CHAPTER 1
1. JAMMU AND KASHMIR: A HISTORICAL BACKGROUND

1.1 Introduction

The State of Jammu and Kashmir (J&K) lies in North-Western part of Indian subcontinent. Bounded on Northeast by the Tibet, it is surrounded by the Indian states of Himachel Pradesh and Punjab on the South; on the Northwest by Afghanistan and on the West by Pakistan. Just after partition of British India, a major demographic and geographic change occurred in the state when India and Pakistan fought first war over it, which divided Kashmir into Indian administered Kashmir and Pakistan administered Kashmir. Since then it has been a bone of contention between these two countries and a number of wars were fought on it.

The area which is the subject of this study is the Indian administered Kashmir. It is officially called as the State of Jammu and Kashmir. The Jammu and Kashmir consists of three distinct regions; Jammu, Kashmir Valley and Ladakh. Srinagar is the summer capital and Jammu is the winter capital of the State. Kashmir Valley is known as ‘Paradise on Earth’ is famous for its beautiful mountainous landscape. Jammu’s numerous shrines attract thousands of Hindu pilgrims every year. Ladakh, also known as ‘Little Tibet’ is renowned for its remote mountainous beauty and Buddhist culture.

Kashmir has history of 6000 years, intermittently ruled by outsiders. The history of Kashmir is mainly divided into four periods: the early period of Hindu and Buddhist Kings chronicled in the famous Raj Tarangini; the medieval period that was ruled by the Muslims is known as Salateen-i-Kashmir (1310-1585); the period of the Mughals, known as the Padshahi-i-Chagatai or Shahan-i-Mughlia (1585-1718); and the period of the Pathans known as the Shahan-i-Durani (1718-1819). It was in 1819 AD when Kashmir passed in the hands of new masters- the Sikhs.

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The Sikhs ruled over Kashmir for 27 years (1819-1846). It was Maharaja Ranjit Singh who brought Kashmir under the Sikh rule in 1819. However, the Anglo-Sikh war (10th February, 1846) led to the eclipse of Sikh empire and the British took over the State and sold it to Maharaja Gulab Singh (Dogra Rule 1846-1947) under the agreement known as ‘Treaty of Amritsar’

1.2 Treaty of Amritsar: Formation of Present Jammu & Kashmir State

The Treaty of Amritsar was signed between East India Company and Raja Gulab Singh, The Hindu Chieftain from Jammu, on March 16, 1846. By this treaty Kashmir was sold to Gulab Singh for cash payment of seventy-five lakhs of rupees (Nanakshahee). The same treaty recognized Gulab Singh as the Maharaja (King) of the Jammu and Kashmir State. Thus, was founded the present State of Jammu and Kashmir.

The Treaty of Amritsar occupies an important place in the political history of Jammu and Kashmir. This treaty formed the present Jammu and Kashmir as a political unit as well as during the freedom movement, the Treaty became a potent argument in the hands of Kashmiri people. They challenged the very authenticity of the Treaty on humanitarian grounds and claimed that neither the people nor their political freedom could be purchased for a paltry sum of seventy-five lakhs of rupees. However, the Maharaja justified his absolute power to rule over the state and its people on the ground that he is unquestioned sovereign as recognized by the Treaty itself. In short, Dogra Maharaja considered Kashmir as his purchased property.

This treaty should be seen in the way British governed the undivided India; direct and indirect rule. The British India was divided into two parts: one where British ruled directly and second, Princely states- where they ruled indirectly through the local Indian Princes. Kashmir’s princely status comes through this treaty. The people of the Princely States were in an ambiguous

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2 Treaty of Amritsar, Article III
position, apart from being under the rule of their local prince; they also had to show the loyalty towards the British. Thus, their loyalty was fragmented and differentiated into different levels and they used their identity and loyalty according to the prevailing condition. The Princes were themselves divided not only on ideology but also owing to race, religion and upbringing. The efforts and steps taken by the Princes to concede representative and responsible government varied from state to state. The princes adopted repressive policy in many states, Jammu and Kashmir was one such Princely state which had come under the British Empire with the ‘Treaty of Amritsar’ signed in 1846 between the British and the Dogra ruler, Gulab Singh.

1.3 Dogra Rule and its Nature

The Dogra state was a feudal state, as the feudal character of the state was evident in the claim of its ruler that the land in state belonged to him. The Jagirdari system (landlordism) rendered people propertyless and choked freedom of the people. Every department was infested with corruption. The Jagirdar (Landlord) was “the judge, the administrator and the police”. The Dogra period is also notorious for ‘Beggar’ (the forced labour), the people were dragged out of their homes and were asked to carry military provisions to distant places like Gilgit and Ladakh. They were neither paid nor given any ration during this period. Many died due to starvation or harsh weather on way to or from these far off places of northern Kashmir.

