

## ACKNOWLEDGEMENT



In appreciation of my late father's tremendous social contribution and to further promote his vision on land reforms, I take pride in re-publishing his well-known **Note of Dissent** to the *Hari* Report which was presented to the Government in July 1948, but was refused publication. However, after taking the oath as Chief Minister of Sind Yousaf Haroon ordered publication of the note of Dissent in June 1949. Even today, I recall the numerous hours my father spent explaining the *hari* issue to me, which has been the source of inspiration to keep his message alive.

All copies of the Note of Dissent reprinted in 1973 have been distributed. Therefore, an updated version incorporating spelling and grammatical correction is being released for better continuity of thought. I have been extremely careful, so as not to change the spirit of my father's vision and have maintained his original style and writing. I would like to express my gratitude to Joan Alam for her initial work, without which this task could not have been accomplished and to Hanif Shakir, the Trust's office secretary for his time and effort in typing out the manuscript.

Finally, I wish to highlight the fact, that although this report was first published five decades ago, the issue of land reforms raised by my legendary father still remains unresolved on Pakistan's agenda.

With recommendations from the *Hari* Report, I am convinced that a resolution of the long over due land reform, would result in prosperity of our nation and its people.

Dr. Fauzia Masud Javaid  
June 2007, Lahore

## PREFACE



A year before independence in 1946 some of the top leaders of the Muslim League visited Karachi. Among them were Liaquat Ali Khan and Chaudhry Khaliqzaman, who were guests of Sir Abdullah Haroon. They were making preparations for the historic elections to be held later that year in which the issue of Pakistan was to be decided in Sind. They met eminent persons and Muslim Indian Civil Service officers who believed in the ideology of Pakistan, I being one of them.

During discussions and meetings, some of us expressed our lack of confidence in the leaders of the League who belonged to the class of feudal landlords and Nawabs. Chaudhry Khaliqzaman said that young men should not despair but join the League to replace the reactionary leadership. I replied that by accepting the League leadership we were boarding a train, whose destination was unknown.

The League leaders were fully aware of the fact that the downtrodden *haris* (tenant farmers) would not vote for the feudal landlords, however strong the appeal of Pakistan would be in the name of Islam as the *haris* wanted freedom from the domination of the landlords. Therefore the League Government, under instructions of Muhammad Ali Jinnah, had set up the Sind *Hari* Committee, with the result that the *haris* voted the Muslim League into power, but the League Government that emerged was wholly dominated by the landlords. It disregarded the *Hari* Committee, jailed the *hari* leaders

and workers who agitated for their rights, and announced that the official Note of Dissent to the *Hari* Committee will not be published.

The new League leadership in Sind did what was expected of it. The hopes of Chaudhry Khaliquzzaman were shattered as the League Government showed no scruples in persecuting and jailing young members and workers of the party who stood for the oppressed *haris*. However, as public agitation grew stronger, the League Government was obliged to publish the Note of Dissent, which sparked off a strong public demand for the abolition of feudalism and landlordism.

Now the League leadership tried another plot. In 1950 it passed a Resolution in sympathy with public demand, calling on the Provincial League Government to carry out suitable land reforms. Chaudhry Khaliquzzaman was questioned at a dinner by the press as to how the feudal and reactionary leadership of the League had agreed to the passing of the Land Reform Resolution of 1950. Pointing towards me, he answered: "It is his Note of Dissent, which created a storm for us and we were left with no other option." I replied "Well, you have only tried to wriggle out of a difficult situation without sincerely meaning anything, but may I tell you that this very resolution will spell the doom of the Muslim League."

However, the feudal lords and the Nawabs of the Western Wing were sure that there would be no action on the above resolution except that it would be used to calm down the enthusiastic young members of the League. But little did they know that in East Bengal

(later East Pakistan) the League Government would lose no time in implementing that resolution as the situation there was ripe for drastic land reforms. Thus in 1951, the Nurul Amin Ministry passed a law by which all big estates were abolished and no single family was allowed to own more than 30 acres of land.

This action of the East Bengal Government gave a rude shock to the big landlords and *jagirdars* of the West Wing, who had no intention of carrying out any land reforms. They were mortally afraid of the Bengali representatives, and were determined to retain political power within themselves to the exclusion of the East Bengalis.

As time passed, the League was internally torn into factions. The progressive elements pulled in one direction and the feudal reactionary leaders in the other. In East Bengal it was openly defeated by the United Front, while in West Pakistan the warring factions considerably weakened it. Here the progressive elements were constantly trying to subvert the reactionary feudal leadership, which finally decided to merge into the new Republican Party led by its President Sikander Mirza, and the Governor of West Pakistan, Nawab Mushtaq Ahmad Gurmani.

The new Constitution of 1956 opened up new channels of action for the progressive forces, particularly those from East Pakistan. The feudal lords were now faced with a challenge to their survival and therefore welcomed the military dictatorship of General Ayub Khan in preference to the Constitution, as in that they found no safety. But the serious contradictions, which

had come to stay in the political set-up of the country by virtue of the glaring disparity in the land ownership pattern between the Eastern and Western Wings, had laid the foundations for disintegration. The feudal lords of the West were not ready to part with political power, and the advent of a military dictatorship was a blessing in disguise as it kept out the non-feudal, progressive and in some ways revolutionary elements from East Pakistan. Finally in 1971 when they were seriously threatened by the election results, they quietly watched the tragic drama of *blood and tears* in East Pakistan and made no sacrifice to bring about a peaceful political settlement. Not only that, they even failed to extricate the military leadership of the country from the mess, which it had got itself into. The landlords remained silent as they were not affected by the East Pakistan leaders, who had publicly declared that they would completely abolish landlordism, feudalism and *jagirdari* as soon as they assumed power.

The great tragedy of East Pakistan might have been averted had there been some similarity of interests between the leadership of the two Wings. The concentration of political power in the West and the exclusion of East Pakistan from effective political power were the direct consequences of the conflict of interests and it is unfortunate that the military dictatorship had to go through this ordeal.

The lessons of the tragedy have not been properly identified, even though we have paid a heavy price in *blood and tears*. It is high time that we understood the basic undercurrents of the various political tensions, which are on the surface. I have no doubt that if we fail

to probe deeper into their causes we might have to face far more drastic consequences. The shock of the great tragedy of East Pakistan has impelled me to bring to public notice once again my Note of Dissent in the hope that it will help the political thinkers to arrive at the right answers.

When I wrote the Note of Dissent, the Great Chinese Revolution was nearing its completion with many political upheavals in different countries of the world. I was convinced that the only way for Pakistan to survive was to rationalize its land-ownership system and to adopt radical measures for social justice. But as time passed I was sadly disappointed. Developments under the League leadership left me with no hope, and finally when the Nawab of Kalabagh, became the Governor of Punjab, I was left with no doubt that, the feudal leadership was now so firmly entrenched in Pakistan that it would be impossible to eradicate it.

Mohammad Masud, 1973  
Lahore



## INTRODUCTION

### The Issue of Land Reforms



The issue of Land Reforms has been in the forefront of national politics ever since the birth of Pakistan. This important issue was highlighted by the publication of the Note of Dissent to *Hari* Committee Report in June 1949. The tragedy of East Pakistan can be ascribed mainly to the failure of Pakistan Government to solve this issue.

The East Bengal Government had passed Legislation in 1951 known as the East Bengal Estates Acquisition Act, by which landlordism was abolished and all estates were resumed by the Government. Ownership of land was limited to 30 acres, leasing was prohibited as also absentee landlordism. But in West Pakistan no Land Reform worth mentioning had been introduced until after the Martial Law of 1958.

Ever since 1951 the Bengalis were looked upon as a source of danger to the feudal interests of the West Pakistani landlords, who also held the political power. In the Punjab elections of 1951 about 80 percent of the total seats were won by them. They again won 90% of the seats in Sind election of 1955. Once again in the Interim Constituent Assembly of 1955, 200 seats out of 310 were won by the feudal landlords.

## **East West Conflict**

On the other hand in East Pakistan after the radical land reforms power had passed into the hands of the middle and the lower middle classes. The complexion of politics in that region was, therefore, quite different from that of West Pakistan where the alarmed feudal leadership sought security in the “parity formula”, by which they wished to reduce the majority of the Bengalis in the Central Legislature. However, when “parity” was included in the 1956 Constitution, the feudals of West Pakistan still feared that Bengali members winning over a small number of representatives from the West Wing might abolish their feudal estates with one stroke of the pen.

## **The Crisis of 1971**

The crisis became acute when in the elections of 1970, the Bengalis won 56 percent of the seats in the Central Legislature. Not only that the Manifesto of the Awami League as well as the draft Constitution prepared by it contained a clear provision in regard to the wholesale abolition of big landed estates and *jagirs* in Pakistan. This offensively upset the landlords of West Pakistan who had become more powerful serving as bureaucrats, and those military officers who had become landlords by generous land grants from the Ayub Khan regime. Consequently, a democratic settlement in 1971 between the two wings had become impossible.

The imposition of Martial Law in 1958 was also due to these contradictions. The feudal lords of the West were ready to welcome military dictatorship in preference to a

democratic government under the Constitution of 1956, in which they remained under a perpetual threat from the Bengali members amongst whom there were no feudals or nawabs.

Radical land reforms had been introduced in East Bengal by the Muslim League Government headed by the Chief Minister, the late Mr. Nurul Amin, in compliance with the mandate of the Muslim League Council, which had passed a resolution to that effect in 1950 under pressure of the young Muslim workers who had been deeply impressed by the Note of Dissent to the Sind *Hari* Committee Report.

### ***Hari* Voters and the Pakistan Elections**

In 1946, the League leadership was eager to win over the *Haris* who formed the majority of the population. The setting up of the *Hari* Committee was a step in that direction and was chaired by a very powerful landlord of Sind, Sir Roger Thomas, who was also the advisor on agriculture to the Government of Sind.

The other member, Mr. Siddiqi was an officer and a landlord. The Sind Legislative Assembly while discussing the membership of this Committee demanded the inclusion of a member who should be qualified to speak for the *haris*. It was agreed that M. Masud, Collector, Nawabshah, who had won a name for his *hari* uplift work, should be included in the Committee. Mr. Jinnah who was well aware of the reputation of this officer had also signified his desire to that effect. Agha Shahi of the Indian Civil Service was appointed as the Secretary of the *Hari* Committee.

Many newspapers had given Masud's work great publicity, for instance a report of 21<sup>st</sup> June, 1946, appearing in the daily "Sind Observer" said, "Mr. Masud, it is alleged has been encouraging the *haris* not to give any of the wheat produce towards the payment of the debts contracted from the Zamindars. It is further alleged that he has been harassing the zamindars to comply with the demand of the *haris*...." A similar report in the "Karachi Daily" editorial comment of 18<sup>th</sup> October, 1946, "He is another Pakistani I.C.S. Collector. His main idiosyncrasy is landlordism. He is against the zamindars and he wants the suppressed (cultivators) *haris* to rise... He is helping the *haris* and protecting them against the zamindars..."

### **Election Campaign**

As the elections were drawing to a close the Congress press tried its utmost to get Masud transferred from the district of Nawabshah as he was very popular with the *haris* who looked upon him as their savior and were most likely to swing towards the Muslim League as his leaning towards the Pakistan movement was well known fact. The daily "Sind Observer" commented in a two column editorial of 12<sup>th</sup> October, 1946, "If even a tenth of what has been appearing in the Press about the doings and sayings of Mr. Masud, the Collector of Nawabshah.... This Officer should not only be immediately transferred but a judicial enquiry ought to be instituted against him, and if found guilty, Mr. Masud deserves to be dismissed from the Indian Civil Service." The "Sind Observer" again, in an editorial note demanded, "An immediate judicial enquiry against the

actions of Mr. Masud must be instituted. The Nawabshah District is a key district for G.M. Syed and the League Parties and its votes will be decisive to place or displace from power Sheikh Ghulam Hussain and his Muslim League.” Mr. Masud was similarly subjected to a virulent press attack in all the papers of the Sind Province, controlled directly or indirectly by the Congress. A number of newspapers having an all India circulation also joined in this attack.

In answer to these hostile comments, the “Alwahid” daily of Sind, the only vernacular paper owned by a Muslim, wrote in its editorial of the 13<sup>th</sup> October, 1946, “Mr. Masud’s only offence is that he helped the poor *haris* against the powerful zamindars and saved them from their oppression and tyranny. The Hindu Press has therefore, moved heaven and earth against Mr. Masud... The Hindu Congress has turned against him because he is attacking the vested interests and the zamindars... and the Congress is helping the vested interests...”

### ***Haris* vote for Pakistan**

As the election campaign continued, the *hari* voters were given a lure that the new League Government would initiate *hari* uplift work in every district, as done in the district of Nawabshah. The Muslim League thus raised the hopes of the *haris* all over Sind. Even Qazi Akbar who opposed G.M. Syed in the Dadu District election, promised to the *haris* in a number of speeches that after the formation of the new League Government, they would bring an equally sympathetic Collector for the Dadu district as was the collector of Nawabshah.

After all, the Muslim League was able to win that historic election by making all sorts of promises. It will be remembered that while the Sind *Hari* Committee was setup in March 1946, about six months before the elections, the Committee continued its sessions after the elections and the formation of the new Government. The Committee ultimately submitted its report in February, 1948, nearly a year and a quarter after the elections. By this time the new Sind Government, headed by Ayub Khurro, a powerful feudal lord of Larkana, had come out in its true colours. The zamindars were now firmly entrenched and the *hari* leaders and workers were arrested and jailed under the Defence of Pakistan Rules. All the election promises made by them for the uplift of the *haris* were conveniently forgotten.

### **Betrayal of *Haris***

The new League Government attached no importance to the *Hari* Committee. Not only that when the deliberations of the Committee were found to be going against the Zamindars, as the Chairman Sir Roger Thomas had been put into a difficult position by Masud so the government included yet another landlord of Larkana G. S. Kehar, into the committee. This not only strengthened the position of Sir Roger Thomas but also became totally adamant to the recommendations made by Masud. He was, therefore, obliged to write his Note of Dissent which is being presented in this book.

