It often results in dispensation of a doubtful nature. These courts are far away from villages and the poor man is generally at a disadvantage. Hence, the restructuring of administrative machinery is required. Tenancy legislation cannot be properly implemented without adequate and proper land records.

REFERENCES

1. Aaggarwal, J. C. and Aggarwal S. P. (1995). Modern History of Jammu and Kashmir. Concept Publishing Company, New Delhi.
2. Aslam, M., 1977, 'Land Reforms in Jammu and Kashmir', Social Scientist, Vol. 6, No. 4, pp. 59.
3. Bakshi, S. R. (1995). Kashmir Through Ages. Sarup and Sons, New Delhi.
4. Bhatt, M. S. (2007). Agricultural Taxation in Jammu & Kashmir. Ariana Pub. House, New Delhi.
5. Bhatt, M.S., (1993). Land distribution in rural J&K: An Inter-temporal Analysis. in B.K. Sinha and Pushpendra (Edn.) Land Reform in India: An Unfinished Agenda. Vol.-5, pp. 139-69, Sage: New Delhi.
6. Bhatt, M.S., 1993, 'Land distribution in rural J&K: An Inter-temporal Analysis' in B.K. Sinha and Pushpendra (ed.) Land Reform in India: An Unfinished Agenda, Vol.-5, pp. 139-69, Sage: New Delhi.
7. Bhatt, S. C. and Gopal K. Bhargava (2006). Land and People of Indian States and Union Territories. Kalpaz Publications, New Delhi, pp. 166.
8. Digest of Statistics. Jammu and Kashmir. 1999-2000.
9. Ernst, Waltraud and Biswamoy Pati (2007). India's Princely States: People, Princes and Colonialism. Routledge, London.
10. Hassan, Mohibbul (1959). Kashmir Under Sultans. Ali Mohammad and Son's, Srinagar.
11. Malik, A. and Hussain, A. 2012. Agrarian Transformation in Jammu and Kashmir: A Case Study of a Village. International Journal of Social Science Tomorrow Vol. 1 No. 2
12. Parashar, Parmanand (2004). Kashmir and the Freedom Movement. Arup & Sons, New Delhi.
13. Rai, Mridu (2004). Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir. C. Hurst and Co., London, pp-224-274.
14. Saxena ,A, 2007 'Another Leap towards Land Reforms in J&K' mainstream, , Vol XLV, No 40
15. Thorner, Daniel (1978). The Shaping of Modern India. Allied Publishers Pvt. Ltd., New Delhi.
16. Verma, P. S. (1994). Jammu and Kashmir at the political crossroad. Vikas Publishing House, New Delhi.