

# #Breaking: How land reforms Act of Kashmir deprived Hindu's of their land\*

## How draconian land reform act deprived Hindus of their land in Kashmir

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'Elitist, powerful and the mighty Kashmiri Pandits' - is how a section of socio-cultural society of Independent India has painted them. While in complete disarray ever since for reasons beyond secular and democratic comprehension of India, Kashmiri Pandits have lived with this stigma and a heavy dose of Nehruvian legacy. It takes no time for myths to become legends in our country and thankfully the recent discourse has paved a way for a fresh, and I hope a conclusive, debate on the mighty and powerful aspect of the forlorn Kashmiri Pandits.

The year 1953 was a watershed year in the history of Kashmir as it marked the beginning of state-sponsored ethnic cleansing. The most critical part of this strategy was the land reform act – widely known as Kashtkaar Act. Sheikh Abdullah introduced this act to grab the land owned by the minority aboriginals. About 95% of the land custodians in the Kashmir Valley were still Hindus. This land was of two types. The land that was being managed by Hindus on behalf of Maharaja against an annual tax to the Kingdom, and the land that was purchased and owned by Hindus for the purpose of agriculture and residences. This was not a land that was gifted to them. For the land allocated to them by Maharaja Hari Singh of Kashmir, they used to pay a fixed yearly sum. These custodians, contrary to the elitist theory peddled by vested interests, also belonged to the lower income group – often, the smaller land managers would till the land themselves. While agriculture land was mostly owned by Hindus, the lucrative sericulture, horticulture and floriculture land meant for farming of fruits, flowers and silk was under control of the Muslim majority. Post-independence, the land ownership continued until the accession of Kashmir with India. However the grand land reform act of 1953 overturned this. The custodians went to the court and later on it was decided that a pittance of 200 kanals maximum would be allocated to male scions of the Hindu families (father, son and grandson). Astoundingly, the lucrative horticulture land with Muslims was exempted from this draconian act. My maternal family – the Kilams, along with other families, played a key role in fighting these legal battles across various courts for over 100,000 kanals of land that was usurped under this brazen state-sponsored land grab.

In 1975, the then Congress-led chief minister Mir Qasim pushed this draconian act of persecution to another level by removing the 200 kanal law that Hindus by then saw as a *fait accompli*. Mir Qasim introduced another law by snatching away those 200 kanals of land and gifted it to the Muslim tillers. Due to various representations by Pandits, the then Mir Kasim government relented to the extent of offering a meagre 1/4th of the produce to be

given to the Pandits for 20 years only and then all rights would cease. Overnight, the minuscule minority were rendered paupers.

In the same year (1975) Zamindar Association of Kashmir was formed and representations were made to ousted Sheikh Abdullah for parleying with the government to restore the previous act. In a meeting at Dachigam, Sheikh agreed to intervene provided Hindus wholeheartedly supported him in forthcoming elections and ensured that all Hindus voted for him and his National Conference. As destiny would have it, Mir Qasim fell off with Indira Gandhi and that led to the famous Indira-Sheikh Accord that paved the way for Sheikh Abdullah to return to power. Unexpectedly and regrettably, upon becoming the chief minister, he reneged on his commitment but relented to the extent that only 100 kanals of land was restored to Pandits for 20 years. However, temple property, orphans and the land to widows was fully restored to the extent of 200 kanals. Despite cosmetics, the travesty did not end for Hindus. By then the systematic state-sponsored ethnic cleansing was unrolled and Sheikh introduced a resumption form to be filled for reclaiming even this remainder of 100 kanals of land supported with another draconian law. The law stated for Hindus to reclaim the land, it had to be within 6 kilometres of their residence. The dance of injustice reached its zenith with implementation of this new law and procedure and a vast majority of Pandits were outside the 6 km prescribed limit. The travesty did not end there. This land was gifted to the Muslims against a paltry levy of ₹500 per kanal against the prevalent rate of ₹1 lakh per kanal that time. The horrors of this land grab kept getting worse even for the handful of Hindus who were found to be within the 6 km limit. The *Tehsildars*, *Patwaris* and the government machinery created loops within loops to drag the paperwork leading across the board litigations against this persecution of Kashmiri Pandits.

He further introduced laws which included conditions like giving away the land from the Hindu owners to tillers at a throwaway price of ₹500 per kanal. This was primarily for the land that was outside the 6 km limit. The stage was set and the result was the Hindus lost more than 90% of the land owned by them. Later on (in 1990's) the same land was taken over by the Railways under leadership of Nitish Kumar at a huge compensation of ₹2,50,000 per kanal. This was a brazen illegal act by the erstwhile government as this land was owned by the resident Hindus, illegally sold and acquired by the Railways. Many legal cases of ownership dispute continue to be buried in the dormant administrative camaraderie for ethnic cleansing of the Hindus. The vast majority of Hindu land is still in legal disputes in various courts, usurped and compensations are taken by illegal occupants who have obviously altered the land records while original owners are in exile - unable to defend the last remains of their ancestry.

In this horrifying tragedy to loot Hindus of their rightful land, the Shia-dominated Budgam district set a humanitarian example. The presiding Maulana and the head of the sect publicly revolted against the atrocities against Hindus. He instructed all the Muslims, predominantly Shias, to restore all such land back to Hindus. He proclaimed this land reform act and all the land that was grabbed from Hindus under this act as "unholy" and "un-Islamic". Budgam set an example of universal brotherhood by handing over the land back to Hindus with one caveat that in a situation that the Hindu wishes to sell the land then first right of refusal and an NoC must be first obtained from the tiller.

All the acts and decisions taken together in entirety right from 1948 will sum up to only one conclusion: land was grabbed and snatched from Kashmiri Pandits and was used as a very effective tool for Islamisation of Kashmir. Be it the Peoples Democratic Party (PDP), National conference or Congress, all the parties did their best to ensure that Kashmiri Pandits are deprived of everything, which may help them to even think of coming back to Kashmir. Post the forced terror-induced migration of Hindus, it is common knowledge and widely reported how their homes were illegally occupied, looted and set on fire with the sole purpose of restricting their return. Of course, Article 370 was actually a vital tool to deprive

Hindus of means to exist. Transferring land without compensation was possible since the provisions of the Indian Constitution did not yet apply in the state. The country's leadership had ensured that the right to property was included among the fundamental rights, which could not be challenged.

It is well-known that many Kashmiris almost worshipped the ground on which Sheikh Abdullah walked. Seventeen persons were killed in stampede at his funeral. However, the roots for his iconic popularity are rarely discussed. Some vested groups keep peddling the 'elitist' attitude of Kashmiri Pandits as a cause for their ouster from the Valley. Rest as they say is history, more than six hundred thousand Kashmiri Hindus are living a life of exile in spite of having estates belonging to them. We continue to live watching our land and heritage being grabbed and illegal occupants making money out of it.

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