CHAPTER 2
ORIGIN AND EVOLUTION OF AUTONOMY: A CRITICAL PERSPECTIVE

Autonomy of Jammu and Kashmir under British Rule

The State of Jammu and Kashmir, with its three distinct regions of Jammu (majority Dogri-speaking Hindus), Kashmir Valley (pre-dominantly Kashmiri-speaking Muslims) and Ladakh (majority Ladakhi-speaking Buddhists), is a recent political and geographical entity. The ruling family of the State was ethnic Dogras, an upper caste Hindus from Jammu region. The founder of the lineage was Raja Gulab Singh, one of the many local princes in the court of Maharaja Ranjit Singh, a Sikh warrior, who established a mini-empire in the northern and north-western India in the 19th century with its capital in the Punjab city of Lahore (now in Pakistan). Jammu had consisted for centuries of a number of small principalities whose uninterrupted pastime was warring upon one another. One principality in the southeast area, high in the hills, was populated by the Dogras. Korbel (1954) quoting Sir William Barton (1934) writes that Jammu people are known generally as Dogras whatever their origin. They consisted of Sikhs, Rajputs, other Hindus and Muslims. When the Sikhs launched their expedition, in July 1819, against the Afghan ruler in Kashmir, they were assisted by Raja Gulab Singh. Because of his help, the Sikhs rewarded him by establishing his control over the whole province of Jammu. In 1837 and in 1839, Gulab Singh extended his rule by seizing from Tibet the northern areas, Ladakh and Baltistan on behalf of the Sikhs with the help of his famous general Zorawar Singh (Korbel 1954). After the death of Maharaja Ranjit Singh in 1839, Raja Gulab Singh began to collude

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16 ‘Dogra’ was the name given to the principality around Jammu, and said to be derived from word meaning the ‘two lakes,’ as the original home of the Dogra people was cradled between the lakes of Siroensar and Mansar. See Lawrence (1967).

17 Raja Gulab Singh along with his father Kishora Singh and his two brothers – Dhian Singh and Suchet Singh – had joined the services of Maharaja Ranjit Singh as a common trooper in 1815. They rose rapidly in the estimation of the Maharaja, and in 1820, they were made khejarap of Jammu, Bhoti, Bhandralta (Ramnagar), Chenini and Kistwar. In 1921 Kishora Singh was made the Raja of Jammu, and after his father’s death in 1822, Gulab Singh became the Raja of Jammu. See Grewal (2005). However, according to Kushwanta Singh, Maharaja Ranjit Singh in 1818 appointed Dogra Dhian Singh as deorhidar (chamberlain) in place of Jemadar Khusal Singh. Dhian Singh introduced his two brothers - elder Gulab Singh and younger Suchet Singh – to the court. Suchet Singh was appointed conveyor of petitions. See Singh (1999).
with British schemes (English East India Company) to undermine and eventually eliminate Sikh power. When British waged war against the Sikhs, Gulab Singh engineered his great coup. At first he remained neutral, then assumed the role of an advisor and mediator for the British, and finally participated in fighting his one-time protectors. When, after their defeat at the battle of Sobroan on February 10, 1846, the Sikhs were asked to hand over their hold over Kashmir, Gulab Singh played his card by offering to the British 75 lakh (7.5 million) Rupee (Nanak shahi) for possession of Kashmir, and the final result was the Treaty of Amritsar, signed between British and Dogras, on March 16, 1846. Kashmir, by its terms, was to belong “forever, an independent possession, to Maharaja Gulab Singh and the heirs male of his body (Article 1of Treaty of Amritsar)” (Korbel 1954: 13). His purchase also included Gilgit but he never succeeded in establishing actual control over this remote area. In fact, in 1889 the British, suspicious of increasing Russian pressure towards the Pamirs, instituted the Gilgit Agency – key observation point into the affairs of Central Asia and defensive outpost against any hostile incursions from that direction – under the direct rule of a British political agent (Korbel 1954). The boundaries of the State were further extended through a number of military expeditions. Ranbir Singh, who succeeded his father Gulab Singh as Maharaja in 1856, recaptured Gilgit in 1860 and annexed to the State of Jammu and Kashmir as the capital of the Gilgit Wazarat. He defeated Yasin in 1863 and Dard in 1865. Later during the rule of Maharaja Pratap Singh, Dogra forces defeated the rulers of Chitral in 1891 and of Hunza and Nagar in 1895 (Puri 1981a).

The modern history of Kashmir, according to Korbel, began when it was united with Jammu under the rule of the Dogra dynasty. “It was for the Kashmiris another tragic experience in a millennium of tragedies. Though once Hindus, they had for 500 years been Muslims. Now, by the terms of the Treaty of Amritsar, the Hindu Dogras possessed the territory; they immediately set out a policy of unlimited cruelty that seemed to vent upon the hapless Kashmiris all the pent-up hatred of the Hindus for the five centuries of Muslim rule. The willing instruments of this policy became the Kashmiri Pandits, who shared with the Maharaja his contempt for his Muslim subjects. The land was mostly owned by the Maharaja or the Hindu landowners. Muslims, toiling on their land, had to pay such high taxes that economic crises bordering on starvation became more or less a regular affair” (Korbel 1954: 14). Soon
after taking control over Kashmir, Maharaja Gulab Singh expressed his wish that Kashmiris return to the faith of their forefathers and wanted them to reconvert en masse to Hinduism, but the priests at Banaras refused to give their blessing to the plan (Korbel 1954). Compared with other Princely States of India, the State of Jammu and Kashmir was accorded some importance by the British. The British Crown which had an exclusive responsibility for maintaining other States foreign affairs and defence but in the case of Jammu and Kashmir, the Princely State was independent in maintaining its own limited diplomatic relations till 1886. It received no British residents in its courts (Korbel 1954). The internal affairs were left to the authority of the Maharaja. While the Treaty of Amritsar signed in 1846 transferred the State to Maharaja Gulab Singh in independent possession, it unambiguously specified British supremacy over his rule and gave them (the British) the responsibility of protecting the territories of Gulab Singh from external enemies (Article IX of the Treaty). However, according to Puri (1981a), Jammu and Kashmir still enjoyed a kind of special status: it was absence of any provision for stationing British Resident in the State, a regular practice in other Princely States. The Residents were representatives of the British government in the States under their rule exercising great powers. But very soon British felt the need to extend their influence over the State of Jammu and Kashmir. “The Anglo-Afghan war of 1878 and the gradual extension of Russian empire almost up to the borders of the State increased its strategic value for the British Empire. After consolidating their hold over the rest of India, directly or through loyal princes, and in particular, entrenching their administration in the neighbouring Punjab, the British were now anxious to extend their sway to the State of Jammu and Kashmir as well. While, Maharaja Gulab Singh and his successor Maharaja Ranbir Singh resisted the proposal to put a Resident in the State, the British government succeeded in doing so after latter’s death in 1885” (Puri 1981a: 23-24). Lord Kimberley, British Secretary of State for India, in a letter to Viceroy Lord Rippon on May 23, 1884 advised the latter for stationing a Resident in view of the increased political importance of the State over the years (Puri 1981a). According to G. S. Chhabra (1981), although the appointment of a British Resident in Kashmir commenced only after the death of Maharaja Ranbir Singh in 1885 but the proposal to appoint a Resident was made way back when Lord Northbrook was the Viceroy of India but it was resisted by Maharaja Ranbir Singh pleading that the Treaty of Amritsar (1846) signed with the State does not permit it. Proposal to appoint a Resident in Kashmir was nothing new as far as
British government was concerned as there was already a system of appointing a British ‘Officer on Special Duty (OSD)’ in Kashmir since 1852 when Gulab Singh was the Maharaja. The job of the OSD was to look after the welfare of visiting Europeans in Kashmir and the period of his stay in the Valley was only for six months. When Lord Northbrook persisted with his demand because of developments in Central Asia, Maharaja Ranbir Singh only agreed to extend the OSD’s stay from six months to eight months and OSD became a political officer and this was how the British hold on the State was strengthened (Chhabra 1981).

British were so determined in their proposal that they not only decided to wait for Maharaja Ranbir Singh’s demise but also came out with a policy decision that only that prince would be recognised by the British as the next Maharaja who would be willing to accept appointment of a Resident in Kashmir. When Maharaja Ranbir Singh passed away in 1885, British helped Pratap Singh in becoming the next Maharaja and OSD Sir Oliver St. John was appointed as the first Resident in Kashmir by Viceroy Lord Dufferin. Next year in 1886, Trevor Chinchale Plowden, a bureaucrat, became Resident and began to assume an authority over affairs which alarmed even the Foreign Office of India. “I do not agree with Mr. Plowden,” wrote the Foreign Secretary to Lord Dufferin. “He is too much inclined to set Kashmir aside in all ways.” “If we annex Gilgit, or put an end to the suzerainty of Kashmir over the petty principality of the neighbourhood, and above all if we put British troops into Kashmir just now, we shall run the risk of turning the Darbar (Royal Court) against us, and thereby increase the difficulty of the position.” “If we have a quiet and judicious officer at Gilgit, who will get the Kashmir force into thorough order and abstain from unnecessary exercise of his influence, we shall, I hope, in a short time, have the whole thing in our hands without hurting any one’s feeling” (Dutt 1956a: 447). Viceroy Lord Dufferin transferred Plowden from Kashmir in 1888 and in the same year he himself left India and was replaced by Lord Lansdowne. According to Dutt (1956a), some of the action in Kashmir by Lord Lansdowne created alarm in India and brought on a discussion in the British House of Commons. Describing about Lord Lansdowne, Dutt (1956a) writes: “that his thoughts were more occupied with

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18When Maharaja Ranbir fell ill in 1884, he wanted his younger son Amar Singh and not eldest Pratap Singh to succeed him as the next Maharaja. Then Viceroy Lord Dufferin with the help of his government in England helped Pratap Singh in becoming the next Maharaja of Jammu and Kashmir. See Chhabra (1981).
affairs beyond the North-West frontiers of India than with the interests of good governance within its limits” (Dutt 1956a:446). Lord Lansdowne wanted to have a hold over Gilgit through the Kashmir State. He for a time set aside the ruler of the State and controlled the affairs of the State (Dutt 1956a). Early in 1889, Lord Lansdowne deprived Maharaja Pratap Singh of all powers, and placed the administration of Kashmir in the hands of a five-member Council of Regency headed by Maharaja’s younger brother Amar Singh, conspirator against the Maharaja and trusted British instrument, to act under the advice of the British Resident (Dutt 1956a & Chhabra 1981). The Council of Regency consisted of two brothers of the Maharaja (1) Raja Ram Singh and (2) Raja Amar Singh, (3) a European (4) Rai Bahadur Pandit Bhag Ram and (5) Rai Bahadur Pandit Suraj Koul. “The Resident had been appointed ostensibly on the plea that the Kashmir administration during the illness of Maharaja Ranbir Singh had sharply deteriorated and that unless the successor, Pratap Singh, was actively assisted by expert British advice the necessary administrative reforms could not be introduced” (Chhabra 1981: 470).