The Majority Report made recommendations which were more or less in the nature of maintaining the status-quo, giving to the *haris* just a few concessions in the *Batai* System. It recommended a *Batai* regulation by

which the *hari* would be able to get his due share in *batai*. It did not agree even to the confirmation on the *haris* of permanent rights of tenure. The Note of Dissent on the other hand recommended wholesale abolition of big estates, immediate expropriation of estates owned by non-cultivating owners, prohibition of leasing of land, linking occupancy with virtual ownership i.e. a person must own land only so long as he occupies it personally.

The Sind Government published the Majority Report without the Note of Dissent. This led to a country-wide agitation. The daily Dawn commented in its editorial of 14<sup>th</sup> July, 1948, "Mr. Masud is believed to have expressed strong views on the existing disabilities of the *haris* and suggested far-reaching changes. There is a feeling among sections of the public that the Sind Ministry, whose parliamentary support is largely derived from Zamindar elements, may not only shelve the minority report of the *hari* Committee but even withhold it from the public". Similarly, the "Pakistan Times" in its editorial of 21<sup>st</sup> May, 1948, commented, "The Note of Dissent by the third member of the Committee, Mr. Masud draws its inspiration from Islamic history and traditions; and after a study of the conditions of Sind agriculture and review of land reforms in Western countries, it recommends the complete nationalization of land. The only justification for what time and money was spent on the *Hari* Committee seems to be this minority report..."

## **Refusal of Publication of Note of Dissent by Government**

Similar comments appeared in the national press in large numbers but the Sind Government remained adamant and the Press agitation, however, continued unabated. After six months of the Press agitation, the feudal Sind Government in utter disregard of the public demand issued a Press Note, in December, 1948, "Report of the *Hari* Enquiry Committee appointed by Government of Sind has now been printed and orders issued for the publications. One of the members of the committee (Mr. Masud) has submitted a Note of Dissent. Government has decided the note should not be published."

The "Dawn" condemned this action in its editorial of 24<sup>th</sup> December, 1948, "The Sind Government has withheld the Note of Dissent submitted by one of the members. The inference which most people will draw from the action of Sind Government is that the note of dissent contained matters which the present Ministry is anxious to conceal from the public. The author of the note of dissent Mr. M. Masud is an official of long standing and has intimate knowledge of the actual conditions in the interior of the province of Sind where he has held various responsible positions for many years...." Likewise, the "Pakistan Times", and almost all other daily papers of the country strongly condemned the action of the Sind Government.

## **Public Agitation**

At last the progressive young workers in the League started an agitation. The Working Committee of the Sind

Provincial Muslim League as also the District League Committees of Sind, were obliged to pass resolutions demanding publication of the Note of Dissent. Finally, Chaudhry Khaliqzaman, President of All-Pakistan Muslim League, in a personal appeal to the Sind Governor, urged him to intervene to make the Sind Government yield to the public demand. (Dawn Report 4<sup>th</sup> January, 1949). The students also made demonstrations at various places and the agitation gained a good deal of momentum which incidentally also created an awakening among the public on the issue of Land Reforms which had hitherto remained obscure.

### **The illegal Fatwa**

During that period, a strange incident took place. A pamphlet signed by sixteen *Ulemas* led by the late Maulana Abdul Hamid Badayyuni, appeared in the market. In this pamphlet the *ulemas* alleged that they had read the Note of dissent and were of the opinion that it was un-Islamic and that the writer of the Note had communist leanings. The pamphlet gave a rude shock to the public which was unable to understand as to how the *ulemas* got hold of the Note of Dissent of which the publication had been banned by the Sind Government. It was suspected that some feudal ministers in the Sind Government had clandestinely passed it to the *Ulema*. Luckily, concrete evidence became available to Masud against a feudal Minister of the Government who had made an attractive offer to the *Ulemas* for writing the “fatwa” in the pamphlet. Masud served the Sind Government a notice through his lawyer AK Brohi on 6<sup>th</sup> May, 1949, claiming Rs. 500,000 as damages for defamation.

The Central Government was not at all happy at this ugly development and a meeting was held in the office of Liaquat Ali Khan to settle the matter who requested Masud to withdraw his notice and promised to intervene. One month later, Yousaf Haroon became the Chief Minister and was the first Chief Minister of Sind, who did not hail from the feudal class. Finally he ordered the publication of the Note of Dissent on 20<sup>th</sup> June, 1949. The foolish action of the Sind Government in suppressing the Note and the resultant controversy in the Press and public agitation for over a year, brought to the Note of Dissent wide publicity throughout Pakistan and abroad.

### **The Note and the Land Reform Issue**

After independence no steps had been taken against the oppressive Zamindari system. Masud once remarked to me. "The only conclusions any rational and unbiased thinker can arrive at are that the present *Zamindari* system is the greatest curse that any country can groan under". The Note of Dissent to the *Hari* Committee Report was the first public expression on this subject. The issue of land reforms was not touched by the Muslim League which was dominated by the big landlords who used it for the promotion of their interests. Therefore, the League put all its emphasis on Islam and Pakistan without making any declaration on this issue. It was after the publication of this Note of Dissent that the issue came into the forefront of national politics in 1948. The opposition parties slated the Muslim League Government in the various provinces by extensive citations from the Note of Dissent. They exposed the

atrocities and the high-handedness of the Zamindars who dominated the Muslim League Party.

After the release of the Note and the passing of the Muslim League Resolution of 1950 in consequence thereof, in East Bengal, where the majority of landlords were Hindus, the Muslim League Government lost no time in implementing the Resolution. In West Pakistan, however, the Provincial Government simply fiddled with the problem. The League Government of Daultana in the Punjab, made big promises which did not go beyond making some tenancy reforms by which the tenant's share of produce was slightly increased and the ejection of tenants was made difficult but these mild tenancy reforms were also not implemented in most parts of the province.

### **Breakup of Pakistan**

The feudal lords of West Pakistan failed to understand the far-reaching consequences of the resulting imbalance in the land ownership pattern of the two wings. They were determined to preserve their landed estates. They did not realize that with more than half of Pakistan having radically changed its land ownership pattern, the feudal estates of the West could not be preserved except by the break-up of Pakistan. Much as they tried to retain control over political power in the West, first by a strong centralized Government and later by military dictatorship, they were unable to prevent the break-up of the country which was a natural consequence of the inherent conflict in the class complexion of the two wings. Unfortunately half of Pakistan was sacrificed at the altar of the feudal *jagirdari* system.

Ayub Khan introduced land reforms to placate the public opinion in the West where for nine years this issue had been hotly debated. The Ayub Reforms put a ceiling on ownership, prohibited fragmentation of holdings and ejection of tenants. But the reforms did not prohibit absentee landlordism nor prohibit the leasing of land. No land reforms are complete without these basic changes. On the other hand in East Pakistan, even before the abolition of *jagirdari*, the East Pakistan Estates Acquisition Act had already introduced these basic reforms.

### **Bhutto's Land Reforms 1972**

The second Land Reforms of Zulfiqar Bhutto marks a great deal of improvement on the previous one. The ceiling of land held by an individual owner is reduced from 500 irrigated acres to 150 acres and from 1000 un-irrigated acres to 300 or an area equal to 15,000 produce index units, whichever is greater. Not only the ceiling on ownership has been reduced substantially by about 70 percent, but also many concessions have been given to the tenants which were not there in the previous reforms. The liability for payment of water rate has been shifted from the tenant to the land-owner, all agricultural taxes are to be paid by the land-owner and the remaining inputs to be shared equally between land-owners and tenants. Besides, levy of cess and service extracted by landlords from tenants without remuneration has been declared unlawful. Moreover, the tenants have been given the right of pre-emption in the event of the sale of land by the owner.

The one objective of all agrarian reforms in various countries of the world is that of establishing peasant farms large enough to support the families of the owners. A proper land reform means conversion of landless tenants into peasant proprietors and conversion of non-economical and below subsistence level farms into economical ones. The Note of Dissent had made categorical recommendations on these lines. In the first land reforms barely 10 per cent of the tenant-cultivators were converted into peasant owners. In the second one (1972) the percentage was even less, and besides no provision was made in either of these for the conversion of below subsistence level farms into economical farms whereas such farms numbered about 92 percent of the total agricultural farms.

The Land Reform of 1972 was no doubt more drastic than the first one, but the fixing of ceiling on ownership on individual basis instead of family basis, had considerably reduced its effectiveness. Besides the innumerable ways of circumventing the law in which the landlords excelled considerably cut down the benefits of the reforms. Bhutto had, of course, anticipated that, as he pointed out in his Land Reform address of March, 1972, "I know the power of the landed aristocracy, the overriding power of the tribal *sardars*, the *waderas* and *maliks*. They would stop at nothing to frustrate and circumvent these Land Reforms". In fact what was lacking was a net-work of well-knit organizations to secure to the tenants the rights conferred by the reforms. Legal aid to the tenants to enable them to assert their rights in the law courts was in dire need. Alongside, special tribunals to conciliate between *Haris* and

landlords would have been useful in reducing the friction caused by the Reforms between the landlords and tenant.

The problem was far too severe to be solved by a mild reform in a country where the farm-structure was unbalanced. Nearly half of the agricultural farms are less than 1.8 acres in size on the average, and about 43 percent range between 5 and 25 acres and the average size in that class does not exceed 11.3 acres which is below-subsistence-level farms thus adds up to 92 percent. As against this, large-size farms (above 25 acres) are 8 percent of the total farms and account for 43 percent of the total cultivated area of Pakistan.

Apart from the imbalance in size-structure of farms, there is the problem of insecure tenure. About 42 percent of all farmers are landless tenants who depend for their living on the mercy of landlords. They number about 21 lakh according to the last Agricultural Census of Pakistan. Absentee landlords are also not too few. About one third of the total farms area is in their occupation. It is this class which has remained untouched by the two Land Reforms. An American economist asserts that next to war, pestilence and famine, the worst that can happen to a rural community is absentee landlordism.

### **Achievements**

It would, however, be an unfair assessment of the achievements of our land reforms if we were to ignore the great change that has taken place in the psychology of the rural masses. They are no longer meek, timid, cowering and cringing peasants. They have regained

their pride and self-confidence and now have only to be led to their destiny by a dynamic leadership.

While there is no doubt that the benefits of the two reforms were curtailed by the combination of the feudal lords and the civil and military officers-cum-landlords, as well as by the traditionally corrupt revenue department, it cannot be denied that the Reforms made some impact on the socio-political situation in Pakistan. The sanctity of private property is no longer there. Not only that, the constitutional process has also been affected and the current Constitution contains little guarantee for the property-owning classes. Consequently the power and strength of the feudal lord has received a serious set-back. Millions of tenant-farmers are now hopefully looking forward to the day when feudal estates will be given to them.

The tenant-landlord social relationship has also undergone a change except in the estates of the big landlords of Sind, Baluchistan, and NWFP, where a combination of tribal leadership and feudalism is holding the tillers in subjugation. In some other parts, "spiritual" leadership combined with land ownership is similarly keeping the tillers in subjection. But, on the whole, by far the greater numbers of them have now become aware of their rights through the powerful propaganda released by various political parties against the feudal classes.

### **The Lesson of Great Tragedy**

The contributions which existed between East and West Pakistan in the matter of land-ownership are visible even

in the provinces of present Pakistan. The land ownership pattern of the Frontier, Baluchistan and Sind provinces on one hand, and of Punjab on the other, where small farmers are in majority, show a conspicuous disparity. Therefore, a proper solution of the land problem is of utmost importance. Only by a uniform radical land-reform in entire Pakistan, the present-day tension between the provinces and tension between the tillers of the soil and the big land-owners can be effectively reduced. The question and solution of land-reforms should be given top priority in our national planning for the sake of integration and preservation of what remains of Pakistan.

MIAN SAADAT ALI IMTIAZ (1918-1985)  
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Karachi.

## Chapter 1

### The Hari and the Zamindar

*They are human beings, and as such, rational animals and though they drudge like domesticated animals, they enjoy no privileges of rationality, nor any rights of human beings. Such are the haris of Sindh, who form the bulk of its population, who till the land and give Sindh the distinguished name of the **Granary of Pakistan**.*

It has been my good fortune to have been associated with the poor people as an Assistant Collector and Collector for over eight years in Bombay Presidency and Sindh. In Sindh, I was shocked to see the miserable conditions of the *haris* and was at once reminded of the similar conditions of the aborigines of India, the *bhils*, amongst whom I worked for several years for their uplift. The *haris* of Sindh are no better than serfs. They live in the most primitive conditions with no concept of social, political, or economic rights; they have only one interest in life; food, with which to keep body and soul together. No other aspect of life interests them because the fundamental problem of living remains unresolved for them.

The *haris* have no organized life, nor has the consciousness of organized living developed in them. They live scattered, far from one another, in small hamlets consisting of thatched mud houses. The average revenue village, *deh* may have half a dozen scattered village sites within it, some of which may be inhabited,

others deserted; Most of the *haris* share their huts with cattle. Their household belongings consist of a cot or two, a few earthen pots and metal utensils, some tattered rags and an occasional wooden box.

The *hari*, whose family may have cultivated a piece of land for several generations, does not know how long he will be allowed to stay on it. Fear reigns supreme in the life of the *hari*; fear of imprisonment, fear of losing his land or his wife. The *zamindar* may, at any time, get annoyed with him and oust him; he might have to leave his crop half ripe, his cattle snatched, he may be beaten out of the village, may suddenly find himself in police fetters under enquiry for theft, robbery or murder or, more often, under section 110 of the Criminal Procedure Code. The fate of the *haris* who incurred the wrath of the *zamindar* were wrongfully locked up in ill-ventilated, congested and suffocating sub-jails for very long periods, eventually suffering longer terms of imprisonment and awaiting trial than they would have suffered on conviction!