In Dogra State, the Muslim majority community was discriminated in every sphere of life- social, economic, political and religious. Muslims were discriminated in government services as well because the Hindus had a monopoly in these services. The share of the Muslim representation in the state services was far less than they actually deserve. In 1931, the Muslim share in

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6 According to Census of India 1931, The Muslim constituted 80% of the total population of the state, quoted in Kashmir's Struggle for Independence 1931-1939, by Ganai, Mohammad Yusuf, Mohsin Publications, (Srinagar, 2003), p. 11
the state services was not more than 15% percent. The Revenue Department that had dealings with the Muslim masses was, from top to bottom, monopolized by the non-Muslims. The non-Muslim officials not only maltreated the Muslim masses but also fattened themselves on illegal exactions known as nazrana and rasum imposed particularly on the Muslim peasantry. Politically, the Muslims were deprived of all basic rights and civil liberties. The right to freedom of speech, freedom of press and freedom of association were made unlawful. Even holding of a private meeting or religious meeting was prohibited. There has been a provincial as well as communal bias in the policies adopted by the government. The peasants of Kashmir Valley had no property rights of land while the peasants of Jammu region enjoyed full property rights of land. The transfer of Jagirs from Muslim to Non-Muslim subjects remained a dominant feature of the Dogra rule. The Muslim subjects also suffered from various religious discriminations. Several mosques, shrines, and other sacred places were confiscated by the state and converted into store houses for grains and ammunition. With regard to change of religion, a Muslim converted to Hinduism was not deprived of his right to property and guardianship over his children, whereas in case of a Hindu converted to Islam all such rights were lost to him. The slaughter of cows was declared an unlawful act by the state. Anyone found guilty of having slaughtered a cow was awarded life imprisonment (which was later on reduced to seven years). Ruthless treatment was meted out to the Muslims even if they were suspected of having committed the crime. Thus, during Dogra rule, there was an entire subversion of politics and communalization. Not only was the Muslim majority denied the basic rights by the Dogra State but their entire religious and cultural identity was subverted. Before concluding this discussion it is worthwhile to

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8 Ibid., p. 415
quote the observations of a contemporary political analyst, Prem Nath Bazaz on the nature of the Dogra Raj:

“Speaking generally and from the bourgeois point of view, the Dogra rule has been a Hindu Raj. Muslims have not been treated fairly by which I mean as fairly as the Hindus. Firstly, because contrary to the professions of treating all classes equally, it must be candidly admitted, that Muslims were dealt severely in certain respects only because they were Muslims”.  

1.4 Birth of Kashmiri Nationalist Struggle

The oppression by Dogra rule saw a continuous resistance from the Kashmiri Muslims but this resistance was suppressed by Dogra state from time to time and an organized struggle took time. There emerged from time to time some discordant voices against oppressive measures and attempts were made to initiate a well-organized freedom movement. Many youth from the Muslim community who had gone outside for education had returned by early thirties. They were exposed to the socio-political movements led by people outside Kashmir. Upon reaching home, they also started activities aimed at empowering their co-religionists. They established Reading Room Party\textsuperscript{13} at Fateh Kadal and elected Mr. Mohammad Rajab as president and Sheikh Mohammad Abdullah\textsuperscript{14} as its secretary.\textsuperscript{15} It was during this period (1930s) that certain incidents involving desecration of Islamic symbols, took place which gave an orientation to the nascent movement in Jammu and Kashmir.\textsuperscript{16}

The five important incidents that took place at that time provided the spark needed to stir up the flames of the revolt in the state.\textsuperscript{17} Firstly, a leading landlord in Udhampur embraced Islam causing unrest among Dogras in the

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\item \textsuperscript{12} Bazaz, Prem Nath, \textit{Inside Kashmir}, Kashmir Publishing Co., (Srinagar, 1941), p. 250
\item \textsuperscript{13} \textit{Reading Room Party} was the first platform for the freedom struggle started in Kashmir. It was established in September 1930 by young graduates of Aligarh Muslim University in Fateh Kadal Srinagar, Quoted in ‘\textit{Kashmir Issue-A Historical Perspective’}, by Mattu, Abdul Majeed, M/S Ali Mohammad & Sons, (Srinagar, 2002), p.19
\item \textsuperscript{14} Sheikh Abdullah was one of several young Kashmiri Muslims educated in British India who, upon return to Kashmir Valley in early 1930s, launched a struggle to free their people from the despotic rule of Dogra State.
\item \textsuperscript{15} Hassnain, F. M., \textit{Freedom Struggle in Kashmir}, Rima Publishing House, (New Delhi, 2002), p. 36
\item \textsuperscript{16} Jan, Asifa, \textit{Protest Movement in Kashmir}, Zeba Publications, (Srinagar, 2005), p. 58
\item \textsuperscript{17} Saraf, Mohammad Yusuf, \textit{Kashmir’s Fight For Freedom}, Vol. II, Feroz Sons Ltd., (Lahore, 2005), p. 361
\end{itemize}
state; second incident took place in Jammu, when a police officer forbade the *Eid* prayers to be held in a particular ground; third incident took place on April 29, 1931 in Jammu when a sub-inspector of police, Babu Khem Chand, tried to stop the Imam, Moulvi Ataullah Shah Bukhari, from reading ‘*Khutba*’ in which the Imam spoke of Pharaoh as a cruel and tyrant king; fourth incident took place in Srinagar on June 20, 1931 when pages of the Holy Quran were found in a public latrine, the fifth incident took place in the Central Jail Jammu on July 4, 1931, a head constable of Maharaja’s police named Lambha Ram was enraged over some issue with Fazl dad who was a Muslim constable, working under his command. Ram rolled up and threw off Fazl’s bedding. In this action a copy of *Punj-Sura* (A collection of five chapters of Holy Quran) fell upon the ground.18 These incidents roused the religious sentiments of the Maharaja’s Muslim subjects. There were protests, demonstrations in Jammu province and when the news of the jail incident reached Srinagar, it further inflamed the public sentiment.19