In 1889, the Resident was asked by the British Foreign Secretary to make the Maharaja and the members of Council members thoroughly understand that although the Council will have full powers of administration, they will be expected to exercise those powers under the guidance of the Resident. They will take no step of importance without consulting the Resident and they will follow his advice whenever it may be offered” (Puri 1981a: 25). The Council, in its very first meeting held on April 18, 1889 declared that the Resident shall be the final referee in all matters and may veto any resolution passed by the Council or suspend action thereon pending further explanation” (Puri 1981a: 25-26). “The reasons which led to this measure by the British, as stated by Lord Lansdowne himself were as following: (i) Unfavourable reports about the administration. (ii) Disorder in the finances. (iii) Neglect to carry out reforms. (iv) Treasonable letters alleged to have been written by Maharaja.\(^\text{19}\) (v) Offer of the Maharaja to abdicate” (Dutt 1956a: 448). Explaining the charges made out

\(^{19}\)British exploited the rivalry in the royal family to increase their hold on Kashmir and as a part of that conspiracy; a plan was prepared to oust Maharaja Pratap Singh from power. It was reported that the British Resident colonel Nisbet found a bunch of letters written in local language Dogri which Pratap Singh allegedly wrote to his favourites and which made a mention of his wish to get Plowden, his own brothers Ram Singh and Amar Singh and one of Maharani murdered. It was also alleged that the Maharaja was in League with Russia and wanted to help dethroned ruler of Punjab Dalip Singh to come back and turn out the British. See Puri (1981a) & Chhabra (1981).
against Maharaja Pratap Singh, Dutt (1956a) explains that “The first three charges were of a general nature, and had no special application to the short time that Pratap Singh had been on the throne. His State was annually visited by hundreds of Englishmen, and they spoke of no oppression and no misery among the people. … The fourth charge was never proved and never relied on. Lord Lansdowne himself wrote to the Secretary of State: ‘We are not disposed to attach any excessive importance to these letters.’ … The letters were never proved, and were probably forged by the Maharaja’s enemies. The fifth charge was based on a letter, written by the Maharaja to his brother under some pressure, and was not an abdication” (Dutt 1956a: 448). The action of Lord Lansdowne created an alarm in India and the impression gained ground that the Viceroy desired to virtually annex Kashmir in pursuance of his Gilgit policy. The matter was also raised in British House of Commons and debate was held on the subject (Dutt 1956a). Soon British decided to restore some of the powers of the Maharaja by appointing him the President of the Council and in 1905 the council was also abolished. Meanwhile Gilgit Agency had been set up in 1889, which Maharaja Pratap Singh had resisted till his rule was temporarily replaced by the Council. It consisted of the Gilgit Wazarat, the Chiefship of Hunza and Nagar, the Chilas district in Indus valley and the Governorship of Punjal, Yasin and Ashkoman. It was under the overall charge of a political Agent who was to be British (Puri 1981a).

Maharaja Pratap Singh in 1891 was informed by the Resident that in view of the Russian movements in the Pamirs and the altitude of the Hunza, it had been decided to re-inforce the Gilgit Agency by the troops of British government who would cooperate with the Kashmir forces in case of trouble. Maharaja Pratap Singh, who had learned his lesson from his earlier experience, lost no time in accepting the proposal. To please the British, the Maharaja also issued strong warnings to and took prompt action against his subjects of any affinity or sympathy with the national freedom movement (Puri 1981a). “The Government of India pleased with such protestation of loyalty decided in 1914 to release the control of the Resident exercised on the finances of the State. In September 1920, the Maharaja made pleas for restoration of further powers to him. In return, the Government of India demanded an assurance that the Maharaja would accept the advice of the Resident in administrative matters whenever it was offered and would also inform the Resident of any important changes
in the existing rules and regulations and the frontier policy. The Maharaja accepted these conditions and thereupon all his powers were restored to him in 1921” (Puri 1981a: 27). Maharaja Pratap Singh died in 1925. After his death, his nephew Hari Singh (son of Amar Singh) ascended the throne. The new ruler, according to Puri, seemed imbued with a desire to restore the autonomy of the state which was lost during the regime of the last Maharaja. “He won an important concession from the British government which restored to the courts of His highness full criminal jurisdiction over all Indian visitors and full civil jurisdiction over all persons in the State irrespective of their nationality. Earlier British or British Indian subjects were subject to the authority of the Residency Courts” (Puri 1981a: 28). In 1927, a very important decision was taken by the Maharaja. He issued an order that only a hereditary State subject could be appointed to the government posts. The term ‘hereditary State subject’ was held to mean and include all those persons born and residing with the State before the commencement of reign of Maharaja Gulab Singh and those settled therein before 1885 and since then been permanently residing in the State. The Maharaja also instructed that grants of land for building and other purposes were to be given only to the State subjects. Non-hereditary State subjects were debarred from acquiring immovable property in the State. These measures, writes Puri, guaranteed the rights of the permanent citizens of the State in the same spirit and almost the same manner as they are being done now under Article 370 of the Indian Constitution. “But unlike the present position, the idea of autonomy and rights of the State subjects at that time appealed mainly to Hindus of the State whose sense of patriotism was aroused to neutralise the impact of the freedom movement on them” (Puri 1981a: 29). Muslims of the State and outside, however, opposed the idea of rights of the State subjects. They argued that since not many members of their community were educated, the real beneficiaries of this clause would be Kashmiri Pandits. Kashmiri Pandits, who were 1.7 per cent of the population of the State according to the census of 1921, constituted 80 per cent of all those who had received or were receiving higher education (Puri 1981a). Accordingly, the Kashmiri Muslim intelligentsia did not support Maharaja Hari Singh’s urge for more autonomy for the State and special safeguards for its citizens. In this context, notes Puri, that the choice of a Hindu ruler for a Muslim majority Kashmir, by the British under the Treaty of Amritsar seemed deliberate. It seemed Hindu ruler was imposed on the Muslim subjects so that both could act as a check on the aspirations of other. While the Hindu
ruler prevented emotional and political links between Muslims of the State with Muslim countries like Afghanistan and the intervening Muslim areas, Muslim discontent within the State could always be used by the British as an excuse to interfere in its affairs. The Muslims of the State also tended to look to the Resident and Viceroy for the redress of their grievances against their own ruler (Puri 981). In the meantime, the relations between the Maharaja and the British deteriorated forcing the ruler of the Kashmir to suspect a British hand in the incitement of the 1931 political unrest in his State. Maharaja Hari Singh protested against the attitude of the British government and demanded no interference in the matters concerning Kashmir. One of the reasons writes Puri, which seemed to have strained the relationship between two was Maharaja’s move for the return of the administration of the Gilgit Agency which was taken over by the British political Agent in 1889. The settled part of the area called the Gilgit Wazarat was still administered by the Kashmir Durbar. “The British were in no mood to lose the grip that they had acquired over the State during the life time of the late Maharaja Pratap Singh. They took a rather serious note of the assertive mood of the Maharaja. The Muslim discontent within the State supported by the Muslim leaders of British India, particularly of the Punjab, facilitated the task of the British government to cut the ambitions of the young Maharaja to size” (Puri 1981a: 32). The move to get back the administration of the Gilgit Agency from the British backfired and instead the Maharaja was forced to further surrender to the British the settled part of the Gilgit Wazarat on March 26, 1935 on a sixty-year lease. Not only that the Maharaja was also forced to appoint a British Lt. Col. E. I. D. Colvin as the first Prime Minister of his State in 1933 (Puri 1981a).

Political and Constitutional Developments Since 1930’s

According to Korbel, the first signs of political awakening in Kashmir were witnessed among the oppressed peoples when Hari Singh became the Maharaja in 1925. This movement in Kashmir initially expressed itself in the form of Muslim consciousness and demands for their rights in government jobs. Puri writes that as the movement gathered force, it demanded share in political power, responsible government, an

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20Maharaja Pratap Singh who died on September 23, 1925 was succeeded by Raja Hari Singh as the Maharaja in February 1926. But long before he became the Maharaja, Hari Singh in 1924 was allowed by the British Resident to preside over the meetings of the all powerful Council. See Kaur (1996).
establishment of a Legislative Assembly and Press freedom. The movement in Kashmir against the Maharaja of Jammu and Kashmir was very much inspired by the ongoing freedom struggle in British India. The complete independence (Purna Swaraj) resolution which was passed by All-India National Congress in its meeting held in Lahore in 1929 found an echo in this Princely State. The news of Mahatma Gandhi’s arrest on May 4, 1930 was followed by a series of demonstrations in Srinagar and Jammu despite all precautionary measures on the part of the Maharaja’s government. In 1930’s the waves of the non-violence movement were sweeping India, and patriots in Kashmir, inspired by this spirit of revolt, renewed their claims for the admission of Muslims to the administrative and military services of their country (Korbel 1954). A ‘Reading Room Party’ was formed seeking to educate the activists politically. Later, with the assistance of the local religious leaders, or mullahs, they conducted political meetings in the mosques. Gradually this political consciousness began to take firm roots, spreading from intelligentsia to the people of middle class, though not yet to the peasants. Then the agitation was carried beyond the ‘reading rooms’ and mosques to open meetings. “In 1931, the Maharaja gave his blessing to the foundation of three political parties in Kashmir. These were Kashmiri Pandits Conference, the Hindu Sabha in Jammu, and the Sikhs’ Shiromani Khalsa Darbar” (Korbel 1954: 17). For Korbel, this act of Maharaja only benefited the non-Muslims as the overwhelming majority of the population remained without any organised political party. “Some demands of Kashmiri leaders held a special appeal for Muslims. These included, besides better share in government services and scholarships, amendment or withdrawal of what they called discriminatory laws against Muslims like Arms Act (which did not allow Muslims to possess arms), confiscation of property on conversion from Hinduism to Islam, harsh punishment for cow slaughter among other measures” (Korbel 1954: 17). It was in the year 1931 that the growing dissatisfaction of the people of Kashmir burst into flame and the man who led this movement was Sheikh Mohammad Abdullah.