The *hari* fears the *zamindar's* punishment much more than the torture of hell, as he frequently sees the *zamindar's* bullies in action. `Once a *hari* abducted a woman, and his brother was summoned by the *zamindar* to give information regarding him. He denied any knowledge of his whereabouts. The *zamindar* did not believe him and ordered his men to hang him upside down from a tree and beat him. So violent was the beating that he became unconscious and was carried home by another brother. The *zamindar* posted a few watchmen at the house of the injured *hari* to see that nobody went out to lodge information with the

authorities. The old mother of the *hari* wept and wailed and was desperate to take her unconscious, beaten, bleeding son to a doctor, but the *zamindar's* watchmen did not permit anyone to go out. After four days the son of the poor-wailing mother died. The *kamdars* of the *zamindar* removed his corpse to a graveyard and buried it. The old mother was allowed to go out after a few days and, almost mad with shock and grief, she went around telling her painful story to other *zamindars* and begging them for help, but no avail. She failed to secure the help of the police and, at last, came to my Hindu Sub-Divisional Magistrate. The body of her son was exhumed and the crime of the *zamindar* came to light. Non-bailable warrants were issued but the *zamindar* who, the day before the issue of the warrants, had been seen in town, was the next day reported by the police to have absconded! This case occurred in Kandiaro Taluka, a few days before I left charge of the Nawabshah district. Such cases are not rare in the petty feudal kingdoms of the *zamindars*, though very few of them come to light.

The *zamindar* might at any time send for the *hari* for *begar* (forced labour) for the construction of his house or the sinking of a well, or some other minor work. He might be called to come with his plough and bullocks to cultivate the private fields of the *zamindar* or to spend a few days on a shoot with him, or to render some domestic service. He is thus always at the beck and call of the *zamindar*, and dare not refuse him as that could spell his doom.

A pretty wife is a constant source of danger for the *hari* as he might be asked to surrender her. He may be subjected to intimidation, threat or coercion and if he

does not yield, the wife could be kidnapped, or he be arrested in a false criminal case and the wife left alone is then compelled to live with the *zamindar*. The *hari* can even be murdered if the *zamindar* sees no other hope of success. A shocking case of this type was narrated to me by a *hari* woman who, along with her mother, had traveled about a hundred miles to tell me her tragic story. Her husband had disappeared and her mother had heard some body say that the *zamindar*'s men had murdered him. The facts of the case briefly were that the *zamindar* had tried to seduce her and her husband had expressed resentment. Thereupon the *zamindar* dismissed him from his services and so he shifted to another house in the same village. One day he went out to graze his cattle and never returned home. After a few days the wife received a message from the *zamindar*: "Now that your husband is done away with, will you not come over to be my mistress?"

Elections are a calamity for the poor *hari*. The rival candidates pull him in opposite directions, but he is interested in none. The *zamindar*, who will receive a large amount of money or an alluring promise for future gain for himself or his relatives in the form of a contract for control shops or employment, calls the *hari* and warns him to vote for his candidate. The *hari* gives a submissive, "yes" and quickly takes the Quran in his hands to assure the *zamindar*. When the voting is over and the results are declared, the success of the rival candidate brings fresh miseries for the unfortunate voter. He is troubled and harassed by the party men of the newly elected Member of Legislative Assembly whom he had opposed under orders of the *zamindar*. As the control shops of the area are now under the direct or

indirect control of the MLA, the *hari* is unable to get his quota of cloth and sugar. He may also be threatened with false prosecution, theft of his cattle or injury to his person.

The *hari* behaves like a helpless slave when he has to face the *zamindar*. It is not an unusual sight to see numerous *haris* coming and touching the feet of the *zamindar*. As soon as the *zamindar* appears on the fields the *hari* and his children go and bow before him till they touch his feet, then rise up to kiss his hand. They do this neither out of respect for him, nor for his spiritual attainments, nor for any other quality of his, but to make him feel that they are his humble creatures who prostrate before him and live at his mercy. I have not seen a single *hari* who will stand before the *zamindar* and greet him with dignity. *What man has done to man* never wore a more tragic look than when helpless *hari* men and children touch the feet of the *zamindar*.

Islam teaches the greatness of God and submission to no one except Him, but when the *hari's* Islam is put to test in the fields where the *zamindar* has taken hold of all the resources of the Earth in the name of Islam and can at any moment starve the poor *hari* to death, the great ideals of Islam vanish from the *hari's* mind, he forgets the greatness of God Almighty at once and bows in abject submission to the *zamindar*.

The ideal of the equality of mankind, taught by Islam, becomes a fiction to his mind. No *hari* can dare sit side by side, with or even in front of a *zamindar*, or even as high as the *zamindar's* level of seat, even if it be a stump of a tree or a pile of bricks or a heap of sand. He must sit

at a lower level on the bare ground, and if he dares to sit on a level equal to the *zamindar*'s, he is impertinent, insolent and unfit to live on the land on which his forefathers worked for generations. *Pirs* and *Maulvis* who are friends of the *zamindar*, console the *hari* with the doctrine of *taqdir* (fate) which is *he is low forever because God has made him so*.

The *hari*, having lived under oppression and tyranny for several generations, has now begun to feel that perhaps this is the destiny chalked out for him by God Almighty (his *taqdir*), and therefore it is no use bewailing his lot. He thus gets used to his misery and appears to be an ease-loving man content with mere requirements of himself and his family in food and clothing. His forced and unreal contentment and happiness is like that of a long-term prisoner who, after long years in jail, gets reconciled to it by the sheer force of circumstances. Given freedom from oppression, and given the power of expression, which has been denied by illiteracy, the *hari* would narrate a harrowing tale of woe and misery. The age-long oppression has given him an inextricable inferiority complex, and he dreads even menial government servants and petty officials, such as a *kotar*, a *patawala*, a constable or a *tapedar*, who can insult, abuse or beat him without any fear of retaliation or protest to their superiors.

The average holding of the *hari* varies from 16-18 acres; he may have about 8 acres of *Rabi* and 8 acres of *Kharif* crops every year. When the crop is ready, a *kamadar* of the *zamindar* will demand that the crop be removed to the threshold of the *zamindar*, where it will lie untouched by the *hari* until the *batai* is over. The *hari*

has laboured for a year, and when the harvest is ready, he looks at it sadly, knowing that all of it will go to the *zamindar* who will decide how much will be given back to him. He is thus like a hungry man who, having secured food after long toil and suffering, has to surrender it to his cruel master who takes away a large part of it, leaving the hungry man only a small portion which does not suffice for his empty stomach. An agent of the *zamindar* makes the *batai*. The unwritten law is equal shares for the *zamindar* and the *hari*, but illegal levies and *abwabs* under various heads are imposed on the *hari's* share. These *abwabs* are called *customary abwabs* probably imposed long ago by the forefathers of the *zamindars* who were such powerful feudal lords that it was impossible for the *hari's* elders to contest; even today. If the *zamindar* wanted to impose a new *abwab*, the *hari* dare not defy him. The so-called sanction of custom in the *abwab* is purely a matter of force and not of choice for the *hari*, who has no hope of help or mercy if he does not submit. After the deduction of *abwabs*, the share, which is left to the *hari*, is too little to sustain him for the whole year and out of this he has to give something to the village artisan, the *pir* and the beggars! The question of *batai* does not arise in the case of cash crops which are already mortgaged with the *zamindar* against the debts which are due from the *hari*, who is obliged to borrow from the *zamindar* for his clothes and household necessities, for seed and bullocks.

The produce of his land is insufficient to sustain him. The *hari* has to borrow and labour year after year to pay off the inextinguishable debt as generations die in pursuit of the mirage of solvency. Debt accounts are kept by a *munshi* of the *zamindar*, who is generally dishonest,

making false entries in the debit account of the *hari* who has to accept them perforce. The *bania zamindar* and the lessees fleece the *hari* mercilessly. The Muslim *zamindars*, who do not charge interest, impose heavy *abwabs*. As *hari* sees no hope of the debt being ever paid off, he cannot even think of running away, as he would have to surrender his cattle and few household belongings, which mean everything to him. Besides, he would not be accepted by another *zamindar* because of a *code of honour* amongst them; that an indebted *hari* will not be accepted unless his debt is paid off. Such a *code of honour* existed among the slave traders of medieval times. The poor *hari* has therefore to stay, and live in misery and distress. The fetters of debt make him stick to the cruel master.

What saves the *hari* from destitution in his cattle wealth? Every *hari* has a number of cattle, which he breeds enthusiastically and which give him supplementary income for his household requirements. *Zamindars* complain that the *haris* give more attention to cattle breeding than to the cultivation of fields, but that is only natural as since they share their cattle with no one else and the cattle remain their property exclusively. If the breeding of cattle had also been put on the *batai* system, the cattle wealth of the whole Province would have dried up long ago. The livestock from Sindh enjoy good reputation all over Pakistan and India, and it is due to the kindness of nature that this item of the *haris* industry did not come under the control of the *zamindar*.

Turning to a closer look at the worst kind of *zamindar*. He is a feudal lord in his own estate and maintains a legion of servants, owns fine horses, cows and buffaloes.

He possesses a large number of firearms and his hunting expenses run into several thousand of rupees every year. He is fond of pomp and show, likes to possess expensive cars, and spends lavishly on luxury goods. He lives according to a primitive concept of luxury. Extravagance in food and dress, gross and vulgar sexual excesses, garish ostentations are the things on which he chooses to devote his income and the energy of his body and mind. He is fond of women: one, two or more and besides this he has some mistresses also. Excessive indulgence in sex leads to heavy expenses on sex-tonics prepared for him by the *hakim* often a quack. He likes music and invites singing girls to various social functions to entertain officers or to celebrate the birth, circumcision or marriage of a son, or to show his luxurious standard of living and spending power to a rival *zamindar*. He is addicted to alcohol and expensive whisky bottles are emptied daily at his drink parties. He likes *bhang* and *ganja* (intoxicating drugs) and either of these are a part of his breakfast. He is very hospitable, particularly to the hangers-on, who collect round him to scrounge off him and do no other work. His kitchen runs the whole day and offers plentiful meals to this group of persons who represent his strength and are comparable to the retainers and men-at-arms kept by the barons of medieval Europe.

The *zamindars* wasteful habits and extravagant style of living make heavy demands on his purse, which he must replenish by resorting to illegal sources of income since his legal income does not suffice. He has, therefore, to impose illegal taxes and *abwabs* on the *haris* and collects these by oppressive methods. He has to organize *patharis* where he receives stolen property, especially cattle, and shelter thieves and robbers, who form a part

of his establishment of retainers. The patron of *patharidars* is often a *zamindar* owning large estates and enjoying honours from the Government, while the *patharidar* himself is a man of perfect respectability. He is never prosecuted for theft (although his occupation is well known to all his neighbours), but on the contrary receives protection not only from his patron, but even from the police, either in return for a periodical subsidy or for services rendered in the detection of crime. According to a *Report of the Cattle Lifting Committee 1926* the incidence of crime in some districts, especially of cattle lifting, records a fall as soon as some notorious *zamindars* are put in jail.

He has feudal rivalries with the neighbouring *zamindars*, who are anxious to compare trial of strength. He has therefore to maintain a show of power and strength to create awe in the rival *zamindars*, and to maintain his prestige among his retinue and the *haris*, who would lose faith in him if they were to know that he was weaker than his rivals. He must, therefore, keep up a reputation for *zulm and zabardasti* by spreading awe all round. One way of doing this is to have at his command a gang of thieves and robbers to strike fear into the hearts of his rivals and the larger the number, the greater his awe and fear would be. When a show of power is to be made, he sends out a few of his thieves to steal cattle from the rival party, and sometimes a gang of robbers is sent to fire a few gunshots; while often a beautiful woman of the other side is kidnapped. The sufferer in these conflicts is usually some poor *hari* of the rival group.

Another way of spreading awe and fear is to have in his confidence the police officials, particularly the Sub-

Inspector incharge of the police station. The *zamindar* wins him over by liberal presents of luxury goods, food articles, whisky bottles, frequent parties, or by placing at his disposal his car, *tonga* or horse and also catering to his sexual requirements. He also invites him to share with him the stolen property, which comes to the *pathari*. The Sub-Inspector of Police in return promises secrecy about his thieves and robbers and guarantees him and his criminal retinue immunity from the operation of law. The *zamindar* promises to help the Sub-Inspector of Police if he happens to get into trouble with his senior officers. With this end in view, he calls on the Deputy Superintendent and the Superintendent of Police and develops friendly relations with them, sometimes by securing handsome bribes for them in capital offences under their direct investigation. Whenever he meets the senior officer he puts in a word of praise for his accomplice friend, the Sub-Inspector of Police, and creates an impression of his being honest and efficient. If the Sub-Inspector of Police does not co-operate with him, he takes the opposite line with the senior officers. Similarly he corrupts the Revenue, Public Works and other departmental officials and gains their confidence, help and support in his illegal activities. As a part of his scheme of spreading awe and fear and to maintain his grip on the officials he befriends any Minister, entertains him to banquets and moves in his company showing to the officers and the poor *haris* that he is a friend of the Minister. The *zamindar* goes around telling all officials that he can get any one transferred, degraded or promoted. In this way he keeps the administration in his grip, corrupting officers and making them do illegal things for him or connive at his illegal acts.

The heavy expenses of his house, retinue, mistresses, lazy servants, cattle and horses, unbounded hospitality, expensive social and religious functions, entertainment of officers and bribes and civil and criminal litigation cannot be met except by ruthless exploitation of the *hari* and by supplementary illegal sources of income. His only fear is law and justice, which he must corrupt by spending a large part of his ill-gotten money to secure protection. He has therefore to bribe officers in all possible ways. Any officer who stands for honesty and justice soon incurs the displeasure of the *zamindar* since he refuses to connive at his unlawful and oppressive activities. The *zamindar*, his press and propagandists publish concocted stories about the honest officer to condemn him and is most unscrupulous in his attack on anyone who refuses to serve his interests.

The *zamindar* is proud of his reputation for high handedness and commission of crime. When caught, he spends enormous sums on his defense, corrupts the magistrate and does not spare the lower staff. He bribes officers heavily to secure his release and when acquitted goes back a hero. If he has to his credit many such successes in criminal prosecutions he becomes a great hero about whom the *haris* talk in their social chats--- thus becoming a legendary figure. He likes to engineer false cases against his rivals and knows many secrets of false criminal prosecution. Sometimes a *hari* is hired to lodge a false complaint; at times a woman is engaged to make false allegations of kidnapping, abduction or rape against his rival. If he himself becomes a victim of a similar prosecution he makes the *hari* give a false confession to save him. In return he offers to maintain

the *hari's* family. The courts and the law have become things of sport for him. The poor *hari* is a plaything in this sport and bears the entire brunt of suffering.