These protests were spearheaded by some educated youth who have organized themselves under the banner of Reading Room Party. *Mirwaiz* (head priest) of Kashmir, Molvi Mohammad Yousuf Shah also extended his support to these protests.20 Both the religious leadership and the educated youth worked together for some time to mobilize the Muslim masses.21 It was during these days that a leadership was born among the Muslims of Kashmir. The Reading Room Party called a meeting on June 20, 1931 at the office of the *Anju-mani-Nusrat-ul-Islam*,22 where Ghulam Ahmad Ashai, Sheikh Mohammad Abdullah, Moulvi Mohammad Yousuf Shah, Mirwaiz Hamdani and Syed Hassan Shah Jalali were selected as the representatives of the Muslims of Kashmir to deal

18 Ibid., pp. 362-363
19 Ibid., p. 366
21 Ibid., p. 59
22 It was the earliest and most important socio-religious organization, which was founded by Late Mirwaiz of Kashmir, Moulvi Rasool Shah in 1905. The main objective of Anjuman (Association) was the socio-religious welfare of the Muslim community of Kashmir. Quoted in Khan, G.H., *Freedom Movement in Kashmir 1931-1940*, Op. Cit., p. 60
with all socio-political matters. In order to introduce the representatives to the people, a public meeting was held at Khanqah-i-Mulla on June 21, 1931. The meeting was attended by 30,000 people. In this meeting, Sheikh Mohammed Abdullah and other leaders took a public oath on the Holy Quran promising to work faithfully for the promotion of Muslim interests. Reading Room Party and its ongoing struggle, thus, shall be seen as a result of the exposed and educated youth of Kashmir who were conscious of their political existence and the role of Sheikh Abdullah and his leadership shall be seen as vital to the resistance.

It was under these circumstances that an important event occurred in the political history of Kashmir. Just at the time when the meeting was about to end, a non-Kashmiri Muslim named Abdul Qadir came to the podium and after seeking the permission, made a fiery speech. He spoke against the Maharaja and his unjust rule. Qadir asked people to rise in revolt against the Maharaja and overthrow his unjust regime. Four days later, on June 25 he was arrested on the charge of inciting communal and racial strife. The arrest of Qadir created a great stir in the valley with people demanding his release.

The trial of Abdul Qadir started on July 6, 1931 in the Session Court Srinagar, but was postponed due to the presence of large crowd during the hearings. Anticipating trouble due to growing interest of common people in the court hearings, the authorities ordered further proceedings to be held in camera at special court room in Central Jail Srinagar. On July 13, 1931, the judgment was to be pronounced at the Central Jail Srinagar. An estimated four to five thousand Muslims had assembled outside the jail demanding permission

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23 Ibid., p. 129
24 It is a Shrine built in memory of Syed Ali Hamdani, the saint who brought Islam to Kashmir. It is situated at Fateh Kadal, Srinagar.
26 Abdullah, Sheikh Mohammad, Aatish-i-Chinar, Showket Kitaab Ghar, (Srinagar, 2006), pp. 30-31
27 Abdul Qadir Khan was an employee of an English army officer Major Butt, of the Yorkshire Regiment posted at Peshawar, Quoted in Khan, G. H., Freedom Movement in Kashmir, Op. Cit. p.130
29 Ibid., p. 86
to enter the compound. At this stage, Molvi Mohammad Abdullah (Qadir’s advocate) advised people to maintain peace and abide by the orders of the authorities. This pacified the crowd and they waited silently outside for news from the courtroom.\(^\text{31}\) When the people started \textit{Zuhr} Prayer, the District Magistrate, the City Munsif, the Superintendent of Police and Assistant Superintendent of Police arrived in cars outside the Central Jail. No sooner did they came out of their vehicles, people started raising anti-government and pro-Qadir slogans.\(^\text{32}\) Maharaja’s Governor ordered the armed police to open fire in which some twenty two demonstrators were killed and hundreds others were injured. The day July 31, 1931 became the ‘Martyrs Day’ in the Kashmir history, the official beginning of a struggle for independence against autocratic rule of Dogras.\(^\text{33}\)

1.4.1 Formation of Muslim Conference

Like the revolt 1857 in India, the mass uprising of 1931 occurred unplanned, without any long term political or social goals in sight. But it was a catalyst that the Reading Room Party transformed into a political party called the ‘Muslim Conference’.\(^\text{34}\) The chief objectives of Muslim Conference were:

2. Maintenance and strengthening the unity of the Muslims.
4. Struggle for the moral, educational, cultural and economic reformation and progress of the Muslims of Jammu and Kashmir.\(^\text{35}\)

The causes for the formation of Muslim Conference have been contestable since its inception. While the Muslim Conference members held that it was aimed at the establishment of a secular and responsible government without jeopardizing the legitimate rights of the Minorities, the right wing of

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\(^{32}\) Abdullah, Sheikh Mohammad, \textit{Aatish-i-Chinar}, Op. Cit., p. 88

\(^{33}\) Abdullah, Sheikh Mohammad, \textit{Aatish-i-Chinar}, Op. Cit., p. 95


Hindu organizations like Hindu Yuvak Sabha suspected Muslim communalism in its formation. Some scholars, however, agree that the causes of emergence of Muslim Conference were rooted in the repressive policies of Dogra rulers and Hindu landlords. Therefore, Muslim Conference came into existence in 1932 to plead for responsible government.

The inaugural session of the Muslim Conference was held on 14-15 and 16 October 1932 in the historic Pather Masjid, Srinagar under the Presidentship of Sheikh Mohammad Abdullah. It was a unique political development in the sense that Muslim Conference became the only political platform which drew an overwhelming support of the entire Muslim community in the state.

The Conference drafted the constitution and also adopted a party flag which consisted of green cloth with a crescent and star. The flag hoisting ceremony was performed on 14 by Wallullah Zain-ul-Abedin, a representative of All India Kashmir Committee. The session was attended by about three lakh men, women and children who turned the pendal into a place of pilgrimage.

The Muslim Conference led the movement from 1932 to 1939 which constitutes a very vital period in the annals of the freedom struggle in the state. It was Muslim by nomenclature but not strictly in character. Speaking on the political character of the movement, Sheikh Mohammad Abdullah said, “Our movement is not directed against the minorities. I assure all my countrymen, be they Hindus or Sikhs, that we shall always try to redress their grievances but they must also respect our just rights.” In fact, the Muslim Conference had not positioned itself as anti-Pandit organization; some prominent non-Muslims were also associated with the party- Sardar Budh Singh, a Sikh leader from Jammu, was one such member. He had been sacked as the head of a district administration for insisting the Maharaja to pay for ‘Beggars’. This had made him so popular that the Muslim Conference invited him in the summer of 1932 to address a function on the Prophet Mohammad’s birth anniversary. Though

Muslim Conference avowedly reiterated its belief in secularism time and again\textsuperscript{40} but the fears of Hindus could not be assuaged.\textsuperscript{41} Therefore, its social base could not take an all Jammu and Kashmir character.

Muslim Conference shall not be seen as a communal organization. The problem is that in Kashmir, Muslims were the only subjects who were discriminated on the ground of their religious identity. Their resistance against a Hindu Dogra state is seen as a communal driven struggle. The facts are otherwise and it is the state that was communal in essence. As a result any response to it will be logically seen as communal. But it should not be overlooked that Kashmiris political assertion starts with the demand of rights and these rights were denied solely because they were Muslims. Also, after the communal machinations by the state after 1931 protest incident, Kashmiri Muslims began to assert their Muslim identity more sharply and struggle for their rights through a certain programmes.

\section*{1.4.2 From Muslim Conference to National Conference}

In the closing years of the third decade of the 20\textsuperscript{th} century differences cropped up among Muslim Conference leaders over the issue of secularization of the organization sparked by the inclusion of Kashmiri Pandits into the party fold. This was the beginning of factional politics among anti-Dogra forces. On the one hand, the politics of the non-Muslims began as a reaction to the mass movement launched by Muslims against economic injustice and political servility of the Dogra rule.\textsuperscript{42} On the other hand, Sheikh Abdullah came closer to the ideological position of the Indian National Congress and was greatly influenced by Jawahar Lal Nehru and other nationalist leaders of India.\textsuperscript{43} Besides it, the policy of state to create division among the leaders and rank and file of the Muslim Conference, the desire of Sheikh Mohammad Abdullah to widen the social base of the party also played role in the formation of National

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\textsuperscript{41} & Abdullah, Sheikh Mohammad, \textit{Aatish-i-Chinar}, Op. Cit., p. 161 \\
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Conference. This resulted in the conversion of the Jammu and Kashmir Muslim Conference into the ‘Jammu and Kashmir National Conference’ (JKNC) on June 11, 1939.\textsuperscript{44} For doing this, Sheikh Mohammad Abdullah was characterized as a communalist in Kashmir, a communist in Jammu and a nationalist in India.\textsuperscript{45} Some even alleged that “Sheikh Mohammad Abdullah would exploit anybody for his personal ends but was never anybody’s man, not was ever dependable and he could shift and re-shift his loyalties in no time.”\textsuperscript{46}

Whatever the reasons, National Conference functioned smoothly and enjoyed a dominant role in the Kashmir Valley up to 1941 when the Muslim Conference (formed in 1932) was rejuvenated on the plea that the Hindus were not liberal enough to see the liquidation of the autocratic rule of the Hindu Maharaja. Gohar Rehman was given the responsibility to revive the Muslim Conference, Choudhry Ghulam Abbass (who had earlier co-sponsored with Sheikh Mohammad Abdullah, the proposal for conversion of the Muslim Conference into the National Conference) also proved instrumental in reviving it on the ground that the National Conference did not represent Jammu Muslims very effectively and the increasingly pro-Congress orientation of the later organization.\textsuperscript{47}