Writing on the rights and freedoms that formed the core of the Kashmiri Muslim movement in 1930’s, Chitralekha Zutshi (2003) in her book *Languages of Belonging* argues that since the late 19th century Kashmiri Muslim leaders had been trying to reform and define the boundaries of their community while also demanding that the Dogra ruler recognise them as separate entity. This was particularly because the
Dogra Hindu Maharaja defined itself and its right to rule solely based on its religious affiliation, and categorised its subjects singularly on the basis of their religious affiliations. “However, what was different about the new Muslim leadership that took over in the wake of the 1931 incidents was that it more concretely linked religious affiliation with political demands by claiming rights for Kashmiri Muslims based on the ideal of a just Islamic society”. (Zutshi 2003). The watershed in the history of Kashmir was not Islam but changeover from a Kashmiri to non-Kashmiri rule. Indigenous Muslim rule lasted for just 250 years after which Kashmir was annexed by the Mughal Emperor Akbar in 1586. For the next 250 years, Kashmir was ruled by Muslim Kings (Mughal followed by Afghan). Since these Muslim rulers were non-Kashmiris, their rule along with 111 years of rule by a Punjabi Sikh and a Dogra Hindu was regarded by most Kashmiris as a period of slavery. When the organised movement against the autocracy started in 1931, its leaders linked it with the four-centuries-old urge for freedom of the people to Kashmir. It culminated in the ‘Quit Kashmir’ movement in 1946 which, though addressed to the last ruler (a Dogra Hindu), Maharaja Hari Singh, promised to undo Akbar’s act of enslaving Kashmir in 1586 (Puri 1995:62).

Much has been written about the incidents that took place in Jammu and Kashmir from April to July 1931. According to Bamzai (1994), it was from this date that people took upon themselves the task of securing for themselves the right of democratic self rule. This period explicitly changed the course of Kashmiri politics, steering it towards the anti-colonial politics of British India (Zutshi 2003). The incidents of 1931 began with the Khutba²¹ incident on April 29, 1931 in Jammu in which a police officer – Khemchand – interfered during the celebration of Id-u-Bakar in Jammu and tried to stop the recitation of the Khutba. When the matter was reported to the police high-ups, Khemchand was suspended. The behavior of the police officer was condemned and some members of the Muslim community deplored the State administration for discriminating against the Muslims of the State (Kaur1996). On the same day, another incident occurred at Dagore in Samba district, about 15 miles from Jammu. In this case, it was alleged that because of the police interference over the use of water tank for ablutions by the Muslims, Id Namaz was delayed. On June 4, 1931

²¹The sermon delivered by the Imam in Arabic language before the start of Namaz.
another incident occurred at the police lines in Jammu. It was alleged that certain Muslim scriptures had been desecrated by a Hindu Head Constable (Kaur 1996). Although the charges against the Head Constable were dismissed, this was soon followed by the discovery of a few pages of the Quran in a Srinagar drain (Zutshi 2003). A follow-up incident occurred on June 21, 1931 when Abdul Qadeer Quraishi, a non-Kashmiri Muslim from Peshawar who had come to Kashmir in the service of a European visitor T. B. Butt and was later alleged to be an Ahmadiyas, delivered a seditious speech (exhorting the people to fight against oppression) during a meeting of Kashmiri Muslims at the Shah-i-Hamdaan shrine. The police arrested him on June 25 under sections 124-A and 153 of the Ranbir Penal Code as the speech was seen by the administration to discredit the government and to bring about communal hatred, and the date of his trial at Srinagar Central jail was set for July 13, 1931 (Zutshi 2003). Sheikh Abdullah in his autobiography writes: “No one had realised the significance of Abdul Qadeer’s outspokenness. The incident that was to occur on July 13 had the same impact on the Kashmir Movement that the massacre at Jallianwala Bagh of 1919 had on the Indian independence movement”. (Abdullah 1993). “The final explosion that has forever stamped this date on the annals of Kashmir history took place when the restive crowd and police clashed outside the central jail, followed by general rioting during which Muslim men destroyed the shops and homes of Pandit landholders, moneylenders and petty officials in the city” (Zutshi 2003). For Zutshi, the happenings of 1931 were also connected to the larger socio-political context of the late 1920’s and early 1930’s where the new Kashmiri leadership had begun demanding the intervention of the Dogra regime in redressing the economic and political grievances of the Kashmiri Muslims. This was evident in their representation (headed by Sheikh Abdullah) to the government on the behalf of Kashmiri Muslims on the constitution of the Civil Service Recruitment Board in 1930. According to Sheikh Abdullah, the government instead of providing jobs to the Muslims had instituted the board at this particular juncture to create hurdles for Kashmiri Muslim young men who were qualified and willing to join the services (Zutshi 2003). Needless to say, it was the same recruitment board which had rejected the candidature of a man who not only went on become the Prime Minister of the State in March 1948 but who tirelessly fought against the autocratic rule of Maharaja Hari Singh

22 The man was none other than Sheikh Mohammad Abdullah. Initially, he was appointed Head of the
and forced him to abdicate the throne on June 20, 1949. For Zutshi the poor economic situation in 1920’s and 1930’s in India and in the world also had its fair amount of impact on the Valley’s economic State of affairs. The slump in trade and fall in the prices of agricultural produce led to increased rural-urban migration. The factories that had provided jobs to the workers in cities 1920’s were now in a State of collapse. Newspaper editorials from this period criticised the rise of unemployment, the closure of factories, and the acquisition by moneylenders and rich of those lands that had been over to the peasants as part of the conferral of proprietary rights by the government (Zutshi 2003). The Valley’s miserable economic condition also had its impact on the relationship between the members of majority community and the minority community i.e. Muslims and the Kashmiri Pandits. “The tussle between Kashmiri Muslims and the Kashmiri Pandits in and after 1931 was more about political and economic representation than religious antagonism. Kashmiri Muslims, tired of being excluded from education, the government, and the lower rungs of the administration, rallied around the cry of ‘Islam in danger’ raised by youths recently returned from British India with professional degrees. Significantly, the looting following the central jail incident was concentrated in the Vicharnag, locality of Srinagar, home to Kashmiri Pandit petty administrators and moneylenders. The rioting on July 13, 1931 was not that of a frenzied mob looking to kill in the name of religion, but one intended to redress the immediate economic grievances of Kashmiri Muslims” (Zutshi 2003: 224). Kashmiri Pandits, who were gradually losing their foothold in the administration with the establishment of the British residency and the import of Punjabi Hindus as State administrators, saw the new bellicosity of Muslims as the final nail in their coffin. “If the government accepted Muslim demands, as it seemed inclined to do, then Kashmiri Pandits would be deprived of their traditional means of employment. Since Muslims numerically far exceeded Pandits, it would not be long before they manned all government departments. Rumors that the government was giving into Muslim demands for communal representation abounded during the time. This is clear from the increased number of telegrams, letters and memorials from the Pandit organisations addressed to the Prime Minister or the Maharaja

Emergency Administration of the state on October 30, 1947 by Maharaja Hari Singh. The Maharaja signed the instrument for accession of Jammu and Kashmir to India on October 26, 1947 after the state was invaded by Pakistan supported Pashtun tribesmen on October 21, 1947 and subsequently, the Prime Minister of the state in March 1948 with the Maharaja given the status of a non-executive constitutional Head of the State. See Akbar (1991).
himself, expressing reservations and resentment on the move to sacrifice Pandit interests to satisfy Muslim demands” (Zutshi 2003: 225). It was in 1931 that the growing dissatisfaction of the Kashmiri people against Maharaja Hari Singh exploded in a massive Muslim agitation. Mass demonstrations turned violent and many persons were killed. These were declared the first martyrs in the Kashmiri struggle for freedom. Martyrs Day is always celebrated on July 13 in the Valley. This agitation proved to be a turning point in sharpening the external boundaries of the Kashmiri Muslim community vis-à-vis the Dogra Hindus and Kashmiri Pandits. This agitation was led by twenty-five-year-young Sheikh Mohammad Abdullah, a post-graduate in Chemistry from Aligarh Muslim University. Sheikh Abdullah, working as a junior teacher in a Srinagar High school, was born into a poor Kashmiri Muslim family from Sorah, a suburb of Srinagar. His father Sheikh Mohammad Ibrahim was a dealer in shawls and his ancestors were Kashmiri Brahmins. Sheikh Abdullah soon came to play an important role in the political history of the State. The Maharaja reacted to the 1931 revolt with swift resolve. On September 24, 1931, martial law was declared and Sheikh Abdullah was arrested and put into prison for several weeks. Korbel writes that although the attempt was quelled but the spirit of resistance continued to grow. Imprisonment of Sheikh Abdullah gave him more strength to fight the Dogra regime and received praise and admiration from the Kashmiri people. They rewarded him with the nickname Shere-E-Kashmir, the Lion of Kashmir. After his release, Sheikh Abdullah founded the All Jammu and Kashmir Muslim Conference in October 1932. However, this was not Sheikh Abdullah’s first venture into politics. The opportunity came to him in March 1929 when he was a student at Aligarh Muslim University. Sir Albion Bannerji, who had resigned as the Prime Minister of Jammu and Kashmir in March 1929 itself, accused Maharaja Hari Singh and his regime for deplorable economic condition of the common people. His statement, which was published in the English newspapers, rattled the higher echelons in the corridors of power. The Dogra regime in order to save their faces used the services of people like Agha Syed Hussain, General Samander Khan, Colonel Ghulam Ali Shah, Mirza Ghulam Mustafa and others in their damage control exercise. In order to please the Maharaja, these

23In 1766 Sheikh Abdullah’s grandfather’s family who were traditional Hindu Brahmins got converted to Islam under the influence of the Sufi divine, Mir Abdur Rashid Baihaqi. See Akbar (1991). According to Sheikh Abdullah, during Afghan rule one of his ancestors, who were Kashmiri Brahmins, converted to Islam, and took on Islamic name. See Abdullah (1993).

24In the Kashmiri context, Sheikhs are a descendant of a Hindu converts to Islam. See Zutshi (2003).
loyalists issued a rebuttal stating that the Muslims of the Kashmir were leading a peaceful and fairly prosperous life. Sheikh Abdullah was shocked to read the rebuttal and wrote the letter to Muslim Outlook, Lahore in which he exposed the dirty ploy of the Maharaja (Abdullah 1993).

The events of 13 July, 1931, which have since achieved near-mythological status in Kashmir’s political folklore, according to Sumantra Bose (2003), had an impact on the regime as well in the sphere of grassroots politics. The British government disturbed by the oppressive rule of Maharaja Hari Singh and by the extent of the opposition, sent Bertrant J. Glancy, an official of the foreign and political department, to Srinagar to investigate the Muslim grievances and propose a strategy of reforms (Korbél 1954; Bose 2003). However, British historian Alastair Lamb (1992) gives an altogether different picture of the July 1931 movement. Lamb quoting H. L. Saxena (1975) writes that: “the Government of India used Sheikh Abdullah as its agent to stir up communal trouble in Srinagar in 1931 so as to destabilise the State of Jammu and Kashmir and thereby force Maharaja Hari Singh to give in to British pressure and hand over the Gilgit region on a long lease” (Lamb 1992: 17). According to Saxena, the British in order to get the control over the Gilgit Agency took recourse to their age-old policy of divide and rule and they got anti-Hindu communal riots organised in the State. “It was in this context that Sheikh Abdullah played a very prominent role as a British stooge. They were in search of some Muslim in Kashmir to act as their henchman, to carry out their nefarious designs against the Maharaja and his ‘Hindu administration’. And in Sheikh Abdullah they found the man most suitable for their purpose, as he was a frustrated and educated Muslim youngman, who had the great advantage of being a good orator also” (Saxena 1975: 4).