I personally know some fine, well reputed zamindars but unfortunately they are few in number. Their reputation suffers only because of the cruel and high handed feudal lords.



## Chapter 2

### Agriculture in Sind

The standard of cultivation in Sind is generally poor and many an expert on agriculture has described the *hari* as a *primitive farmer*. He is said to be indifferent and unwilling to work hard on the land. In the tracts where Punjabi peasant proprietors have recently settled, there is a glaring contrast between their cultivation and that of the *haris* living next door. The Punjabi peasant proprietors endeavour to outstrip one another in the quality and quantity of produce, in the preparation of the ground and in the general cultivation of their respective portions. All the little proprietors are eager to find out how to farm so as to produce the best results; they diligently seek improvements, and each proprietor soon adopts a new improvement introduced by any of his neighbours. Compared with them the *haris* make a very poor show in industry and eagerness to make improvements. They take no interest in the preparation of land, they broadcast the seed without properly ploughing the land, and they do not care much about weeding. The result is that their produce per acre is much less than the produce of the Punjabi peasant proprietors. The *batai* system is the main cause and, to quote from the Majority Report:-

*The batai system as practised is defective in so far as that it offers no incentive to the hari to invest capital or expand labour in any permanent improvement of land or in preserving its natural fertility.*

*If the zamindar presses him too hard in the matter of improving his agricultural practices, the hari will relinquish his tenancy and engage in work with another zamindar. He finds it easier and more profitable to cultivate a large area perfunctorily than to engage in intensive cultivation on a smaller area. In this regard his personal interests are opposed to national interests.*

The reason for this perfunctory cultivation lies in the defective system in which the *hari* is denied the basic rights of humanity. For several generations he has tilled the land, which he never possessed, nor had he ever any hope of ownership. Why should he be interested in better cultivation of the land and why should he worry himself about the national interest and the nation, which he has to feed by his sweat and labour only to kill himself? The *hari's* case is painted vividly in an old petition of the peasants of Lombardy (Italy) in reply to a ministerial circular, warning them against the dangers of immigrations.

*What do you mean by the nation, Signor Minister? Is it a multitude of the miserable? Then we, indeed, are the nation. Look at our pale and emaciated faces, our bodies exhausted by excessive labour and insufficient food. We sow and reap the wheat, but never eat white bread. We raise the cattle, but never taste meat. We are clad in rags. We dwell in dens of infection. We freeze in winter, and in summer we starve. Our only nourishment on Italian soil is a handful of maize, made costly by the tax. The burning fever devours us in the dry regions, and in the wet ones we are the prey of the fever of the marsh. Our end is a premature death in the hospital, or in our miserable cabins. And, in spite of all this, Signor*

*Minister, you recommend us not to expatriate ourselves!  
But can the land, where even the hardest labour cannot  
earn food, be called a native country?*

The fertility of the land and the richness of the soil of Sind are not being fully exploited for the benefit of the poor people because of a paralyzing system of land tenure which retards all progress. The idleness and parasitical tendencies that have developed in the *zamindars* because of a bad tenure system make them incapable of managing their lands. They leave their entire estates in the hands of the agents, the *kamdars*, who are more interested in making money for themselves and the *zamindars* than in developing the land. They are the instrument of oppression and the main cause of misery of the peasantry, and, to quote from the Majority Report:

*The direct cause of discontent among haris is not infrequently their harassment and unjust treatment by kamdars.*

*Absentee landlordism can take two forms, namely, a landlord who does not reside on his land, and landlord who, though he may reside on his land takes little or no interest in its management and development. In Sind it is the second category which is more prevalent. An American economist asserts that, next to war, pestilence and famine, the worst thing that can happen to a rural community is absentee landlordism. It is the final stage in the decline of plantation before its actual disintegration.*

When the *zamindars* tire of their *kamdars*, they soon find it a fruitless job to supervise land themselves owing

to their own inefficiency, thus leasing it to other agriculturists, very often merchants, who are mostly *banias*. Very large tracts of land have been given on lease to the *bania* exploiters, and though no figures are available of such leases, from my knowledge of Nawabshah, I think that all over Sind, the leased area should exceed several lacs of acres. The Court of Wards department alone is managing an area of 92, 500 acres which is leased out annually. According to one estimate, over 40% of the entire area of the *zamindari* holdings was given out on lease. The lessees, who take land on five years lease, have no interest except that of exploiting the tiller of the soil to the fullest extent, and in this pursuit they commit great *zulm* (cruelty) on the *haris*. This class is not in the least interested in the well-being of the *hari* nor the betterment of agriculture, and the sufferings of the *haris* under such lessees have been enormous. They unscrupulously exploit both land and labour, and are the least desirable members of our organization. Being money-lenders-cum *zamindars*, their exploitation surpasses all limits. I have personally visited the houses of the *haris* of such lessees and I have witnessed their terrible misery and suffering. The responsibility for the ruthless exploitation of the *hari* by the lessees devolves on the *zamindar* and nobody else. It is the *zamindar's* laziness and greed that makes him lease out land for easy profits to such ruthless exploiters who have no mercy, no kindness for the poor cultivators.

The above facts amply show how inefficient the *zamindar* is and how detrimental is his control over land to the national interests. The production of Sind could be doubled and even trebled if the control of the *zamindar* was removed. Large areas of cultivable land remain

fallow every year because the *zamindars* cannot manage them. This is also indicated in the Majority Report:

*The apathy and conservatism of haris are no greater than those of the majority of the zamindars. We can see little hope for the survival of large agricultural estate unless the landowners move with the times. If the zamindari system is to survive, then zamindars will have to take a much deeper interest in the welfare of their people than many of them have done in the past.*

*We are agreed that the Government should consider the feasibility of assuming to undertake the management of any agricultural land where it can be proved that proper use is not being made of it. This will apply to all freehold irrespective of their area of holding.*

The present *batai* system is basically wrong: it is an opiate for the cultivator. The underlying principle of this system is the exploitation by the have's of the labour of the have-nots. Justice and equity cannot support this system, neither any human code of honour. The misery, unhappiness and lack of interest in agriculture on the part of the *hari*, the laziness, inefficiency, corruption and exploitation on the part of the *zamindar*, are the direct results of the *batai* system. If such an oppressive system has survived in the agricultural population of Sind, it is not because of any inherent merit or utility of the system, but because of the power of the law, which enforced by the agents of imperialism has thrived on *zamindari*. Now that imperialism has gone, the *batai* system should also be abolished. The rule of Democracy (government of the people) presupposes that exploitation of man by man should cease. To the entire system may

be applied the severe judgment which Mr. Charles Russell passed regarding IRELAND:

*It may as a whole be truly said that it seems to have been contrived, as if by a malevolent genius, to develop the worst qualities in the national character, and to repress the best--contrived to encourage idleness, thriftlessness, insincerity and untruthfulness, To me the wonder is, not that the faults of the Irish people exist as they are, but they have managed to retain so much that is kindly in their nature, so much befitting the natural dignity of man.*

The weak economic position of the *hari*, the insecurity of his tenure resulting from the faulty land tenure system, makes it impossible for him to invoke the help of the law, which itself is not inexpensive. He is never sure of winning a legal case, however strong, but is sure of losing his land, his means of livelihood. He is sure of being involved in a series of troubles at the hands of the powerful *zamindar* against which he seeks the aid of the law. It becomes a very sad and costly experience for him, and if he has tried it once he is never going to repeat the mistake. To secure relief at law one must have the means and the courage, and when he is denied both by an oppressive system, no law can come to his help. This is a sad fact, which one can learn from innumerable cases in the present day law courts both civil and criminal. *The magic of private property turns sand into gold. Give a man a secure possession of a bleak rock and he will turn it into a garden; give him nine year's lease of a garden and he will convert it into a desert,* says Arthur Young.

In the previous paragraphs many widespread evils resulting from the divided interest in land have been illustrated and I have shown how these evils do not result from any special ignorance or ill-conduct of individuals but are inherent in the system itself. The only solution is to give the *hari* independence and to make him master of his own destiny. As long as he is kept tied down in a relationship of subservience to the *zamindar*, no protection of any kind given by law would be of any avail to him. Legislation enacted in the past with high hopes of relief to the poor people soon became a dead letter. The cost of legal procedures is out of reach of the poor, while the resourceful exploiters use it more to strengthen their stranglehold on the downtrodden. Their clever legal advisers discover many a loophole in such legislation, which nullifies its very object. Much legislation that was intended to protect the cultivator and the debtor has gone into cold storage. The landlords have successfully evaded tenancy laws passed in various parts of the sub-continent, and the tenants have profited very little; while debt legislation has failed to redeem the debtors from the exploitation of the moneylenders. Indeed, the moneylenders regulation Acts have made them even more powerful.

*The Deccan Agricultural Relief Act of 1875, the Land Improvement Loans Act of 1883, and the Agricultural Loans Act of 1884* have been on the statute book for three-quarters of a century and yet no substantial relief has been provided to the poor peasants. Under the *Agricultural Loans Act*, loans can be advanced to peasants and to landless *haris*, but in my experience such a loan has never been given by any authority to the poor borrower from these classes. The amount of *taccavi*

(loan) advanced during the past five years (1940-1945) to the *zamindars* was Rs. 1,600,055/-. I know of a recent case in which one *zamindar* of Nawabshah was given two lacs of *taccavi*. The poor *hari* whose sweat and labour make the revenue of the Province can get no loans from the Provincial revenues although the law provides for such a relief.

*The Deccan Agricultural Relief Act* provides that a written receipt shall be given to an agriculturist making payment of his debt, whether he demands it or not. The penalty for breach is Rs. 100/-. Any court in Sind has hardly recorded a single case under this provision, though several thousand instances occur every year in the districts when *haris* make payments of their debts but get no receipts from the money-lender-cum-*zamindars*.

*The Agriculturists Relief Act, 1940*, makes it a penal offence for anyone to charge interest to an agriculturist on loans advanced for productive purposes. The Provisions of this Act remain a dead letter. Regardless of the *haris*, even most magistrates do not know of this provision. Nobody has enforced it, and the result is that the charging of interest from the agriculturist has gone on unchecked.

If legislation was to be passed to regulate the *batai* system, prescribing in detail the respective obligations of the *haris* and the *zamindars*, it would bear no fruit. Like other enactment's, it would be another dead letter before long. The Majority Report recommends regulations on a very elaborate scale covering almost every aspect of the *batai* system. I think, however, that will make the system

more oppressive by giving it the sanctity of law. The *zamindar* will benefit by it more than the *hari*, who will have neither the means nor the courage to resort to the law. I do not propose to discuss the recommendation, as in my view the entire system is vicious and deserves to be abolished. Nevertheless, let me cite here an interesting recommendation of the Committee.

It should be made a penal offence for a *hari* to abscond without paying his debts in conformity with these regulations. The penalty should be attachment and sale of livestock owned by a *hari* other than one pair of bullocks, and in addition, on conviction before a magistrate, simple imprisonment not exceeding one month.

Section 21 of the *Deccan Agricultural Relief Act* provides that no agriculturist can be arrested or imprisoned in execution of a decree for money. The *hari* is given special protection against imprisonment; even in execution of a decree for money passed by a court of law (a protection not enjoyed by all) but the Committee's recommendations propose imprisonment for him even for the mere act of absconding without discharging his debt; a stage where no liability stands proved against him. This is how they have given the *hari* substantial rights. To quote again from the report we have knowingly weighed the scales in favour of the *hari* by giving him substantial rights to which he is unaccustomed.

Not only the *hari*, but also the landholder who engages an indebted *hari* without paying off his debts is proposed to be punished with one month's imprisonment or Rs.

1000/- fine or both. These recommendations savour of the medieval slave traders.

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## Chapter 3

### LAND FOR THE LANDLESS

*Land is a national heritage. The preservation of its potentialities and improvement in the welfare of agricultural labour are matters with which the State is intimately and deeply concerned.*

This is a statement expressed by the Majority Committee and I am in full agreement with it. Lord Hastings passed a similar judgment regarding *zamindars* in these words: *The landlords have subjected the whole of the landless classes throughout the Provinces to the most grievous oppression, and oppression too, so guaranteed by our pledge, that we are unable to relieve the sufferers.*

If we aim at improvement and the welfare of the agricultural workers, we have only one solution, that is, to give the cultivators independent status in their holdings and by giving possession of land as virtual owners. This would mean expropriation of the *zamindars*. It might be contended that by such a measure the nation would lose benefit of the experience of the *zamindars*, who have long experience of farm management. The quality of their control over land having been shown, in the above lines, to be harmful in all ways, it would be rather our good fortune to get rid of their experience and ability! Besides, by expropriating them we shall only lose the experience of thousands of *zamindars*, while we shall gain the experience, interest and initiative of twenty lacs of *haris*, who will immediately take interest in their new holdings. I do not

propose that we completely disown the *zamindars*, they will have to be left with some reasonable size of holdings on which to employ their experience in farming.

I once went on a shooting expedition with a *zamindar* of my district and we were accompanied by a group of *hari* beaters. After the shoot I sat down with the *haris* for a chat and took the opportunity of questioning them about their *zamindar* who was also present. A few of them said, smiling cynically, that he was nice and fatherly, while others kept quiet. I asked them if they would like to remain as *haris* or would like to own their holdings if the Government helped them. This question evoked a loud and unanimous response from all: Oh, yes we should like to have our own holdings. There would be nothing better than that. I warned them that if they got their own land and left the *zamindar*, they would cease to get any help or loan from him in time of need, and they replied that they would never ask for loans or help if they had their own land and would never be depended on any one. Then I asked them if they would like the Government to take away the land of the *zamindar* and distribute it amongst them. Though the expression on their faces betrayed a positive reply, fear of the *zamindar* made them say only; “This is a matter for the Government to decide. We can say nothing about it.”