Thus, the National Conference and the Muslim Conference became two different parties. On the one hand, the Muslim Conference had the full sympathy of Mohammad Ali Jinnah and his Muslim League and it also accepted the Muslim League’s resolution for the creation of Pakistan. On the other hand, Sheikh Mohammad Abdullah (leader of the National Conference) invited Jawahar Lal Nehru to Kashmir, who spent ten days touring the Valley in 1940.\textsuperscript{48} Pandit Nehru’s visit to Kashmir was considered a turning point in the political life of Sheikh Mohammad Abdullah in particular and freedom

\textsuperscript{44} Verma, P. S., \textit{Jammu and Kashmir at the Political Crossroads}, Vikas Publishing House, (Delhi,1994), p. 18
\textsuperscript{45} Ibid., p.20
\textsuperscript{47} Abbass, Choduri Gulam, \textit{Kashmekash}, Kashmir Studies Foundation, (Srinagar, 2001) pp. 180-185
\textsuperscript{48} Teng, M. K; Koul, R. K; Koul, S., (edt.), \textit{Kashmir Constitutional History and Document}, Light and Life Publishers, (New Delhi, 1997), pp. 87-88
movement in the state in general. Consequently, Sheikh Abdullah decided to go the whole hug with the Congress.\footnote{Abdullah, Sheikh Mohammad, \textit{Aatish-i-Chinar}, Op. Cit., p. 253} Later on, Sheikh Abdullah was also elected president of the ‘All India State’s Peoples Conference’ and hence the ideology of the National Conference was brought in conformity with that of the Indian National Congress.\footnote{Raina, Dina Nath, \textit{Unhappy Kashmir-The Hidden Story}, Reliance Publishing House, (New Delhi, 1990), pp. 30-31} Besides influence of Nehru and Congress, Sheikh Mohammad Abdullah was influenced by the communist ideology as well. Several close associates and party colleagues of Sheikh Mohammad Abdullah notably, G. M. Sadiq, D. P. Dhar and G. L. Dogra had communist leanings.\footnote{Birdwood, Lord, \textit{Two Nations and Kashmir}, Gulshan Publication Books, (Srinagar, 2005), p. 266} So, under the communist influence National Conference issued its elaborate manifesto titled ‘\textit{Naya Kashmir}’ or ‘New Kashmir’ in 1944. The New Kashmir proposal was revolutionary in its economic and social implications.

During 1946, National Conference under the leadership of Sheikh Abdullah launched historically famous ‘Quit Kashmir Movement’ on the pattern of the ‘Quit India Movement’ started by the Indian National Congress\footnote{Devdas, David, \textit{In Search of Future-The Story of Kashmir}, Op. Cit., p. 51} on May 15, 1946. This was also supported by Chaudary Ghulam Abass (leader of the Muslim Conference). However, both Sheikh Mohammad Abdullah and Chaudary Ghulam Abass were arrested and imprisoned.

\section*{1.5 Partition of British India and Emergence of Jammu and Kashmir as a Dispute}

After World War II, the Labour Government came to power in England. On February 17, 1946, Lord Pethick Lawrence had announced in the Parliament that British Government would send a Cabinet Mission to India to discuss with the representatives of India the question of Indian Independence. In 1946, the Cabinet Mission arrived in India. Its objective was to try to reach a compromise between Congress and Muslim League. A compromise proposing a decentralized state with much power given to local governments won initial
acceptance, but Nehru was unwilling to accept such a decentralized state and Jinnah soon returned to demanding an independent Pakistan.\textsuperscript{53} After the failure of Cabinet Mission to reach any solution to the Indian problem, the British government in 1947 declared its plan to partition the India.\textsuperscript{54}

The partition plan was executed on the basis of ‘two nation theory’. The Muslim majority provinces were merged to create the dominion of Pakistan and the provinces with majority of Hindu population were joined together to form the dominion of India.\textsuperscript{55} Thus, the British partitioned the territory mainly on the basis of communal majority; contagious Muslim majority areas were assigned to Pakistan, while as, the contiguous non-Muslim majority territories were assigned to India. But this scheme of partitioning did not apply to the five hundred and sixty five (565) Princely States such as Kashmir which till that time had enjoyed ‘semi-autonomous status’ under the British rule.