In November 1931, the Maharaja’s government agreed for an inquiry by the Bertrant J. Glancy Commission with Prem Nath Bazaz (Pandit nominee from Kashmir Valley), Ghulam Ahmad Ashai (Muslim nominee from Kashmir Valley), Chaudhary Ghulam Abbas (Muslim nominee from Jammu) and Pandit Lok Nath Sharma (Hindu nominee from Jammu) as co-members to look into the causes of popular unrest and propose a strategy of reforms. For Zutshi (2003), the Glancy Commission whose primary task was to address the religious concerns of the population became instead a forum for the ventilation of their political and economic grievances. It became clear that religious grievances could not be divorced from their social and political contexts. Even before
the Commission started its deliberations, the Jammu Hindus withdrew their member – Pandit Lok Nath Sharma – as protest against its proposed inquiry into the Hindu Law of inheritance (Zutshi 2003). “The communities’ foremost demands related to the return of their places of worship, either from the State occupation or that of another community. The difference between these demands and those of earlier years regarding the same issue was that not only were the present demands more vociferous and included tracts of land between sacred spaces, but more significantly they were now lodged on a political forum against other communities’ claim to the same land” (Zutshi 2003: 237). In their statement before the Commission, Muslims of the Valley argued that here in Kashmir they have been deprived of both religious and economic freedom. The Dogra administration has even deprived them of rights which were guaranteed by the Shariat. One of the statements recorded was that: “The condition of Kashmiri Muslims in this Garden of Solomon (Kashmir) is indescribable. Neither do they have any means of economic survival, nor have they been provided with religious freedom. Religious freedom was essential for human beings without whom their life was rendered meaningless and there was no difference between them and beasts” (Zutshi 2003: 238). “Denial of proprietary rights on land, occupation of shrines and mosques, the inflated revenue rates, the child marriage prohibition act, and the denial of property rights to a Hindu converting to Islam, the statement claimed, went against the Shariat. The law of the land, according to this petition, was specifically designed against the Muslims, and forced them to go against the dictates of their religion. … An issue submitted to the Glancy Commission that drew heated debate between the Pandit and Muslim communities was the question of the forfeiture of inheritance in the case of those who renounced the Hindu religion. Most Muslim petitions raised this issue as an impingement on their religious freedom, since in practice it meant that a Hindu wishing to convert to Islam forfeited his legal right to inheritance” (Zutshi 2003: 238-239). Commenting on the role of Glancy Commission and the rise of All Jammu and Kashmir Muslim Conference in addressing the problems of Muslims, Mridu rai (2004) writes that: “The Commission had invited submissions from all segments of the State’s society. Importantly, the Commission had not invited complaints from individuals but from representatives of only recognised entities in the State; its various religious communities. Sheikh Abdullah was appeared to be everywhere and speaking for every class of Kashmiri Muslims when the Commission was gathering evidence. Two important recommendations
made were to allow the formation of political parties and the publication of newspapers in the State. Sheikh Abdullah capitalised on the first by founding the All Jammu and Kashmir Muslim Conference (AJKMC) in October 1932, and used this organisation to reinforce the wide social base of support in the Valley that he had begun to garner through his representative activities in presenting testimonies before the Glancy Commission” (Rai 2004: 270).

The Glancy Commission in April 1932 suggested a series of reforms to the administrative structure and systems of education, land tenure and taxation in order to make life somewhat more bearable for the Muslim masses and provide opportunities to the small but increasingly vocal stratum of educated young men who were advancing demands on their behalf (Bose 2003). According to Korbel, “the Maharaja was requested to introduce certain land reforms and to give the people the right to elect a Legislative Assembly” (Korbel 1954: 18). Quoting government notification (Ordinance-Notification No. 19) Korbel (1954) writes that once again in 1933 revolt broke out on June 1 and martial law was declared and the uprising was crushed. Although many people lost their life and property in this violent protest against the Maharaja and his regime but their spirit to fight was very much alive. Again in 1934 Sheikh Abdullah's friend Chaudhary Ghulam Abbas launched a civil disobedience movement for a constitutional government (Korbel 1954). The timing was favourable because the Glancy Commission had created the conditions for such a demand. One of the recommendations of the Glancy Commission had been for the formation of a franchise commission to draw up a scheme of representative government in the State. Even this civil disobedience movement met the same fate as the previous attempts to compel the Maharaja to liberalise his policy towards the Muslims but the revolt continued to fume in Kashmir, and finally, pressed by the British from the above and by the people from below, a Legislative Assembly, with very limited powers and none to appoint ministers (which remained the prerogative of the Maharaja) was brought into being by a Constitution in 1934\(^\text{25}\) (Rai 2004). Known as the Praja Sabha, the Legislative Assembly was made up of 75 members out of which 33 were to be elected (21 reserved for Muslims, 10 for Hindus and 2 for Sikhs), 30 nominated and 12

\(^{25}\text{Sir Ivo Elliot, the Franchise Officer, had suggested a legislature on the Morley-Minto model with non-official majority. Maharaja Hari Singh on April 22, 1934 enacted the Constitutional Act, Regulation No. 1 of Samvat 1991 (A.D. 1934).}
officials (Rai 2004). According to her, since the officials and the nominated members formed the majority in the Praja Sabha, Sheikh Abdullah and his AJKMC, in order to counter this imbalance, always sought the support of Hindus and Sikh elected members (Rai 2004). The AJKMC which was founded to direct the movement for social and political change in the State received the support from the Muslim intelligentsia, the clergy, trading class, industrial workers, artisans and peasantry (Behera 2000). The party also sought help from Muslim in India and the response was overwhelming. The party got favourable response from Punjabi Muslims – the Ahrars and Ahmadiyas. Punjabi Muslims led by Dr. Allama Iqbal, who formed a Kashmir Committee, advocated constitutional means to seek redress of their grievances. The Ahrars and Ahmadiyas provided help to the movement in Kashmir by sending their armed volunteers and money respectively (Behera 2000). According to Behera, The AJKMC leadership soon realised that their real fight was not against the Dogra regime headed by the Maharaja but the British government. The British intervention in Kashmir on the request of the Maharaja demonstrated that the Princely State was mere instrument created by the colonial Raj. Jammu and Kashmir was extraordinarily important in their strategy of safeguarding the British Empire against the Russian threat. The Kashmiri Muslim community, according to AJKMC, was too small and weak to take on the might of the British colonial power. In order to deal with the new enemy, AJKMC decided to construct a new identity, bigger and broader in horizon including secularisation of Kashmiri Muslim identity (Behera 2000: 49). “The formation of several local political organisations with a secular and nationalist outlook and socialist objectives promoted such thoughts. Ghulam Mohammad Sadiq and Prem Nath Bazaz founded the Kashmir Youth League in 1936, pledging support to the unity of all people and a responsible government in Jammu and Kashmir. Some Hindu and Muslim leaders formed a committee of the Indian National Congress at Jammu, supporting constitutional reform in the State. The labour movement was another important development. Labour unions such as the Mazda Sabha, Kisan Sabha, Peasants Associations, Students Federation, Government Sericulture and Silk Labour Union, Turpentine Labour Union, Telegraph Employees Union along with other unions of carpet weavers and Tonga drivers were formed” (Behera 2000: 49).

26However, according to Korbel (1954), out of 75 seats of Praja Sabha, 40 were to be elected by the people and 35 nominated by the Maharaja.
The AJKMC in 1938 published a manifesto entitled ‘National Demand,’ calling for the implementation of substantive reforms to bring about a ‘Responsible Government’ in the State, albeit “under the aegis of the Maharaja.” The token concession to the Maharaja proved insufficient to avert mass arrests of party leaders and a policy of total repression by the government. The year 1939, according to Korbel, was a fateful one for the Muslims in Kashmir. Up to that time the Muslims had been united through the AJKMC. In 1939 this unity was broken. For some time Sheikh Abdullah had been dissatisfied with the political programmes and practices of the Muslim movement of the sub-continent. He objected to the fact that only Muslims were allowed to be its members. Then, too, its leaders seemed to him to be preoccupied with the Muslim-Hindu struggle, unaware of the true significance of their own nationalist movement. They were, indeed, accused by the Indian National Congress leaders of reactionary tendencies and medieval theocratic thinking (Korbel 1954). Sheikh Abdullah did not find inspiration in this kind of political organisation. Instead, Nehru’s secular and progressive concept of Indian society appealed to his way of thinking. To advance these ideas, he along with Prem Nath Bazaz founded in 1935 a Weekly, *Hamdard*, printed in Urdu, in which he pleaded for admission of Sikhs and Hindus to the membership of the Party (Korbel 1954). Behera writes that a section of AJKMC leadership had strong reservations about the move to secularise Kashmiri politics and strongly resisted any attempts to convert the party into a national organisation. The leaders – such as Chowdhary Ghulam Abbas Khan, Chowdhary Hamidullah and Ghulam Nabi Gilkar – who were opposed to this, were basically from Jammu and their argument was that “reorganising the Muslim Conference would divide the Muslims, and the Hindus would not cooperate anyway because their interests were tied up with the Dogra government. Further, Congress, being a Hindu organisation would never support Muslim subjects in a Hindu State. Ghulam Abbas openly repudiated the principle of national unity, and emphasised that Hindus and Muslims were two nations and Islam did not admit their integration into social and political unity” (Behera 2000: 51). The AJKMC in 1938 after considerable internal debate decided to redefine the basis of its politics. Primarily at the behest of the Sheikh Abdullah’s group, which included a handful of progressive Pandits and Sikhs, the party declared its intent to end communalism by ceasing to think in terms of Muslims and non-Muslims. Sheikh Abdullah on March 26, 1938 at the party’s sixth session said: “We must end communalism by ceasing to think in terms of Muslims and non-
Muslims when discussing our political problems… We must open our door to all such Hindus and Sikhs who like ourselves believe in the freedom of their country from the shackles of an irresponsible rule” (Akbar 1991). Accordingly, the Working Committee of the AKJMC on June 28, 1938 passed a resolution moved by Sheikh Abdullah to amend its constitution and allow anyone to become a member irrespective of their caste, creed or religion. A special session of the party’s General Assembly was summoned on June 11, 1939 to change the name of the party to All India Jammu and Kashmir National Conference (popularly called National Conference). Of the 176 delegates present, 173 voted to ratify the change (Akbar 1991). However, some AJKMC leaders and members broke away, declaring the decision as illegal, null and void. Ghulam Abbas loyalists in Jammu districts, together with a small anti-Sheikh Abdullah faction in the Valley, split from the National Conference in 1941 and revived the Muslim Conference (MC). From then on, the National Conference was identified with the personality and politics of Sheikh Abdullah (Bose 2003). The split between Sheikh Abdullah and Ghulam Abbas was as definite and as pronounced as that between the Indian National Congress and the Indian Muslim League in British India. Commenting on the split of the party into two groups, Puri writes that: “The fear of some Muslim leaders especially Ghulam Abbas (of Jammu) were allayed by an off the record understanding that the movement would be steer clear of both the Congress and the Muslim League. Jammu Muslim leaders also used to refer (privately) to another gentlemen’s agreement by virtue of which the leadership of the new party would rotate annually between the two regions. If at all there were any such agreements, they were honoured in breach. The Muslim leaders of Jammu and the Valley parted company with each other as much due to ideological as to cultural and regional differences. Abbas and his followers – mostly in Jammu – left National Conference to revive the Muslim Conference in 1941. For their clash with Kashmir Muslim leaders, Jammu leaders could not count on the support of the nationalist leaders of India for whom Kashmir leader Sheikh Abdullah was a far more valuable catch” (Puri 1981a: 38).