In 1947 the Revenue Department decided to distribute 24,000 acres of government land on *harap* (peasant proprietor) grants to one thousand *haris*. The selection was to be made by the Revenue Officer, Lloyd Barrage, who toured Sind to receive applications and to choose suitable grantees on the spot. He camped in Nawabshah

for a few days and thousands of *haris* around round his camp from morning till evening. Never before was such a congregation of *haris* seen at the camp of any officer, or at an official *darbar* or a political gathering. The swarming numbers of *haris* broke the discipline of the bungalow and hundreds of them trespassed into the garden and very nearly into the private room of the Revenue Officer. They were like hungry men grasping for food. The Revenue Officer had to get help from the Police to keep them at a distance, and though he announced that the requisite number of applications had been received and none more were to be accepted, yet the *haris* hovered around round the bungalow for many days. The Revenue Officer reported that he received forty thousand applications. The number of applications might have run into lacs if the news of *harap* (peasant proprietor) grants had reached all the *haris*; for it is probable that many of them did not hear of it. The following extract from the annual report of Nazir Ahmad ICS by the Revenue Officer, Lloyd Barrage will bear testimony to the acute land-hunger, which possesses the *haris*:

*I was literally mobbed at each camp by unprecedented throngs of haris eager to obtain harap grants. The number of applicants who were actually selected could not exceed a very insignificant percentage of those who trekked to my camps in search of land. There is no doubt that the hari is now awake, and is intensely anxious to better his lot by discarding the inferior and insecure status of a tenant-at-will in favour of an independent holder even on a humble scale.*

What are the grievances of the *haris* is a question, which needs no investigation or inquiry. His main grievance is

insecurity of tenure and a hapless state of landlessness. It is no use inquiring into the pain of a patient with an open bleeding wound. The *hari* too, bleeds and continues to bleed for generations. Giving him a part of his native soil can only cure the dilemma of not having independence, a permanent home and nothing to fall back in times of depression. Thus this great and important class of the *haris* should immediately be raised from chronic pauperism to comparative affluence, comfort and independence. It is essential that every farmer and every occupier should share the ownership of land and he should be the virtual owner of the land he cultivates or dwells upon.

The *haris* who have become peasant proprietors by purchasing small holdings are prosperous and contented. A large number of them in *Kandiaro Taluka* (Nawabshah District) owning small farms live in far better conditions than the neighbouring *haris*. On many occasions I visited their farms and saw that they were hardworking, industrious and eager to improve their small holdings. They felt themselves as human beings; no man can threaten them with ejection as long as they are active and economical. They walk, therefore, with a bold step; look you in the face with the air of a free man. Similarly in *Shahdadkot Taluka* (Larkana District) the peasant proprietors, as observed by Mr. Pearce, I.C.S., during his oral evidence before the Committee, are better farmers than the *haris*, growing more yields per acre. This fact also found corroboration in the oral evidence of a few other experienced officials of this Province. The small peasant proprietor, wherever allowed to exist in Sindh, is a happy and contented person. His indebtedness is not as heavy as that of the *hari*. In the

recent war boom many of the small holders paid off their debts and purchased more land, while the poor *haris* benefited little, but the peasant proprietors are often compelled to abandon their holdings and to revert as *haris*, because of the *zabardasti* (forceful action) of the neighbouring zamindars. The water supply is intercepted, disputes over petty and frivolous matters crop up, the small holders are constantly threatened and being afraid of the power of the *zamindar*, they have to quit and be *haris* again.

Nazir Ahmad, I.C.S., who was deputed by the Government to study the colonization schemes of the Punjab, observes in his note as follows:

*The prosperity and contentment noticeable in most of the peasant villages I visited presented a sharp contrast to the squalor and disorderliness of the villages inhabited by the tenants of the landlords, and the capitalists had purchased their lands in auctions.... In brief, where the insistence is exclusively on securing the highest rates for land, the results are very often badly tilled fields, low production, miserable villages, a poverty-stricken and sullen peasantry, and a general lack of any life or material advance in the countryside. Things are very much different in what are called peasant villages. I saw quite a large number of these and was greatly struck by their clean houses, substantial household belongings, well-kept farms and a general appearance of prosperity, mutual co-operation in all communal spheres, and a noticeable feeling of self-confidence.*

Making a few general observations about the Punjabi farmer, Nazir Ahmad writes:

*The standard of farming in the Punjab is undeniably superior to what we observe in Sind. It can be attributed partly to the qualities of industry and enterprise possessed by the Punjabi cultivator and partly to the fact that the Punjab is predominantly a county of small holders who own the land and have learnt to make the best possible use of it. The Punjabi cultivator has a far better appreciation of the value of water and the manner in which it can be utilized to the utmost advantage. This was more than amply proved by the fact that whereas the complaint about scarcity of water in some channels is as emphatic and plaintive as it is in Sind, the intensity of cultivation achieved in many regions is much higher than that prescribed under the project. The cultivator knows how to plan his crops in a manner so as to get the maximum area under cultivation, and frequently I was told that they cultivated more than 100% annually in a number of tracts. Even the owners who employ tenants to cultivate their lands have nothing to complain about the inefficiency of the latter. This may be due, only partially, and not wholly, to constitutional superiority. The fact that the Punjab tenant is better protected against unjust eviction and harassment by statutory laws, and what is more important, is liable to pay half assessment himself, contributes substantially to a sense of responsibility which ensure zeal and hard work in the management of land.*

In SWITZERLAND almost every farmer owns the land he cultivates and the results are well shown in the following extracts from *Sismondi's Study in Political Economy*:

*It is from Switzerland we learn that agriculture practiced by the very persons who enjoy its fruits*

*suffices to procure great comfort for a large population, a great independence of character, arising from independence of position a great commerce of consumption, the result of the easy circumstances, of all the inhabitants even in a country whose climate is rude, whose soil is but moderately fertile, and where late frosts and inconstancy of seasons often blight the hopes of the cultivator. It is impossible to see without admiration those timber houses of the poorest peasant, so vast, so well closed in, so covered with carvings. In the interior spacious corridors separate the different chambers has but one bed, which is abundantly furnished with curtains, bed-cloths, and the whitest linen; carefully kept furniture surrounds it; the wardrobes are filled with linen; the dairy is vast, well aired, and of exquisite cleanses; under the same roof is a great provision of corn, salt meat, cheese, and wood: in the con-houses are the finest and most carefully tended cattle in Europe; the garden is planted with flowers; both men and women are cleanly and warmly clad; all carry in their faces the impress of health and strength.*

The peasant proprietors of GERMANY have also proved that remarkable industry and diligence can result from the independent private enterprises of small holders. In his *Rural and Domestic Life of Germany*, Mr. William Howidd, speaking of the *Rhenish peasantry*, says:  
*The peasants are the great and ever-present objects of country life. They are the great population of the country because they are themselves the possessors. The peasants are not as with us, for the most part, totally out from property in the soil they cultivate--they are themselves the proprietors. It is, perhaps, from this cause that they are probably the most industrious*

*peasantry in the world. They labour early and late because they feel that they are labouring for themselves. The German peasants work hard, but they have no actual want. Every man has his house, his orchard, his roadside trees, commonly so heavy with fruit that he is obliged to prop and secure them in always or they would be torn in pieces. He is his own master; and he and every member of his family have the strongest motive to labour. You see the effect of this in that unremitting diligence which is beyond that of the whole world besides, and his economy, which is still greater.*

The celebrated writer Mr. Arthur Young gives his testimony in the most forceful manner in favour of ownership as against tenancy on every ground of economic, social and moral superiority in the following words:

*It is necessary to impress on the reader's mind that though the husbandry I met with, in a great variety of instances on little properties, was as bad as can be well conceived, yet the industry of the possessors was so conspicuous and so meritorious that no commendations would be too great for it. It was sufficient to prove that property in land is, of all others, the most active instigator to severe and incessant labour. And this truth is of such force and extent that I know of no way so sure of carrying tillage to a mountain top as by permitting the adjoining villagers to acquire in it property; in fact, we see that in the mountain of Languedoc they have conveyed earth in baskets on their backs to form a soil where nature had denied it.*

From the observations made by various agricultural experts all over the world, ample evidence is available to

show that wherever large estates cultivated by tenants-at-will exist there is bad farming, discontent and pauperism; and wherever land is cultivated by its owners or permanent occupiers the result is good industry, economy, great productiveness and contentment. *The climate, soil, civilization and Government may vary but the results of the two systems of land tenure (zamindari and peasant proprietor-ship) never vary in kind but only in degree.*

Peasant proprietorship is the birthright of the *hari*, which he possessed for long centuries before the advent of the British Empire. The ryots of India enjoyed peasant proprietorship under both Hindu and Muslim rule. In the Ain-e-Akbari the *zamindar* is called a mere *collector of the royal or jagir lands*. The Glossary of the fifth Report of the East India Company (1813) calls the *zamindar an officer who, under the Mohammadan Government, was charged with the superintendence of the laws of the districts officially considered.*

*Pitt's India Act* also gave the ryots the first right on land. The laws and constitution of India as regards land holding may be summed up in:

- i. Peasant proprietorship,
- ii. Land taxes to be realized in kind as a share of the actual produce.

*The East India Company* disregarded both, for their sole object was to supply cash for the Company's dividends. The Muslim and the Hindu principle regarding the ownership of land, which was *the field is the property of the man who first brings it under cultivation* was brushed aside by the new rulers. They wanted ready

money for their dividends. Their main interest vested in securing revenue in money, and to achieve this end they confiscated the ryot's proprietorship and gave out land by annual public auctions to the highest bidders, on lease. It mattered little to them if the ryots, the native landholders of *Pitt's India Act*, were reduced to mere serfdom by a single stroke of the pen. They handed the ryots, hand and foot bound by the most blood-curdling regulations, to the tender mercy of the few cruel *zamindars*. *The Permanent Settlement of Lord Cornwallis* in 1793 converted the original cultivators to the position of tenants and the rent-collectors into *zamindars*. The landlord assumed arbitrary powers of eviction and the tenants were left to their mercy. This led to a great amount of agrarian discontent. The State was therefore forced to intervene with measures to protect the tenant in the landlord's estate by giving him fixity of tenure and protection from arbitrary enhancement of rent and illegal exaction.

*The First Rent Act of 1859* and the *Tenancy Act of 1885 in East Bengal* marked the beginning of this policy. Some rights were conferred on the tenants and they were secured against arbitrary eviction. More rights were conferred under the *Acts of 1928* and 1938. Similarly in Agra, a beginning in this direction was made in 1859 and occupants of twelve years standing were given rights to stay on the land. Some more acts passed in 1921 and 1926 gave rights to all tenants except those working on the landlord's private lands. In Oudh the *Rent Act of 1886* conferred similar rights. In the United Provinces an Act was passed in 1939 which consolidated and amended all the tenancy laws in Agra and Oudh. Under it, all the ordinary tenants were given the status of

hereditary tenants and *begar* and *abwab* were prohibited. In Bengal and Orissa the *Ryot Act of 1859* and the *Bengal Tenancy Act of 1859* were made applicable. *The Madras Estates Land Act of 1908* gave a permanent and heritable right of occupancy to all ryots who either possessed land or were admitted to its possession subsequently by the *zamindars*. The Congress Ministry in 1935 brought a bill declaring the rights of the ryots to the soil.

The above survey of tenancy legislation showed that progress in all the *zamindar* provinces had been made on parallel lines. In all of them a privileged class of tenants, known as occupancy tenants, had been recognized, and in the United Provinces even non-occupancy tenants have been given life tenure. Strangely enough, in Sind no legislation has so far been passed to confer any rights on tenants. In June 19, the Government set up a Tenancy Committee that submitted its report in the latter half of 1945 recommending to the Government that tenancy rights should be conferred on the *haris*. I am not aware of the decision the Government took and up till up to now they have taken no action over this report. In 1947 another committee was formed of which I was a member with different terms of reference. The Majority Report of this Committee has opposed the recommendation of the Tenancy Legislation Committee on the ground that *granting of permanent rights of tenure to haris may unduly disrupt rural economy without raising the standard of living of haris or raising agricultural standards*. The note of dissent written by Mr. Dayalmal has been favoured by the Majority Report. This note contains all the hackneyed arguments against conferment of rights on the tenants. The main argument is based on

the oft-repeated contention that conditions in Sind are different from those prevailing in other provinces of India, where tenancy legislation is in existence. In my inquiries to discover the differences, I have noticed that this argument is only a sidetrack. In actual fact there is no difference in the condition of the peasants in Sind or else where. The land, water and human beings are the same, and the *batai* system exists in many parts of the sub-continent apart from Sind. The objections raised against the tenancy legislation in the Report of the Majority Committee, and in the note of dissent written by Mr. Dayal, are the common objections which were faced by the legislatures of the various provinces where tenancy legislation had been enacted, and such objections were given no importance. Tenancy legislation has been regarded as the first step towards the improvement of the conditions of tenants. In Sind we have not allowed even those small concessions to the tenants, which in other provinces were conferred on them about 75 years ago. The reactionary views of the opponents of tenancy legislation will also stand in the way of other reforms such as creation of peasant farms by expropriation of the *zamindars*.

The tenancy legislation designed for the benefit of tenants in various provinces of India has failed. Nevertheless, a small number of tenants did profit by such legislation. The landlords imposed illegal *abwabs* and the cultivators had no means to fight litigation. The law was circumvented by the *zamindars*, who took *nazar* (gift) on the occasion of every transfer or renewal of lease. However, these factors did not deter the government from trying to do good to the tenants, and a series of legislation's were passed from time to time to

amend and rectify the defects of the previous tenancy legislation. This process has gone on for a long time, and now most of the provinces of India, and some of Pakistan, have realized that the solution lies beyond tenancy legislation, and hence the general clamour, which is noticeable everywhere, against the *zamindari* and the demand for its abolition. The Majority Committee Report, though, holds that insecurity of tenure is the main cause of the misery of the *haris*, yet maintains that the conferment of permanent rights of tenure would not solve the difficulty.