The British Government announced their plan that these states were free to decide up on their future. The rulers were advised by the Crown to take economic factors, geographical contiguity, the aspirations of their people and similar other factors into consideration while taking the decision vis-à-vis accession.\textsuperscript{56} The last Viceroy of pre-partition India had further urged upon the rulers of states that the accession must take place, if possible, before August 15, 1947. The accession was amicably settled with regard to all the princely states except the State of Hyderabad, Junagadh and Kashmir. Hyderabad and Junagadh were non-Muslim majority states with Muslim rulers. Kashmir’s status was converse to both of them. The Himalayan state had a Hindu ruler but an overwhelming majority of the Muslim population.\textsuperscript{57} Hyderabad decided to remain independent for the time being and Junagadh acceded to Pakistan on September 15, 1947. However, within months after Independence, the Union of

\textsuperscript{53} Stanley, Wolpert, \textit{A New History of India}, Oxford University Press, (USA, 2008), pp. 341-344


\textsuperscript{55} Menon, V. P., \textit{Integration of the Indian States}, Orient Longman, (Madras, 1995), p. 80


India ruled by Congress Government forcefully integrated both these states into the Indian Union.\textsuperscript{58} Till 15\textsuperscript{th} of August 1947, the people of Jammu and Kashmir were hopeful that they would enjoy freedom like the people of India and Pakistan. However, The Muslim Conference was in favour of accession to Pakistan, it also adopted a resolution on July 19, 1947 deciding to accede to Pakistan. The main provisions were:

- The meeting of All Jammu and Kashmir Muslim Conference convention expresses its satisfaction and congratulates the \textit{Quad-i-Azam}, M.A. Jinnah for his achievements (of creation of Pakistan).
- The people of the Indian States expected that they would walk hand in hand with the people of British India in the attainment of freedom. On the partition of India, the people of British India have obtained independence but the announcement of June 3, 1947 has strengthened the hands of the Indian Princes and unless the Princes respond to the call of the time, the future of the people of Indian States is very dark.\textsuperscript{59}

The convention of the Muslim Conference had arrived at the conclusion that keeping in view the geographical conditions, 80% Muslim population, the passage of all rivers of the state into Pakistan, the language, cultural and racial, economic connection of the people and the proximity of the borders of the State with Pakistan are facts which made it necessary that the Jammu and Kashmir should accede to Pakistan. The resolution further made it clear that, “If the Kashmir Government ignores this demand of the Muslim Conference under some internal or external influence and decides in favour of accession to the Indian Constituent Assembly, the Muslims of Jammu and Kashmir shall oppose this move tooth and nail.”\textsuperscript{60} The National Conference was opposed to holding of this convention and made frantic efforts to see that it was not held.\textsuperscript{61}

Besides, the Muslim Conference and the National Conference, the other

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\textsuperscript{60} Ibid., pp. 28-29  \\
\textsuperscript{61} Ibid., p. 29
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political parties in the state were the Kashmir Socialist Party, the Praja Parishad Party, the Kashmir Democratic Union and Kisan Mazdoor Conference. The Kashmir Socialist Party announced in September 1947, after careful consideration of options facing Jammu and Kashmir that “In the best interests of the poor and backward people accession to Pakistan is desirable”. The Kisan Mazdoor Conference also agreed in September 1947 that the state should cede to Pakistan due to its majority Muslim population and the fact that the three main highways and all the rivers of the state flow into Pakistan. Praja Parishad favoured the separation of Ladakh and Jammu from the state and their merger with the Indian Union.

The Maharaja of Jammu and Kashmir, however, did not accede either to India or Pakistan but wanted to remain independent. While struggling for seeking recognition to his political desire, Maharaja Hari Singh, in an effort through his Prime Minister, Pandit Ram Chand Kak, had sent an identical telegram to the Government of Pakistan and India, offering a Standstill Agreement. The Government of Pakistan agreed ‘to have a standstill agreement with the Government of Jammu and Kashmir. But the Government of India wanted to negotiate a ‘Standstill Agreement’ between Kashmir Government and Indian Dominion, in Delhi. However, India never concluded Standstill Agreement with the Kashmir government.

By this time the communal situation in Jammu had deteriorated rapidly. The activists of various fanatic Hindu organizations had managed to enter Jammu. They in connivance with the Dogra forces, resorted to ethnic cleansing of the Muslim population there. Muslims were displaced and murdered from Jammu and many survivors made their way to the western side of the partition line into the Punjab (Pakistan). At the same time, Maharaja’s government ordered all the Muslims in the Jagir to hand over their fire arms and ammunition to the authorities. Initially, these instructions were complied with

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in some villages but when the same weapons started turning up in Hindu and Sikh hands, there was an inevitable reaction.\textsuperscript{66} Fresh supplies of weapons were sought from across the Pakistan frontier. The major source of armaments in Pakistan has been traditionally the tribal tracts of the North-West Frontier-Province (now Khyber Pakhtun Khwa). The area has a long history of both arms smuggling and local arms manufacturing. The religious affinity and blood relations across the frontier in now Pakistan territory were natural direct contacts between the Poonch residents and tribal leaders along the Pakistan-Afghanistan border. By the beginning of September 1947, bands of men from Poonch, some equipped with weapons obtained from the frontier or from the other sources in Pakistan, had already come into conflict with Jammu & Kashmir state forces throughout the Poonch \textit{Jagir} and in Mirpur district of Jammu to its immediate south.\textsuperscript{67} Hearing the massacre of their co-religionists in Jammu by fanatic Hindus, the small groups of volunteers from Pakistan territory on the west bank of the river Jehlum were provoked to join the Jammu Muslims. They might also have begun to be reinforced at this early stage by few Pathan tribesmen from frontier.\textsuperscript{68} Hence, they (Poonch Muslims and tribal people) stood in revolt against the Dogra Army on October 22, 1947. Tribal people came to the aid of the people of Muzafarabad and a regular fight against the Dogra troops ensued. Although many of the raiders were motivated by the prospect of pillage, they were led by experienced military leaders familiar with terrain and equipped with modern arms.\textsuperscript{69} It soon became clear that the attack had precise strategic aims. After taking the town of Muzaffarabad, the raiders headed straight for Srinagar, the heart of Kashmir Valley. Almost meeting no resistance from the Maharaja’s forces they rapidly captured the town of Baramullah.\textsuperscript{70} The situation in the Valley became horrible. Everybody was seen