Commenting on the rivalry between National Conference and Muslim Conference, Korbel writes that as in British India where every political concession by the British government deepened the split between the Indian National Congress and the Indian Muslim league, so in Kashmir, with every political concession made by the Maharaja,
gulf between the pro-India National Conference and the pro-Pakistan Muslim Conference increased. Sheikh Abdullah in 1940 invited Congress leader Nehru to visit the Kashmir Valley. Nehru’s visit to Kashmir was a great success and marked the beginning of a tortured personal and political relationship between Nehru and Sheikh Abdullah (Korbel 1954). “The more the National Conference stressed secular political goals and identified itself with Indian National Congress, greater were the differences that arose between the secular political leadership and those aligning with the Muslim identity. Muslim leaders like Chowdhary Ghulam Abbas claimed publicly that Hindus and Sikhs had been allowed to join the National Conference only to neutralise their resistance to the Muslim demands. They made no bones about their preference for the Muslim League rather than the Congress at the national level. The two factions continued to be at cross-purposes till the National Conference split on the question of the Pakistan Resolution in 1940. Muslim leaders in Poonch, Mirpur and Muzaffarabad districts acclaimed the resolution and pledged support for a separate homeland for Indian Muslims” (Behera 2000). In August 1942, when the Congress launched a direct-action movement calling on the British to Quit India, the Muslim League condemned the Quit India Movement as “not directed for securing the independence of all constituent elements in the life of the country, but to establish Hindu raj (rule) and to deal a death blow to the Muslim goal of Pakistan” (Bose 2003: 22). The Muslim Conference supported the stand taken by the Muslim League whereas National Conference condemned the repression unleashed by the British. After Nehru, Muslim League leader Mohammad Ali Jinnah in 1943 paid a visit to Kashmir. Both Sheikh Abdullah and Ghulam Abbas wanted him to address their respective organisations but Jinnah chose to preside over the annual congress of the Muslim Conference. His visit, according to Korbel, gave a new lease of life and authority to the Muslim conference. Jinnah declared the Muslim Conference as the real representative organisation of the Muslims of Jammu and Kashmir. Consequently Muslims in British India became more and more pronounced in their support for an independent Pakistan. The Muslims in Jammu and Kashmir began to return to the Muslim Conference led by Ghulam Abbas, abandoning the ranks of the National Conference of Sheikh Abdullah. After Jinnah’s rebuff, Sheikh Abdullah started cultivating closer links with the Congress. In 1945 the National Conference’s annual gathering was attended by some of the top leadership of Congress – Nehru, Maulana Abul Kalam Azad and Khan Abdul Ghaffar Khan (Bose 2003). In 1946, as a mark of
solidarity with the National Conference’s struggle against the Maharaja autocracy, Nehru came to Kashmir. As Nehru entered Jammu to lend his support, he was promptly arrested by the police. For Bose, despite personal links and ideological affinity with a section of the Congress, the National Conference maintained an entirely separate and independent organisational existence. “Two very important core characteristics distinguished the National Conference in its mobilisational phase from its Congress counterpart in India proper. First, the National Conference’s ideology was specifically directed to the emancipation of Jammu and Kashmir from the post-1846 dispensation, and was based ideologically on the deep sense of regional patriotism, centred on the Kashmir Valley. Second, despite its declared secularism, embodied in the 1939 decision to include non-Muslims, the National Conference movement never abandoned its Kashmiri Muslim heritage” (Bose 2003: 23-24). To some extent, argues Bose, the National Conference’s Muslim orientation was inevitable. The party’s ideology and mobilisation strategies were from beginning steeped in a distinctly Muslim ethos, shaped by the Valley’s history, culture and traditions. Sheikh Abdullah’s popularity with the masses owed much to the fact that he excelled in reciting beautifully from Quran. His power base in the Valley was rooted in his and his associates’ control of mosques, acquired at the expense of religious preachers of the more traditional variety (Bose 2003).

The National Conference as an organisation in the State became quite successful in their political mobilisation. The party’s defining traits – the charismatic leadership of Sheikh Abdullah, the organisational network, the assertion of a proud regional patriotism rooted in a shared Muslim identity, and the promise of progressive social change – were a beacon of hope for an impoverished, politically disenfranchised population (Bose 2003). In September 1944, the National Conference adopted a social charter entitled Naya Kashmir (New Kashmir), an ambitious program for Jammu and Kashmir’s future under a democratic government. The Naya Kashmir Manifesto, which was considered as an important political document in the modern Kashmir’s history, had three sections. The first section of the National Conference’s ‘Magna Charta’ articulated the party’s conception of the State’s future constitutional framework. At the top, it visualised a representative legislature called the National Assembly and a Cabinet government and it called for decentralised governance based on devolution of decision making and administrative responsibilities to districts,
tehsils, towns and villages. The Maharaja was to play titular, figurehead role in the new democratic set-up. The second section of the manifesto focused on improving the economy of the State with special focus on the agrarian economy given the reality of pre-dominantly peasant society. The manifesto called for the abolition of the parasitic landlordism without compensation, transfer of land to tillers, and establishment of cooperative associations. The final section was devoted to social and educational schemes for various downtrodden sections of Kashmir’s population, including a charter of rights for women (Bose 2003). Commenting on the Naya Kashmir, Bose writes that: “The Manifesto was clearly based on a Jacobin conception of popular sovereignty, augmented by a generous dollop of Bolshevism – idea inspired by the erstwhile Soviet model – in the socio-economic parts of the programme” (Bose 2003: 26). The Naya Kashmir Manifesto was not devoid of criticism. Critics termed it as an attempt by the National Conference to boost its flagging popularity among the Kashmiris. Commenting on the manifesto, Prem Nath Bazaz (1954) said: “It was an interesting though thoughtlessly drafted document, envisaging the establishment of a communist State yet, opportunistically enough, it guaranteed the perpetuation of the alien Dogra rule in Kashmir and gave the Maharaja a solemn assurance that he would continue to exercise the right of general control over the administration of the State. While publishing the manifesto for the information of the people Abdullah in a foreword expressed the hope that in our New Kashmir we shall build again the men and women of our State who have been dwarfed for centuries of servitude, and create a people worthy of our glorious motherland ” (Bazaz 1954: 220-221). Similarly, Lord Birdwood (1956) writes that: “The New Kashmir proposals, while revolutionary in their economic and social implications, had paradoxically not bothered to remove the ruling dynasty. Despite criticism, the manifesto propelled Maharaja Hari Singh into announcing a major concession on October 2, 1944: while the Maharaja would not accept the demand for Responsible Government but he was ready - under the system of dyarchy – to take two members of the Praja Sabha, one Hindu and one Muslim, into his council of ministers. Pursuant to this, Maharaja Hari Singh appointed Mirza Mohammad Afzal Beg and Captain Wazir Ganga Ram as cabinet ministers in his government. The appointment of ‘popular’ ministers, as Mirza Afzal Beg and Ganga Ram were called by the Praja Sabha, was not welcomed by all sections of the public. Since Mirza Afzal Beg was a member and nominee of the National Conference, the leaders of the Muslim Conference, who boycotted the offer, were not happy about the
selection of these ‘popular’ ministers. According to Puri, “the uneasy experiment of dyarchy lasted for a year and half. It was put to increasing strain as the National Conference was drawing closer to the Congress. Supported by the Congress, the All India States’ Peoples’ Conference, of which the National Conference was a constituent part and Sheikh Abdullah had become the president, had challenged the right of the princes to represent the respective States in the negotiations initiated by the British government on the future of India” (Puri 1981a:42). Needless to say, the All India States’ Peoples’ Conference, set up in 1938 at the initiative of Nehru to provide leadership to the States’ Peoples’ movement and which spearheaded the liberation movement in the Indian States, was committed to the independence of India from the British and the unity of the States and the provinces. It advocated self government in the States, on the same basis that the people in the provinces would be granted in accordance with any future constitutional reform (Teng 1998). The objective of this organisation was that in the future, the Federal Assembly envisaged by the Government of India Act of 1935 it was the representatives of the people who should represent the Princely States and not the nominees of the princes. The relations of the National Conference with Maharaja Hari Singh deteriorated when Pandit Ram Chand Kak was appointed as the Prime Minister of the State. The party initially hailed the appointment of Pandit Kak as the first Kashmiri Prime Minister but relationship between the two soon deteriorated when Pandit Kak insisted that popular ministers had no right to express their individual or party opinion and they must defend the policies of the government. Rejecting this position, the National Conference decided to withdraw its nominee Afzal Beg from the ministry. When Afzal Beg resigned, he was replaced with another senior National Conference leader Mian Ahmad Yar. He joined the Maharaja’s government much against the party directive. A non-Kashmiri Muslim and leader of National Conference in Assembly since its inception in 1934, Mian Ahmad Yar was also one of the six members elected for the two post posts of ministers. He was not nominated by the party for the cabinet post rather it went to his deputy and a Kashmiri Muslim, Afzal Beg. This added to the bitterness of the National Conference which accused Kak of pushing Afzal Beg out of government and attempting to disrupt the party (Puri 1981a: 42).