*There is a small minority of zamindars who treat the haris as serfs to obey all their commands however unjust. The threat of eviction of dissident haris is generally sufficient to make them conform to the zamindar's wishes. A hari in these circumstances, having permanent rights of tenure in the land he cultivates, could easily be harassed with impunity by such landlords to an extent, which may lead him to the voluntary abandonment of his rights.*

This view of the *Hari* Committee coincides with my opinion in the foregoing lines, that the weak position of the tenant prevents him from claiming rights conferred on him by legislation, but I am surprised that the Committee did not keep this fact in view when they recommended that the *batai* system be regularized. If the enjoyment of tenancy rights were considered impossible for a *hari* on account of his weaker position, would it not be impossible for him to press for any rights under the proposed *Batai Regulations*, especially when he is only a tenant-at-will?



## Chapter 4

### Islamic Laws related to Land Reforms

The law of the Quran regarding ownership of land is unequivocally in favour of *peasant-proprietorship*. Barring a few exceptions, Muslims throughout Islamic history in this regard have not practiced the precepts of the Quran. The capitalist class interpreted Quranic law in a way that suited their interests and did not hamper the exploitation, which began soon after the demise of the Holy Prophet. Ruthless exploitation has gone on for centuries in the name of Islam, and it has reached such a stage that the critics of Islam have begun to identify it with *exploitation*. Communists are making capital out of the existing situation, and the wave of Communism is shaking the religious ideals of the downtrodden victims of *exploitation*. They tell the poor man, *You have your God, your Prophet and the Quran, and you have your priests, maulvis and the mosque, but how does it all help you to come up to the level of respectable human beings? Equality of Islam is all an illusion---it is a trap to keep you under submission*. They illustrate this by citing numerous cases of flagrant social injustice. Such reasoning strikes at the very root of the faith of the people and now many of them wonder as to whether Islam is really capable of solving their fundamental problems of poverty and starvation. Religion all over the world is facing a powerful impact of various economic issues and so is Islam in Pakistan. Islam offers a satisfactory solution to all our economic problems, but unfortunately vested interests among the Muslims do not

permit a true application of Islamic principles. The sane and farsighted Muslims fully realize that if the Islamic solution for the present-day problems of mass starvation and misery are not adopted, Islam might meet the same fate as befell the religion which flourished in Russia before the revolution. If we fail to enforce an Islamic solution to our economic problems, especially that of land reforms, we shall not only endanger the existence of Pakistan but also that of Islam.

Quranic law does not favour the *zamindari* system--its essence being the equitable distribution of land among all genuine cultivators. The Quran does not permit private property in land, of which the real owner is God and through Him the State:-

*Said Moses to his people  
Pray for help from God,  
And wait in patience and constancy!  
For the earth is God's  
To give its kingdom to  
Such of his servants  
As he pleaseth; and the  
End is (best) for the righteous*

(S. VII, 128)

*And God has created the earth for the good of  
all people to enjoy its fruits and produce.  
It is He who has  
Spread out the earth  
For (the benefit) of (His) creatures  
Therein is fruit,  
And fate-palms, producing  
Spathes (enclosing dates)*

(S.LV, 10, 11)

The obligation of providing sustenance to all lies on God, Who is the Creator. All things that are on the earth are created by God Almighty for the benefit of the whole human race.

*There is no moving creatures  
On the earth but its sustenance,  
Dependeth on God*

(S. XI, 6)

*It is He Who had created for you  
All things that are on the earth,*

(S. II, 29)

The resources of the earth are to be shared equally by all.

*He set on the (Earth)  
Mountains standing firm,  
High above it.  
And bestowed blessings on  
The Earth, and determined  
Its resources, in four days,  
To be shared equally by all  
The needy persons.*

(S. LI, 10)

Land is to be shared by all to the maximum good of human society, and such ownership or control over land as limits its benefits to a few, to the exclusion of the majority of the people, is contrary to the spirit of Quranic law, Nobody can claim absolute ownership over land and thus nobody can have a right to lease land. God has permitted us the use of land for earning our livelihood, and if anyone has cultivated a piece with his own labour, he will be considered its virtual owner *as*

*long as he keeps land under cultivation, and his possession will not be disturbed.*

*(After the payment of State taxes) whatever men or women earn belongs to them.*

(IV, 32)

*Personal labour is the criterion of ownership. This rule is applicable to possession over land--- a man can hold only that much land, which he can himself cultivate, and the holding will be inheritable subject to the same condition.*

*The sources of livelihood for human beings are so arranged by God Almighty that everyone is free to draw his share of sustenance by his own efforts, and the law of God is that no one should get more than he works for,*

*just as individuals vary in their physical and mental abilities, they also vary in their capacities to earn.*

*God has distinguished you from one another, in (your capacity to earn) sustenance.*

*Some can earn more than others, but it does not so happen that those, who are more favoured, give away (their extra earnings) to those who depend on them, although, they are all equal sharers in (the earnings). Then are not such people failing to acknowledge the favour of God?*

(S. 16-71)

It is clear that the Quran accepts the position that people are not alike in their ability to earn and consequently some possess more and some less; but the Quran does not accept a situation in which some have too much and others none at all. The Quran gives every individual a

right to the necessities of life from the sources of the Earth created by God, whether he is strong or weak, healthy or sickly, able-bodied or disabled, rich or poor. According to the Quran, the sources of sustenance of the Earth are the common property of all, and if some have been able to earn more than their requirements, the surplus lies with them as a *trust* to be spent on those who on account of some genuine handicap have not been able to earn.

*The underlying idea of this Quranic principle is that all mankind is like a joint family of which the members are intimately concerned with the welfare of one another. They work in different spheres of life and earn more or less, according to their capabilities, and though the better-off do not give away all their earnings to those who are poor, yet they never become so unconcerned about the welfare of the poor as to let them starve. Though the members have a right separately to their respective earnings, they have to pool them; regardless of the large or small share of each; in order to provide each of them with the necessities of life.*

Tarjumanal Quran, Volume II.

The above exposition by Maulana Abul Kalam Azad, the renowned commentator of the Holy Quran, shows clearly that all human beings have an equal right to share the sources of sustenance provided by God. Property in mines, forests and water vests in the State for the benefit of all; similarly property in land, which is the greatest source of production, vests in the State to be shared equally by all its subjects. If a man, by his possession of a large area of land, deprives others of their right to

sustenance from God's earth, his possession would be considered illegal according to Quranic law.

This in brief is the law of the Holy Quran. I have already mentioned that precedent and practice, which have been in vogue among the Muslims in the past, are entirely opposed to the law of the Quran. It is our misfortune that ill-founded practice has assumed more or less the force of law, pushing into the background the true Islamic law. The law of the Quran is final, but since some Muslims look for confirmation in Hadith, the edicts of the jurists and Islamic history, I quote some more evidence derived from reliable authorities to show that the *zamindari* system is not favoured by Islam.

*A person who has a piece of land should cultivate it himself and should not leave it uncultivated. If he does not cultivate, nor give it to another for cultivation, he should keep it with himself; we do not want it.*

(Hadith Bokhari)

The last sentence of the Hadith is more in a tone of displeasure at such a course of conduct. It was intended that one should retain in his possession so much land as he cultivates himself.

This Hadith has been quoted in Sahih Muslim with a little addition, *if the other person refused to take it, the person in possession might keep it with himself.* In other words, if he offered it free to another, someone else but that person did not want to be favoured and wished to rent it, he should keep it with himself rather than lease it on rent. The Holy Prophet has clearly prohibited the leasing of land on rent (cash or batai). For this reason

Abdullah bin Umer on hearing this Hadith in the days of Amir Muaviya, when capitalism had established its old over Muslims, stopped accepting lease rent.

Another tradition of the Holy Prophet quoted by Imam Bokhari runs:-

*Rafia bin Khudeja says that his uncle Zohair bin Rafia once stated that the Prophet had prohibited him from a lucrative business, Rafia said that the Holy Prophet's orders must be just, upon which Zohair told him that he had been called and questioned by the Holy Prophet as to what he was doing with his land. He said he was leasing it on 1/4 of the total produce, plus some quantity of dates and barley. The Holy Prophet replied "Do not do this; either cultivate it yourself or give it to another for cultivation (without any rent) otherwise keep it with you fallow. (Hadith Bokhari)*

In accordance with this command of the Prophet, Omer (the Second Caliph of Islam) dispossessed a companion of the Prophet of such portion of his land, which was not being cultivated, and distributed it among those who needed land.

The renowned law-giver, Imam Azam, who commands a large following among Muslims the world over, has also prohibited leasing of land on rent. This foresight on the part of Imam Azam is commendable since it has been revealed that the *zamindari* system caused widespread misery and poverty among the cultivating classes, so much so that in the 6th century Hijri a learned writer, Ibn Teen noted:

*It is our observation today that the most miserable and suffering class is that of the cultivators.*

(Falsfa e Imraniat o Maashiaat 116)

Hazrat Imamul –Hind Shah Waliullah Dehlvi also disfavoured the system of *zamindari* as he thought it bred inequality and conflict between mankind. Maulana Obaidullah Sindhi, a celebrated scholar of Muslim theology and a great exponent of the philosophy of Shah Waliullah, writes in his commentary on *Hajjatul - Balagha*:

*We are followers of Imam Hanifa who has prohibited the leasing of land on rent. According to him a person should possess only so much area of land he could cultivate himself. As a matter of fact the system of leasing land in any form leads to great injustice to the tenants, and the landlords go on expanding their holdings over vast areas and make the poor tenants work like donkeys and oxen. They have no mercy for them and they starve them.*

(Falsfa e Imraniat o Maashiaat 118)

On the conquest of Iraq a controversy arose regarding the disposal of the conquered land. The Ghazis claimed their share of booty but Hazrat Omar refused to dispossess the peasant in possession and later on the land was declared as *waqf* for the benefit of the Muslims in general.

Imam Abu Yusuf is quoted in favour of the view that land can be leased on rent. He was the Grand Qazi of Harun-ul-Rasheed, whose reign marked the climax of imperialism so it was unlikely that Imam Yusuf would regard leasing of land as prohibited. His teacher, Imam

Azam, held in accordance with the view of the Quran. As a matter of fact, the entire picture changed after the ascendancy of Amir Muaviya, when capitalism and imperialism attacked Muslim society with renewed vigor.

As regards property in land, Imamul- Hind Hazrat Shah Waliullah Dehlvi observes in his monumental work, *Hajjatul-Balagha*.

*There is no doubt that all property belongs to God, but as God permitted the use of the land and its produce, people became greedy and (began expanding the size of their holdings), therefore this rule was set that a person who, first of all, possesses a piece of land should not be dispossessed, provided his possession does not harm any other...Land is like an inn or a mosque, open to all, to share equally; it belongs to him who brings it under his possession, first of all. (It is obvious that a person has a right to establish possession over so much space as he can occupy and not more) The possession of a person on land means that he has a prior right of exploiting it for his benefit.*

Imam Abdul Aziz, son of Shah Waliullah has also recorded an opinion against the *zamindari* system in *Fatawah Azizi, Vol 1*. He is of the view that the land in India is the property of all Muslims and belongs to the trust (*Bait-ul-mal*). It does not belong to any individual, nor to the *zamindars*, who are like managers on it.

Muslim history shows that the Muslim rulers spread their empire all over the world by winning over the sympathies of the peasant proprietors and demolishing

the citadels of feudalism. Within less than a century of the demise of the Prophet, Islam had spread over the larger part of Asia, Africa and Europe. The Persian and Roman Empires succumbed during the Caliphate of Hazrat Omar. What was it due to? Partly to the fact that the teachings of Mohammad, though extending only over ten years, effaced racial hatred, eradicating the poison of social antagonism, and mostly to the fact that it also eradicated the poison of the feudalism of Europe by practically establishing peasant proprietorship. In *History of the Saracens*, Amir Ali, speaking of the Muslim conquest and Government of Spain writes:

*The most beneficent effect exercised by the Muslim conquest was upon the condition of servile classes. Hitherto they had been treated as worse than common beasts of burden; they now assumed their position as human beings. The slaves and serfs who worked upon the estates that passed into Muslim hands at once obtained enfranchisement and were converted into tenant-farmers with a living interest of their own in the soil. The land became practically theirs.*

When the Persian Empire was coming into Muslim hands during the Caliphate of Hazrat Omar, great cadastral survey was set on foot under the advice of Hazrat Ali. The burdens of the peasantry were lightened and they were secured in the possession of their land. The sale of land was strictly prohibited to safeguard against eviction of the native peasantry.

Speaking of Hazrat Omar, Amir Ali says:

*With far-sightedness often wanting in rulers of later times, he perceived that the stability of the Empire and its material development depended upon the prosperity*

*of the agricultural classes. To secure those object he forbade the sale of holdings and agricultural lands in the conquered countries. As a further protection against encroachment on the part of the Arabs, he ordained that no Saracen should acquire land from the natives of the soil.(57) In the administration of the acquired countries, the improvement of the peasantry and the development of trade, were persistently insisted upon.*



## Chapter 5

### World Land Reforms

I have mentioned in the previous chapter how Islam prohibits large-scale ownership in land and the leasing of land on rent, and that a person may possess only such big a holding as he can cultivate himself. In other words, the cultivator and occupier of the land are to be the virtual owner. The European countries in solving their agriculture and land development problems are now increasingly applying this principle of peasant proprietorship enunciated by the Quran. The one objective of all the agrarian reforms in the European countries excluding Russia is that of establishing peasant farms large enough to support the family of the owner. Other measures that have been adopted to uplift the peasants include expropriation of estates, consolidation of holdings, provision of credit facilities to landless agriculturists to purchase lands and restriction on the peasant's rights to sell or mortgage his property.