\begin{itemize}
  \item \textsuperscript{66} Ibid., p. 434
  \item \textsuperscript{67} Ibid., p. 398
  \item \textsuperscript{68} Ibid, pp. 123-124
  \item \textsuperscript{69} Jha, Prem Nath, \textit{The Origins of a Dispute : Kashmir 1947}, Oxford University Press, (New Delhi, 2003), p. 25
  \item \textsuperscript{70} Bose, Sumantra, \textit{Kashmir-Roots of Conflict, Paths to Peace}, Vistara Publications, (New Delhi, 2003), p. 35
\end{itemize}
terror-stricken. The most spectacular achievement was sabotage Srinagar’s power supply. This made Maharaja to conclude that he was in serious trouble. In his autobiography, his son, Dr. Karan Singh has recalled what happened:

“On that fateful day I was virtually alone in the palace while my father and members of the staff were attending the Darbar in the beautiful hall at the city palace on the Jhelum with its richly decorated peppier mashie ceiling... Suddenly the lights went out- the invaders had captured and destroyed the only power house... After a few minutes the eerie silence was broken by the sudden blood-chilling howl of Jackals. Weirdly the cacophony hen rose and fell, then rose again into mad crescendo. Death and destruction were fast approaching Srinagar; our smug world had collapsed around us.”

Unmindful of what would happen to his helpless subjects, the Maharaja for his own safety left the Valley for Jammu on October 25, 1947. On October 26, the Maharaja wrote a letter to the Governor-General of India mentioning that despite his desire to remain independent of both the Indian Dominion and the Dominion of Pakistan in the light of the geographical location of his State in the map of Asia, the unforeseen emergency generated by the tribal raid on his State had left no option for him except to ask for help from the Indian Dominion. The Maharaja had, at the same time, sent an Instrument of Accession duly signed by him for the acceptance by the Government of India. He had also expressed his willingness for setting up of an Interim Government, asking Sheikh Mohammad Abdullah to carry on the responsibilities in co-operation with his Prime Minister during the period of emergency. The Governor-General of India while conveying the acceptance of the Instrument of Accession to the Maharaja said:

“In consistence with our policy that in case of any state where the issue of accession has been the subject of dispute, the question of the accession should be decided in accordance with the wishes of the people of the state. It is my Government’s wish that as soon as the law and order has been restored in Kashmir and her soil cleared of the invaders, the question of the state’s accession should be settled by a reference to the people.”

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This is also corroborated by the then Prime Minister of India, Jawaharlal Nehru when he, in his broadcast on All India Radio on November 2, 1947 announced:

“We have decided that the fate of Kashmir is ultimately to be decided by the people. The pledge we have given and the Maharaja has supported it, not only to the people of Kashmir but to the world, we will not and cannot back out of it. We are prepared when peace and law and order have been established, to have a referendum held under international auspices like the U.N. We want it to be a fair and just reference to the people and we shall accept their verdict.”

Thus, Maharaja signed the ‘Instrument of Accession’ with India, paving the way for the Indian Army to land in Kashmir. Three hundred and thirty men of the First Sikh Battalion were flown in to block a major invasion by North-West Frontier tribesmen who were moving rapidly towards Srinagar, the summer capital. Six months later, Pakistan sent its troops into Kashmir in May 1948, which led to the first India-Pakistan War. Since then, State’s accession became an element of great controversy between India and Pakistan. For India, the accession is legal, constitutional, perfect and unchallenged. Meanwhile, the government of Pakistan branded Kashmir’s accession as an act based on ‘fraud and violence’ and therefore, not ‘bona fide’.