In the meantime, the National Conference became more aggressive. Sheikh Abdullah gave a memorandum to the British Cabinet Mission which was scheduled to meet
Indian leaders to discuss the future of India, including the status of the Princely States. In the memorandum which was submitted on March 15, 1946, Sheikh Abdullah declared that “the fate of the Kashmir nation is in balance and in that hour of decision we demand our basic democratic right to send our selected representatives to the constitution-making bodies that will construct the framework of free India. We emphatically repudiate the right of the Princely order to represent the people of the Indian States or their right to nominate personal representatives as our spokesman” (Korbel 1954: 22). The party in their memorandum disputed the legal validity of the Treaty of Amritsar. The British had no right to sell the people of Kashmir to an opportunist for favours rendered, and the Dogras even less right to treat Kashmir as their natural property. It maintained that this treaty was unlike other treaties under which the rest of the States were governed. In the case of the Valley, its people not the Maharaja had a right to decide its future (Puri 1981a). According to Korbel, the Cabinet Mission ignored the memorandum, forcing Sheikh Abdullah to launch in May 1946 a ‘Quit Kashmir’ campaign against the Maharaja. On the future of the Princely States, the Cabinet Mission through their memorandum issued on May 12, 1946 said that: “…His Majesty’s Government will cease to exercise the power of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States” (Akbar 1991:88). This statement from the British government made Maharaja Hari Singh to be pleased about and Sheikh Abdullah to be apprehensive about. “The last thing that Abdullah wanted was British rule replaced by a Maharaja’s autocracy; freedom would mean nothing to Kashmir until they had also won freedom from a purchased feudalism” (Akbar 1991: 89). The National Conference leader took the position that whatever might be the case in other Princely States, the Dogras had no legitimacy in Kashmir. In a message to the Cabinet Mission after the May 12 memorandum, Sheikh Abdullah said that the rulers of the Indian States “who possess one-fourth of India have always played traitors to the cause of Indian freedom. The demand that Princely order should quit is a logical extension of the policy of Quit India … No sale deed, however sacrosanct, can condemn four million men and women to the servitude of an autocrat when the will to live under his rule is no longer there. We, the people of Kashmir, are determined to mould our own destiny…” (Akbar1991: 89).
During the Quit Kashmir movement Sheikh Abdullah, through his speeches condemned the Dogra rule as an alien rule comparable to that of Sikhs, Pathans and Mughals. Opposition of the National Conference, for Puri, was not so much to the system of monarchy as to the alien character of the Monarch. This argument of the National Conference, in fact, legitimised Hari Singh’s right to rule over Dogras. He specifically asked Maharaja Hari Singh to quit Kashmir and go back to Jammu. This stand of Sheikh Abdullah embarrassed whatever was left of the National Conference in Jammu. Its logic undermined the very raison d’être of the party in the region. There was, therefore, very limited support for the Quit Kashmir movement outside the Valley (Puri 1981a). Sheikh Abdullah’s opponents questioned the motive of launching the campaign against the Maharaja and accused the National Conference leader of highly ulterior motives. It was charged that Sheikh Abdullah opened this agitation mainly in an attempt to regain the popularity which he had lost for his pro-India policy. The Muslim conference leader, Ghulam Abbas, speaking in Lahore, condemned the movement as an agitation ‘started at the behest of Hindu leaders’ and its ‘object was to restore the prestige of nationalists (Bose 2003: 29; Puri 1981a:43).

Even Sheikh Abdullah’s former close associate, Prem Nath Bazaz, accused him of opportunism and through his paper, Hamdard, denied him the right to claim to represent both the Muslims and Hindus as the leader in the state. Bazaz further asserted that the Muslims followed largely the Muslim Conference and the Hindus had their own parties (Korbel 1954: 22). Jinnah, who had a common interest with the princes of India against the claim of the Congress to represent the whole country in negotiating about its future with British government, strongly condemned the Quit Kashmir movement and their leaders. Their aim, Jinnah said, was to coerce Maharaja Hari Singh into recognising the National Conference as representing the Muslims, in utter disregard of the representative character of the Muslim Conference (Puri 1981a).

Because of his campaign against the Maharaja, Sheikh Abdullah became unacceptable to many Hindus and Sikhs who looked upon the Maharaja as the main pillar of their privileged position in this Muslim-majority State. Shortly thereafter Abdullah was arrested by the Maharaja, tried and sentenced to three years in prison. The very reasons that made the National Conference a formidable force in the Valley proved its major handicaps in striking deep roots in Jammu. By stating that their movement was directed against the Dogra Raj, the Kashmiri leaders could not make themselves and their movement popular among the Dogras, the main community in the Jammu
region. The growth of freedom movement in Jammu, which had influenced the conversion of the All India Jammu and Kashmir Muslim Conference into the National Conference, was thus inhibited by the character of the Sheikh Abdullah’s party. Many prominent Hindu, Sikh and Muslim leaders and young intellectuals joined the National Conference when it was formed in 1939 but it could not acquire the emotional, regional and religious appeals in Jammu that it had in the Valley (Puri 1981a).

The objective of the Quit Kashmir movement did not conform to the official stand of the Congress and the All India States People’s Conference which aimed at responsible governments in the States and not at termination of the system of monarchy. However, appreciation of its basic spirit by Mahatma Gandhi and Nehru helped to widen the gulf between the popular movement in Kashmir and the Muslim League. Nehru explained that the National Conference led movement exceeded but not contradicted the official objective of his party. Defending Sheikh Abdullah, Nehru argued that Quit Kashmir call was not addressed to the person of the Maharaja but to the institution of monarchy (Puri 1981a). The Muslim Conference, which was strongly opposed to the ideology of the National Conference but had hitherto been criticising the Maharaja’s regime quite severely, took this opportunity to gain the platform and take revenge on the National Conference. In late 1946 the Muslim Conference, in a strategy similar to that used by the Muslim League in India after Congress’s Quit India movement was crushed, attempted to exploit the political vacuum in the Valley caused by the incarceration of many National Conference leaders including Sheikh Abdullah and the flight of those who managed to evade detention. The Muslim conference’s action not only helped the regime in quelling the agitation, but also suspended the individual civil disobedience movement launched by Ghulam Abbas. Their strategy was to rely more on cooperation with the Maharaja and they encouraged him to declare independence. The Muslim Conference’s calculation was that in a Muslim majority State, the Maharaja would be forced to hand over or at least share State power with the Muslims.

According to Justice Adarsh Sein Anand (1998), as the differences between the Congress and the Muslim League in British India became greater, the Muslim Conference in Kashmir started advocating the Muslim League’s cause in the State. But at this stage, the Muslim Conference was confronted with a profound dilemma,
namely its virulent opposition to secularism of the National Conference, and the realisation that its rival (Sheikh Abdullah) was indispensable to its goal – the integration of Kashmir into Pakistan (Anand 1998). Justice Anand quoting Dawn newspaper articles writes that Ghulam Abbas appealed to Maharaja Hari Singh to release Sheikh Abdullah. His attempt backfired as the Maharaja was quick to realise the danger from Ghulam Abbas group. Ghulam Abbas and other prominent leaders of the Muslim Conference leaders were arrested for the ‘security of the State’ as they made speeches critical of the regime in front of a Friday prayer congregation at Srinagar’s Jama Masjid (Anand 1998). For National Conference the issue of accession was not that important. Transfer of reins of power from Dogra rulers to the people, for Sheikh Abdullah, was more important than anything else. ‘Freedom before Accession’ became Sheikh Abdullah’s motto. According to Behera, Sheikh Abdullah's personal choice on accession was not clear but did oppose Pakistan because he did not believe in the Two-Nation theory. Sheikh Abdullah was also not keen to accede to India because he felt Pakistan would not accept this and his State would become a battleground for the two nations. He was conscious of the third option of an independent Kashmir but realised that ‘to keep the small State independent while it was surrounded by big powers was nearly impossible in the long run (Behera 2000).

**Instrument of Accession**

The Princely States were a peculiar issue in the decolonisation process as partition took place. H. V. Hodson (1997) in his book, The Great Divide Britain – India – Pakistan writes that: “The Indian States presented a unique problem, and a highly complex one, in the progress to independence. They varied enormously, from principalities the size of France to petty estates unworthy to be ranked as political entities yet neither part of British India nor subordinate to any other government than the Crown itself, their citizens were not British subjects, but in international status, ‘British protected persons’. Some of the States were ancient monarchies whose history went many centuries back beyond the advent of European power; … Their existence alongside the provinces of British India was the fruit of two centuries of history with all its accidents and variety, in a continent as large as Europe and even

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27 Territories of the Indian Princes were formerly referred to as “the States”.

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more divided by language, religion and dynastic ambition” (Hodson 1997: 22). Accordingly, the State of Jammu and Kashmir was not part of British India; rather, it was part of Princely India. Not directly governed by the British but by the hereditary rulers, the so-called Maharajas and Nawabs, the Princely States were, nonetheless, under British ‘paramountcy’. The Secretary of the Ministry of States, V. P. Menon (1956) writes that “Constitutionally the States were never part of British India nor were their inhabitants British subjects. Parliament had no power to legislate for the States or their people. The Crown’s relationship with the Indian States was conducted by the Governor-General in Council” (Menon 1956: 10). According to Korbel, there were 584 such Princely States scattered over the sub-continent, covering 45.3 per cent of the surface and with a population of some 99 million people. Some princes represented real powers, such as Nizam of Hyderabad; others were small in size and population. The overwhelming majority of them were Hindu; only a half dozen were Muslim (Korbel 1954). The Princes were proud of their quasi-royal status and demanded unlimited loyalty from their hapless subjects and Princely respect from abroad. They bore the elevated title of Raja (Hindu), Maharaja (Hindu) or Nawab (Muslim), and they were addressed as ‘His Highness’. Notably, the ruler of Hyderabad had the special title of Nizam and was addressed as ‘His Exalted Highness’ (Korbel 1954: 46). The relationship between the British and the rulers, writes Korbel, was based upon treaties. The paramount power, the British government, was responsible for their foreign affairs and defence. However, Sandeep Banzai (2006) observes that out of the 562 Princely States, only 40 or so had treaties with Britain. The relations of the other States with the British paramount power were regulated by ‘engagements, sanads, sufferance, political practices and conventions’. For example, Jammu and Kashmir (Treaty of 1846) and Hyderabad (Treaty of 1800 and Treaty of 1853) were some of the States who had treaty relations with the British. The princes, writes Korbel, were guaranteed their rights of succession and autonomy in the internal affairs. British India and Princely States were linked by a sort of

28There seems to be no unanimity among the scholars on this. For example, H. V. Hodson puts this number at over 550. Ashutosh Varshney has put the number at 600. Sheikh Mohammad Abdullah, Alastair Lamb, Sumantra Bose, Sandeep Banzai and Phillips Talbot put it at 562, Alice Thorner at 560. According to A. S. Anand, it was 564. For Prem Shankar Jha and Victoria Schofield it was 565.