It is said that small holdings hamper mechanized farming and therefore in preference to peasant proprietorship, the State should encourage the establishment of large farms managed by big capital. The superiority of the peasant farm over large-scale farming is today a generally accepted fact and it is finding increasing acceptance all over the world. I quote here the views expressed on this subject by an expert, Karl Brandt, Professor of Agricultural Economics, Stanford University, in his book *The Reconstruction of World Agriculture*:

*A rural society can offer its farm population much greater satisfaction and life to a higher level if most of the farms have that freedom of management which private property gives. They can earn more benefits from their own skill, initiative and effort, than if they are landless rural proletarians who obey the commands of foremen or managers and merely play the role of a certain measure of manpower exchanged for a wage or members of a collective farm with few opportunities to utilize their individual abilities. So far, it has not yet been proved that given equal opportunities, family farming could be beaten in the costs of production and in technical and economic performance by large scale farms, no matter whether these are privately owned and managed estates, corporations or collective farms. Nowhere in the world have the most efficient and profitable large-scale farm enterprises ever been fit or been able to provide their labourers with housing facilities, real income or general amenities from their rural existence similar to those provided by millions of family farms in Europe or the United States. This judgment does not suggest that all family farms are more productive and provide better living conditions than all large-scale farms. In fact, there are large areas, some of them even in the most populated countries, where the family farmer lives in intense misery and has very limited facilities, while a number of large estates or plantations operate with much greater yields and with better living conditions for their labourers. These conditions are, also the result of a social and economic monopoly by the large-scale farms which does not give the family farmers anything resembling equal opportunity, or they are the result of at least the absence of good government and its services to the people.*

Governments in all agricultural countries are taking due notice of the fact that a farmer-conscious country cannot improve its standard of living unless its planning is based on collaboration with the actual cultivators of the soil. Countries like the United States of America, Mexico and China have been encouraging the establishment of peasant farms in order to improve agriculture and to uplift the farmers.

The immediate result of the agrarian reforms has been to transform the traditional agrarian structure of the countries of Central and Eastern Europe. The disproportion between large and small estates has been eliminated. About 20 million hectares have passed from the hands of landowners into those of small agriculturists. The formation of a class of peasant proprietors has a fundamental importance in the social and economic organization of the aforementioned countries and it is in this connection that the profound historical significance of the agrarian reforms arises.

*Land for the peasant* is the watchword of the signatories of the programme for peasant progress in Central and Southern Europe. They hold that the land should belong to those who work on it and that:-

*The existence of multitudes of landless men, or men with but little land, side by side with the existence of large estates, should not be tolerated. The main basis on which a sound and progressive community can be built up is that of individual and peasant-owned farms.*

In the UNITED STATES OF AMERICA the family farm proprietors are multiplying much faster than in any

other country outside Europe. Under the *Bankhead Jones Farm Act of 1937*, large sums were appropriated for the farm tenancy programme to assist tenants to purchase farms. Loans up to the full value of the farms may be given to the farmers, and repayment may be made over 40 years at 3% interest. The terms of repayment are liberal and the borrowers can repay more in boom years and less in slack years. The system of fixed installments is not rigidly applicable.

In MEXICO, the landlords have passed agrarian reforms with a view to alleviating the distress of the landless labourers and the tenants subject to servitude and exploitation. A highly concentrated system of land ownership had existed in Mexico before the Revolution of 1910, and one of the new government's first priorities was the question of agrarian reforms to *satisfy the popular impulses*. The programme of land reforms launched in 1917 had three planks:

- (a) Government should regulate private property rights in land,
- (b) Communal ownership of land in villages should be permitted, and
- (c) Family farms of individual owners should be established.

With a view to regulating the development of national resources, encouraging agriculture, and prohibiting private property from becoming detrimental to society, such laws were passed as would empower the State and the Federal Government to expropriate lands for *public utility*. The expropriated owners are given compensation for the expropriated land. The purchasers, who make

payment in twenty installments including interest on the unpaid balance, reimburse the amount of compensation to the government. The condition for allotment of land is that the owner must cultivate it directly himself.

Eighty percent of the CHINESE people are peasants. A feudal system of land tenure, a pyramided landlord-serf relationship had been fastened on the peasantry at least ten centuries before the beginnings of feudalism in Europe. Nine hundred years ago a Sung Dynasty writer said:

*The soil has ceased to belong to those who till it, and they who have the owning thereof toil not in the fields. Of their yield the landlord takes one-half; for every ten farmers there numbers but one proprietor and thus it is that daily laying his share aside, he fattens in prosperity, whilst the others, exhausting theirs in order to keep everyday alive, sink into poverty and hunger. And there is naught they can do.*

Extracts from *The Wall Has Two Sides - A portrait of China Today* by Felix Greene are as follows:

The Chiang Kai-shek Government recognized the need for reform in CHINA, theoretically at least. In fact, Americans working with the Kuomintang, which included a five-year plan for transforming all tenants into independent proprietors, projected a land reform programme in 1948. It was, fundamentally, the revolt of the peasantry that destroyed the Kuomintang on Mainland China. The Communists gave leadership to the long-overdue agrarian revolution. In every district where the Communists came to power, there followed a confiscation of all landlords, land (above a certain minimum, which the landlord could stay and work for

himself if he cared to), and division of the land among the landless peasants. After the Communists took over the national government in 1949, a redistribution (or *land reform* as it was called) spread rapidly, and by 1952 had been carried throughout the entire country, with the exception of certain remote areas.

The leaders of the new government, however, did not regard this as a final solution. As early as 1943 Mao Tse-tung had stated that: *the one way in which the peasants can overthrow their poverty is progressively collectivizing*; and according to Lenin, *the one way to collectivization is via co-operatives*. Article 34 of China's provisional constitution, the Common Programme, in force from 1949 to 1954, admonished the government to *gradually lead the peasants into organizing various forms of mutual aid in work and of co-operation in production*.

Distribution of land, the wiping of feudal landlordism, was a first step, but small scale farming by individual owners could not meet the need for basic modernization and mechanization of agriculture. Without this, China's chronic food shortage must continue. The peasants had become proprietors. They were free of the enormous burden of rent and debt, but this did not help them much. The plots were too small; most peasants had no tools; land improvement, the making of ditches, and repairing of dykes had to be done together. The farmers were persuaded, and in some cases bullied, into forming mutual-aid teams, pooling resources to work together and learning how to co-operate. The pressures on them were great, but they did not have to join these mutual-aid teams, and some did not. And when mutual-aid later

developed into co-operatives, some rugged individualists stayed out of those too... but as the years passed and the advantages of co-operative farming became more evident in terms of equipment and per capita production as compared with private farming, most farmers joined them.

Thus, the mutual-aid team was the first step towards collectivization. By 1955 many of these small mutual-aid groups had joined together in voluntary co-operatives. At this stage the co-operatives were of a simple kind. Land was still owned individually but worked collectively as one big farm. From this there developed the *advanced* type of co-operative, in which land and farm-implements were held in common, and at harvest-time profits were divided among the families in proportion to the days of labour each family had contributed. By the end of 1957, 97% of China's peasants were in advanced co-operatives.

However, even these co-operatives, averaging less than 200 families, were still too small. No real modernization plans could be based on these small units. And what is more, they were incapable of solving the chronic under-employment of the Chinese peasantry. No under-developed country that was hoping, as China was, to move quickly into the modern world could afford to have four-fifths of her people working less than half-time. The situation was ripe for the next stage.

During the winter of 1957-8, the government initiated a nation-wide water-conservation and irrigation programme. Considerable attention had already been given to irrigation as a means of raising the country's

food production, some four-and-a-half million acres having been brought under irrigation since 1950. The winter projects, however, dwarfed everything that had gone before. Tens of millions of peasants, together with volunteers from the cities, turned out to build dams, dredge canals and ditches, dig water storage ponds and drill wells. During these months of massive efforts nearly fourteen million additional acres were brought under irrigation, which made possible the large agricultural yields of the following summer.

But the irrigation drive had outstripped the capabilities of the co-ops. They were too small. For the large dams and canals necessary for effective irrigation, many co-operatives, often the people of an entire county had to pool their labour, machinery and materials. The same was true of tree planting. One village had plenty of barren land in need of afforestation, but no extra labour force. Another might have the manpower but no land and the same was for mining. Also, at this time the government was pushing mechanization of agriculture, but farm machinery was too expensive for many individual co-ops to finance by themselves.

For these compelling reasons, informal mergers of co-ops began taking place in various parts of the country. Such mergers were called *co-op federations* or *enlarged co-operatives*. They were an indication that the co-operatives were no longer able to meet the demands being made upon them.

Apparently the commune movement as such really got under way first in April 1958 when twenty seven co-ops merged - a combination of 9,300 families (more than

40,000 persons) following the usual procedures, leaders were elected and the peasants divided themselves into work-groups. With a large pool of manpower to draw from, nurseries were set up for mothers working in the fields. Some of the women banded together to start a kitchen to bring food out to the fields gangs during the spring harvest. After a period of trial and error and the usual group discussions, the merger of these twenty-seven co-ops was formalized and a set of by-laws adopted.

Chinese rural life had been reorganized three times within a decade - land reform, the co-operatives and now the communes. This three-stage development, the Chinese believe, has taken the Earth's most atomized and least productive farm systems to the threshold of becoming one of the most consolidated and potentially most productive systems in the world.

The experience of JAPANESE land reforms provides a good example. All tenanted land owned by absentees was expropriated and also all tenanted land owned by residents in excess of one hectare (2-1/2 acres). No one was allowed to own more than seven and a half acres of land. The object of Japanese reforms was the establishment of owner-farmers by the compulsory purchase of lands, and the elimination of non-operating land owners. Nearly 80 percent of all tenanted land was transferred to the ownership of the tenant-farmers so that 92 percent of land in Japan is now held by owner-farmers of almost equal size.

It is often asserted that a direct relationship exists between land reforms and agricultural productivity and

out-put, mainly because land-reforms result in a greater incentive to operators and in more efficient farm organizations. According to a United Nations report on land reforms published in 1962, land reform in Japan is generally agreed to have contributed considerably to the increase of output and productivity. But in Pakistan, there was food shortage and food imports had to be considerably increased after the reforms.

Since World War II, land reform has made further progress in some European countries. In ENGLAND, for example the Government proposes to set up County Committees consisting in part of nominees of different sections of agriculture. Such committees would take over farms, which are mismanaged. This may be done either by exercising control or supervision or direction, and if necessary, by dispossessing the actual owner. It is proposed that the Agriculture Minister be empowered to acquire lands by persuasion or by compulsion and to establish a Committee for management and development. I may add here that this principle is more or less accepted by the Majority Committee in their recommendation contained in Chapter IV and alluded to by me in the previous paragraph.

In the EASTERN EUROPEAN countries, new laws have been passed during 1944-45, which provide for the distribution of land to agricultural labourers and small peasants on a basis of 12 acres for each; alienation, mortgage and lease of new holding is prohibited. The expropriated owners are compensated at the rate of approximately twice the value of a year's harvest to be paid up in 20 yearly installments.

For the first time, the leading Islamic country of the world has been inclined towards the Quranic principle of peasant proprietorship, perhaps taking a lead from the European countries. In June 1945, TURKEY passed a law known as the *Law Providing Land for Farmers*; its primary objectives being:

*To provide land for the landless peasants and economically weak holders.*

*To provide finances to land-owning farmers for buying farm equipment, and*

*To ensure efficient and continuous cultivation on land.*

It is expected that this measure will benefit 128,700 landless families and 872,000 families with insufficient land. The land for this rehabilitation work will come mainly from large owners, estates not used for public purposes, and from reclaimed lands. It will thus be distributed among tenants, uneconomic holders, agricultural labourers, migrating agriculturists, agricultural graduates owning insufficient or no land, and to non-agriculturists that are willing to take to farming. Expropriated owners will be compensated in 20 equal installments in the form of Treasury Bonds called Soil Bonds carrying 4% interest. The purchasers have been asked to pay the price so incurred by Government in 20 annual installments without interest, the first installment falling due six years after purchase. An interesting feature of this contract is that a deduction of 5% of the remaining installments is allowed to the purchaser for each of his children when they reach primary school age. The purchasers of land were also given further financial assistance from the Agricultural

Bank to buy farm equipment, buildings and livestock, and to finance agricultural operations.

A similar law was passed in YUGOSLAVIA in August 1945. This law was based on the principle that the holder of the land should be the owner of the land and no farmer was to own more than 35 hectares (84 acres). Those who possessed more were expropriated with compensation. Absentee landlords were to be dispossessed of all their lands above 5 hectares (12 acres) without compensation. This law applied to individual landholders as well as church and monastery estates and trust funds estates.

In ROMANIA, the end of 1919 had expropriated 5 million acres of land. The area that a landowner could retain in the most favourable circumstances was 500 hectares.

In POLAND, the law providing the expropriation of great estates was passed in 1911 and about 1-1/2 million acres were to be parceled out among the small peasants and landless men.

In IRELAND, SCOTLAND and GERMANY there have been sweeping agrarian reforms by which a large number of landowners have been expropriated and their estates divided among peasants and landless cultivators. Though the principle of compensation was accepted, compensation was fixed in many cases at a rate much below the market value of the land. In Ireland it was to be at one half of the market price. In ROMANIA and AUSTRIA it was limited to a certain multiple of the annual yield of the lands while in BULGARIA it was

based on the average value of the land reduced by amounts ranging from 10 to 15%. The *Irish Land Act of 1909* and the *Scottish Small Holders Act of 1911* contain a compulsory section authorizing compulsory acquisition of land for the purpose of constituting small holdings. In Ireland the Act enjoins the landlord to sell his rights in land to the tenant for the guaranteed price to be paid by Government, and the tenants to buy the farms paying for them by easy installments. If the landlord does not accept the final offer of the Estate Commissioner, the land is to be acquired compulsorily.

A review of all the agrarian reforms carried through in Europe and America amply shows that the only solution they have discovered for the misery of their masses is the Quranic solution that a man should own so much land as he can cultivate himself. Unfortunately the Quranic principle has not been favoured in the Islamic countries so far except recently in Turkey, where it has been adopted in a modified form. In RUSSIA this principle has been rigidly applied in their land economy. The basis of Soviet land policy is the principle of cultivation of land with one's own labor. The leasing of land is thus drastically restricted. The Soviet law even provides for so called individual taxation, and the heaviest of all for such farming units as are clearly *labour exploiting enterprises*.