1.6 International Mediation: UN and the Promise of Plebiscite

The Kashmir dispute got recognition at the international level when India in 1948 took the matter to the United Nations’ Security Council, demanding that Pakistan stop its aggression, withdraw its troops and deny access through Pakistan to tribal invaders fighting against Kashmir. The Council passed its first resolution on the matter on January 17, 1948, in which it expressed the strong opinion, ‘that India and Pakistan should do their utmost to bring about a cessation of all fighting’ in Kashmir and noted with satisfaction that they desired that the future of Kashmir “should be decided

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through the democratic method of free and impartial plebiscite."\textsuperscript{76} Three days later, the Council passed another resolution to create the United Nations Commission for India and Pakistan (UNCIP) to investigate the facts and play a mediatory role in Kashmir in order to restore order and hold a plebiscite in Kashmir in cooperation with both governments. India rejected the resolution on the ground that it raised doubts about the legality of accession.\textsuperscript{77} Following this, the Commission passed resolution on August 15, 1948, the resolution was split up in three parts- Part I concerned itself with the cease-fire, Part II with the truce agreement and Part-III with plebiscite. In this resolution, the Commission asked Pakistan to withdraw its troops from Kashmir. The Indian withdrawal was to follow that of Pakistan. Although India was allowed to retain a certain number of forces necessary for the maintenance of law and order in the state. Pakistan did not accept the resolution as it demanded balanced and synchronized withdrawal of both armies of India and Pakistan.

After this, on December 11, 1948 another resolution was adopted. Some of the important provisions of the resolution are as follows:

1) The question of accession of Kashmir to India or Pakistan would be decided by the free and impartial Plebiscite.

2) The plebiscite was contingent on a ceasefire in accordance with the provision of Part-1 and Part II of the Commission’s resolution passed on August 13, 1948.

3) Appointment of Plebiscite Administrator who would be nominated by the Secretary General of United Nations in consultation with the Commission.

4) a) After the cease-fire and when the Commission was satisfied about the restoration of peaceful conditions, it would in consultation with the government of India and the Plebiscite Administrator to determine the final disposal of Indian armed forces.

\textsuperscript{76} Karbel, Josef, Kashmir Dispute after Six Years, \textit{International Organization}, Vol. 7. No. 4, (Nov. 1953), p. 500

\textsuperscript{77} Nayar, Kuldip, ‘Kashmir: Re-reading its past in order to proffer a practical solution’ in ‘Kashmir from Autonomy to Azadi’ compiled by Wani, G. M., Valley Book House, (Srinagar 1996), pp. 31-33
b) As regards the areas under Pakistan, final disposal of the troops in that territory will be determined by the Commission and the Plebiscite Administrator.\textsuperscript{78}

It is important to note that India and Pakistan had accepted the UN mediated proposals and both countries came to accept a UN mediated cease-fire line later renamed LOC (line of control) and UN Observer’s Group to supervise it from January 1, 1949. This cease-fire line divides the State into two political units, Indian administered Kashmir and Pakistan administered Kashmir.

After the cease-fire, UN Commission failed to convince for withdrawal of troops from the State. However, the Security Council President, McNaughton, in order to remove the deadlock, proposed that India and Pakistan forces would be withdrawn and both the Azad Kashmir troops and the state forces were to be reduced. India rejected the proposal but India’s rejection did not deter the Security Council from adopting McNaughton’s Proposal in a resolution dated, March 14, 1950.\textsuperscript{79}

When the Commission failed to persuade India for Plebiscite, it recommended its own dissolution and appointed Sir Owen Dixon as UN mediator on March 27, 1950. He made two proposals: a) to hold the plebiscite by sections or areas. b) To partition the state according to the known wishes of the inhabitants and holding a plebiscite in the Kashmir Valley.\textsuperscript{80}

Following this, in disregard of the United Nations pending discussions on Kashmir, India held elections in Kashmir in 1951 and projected the Assembly election in its part of Kashmir as a substitute to the UN sponsored plebiscite. In response to this development, the Security Council at the insistence of Pakistan passed a resolution (March 30, 1951) denying the authority of Constituent Assembly to decide the future of the state and

\textsuperscript{78} Koul, S. N., \textit{Internationalization of Kashmir Issue}, Rajat Publications, (New Delhi, 2002), pp. 36-37

\textsuperscript{79} Gupta, Sisir, \textit{‘Kashmir: A Study in India-Pakistan Relations}, Asia Publishing House, (Bombay, 1966), pp. 203-204

\textsuperscript{80} Nayar, Kuldip, \textit{Distant Neighbours: A Tale of the Sub-continent}, Vikas Publishing House, (New Delhi, 1972), pp. 73-74
reminded the parties that the final disposition of the State of Jammu and Kashmir is to be made in accordance with the will of the people of State.

As a consequence, neither India nor Pakistan withdrew their forces from the state, thereby splitting Kashmir in two parts- Pakistan and Indian administered Kashmir depicted on today’s maps, thus, setting the stage for the longest dispute in the history of United Nations. Since then, Kashmir has been caught between the devil and the deep blue sea. On the one hand, India claims Kashmir as its ‘Atoot Ang’ (integral part), on the other hand, Pakistan claims that it is her ‘Shah Rag’ (jugular vein).

After a perusal of history of Jammu and Kashmir, especially in the context of colonial rule of British, it is clear that the roots of Kashmir problem lie in the hasty partition of British India, the way religious politics has been used in the partition and the denial of Plebiscite (as guaranteed by UN, demanded by Kashmiris and promised by Indian state). This historical understanding is necessary to understand the subsequent political developments in the Indian part of Jammu and Kashmir. Any effort that has been made to solve the problem in Indian part of Kashmir has been influenced by its history. Thus, the root cause of the Kashmir problem lies in this historical period itself.