29Sanad: Generally a title deed, a letters patent or charter. An acknowledgment and documentary proof of rights conferred upon by the Government. In the context of the relationship between the British power and the ruler of Indian states, it denoted ‘a document of title embodying a clear and distinct statement or a formal expression of the terms of an agreement. See Menon (1956).
personal union: the Viceroy of British India acted also as the Crown’s representative towards the princes. On 8 February, 1921, a Chamber of Princes was constituted by a Royal Proclamation. The Chamber of Princes composed of 108 rulers and 12 additional members representing 127 minor States. According to Menon, it was a deliberative, consultative and advisory body. Its main political purpose was to bring the princes closer to the political arena of Indian affairs and to make aware of the impending realities of political life (Korbel 1954). When in 1946 the British government decided to relinquish its hold over the sub-continent, the question of relinquishing its paramountcy over the Princely States was also posed. The British Cabinet Mission, in a ‘Memorandum on States’ Treaties and Paramountcy’, informed the Chamber of Princes that after the transfer of powers to an independent government of India, the British government would cease to exercise the power of paramountcy. This meant that the rights of the Princely States which flowed from their relationship to the British Crown would no longer exist and that all rights surrendered by the States to the paramount power would return to them. It was argued that the ‘void’ which would be created would have to be filled, either by a federal relationship or by ‘particular political arrangements’ with the successor government or governments whereby the States would accede to one or other dominion. On May 16, 1946, the Cabinet Mission reaffirmed its position on the Princely States stating that there would be a Union of India embracing both British India and the States and would deal with foreign affairs, defence, and communications and that the States would retain all subjects and powers other than those ceded to the union. Though the Cabinet Mission’s proposal was rejected as a whole, its statements concerning the Princely States became the basis for future settlement of this particular problem. Nor was the principle of this declaration changed when in June 1947 the decision for partition was announced (Korbel 1954).

Viceroy Lord Mountbatten on July 25, 1947 informed the princes of the policies of the future governments of both India and Pakistan, which he had worked out with them with regard to the formation of instruments of accession and standstill agreements30 by and with States. Mountbatten made it clear that all Princely States

30 A standstill agreement, provided for by the Government of India Act of 1935, ensured the continuation of essential relations, in communications, posts and trade and so on, between a Princely state that remained undecided on its future status, and one or both dominions. See Lamb (1997).
were theoretically free to link their future with whichever dominion they wished or even to remain independent. He also pointed out that separate State departments had been set up for each future dominion governments. The Viceroy reminded them that although they (Princely States) were free to link up with either of the dominions but it must be pointed out that India had been operating as an economic entity, and that implied certain consequences, and that there were certain geographical compulsions which could not be evaded (Korbel 1954). The Independence Act made provisions for the temporary continuations of customs, transit and communications, posts and telegraphs, but Mountbatten once again urged the princes to enter into standstill agreements with dominions of India and Pakistan to make arrangements about such matters. Lord Mountbatten stressed to the princes on the eve of independence that they would have to surrender to the central governments of India or Pakistan only defence, foreign affairs, and communications, without any financial liability. He further assured them that these governments would have no authority to encroach on the internal autonomy or the sovereignty of the Princely States. He invited the princes to make up their minds before long, as the day of transfer of power, August 15, was very close at hand; after that date they would have to take care of any arrangement by themselves as sovereigns of independent countries (Korbel 1954: 48). In deciding which dominion to choose – India or Pakistan – two principles were recommended: geographical contiguity and the religion of the majority community in the State. The general assumption was that the Hindu States would join India and the Muslim States, Pakistan. Nearly all of the Princely States except – Hyderabad, Junagadh and Jammu and Kashmir – saw clearly the only possible and reasonable path open to them and acceded to one country or the other. Nizam of Hyderabad, Nawab of Junagadh and the Maharaja of Jammu and Kashmir chose to join neither of the dominion and on August 15, 1947 became technically independent States. From the perspective of religion, all the three States were marked by a ruler-ruled paradox (Varshney 1992). The religion of the Princely ruler in each case was different from that of the majority population. Moreover, except Jammu and Kashmir, other two were not contiguous to Pakistan. Junagadh, with a Muslim ruler but with a Hindu population of about 700,000, acceded in September 1947 through the act of Nawab to Pakistan, but the Indian army entered the State and assured people of their right to express themselves about their future. They voted for India. In the case of Hyderabad, its Nizam tried to postpone indefinitely any decision concerning the fate of its predominantly Hindu population –
but this too was solved by the way of arms when the India army forced its way into
the State in September 1948 and the State became part of India (Korbel 1954).

According to Varshney (1992), the case of Jammu and Kashmir was more
complicated than that of Junagadh and Hyderabad. Sharing the ruler-ruled paradox, it
had a Muslim majority but a Hindu ruler. It had three additional features, however.
First, the State though Muslim majority had three very different States merged into
one - Kashmir, Jammu and Ladakh. The ruler, Maharaja Hari Singh, a Dogra Hindu,
did not come from the Kashmir Valley but from Jammu. Secondly, unlike Junagadh
and Hyderabad, it was contiguous to both – India and Pakistan. Thirdly, a popular
movement led by Sheikh Abdullah had developed against the autocratic rule of the
Maharaja. Faced with a decision to accede to one of the Dominion, Maharaja Hari
Singh was caught between the devil and deep sea because he was to lose either way.
Geographical, economic and socio-cultural factors linked the State integrally to both
India and Pakistan making the choice very difficult. He did not know what he should
do, for dilemma the Maharaja faced was very real. Prior to July-August, 1947, Hari
Singh was unable to make up his mind, not so much because he was indolent or weak,
but because although Mountbatten had categorically ruled out the continuation of
paramountcy, a tug-of-war between the Congress and the Muslim League had made
the possibility of remaining independent very real (Jha 2003). Defending Maharaja
Hari Singh, Jha (2003) argues that the existing bewildering complexity of the State i.
e. ethnicity, and not the indecisiveness for which he has been roundly condemned,
was the main reason why the Maharaja did not want to accede to either dominion.
Maharaja Hari Singh was being pushed powerfully in two opposite directions. He was
drawn to India by his own religion and antecedent, but was being impelled towards
Pakistan not only by the preponderance of Muslims in the State,\(^{31}\) and its close
geographical and economic links with that dominion, but by everything that was
important to him personally – power, status and prestige. While the Congress was
insisting that the Princely States must merge with one or other of the successor
governments, the Muslim League had professed, initially, that it was willing to

\(^{31}\) Seventy-seven percent of the population of the state was indeed Muslim, but they belonged to at least
three frequently antagonistic sects, with two-thirds belonging to a strongly sycretic tradition of Islam
that had a good deal in common with the Bhakti tradition in Hinduism. The other two sects were
traditional Sunnis in Jammu and Poonch (racially akin to the Punjabi Mussulman), and Shia’s in Gilgit
and Baltistan. See Jha (2003).
respect their sovereignty if they decided to remain independent (Jha 2003). This made its subsequent offer to respect his (Maharaja Hari Singh’s) internal sovereignty if acceded to Pakistan all more attractive. Within Kashmir, the Maharaja’s position was equally unenviable. He was at loggerheads with the leading political party, the National Conference, whose secular and pluralistic outlook he shared, because it demanded his virtual abdication. But he was being supported by the Muslim Conference, with which he had nothing in common, but whose members were promising him their undying loyalty if he chose to remain independent (Jha 2003). 32

But when Mountbatten made it clear, after announcing the partition plan on June 3, 1947, that the British government would retain no links with the Princely States and that they would have to make their own arrangements with one or other Dominion, Maharaja Hari Singh was flooded with offers of total loyalty from the Mir of Hunza, the Mehtar of Chitral and other local rulers if only he would accede to Pakistan (Jha 2003). The request also came from the leaders of Muslim Conference urging him to accede to Pakistan and assured him that they would ensure that he continued to enjoy complete internal autonomy if he did so (Jha 2003). On the other side, largely because of Nehru’s personal commitment to Sheikh Abdullah, all that Hari Singh received from India was silence about accession and a barrage of advice on democratising his regime. Nehru was keen more on the Maharaja’s handing over power to Sheikh Abdullah than about accession. In his view, once the administration of the State had gone into popular hands, the question of accession could be appropriately discussed with the popular government (Mahajan 1969: 10). Discussing the kinds of pressure which was there on the Maharaja to join Pakistan, Jha observes that carrots were not only inducements offered to Maharaja Hari Singh by those within and outside his State who favoured joining Pakistan. In February 1947, the Pir of Manki Sharif threatened an invasion by Pathan tribesmen to ensure that Kashmir came to Pakistan when the British left. Jinnah’s British military secretary came thrice to Srinagar to meet the Maharaja with personal letters from the Governor-General of Pakistan. The Maharaja was told that Jinnah was in ill-health and that he had been advised by his doctors to spend the summer in Kashmir and was prepared to make his own

32 On April 12, 1947, Chaudhary Hamidullah of the Muslim Conference declared in the State Assembly that if Kashmir becomes an independent state, he and his party were ready to offer their lives in his Highness’ cause and full support for his continuing internal autonomy, if he chose Pakistan. See Jha (2003).
arrangement for his stay there. The Maharaja, who remembered Jinnah’s 1944 visit only too well, suspected that no visit by him would remain ‘personal’ for long and politically demurred (Jha 2003). The real motive behind Jinnah’s move was to persuade or coerce the Maharaja to accede to Pakistan with help of pro-Pakistan elements in the State. If all else failed, the Maharaja was to be dethroned and driven away from the State. Jinnah’s private secretary had come to Kashmir earlier and had been there for several months creating an atmosphere of communal frenzy against India (Mahajan 1969). Jha quoting reports sent from U.K. High Commission, Karachi, writes that the telegrams from the chieftains of Dir, Hunza and Chitral also turned into threats. According to him, Major W. P. Cranston, a former member of the British political service, who had stayed behind on the staff of the British High Commission, visited Srinagar from October 10-14, 1947 to make arrangements in case it became necessary to evacuate Britons living in Kashmir, reported that the Mehtar of Chitral and the Nawab of Dir had threatened the Maharaja that if he acceded to India they would invade his State. Cranston, a British intelligence agent, reported that 25,000 tribesmen from Hazara, 15,000 from Chitral and 10,000 from Hunza were poised to invade Kashmir if the Maharaja acceded to the Indian Union (Jha 2003). The invasion of Kashmir aimed at seizing of Srinagar before the Muslim festival of Eid which fell on October 26, 1947 by the tribesmen was an open secret known to everyone including the newly-appointed Prime Minister of Kashmir Mehr Chand Mahajan33 and Maharaja Hari Singh. The Maharaja got information about this contemplated attack on the State a month before it actually came and Diwan Mahajan a week before the attack. In fact Sardar Patel’s correspondence suggests that both the Indian and Kashmir governments knew that an invasion was imminent from at least the end of September, 1947 (Jha 2003).