We are aware of the conspicuous success of small holdings owned by peasant proprietors in some of those Western countries where they have led to a substantial rise in the standards of agriculture and standards of living of the peasants. To quote the virtues of small holdings in such countries as DENMARK is inapposite

because of the great disparity in the standards of education, in their industrious habits, in their conditions of living and in the incentive to better living.

This view of the Majority Report finds a slight contradiction in the succeeding paragraph, which runs:

*In all countries, and especially those where the standard of education is low, it is only by State intervention and by State control over the management of lands and the development of its agricultural resources that a country can be expected to reach its full potential in agricultural productivity. Hence the standards of living of the agricultural workers can be substantially improved.*

It appears quite clear from the latter quotation that the only way to uplift the standards of living of the agricultural workers of a backward country is through State intervention. This may be done by nationalization of land or by taking over the management of the land by forcibly dispossessing the careless and inefficient owners, or by acquiring land for equitable distribution among peasants. It is often said that educational, cultural and social developments should precede the conferment of proprietary rights on individuals living in a backward society. Experience has proved that the way to eradicate backwardness, illiteracy and want, which are all interconnected evils, is to make the individuals economically self-sufficient and independent by restoring their self respect and pride, which serfdom takes away.

## Chapter 6

### Land Reforms in Pakistan

For the centuries of exploitation of the third world countries especially India, by the imperialistic rulers, the reason given by them has been more or less the same, i.e. let the backward people be first educated and sufficiently advanced to manage their affairs independently and then independence will be given to them. Centuries passed, but the people of such countries did not make any appreciable advancement under their foreign rulers until they came alive to the patent fallacy of this reasoning after which it was realized that the only way to advancement was first to get independence and emancipation from exploitation. Guided by this logic, the fight for freedom in India developed to its maturity, and now we see that within a few months of emancipation there is marked activity in all spheres of public life working towards all rounded improvement. To say that the *haris* can be educated and advanced in reason and civic sense before they are given rights on the land is as wrong as it is to say that rain can fall before the clouds appear in the sky. How can the *hari* develop the social, cultural and intellectual side of his life under a system of *zamindari* which thrives on his ignorance, illiteracy and poverty and which, as is obvious, cannot survive if he becomes enlightened and advanced? It would be too much to expect a class of exploiters to invite their own doom by spreading enlightenment among the victims of their exploitation. The history of the world belies this expectation. If the exploiters had been genuinely interested in the welfare and

advancement of those over whom they had economic and political control, the pages of history would not have been so bloodstained.

There is a countrywide demand for the abolition of the *zamindari* system, and the general trend of policy in most provinces of the subcontinent appears to be in the direction of doing away with it. This development is inevitable, sooner or later; whatever might be the consequence of a wholesale abolition of the *zamindaris*. Conditions in Sind are particularly favourable to abolition since relations between the *haris* and the *zamindars* are none too cordial. Last year in 1948 there were some agrarian disturbances in Nawabshah and Sanghar Districts in which *haris* took the law into their own hands to get a fair share, at the time of *batai*. In the latter district a few cases occurred in which *haris* forcibly took away their legitimate shares of *batai*, thus defying the *zamindars*; some deputation's of *zamindars* saw the Collector in this behalf, and later reported the matter to Government in Karachi. Incidents of this type on a minor scale also occurred in Nawabshah district. It was stated that Communist workers were behind these incidents and investigation established that they had something to do with it. Timely action taken by the District Magistrates of Nawabshah and Sanghar saved the situation from further deterioration. The incidents were significant of the disturbed relations between the *zamindars* and the *haris*, proving that the latter is no longer happy under the former and that if he becomes desperate, he is not afraid to resort to violent means.

The Communists exploit a situation, which already exists and is favourable to their work. They have no

scope where the general masses of people are content and happy, but where the discontent and suffering of the peasants is at its height and they are ready to act as willing tools. If we have to redeem our Province from the influence of Communism, we must make the peasants happy and contented. While I was Collector of Nawabshah I adopted such measures as would ensure the *haris* a reasonable share of the produce and stop the atrocious practices of the *zamindars*. Considerable success was achieved in this direction and, though I had to be rather stern with some *zamindars* at the risk of incurring their displeasure generally, this policy ultimately benefited the *zamindars* in so far as it restored peaceful relations between them and the *haris*. When cruelty seized, the *haris* were somewhat satisfied and this stopped the agrarian disturbance in my district, while in Hyderabad and Sanghar minor disturbances continued. The *Hari Association* is gaining momentum and its activities are spreading fast in all the districts of Sind. In Hyderabad it is particularly active because the tenants on the *jagirlands* are being treated very badly by the *jagirdars*. There is an all-round awakening among the *haris* and they are now ready to take over their proper share in land. The achievement of freedom has raised their aspirations and they demand an equitable share in their native soil, which they have tilled for centuries.

A recent report from the North West Frontier Province reveals a pitched battle between the *haris* and the landlords, and to quote from *The Statesman of 8th May 1948*.

*The tenants, it seems, had a number of genuine grievances against the landlords. They complained that*

*after a 50:50 division of produce at the time of harvest their supplies soon run out and when they approach their landlord for grain they either refuse to sell at all or do so at black-market rates. The tenants demanded that the landlords should not appropriate the entire sugarcane crop... This apparently the majority of the landlords are not prepared to concede. Instead the landlords, it is alleged, tried forcibly to eject tenants from their estates. The result was a pitched battle in which, some were killed and many wounded. Armed Police restored order and over 100 persons of both sides were arrested.*

This news has come in time for my report and it supports the view that violent disturbances are likely to occur in Pakistan if a suitable solution to the tenant's problems is not soon found.

In their oral evidence Jamshed Mehta, a veteran in the field of social service and a man of considerable experience of Sind, Roger Pearce ICS, a District Officer of great knowledge, Nazir Ahmad ICS, whose entire services have been spent in Sind and who is fully conversant with the indigenous problems, and Pribdas Tolani, a notable *zamindar* of Larkana, expressed a strong opinion in favour of the abolition of *zamindari*, and some of them were of the view that if *zamindari* was not abolished, it would lead to a violent revolution. I may quote specifically the opinion of Nazir Ahmed: *I do think that zamindari should be abolished. The middleman should be removed. The zamindari has outlived its utility.*

Another interesting point was made by the Director of Public Instruction, Dr. Daud Pota, who himself hails from a *hari* family said, that the main cause of illiteracy and lack of interest in education on the part of the *hari* is his weak economic condition. Dr. Daud Pota was strongly of the view that in the present *zamindari* system it was impossible for the *haris* to improve them selves as far as education goes. The present economy needs to be changed if the *hari*'s condition is to be improved. This view found corroboration in the evidence of the Director of Industries and the Director of Public Health. Both of them were of the view that the *hari* was not interested in industry or health and sanitation, as he had no real interest in life because of the paralyzing system of *zamindari* thrust on him. The Director of Public Health thought that if the *hari* had his own land and was made independent, he would take a greater interest in health and sanitation. He went on to saying that poverty and ignorance were the chief causes of malaria among the *haris*.

There is a wide-spread agitation in the Punjab, as well as in East Bengal, in favour of the abolition of the *zamindari* system, and in the latter Province of Pakistan the recent legislation called *The Estates Acquisition and Tenancy Bill* has provided for the abolition of the rent-receiving *zamindars*. Their interest will be bought out and it is intended to have only one class of tenants under Government, with occupancy rights, and with the option to commute rent and become free peasants. *Khas* lands exceeding 200 *bighas* - or 10 *bighas* for each member of the family, which ever is greater -- will be acquired and distributed to tenants with uneconomic holdings, *baghedars* and landless laborers. Transfer of land is

prohibited except to small cultivators so as to make their holdings up to 60 *bighas* or 5 *bighas* per member of the family. Sub-letting is prohibited and consolidation of holdings and assessment of fair rents are provided for. The Bill clears the way for many useful projects long overdue; including better and greater out-turn of agricultural products. This is a big step forward towards the expropriation of the *zamindars* of East Bengal.

In Bihar *zamindari* has been abolished and a controversy is now raging as regards the compensation to be paid to the *zamindars*. The Statesman 5<sup>th</sup> May 1948:

*The Congress Working Committee met on 1st May 1948 in Dehli for four days under the Chairmanship of Dr. Rajendra Prasad, the Congress President. The Committee, it is understood, discussed the implication of the abolition of the zamindari system with particular reference to the Bihar Government's Bill for State's acquisition of zamindars. Dr. Rajendra Prasad received a deputation of the Bihar MLA's, who urged him to expedite the passing of the zamindari Bill which is now before the Upper House of Bihar.*

In East Punjab, Lala Behimsen Sachar, the former Leader of the Congress Assembly Party, has urged that landlordism should be abolished in the East Punjab. The Statesman 3<sup>rd</sup> May 1948:

*So for I have been able to ascertain, there is strong opinion against the problem to distribute Muslim Evacuees, land amongst refugees in proportion to their holdings in West Punjab. Since the Congress is pledged to the abolition of zamindari, it will definitely retard social progress if landlordism, which has been uprooted from the Punjab, is sought to be rehabilitated in East*

*Punjab. Steps should be taken to abolish landlordism in East Punjab. If Muslim Evacuee's land were distributed evenly amongst those who will be prepared to till lands, we would be able to give land at the rate of at least 2 acres per head or in other words, 10 acres per family. If this is done it will not only settle the land of 20 to 22 lacs of people but will mean assured prosperity and security for East Punjab.*

The refugee problem in West Punjab is engaging the anxious attention of all our leaders as well as the Provincial and Central Governments, but there are no signs of a solution. We have over a million of unsettled refugees in various camps of the Punjab being fed at State expense. A Refugee Minister of West Punjab has recently resigned because he saw no solution to the problem except expropriation of the *zamindars*. Here in Sind the problem is even more complicated because the Hindu Evacuee's land, which should have been distributed among the refugees equitably, has been grabbed by the Sindhi *zamindars*. They are eager to expand their already bulky, unmanageable holdings, of which they leave considerable areas uncultivated every year. The Sind Observer of 9th May, 1948, states that *70% of the total jagir area in Sind remains uncultivated. The lack of co-operation from the zamindars of Sind and their greed for more land have rendered the solution of the refugee problem who came here to seek shelter and food have had to go back. These uprooted people, who were driven out of their homes because of their allegiance to Islam, found no shelter in the "promised land" for the sake of which they had suffered untold miseries and tribulations.*

I believe that we can take several lacs of refugees provided we overhaul our land tenure system. The shortage of agricultural labour in Sind has been due to the existing insecurity of the tenant, this factor in turn discouraged immigration, and now the shortage of labour has been accentuated by the exodus of about two lacs of *Koli*, *Bhil* and *Mainghwar haris*. *Tharparkar* district is threatened with a big drop in the cultivated area this year and consequently a serious fall in food production as well as State revenues. The refugees could fill this gap, but they are prevented from settling in Sind by the complete insecurity of tenure and hostile surroundings. A situation such as this threatens the prosperity and productivity of the whole of Sind and in Sind's own interest more than anything else, it is necessary that a new approach should be made to the problem. By the expropriation of *zamindars* and the creation of peasant proprietorship Sind will not only solve the problem of its 20 lacs *haris* but also help the cause of refugee resettlement on a very large scale, which is now the foremost problem of Pakistan.

Our primary aim should be the creation of a class of independent self-respecting farmers with sufficient land to enable them to accumulate capital and adopt modern ways of husbandry, and who would have a desire born of prosperity to better their standard of living. With this object in view I agreed with the recommendations of the Majority Committee pertaining to the disposal of State-owned land in the two new Barrage Projects. The original recommendations as agreed upon were:

*That the land should be distributed to landless haris, as also to small khatedars, to give them economic holdings.*

*To such persons who have ceased to be agriculturists because of non-availability of land but would be prepared to take up agriculture if land was given to them.*

After the demand of these classes was fully met, the remaining land of the two projects should be distributed in accordance with the proposals contained in paragraph 353, sub-sections 2,3,4 and 5, of the Majority Committee Report. It is surprising that the recommendations agreed to have not been properly put in the final Majority Report submitted to Government. The priority in the scheme was to be given to peasant proprietorship in accordance with the general agreement. In the actual recommendations it is suggested that Government should initially demarcate and reserve for its own use such lands as it may require for collaborative farming or other form of State management. This is contrary to the wishes of the Majority of the members. We all agreed that our first aim should be to create peasant proprietors in the new Barrage lands. After this had been done, the remaining land could be disposed off on a system of State management or collaborative farming or otherwise. Let me now state what are the necessary requirements of a complete solution to the *hari* problem enunciated in these pages:

1. It is clear that *zamindari* must be replaced by peasant proprietorship. No less radical a reform will get rid of the widespread evils of our present system.
2. Arrangements must be made by which every genuine cultivator may secure a portion of land for personal occupation (cultivation) at its fair agricultural value. The land should be acquired for this purpose by:

- (a) expropriation of big estates,
  - (b) immediate expropriation of estates owned by non-cultivating owners,
  - (c) appropriation of lands which are not cultivated according to good rules of husbandry, including lands which are left fallow or uncultivated without sufficient reason, and
  - (d) distribution of the unalienated barrage lands among landless peasants and cultivators to make their holdings economic. This would imply the immediate cancellation of all large-scale leases given by the Government to landlords.
3. The leasing of land should be absolutely prohibited as Islam forbids it.
  4. Occupancy and virtual ownership must go together. A person must own land only so long as he occupies (cultivates) it personally, i.e. he must be a perpetual holder of the land, not its absolute owner; and this implies some superior from whom he holds it. The State must be the only landowner.
  5. The State alone as the universal landowner will be able to provide the means by which every man, from labourers upward, may procure suitable land for his personal occupation; unless this is done fully, half of benefit of a good land system will be lost.
  6. The expropriation of the *zamindars* may be with compensation, to be determined by the State in accordance with expert advice.

7. A maximum limit of holding should be prescribed and no person should be allowed to own an area of land more than the prescribed limit.
8. A Committee of experts to be appointed by the Government as soon as possible should work out the details of how these recommendations are to be enforced.

M. Masud

Dated: 19th May 1948.