Maharaja Hari Singh’s political stakes were more important. Accession to India would amount to virtual abdication and surrender to his political opponents – the National Conference and the Congress – who had been fighting his regime all along, while joining Pakistan would put his own Dogra Hindu community in jeopardy. Consequently, he preferred an independent Kashmir primarily in order to maintain his

33Mehr Chand Mahajan, appointed as the Prime Minister of Kashmir on October 15, 1947, was a Judge in the High Court of the East Punjab. Before becoming the Prime Minister, he served as a member of the Punjab Boundary Commission headed by Cyril Radcliffe. In December 1954, he retired as Chief Justice of India.
political control and authority over the State,\textsuperscript{34} disregarding the Congress advice and Mountbatten's cautious warning that independence was not a feasible option,\textsuperscript{35} and failed to recognise the State’s vulnerabilities in the face of political and military coercion from either Dominion. According to Menon’s account, Lord Mountbatten told the Maharaja that independence was not, in his opinion, a feasible proposition and that the State would not be recognised as a Dominion by the British Government. On this dilemma of the Maharaja, Menon (1956) writes that: “In fairness to Maharaja Hari Singh, it must be said that, situated as he was it was not easy for him to come to a decision. If he acceded to Pakistan, the non-Muslims of Jammu and Kashmir and Ladakh as well as considerable sections of Muslims led by the National Conference would definitely resented such action. On the other hand, accession to India would have provoked adverse reaction in Gilgit and certain areas contiguous to Pakistan” (Menon 1956: 395). Menon after this also gives clues to what Maharaja could have done in that tricky situation. “But there was an obvious line of action which the Maharaja might have taken. He could have called a conference of representatives of the people of Jammu and Kashmir and discussed the question with them. But the Maharaja was in a Micawberish frame of mind, hoping for the best while continuing to do nothing. Besides he was toying with the notion of an ‘Independent Jammu and Kashmir’ ” (Menon 1956:395). Shortly before the transfer of power, the Maharaja changed his Prime Minister from Pandit Ramchandra Kak to Major-General Janak Singh and then announced their intention of negotiating Standstill Agreements with both India and Pakistan.\textsuperscript{36} Pakistan signed. India did not. Indian government instead advised him to seek cooperation of Sheikh Abdullah and take steps to introduce

\textsuperscript{34}It was Raj Guru Swami Sant Dev, an astrologer, who regularly stoked the Maharaja Hari Singh’s feudal ambitions (read designs of independence). Sant Dev was not a citizen of Jammu and Kashmir and probably came from Punjab. He first attracted attention in Srinagar during the last year of Maharaja Pratap Singh. It was Sant Dev who encouraged Hari Singh till the end to try and remain independent saying that he (astrologer) saw (in the stars) Gulab Singh’s flag fluttering over all the land from Lahore to Ladakh. See Jha (2003).

\textsuperscript{35}Viceroy Mountbatten tackled the question of Kashmir’s future status for the first time when he went to Kashmir for a short holiday from June 18 to 23, 1947, two weeks after announcing the partition plan. Mountbatten urged Hari Singh and his Prime Minister Ram Chandra Kak not to make any declaration of independence, but to find out, in one way or other, the will of people of Kashmir as soon as possible and to announce their decision by August 14, 1947. The Viceroy told them that the newly created States Department was prepared to give an assurance that if Kashmir went to Pakistan this would not be regarded as an unfriendly act by the Government of India. See Jha (2003).

\textsuperscript{36}The Standstill Agreement was meant for giving the ruler time to think and take the final decision. It is important to note that even if Maharaja Hari Singh has not negotiated a Standstill Agreement both the Dominions – India and Pakistan – were required to maintain status quo in connection with the matters intended to be regulated by the Standstill Agreement. See Chauhan (1965).
responsible government (Behera 2000). On the issue of signing the Standstill Agreement, Menon writes that: “We wanted time to examine its implications. We left the State alone. We did not ask the Maharaja to accede, though, at the same time, as a result of the Radcliffe Award, the State had become connected by road with India. Owing to the composition the population, the State had its own peculiar problems. Moreover, our hands were already full, if truth be told; I for one had simply no time to think of Kashmir” (Menon 1956: 395). Calling the Maharaja’s decision on standstill agreement – a last-minute decision, Korbel observes that it was only a final maneuver – a last vacillation. “With India, however, such an agreement was never affected. There was no official explanation for this important omission until five years later when Sheikh Abdullah declared that India’s decision to refrain from signing such an agreement was based upon the belief that it could not consider agreement entered into by the government of the State valid until it had the approval of the people’s representatives” (Korbel 1954: 64). The fact that India accepted the Instrument of Accession two months later only when the leader of the National Conference was not only released from the jail but also appointed the Head of the Emergency Administration of the State, casts no doubt upon Sheikh Abdullah’s sincerity concerning India’s motives. “… I may also inform your Excellency’s Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry out the responsibilities in this emergency with my Prime Minister,” Maharaja Hari Singh wrote to Lord Mountbatten on October 26, 1947 asking him to accept the accession of the State to India and make available immediate assistance (military) at Srinagar. Four days later, on October 30, 1947 Sheikh Abdullah was appointed the Head of the Emergency Administration. According to Alastair Lamb (1992), Sheikh Abdullah became head of the Emergency Government on 29 October (with the title of Chief Emergency Administrator), with Bakshi Ghulam Mohammed as his Deputy and Mirza Afazal Beg as a Minister. This Emergency Government, however, continued to operate under the general supervision of the Prime Minister or Diwan, who until March 1948 remained Mehr Chand Mahajan (Lamb 1992). Addressing the Security Council of the United Nations on 5 February 1948 when Kashmir dispute was being debated before the world body, Sheikh Abdullah gave his version of the story of how he took over the administration of Jammu and Kashmir. He said: “I might inform the representative of Pakistan that although I am beyond doubts the head of the administration of Kashmir State. I am not the Prime Minister. I
am head of the emergency administration, and that not because the Maharaja of Kashmir wished it. In fact, I do not know whether the Maharaja wishes it now. I hold the position because the people of my country wish me to be at the helm of affairs in Jammu and Kashmir State. When raiders came to our land, massacred thousands of people – mostly Hindus and Sikhs, but Muslims too – abducted thousands of girls, Hindus, Sikhs and Muslims alike, looted our property and almost reached the gates of our summer capital Srinagar, the result was that the civil, military and police administrations failed. The Maharaja, in the dead of night, left the capital along with his courtiers, and the result was absolute panic. There was no one to take over control. In that hour of crisis, the National Conference came forward with its 10,000 volunteers and took over the administration of the country. They started guarding the banks, offices and houses of every person in the capital. This is the manner in which the administration changed hands. We were *de facto* in charge of the administration. The Maharaja, later on, gave it a legal form” (Abdullah 1948: 6).

Under the criteria of geographical embeddedness in or contiguity to India or Pakistan, and the wishes of their population of subjects, the accession of the vast majority of Princely States to India was a certainty. Only a handful of States – such as Bahawalpur, a large principality in southern Punjab and Kalat – lay within the borders of Pakistan. A sizeable minority of units within India had Muslim rulers, but their future was sealed by territorial location as well as by the fact of a majority of Hindu subjects. Only two of these States, Junagadh (80 per cent Hindu) and Hyderabad (87 per cent Hindu) were able to pose problem because of the recalcitrance of their rulers. Nonetheless, the Congress leaders were deeply concerned to ensure rapid and orderly integration of the Princely States into the Indian Union and for the same it had set up a special department headed by Sardar Vallabhbhai Patel - Nehru’s deputy and Union Home Minister – to organise and supervise the transition. For the Pakistan, Mohammad Ali Jinnah adopted the tactical stance that the Princely States would become ‘autonomous and sovereign on the termination of Paramountcy’ and free to choose any of three options before them. Bose (2003) writes that the choice of joining either Dominion was straightforward for practically all Princely States except Jammu and Kashmir which was territorially contiguous to both India and Pakistan. Jammu and Kashmir whose contiguity to two Pakistani provinces – West Punjab and the North-West Frontier Province (NWFP) - was far more pronounced than its territorial
link to Indian Eastern Punjab, also had close trade, transport and commercial links with the contiguous areas of Pakistan and many émigrés of Kashmir origin were settled in West Punjab.

Jammu and Kashmir was a Muslim-majority Princely State (77 per cent Muslim, others 23 percent), reinforcing the case for accession to Pakistan. However, according to Bose, this case was complicated by two factors specific to the State. The first was the predominance of the National Conference, with strong ties with Congress especially its leader Nehru, in the Kashmir Valley and Kashmiri-speaking Muslim enclaves in the Jammu region. The Hindus, Sikhs, and Buddhists who made up 23 percent of the State’s population were almost certain to favour India, and the Muslim Conference’s following in the Jammu region, Pakistan. The second factor was the unique situation of Maharaja Hari Singh, a Dogra Hindu ‘autocrat’, who ruled a Muslims-majority population but nonetheless was the legal sovereign authority to decide the issue of accession and Sheikh Abdullah’s opposition to Jinnah’s two-nation theory (Bose 2003). Maharaja Hari Singh on August 15, 1947 signed a standstill agreement – normally the precursor to accession – with the government of Pakistan. Under this agreement, the Pakistani government assumed the charge of Jammu and Kashmir’s post and telegraphs system and undertook to supply the State with foodstuffs and other essential commodities. For Bose, this strange entente between a ruler and regime with manifestly anti-Muslim policies and a new Muslim State in the sub-continent was the result of compulsions and calculations on both sides. The Pakistani leaders knew that geographical contiguity and religious demography of the State would help its accession to Islamabad and they decided to court Hari Singh’s cooperation as the Maharaja was still the authority empowered to sign a legally binding accession. Hari Singh’s overriding priority was maintaining his throne and privileges, and his advisors thought it was worth negotiating with Pakistan on this, given

37However Jha (2003) contests this. According to him, Maharaja Hari Singh’s ‘Dogra’ rule of Kashmir was not tyrannical any more than British rule in India could be described as such. According Jha, Sheikh Abdullah’s call to put an end to ‘Dogra rule’ – the rallying cry that landed him in jail in the spring of 1946 – was a demand for democratising the government of Kashmir and not for ending oppressive Hindu rule of Muslim people.

38General H. L. Scott, the commander of the Kashmir state forces, in his report on Kashmir to U K Commonwealth Relations Office said that Maharaja Hari Singh’s Diwan (Prime Minister) Ram Chandra Kak believed that Kashmir should stay independent, but have closer relations with Pakistan. In fairness to Kak, who was forced to resign by the Maharaja on or around August 16, 1947 and put under house arrest, this was not necessary a reflection of pro-Pakistan sentiments. It probably reflected
Congress’s aversion to the feudal, autocratic nature of Princely rule and Nehru’s proximity with Sheikh Abdullah. The Poonch uprising against the Maharaja upset this delicate flirtation (Bose 2003).

Poonch, an area situated in North-Western Jammu, had been an autonomous principality within the State of Jammu and Kashmir and ruled by its own Raja until World War II, when the local ruler was deposed by the Dogra Kingship. The Maharaja’s administration then started levying punitive taxes on its Muslim peasantry (Bose 2003). The local revolt began in protest against this taxation policy in the form of ‘no tax campaign’ as well as against the Maharaja’s refusal to rehabilitate some 60,000 demobilised soldiers of the British army belonging to the area whom the Maharaja’s regime knew that as Muslims, they were not good risks as members of the his army. Poonch, along with neighbouring West Punjab and NWFP districts, was a prime recruiting ground for soldiers of Britain’s Indian army. In World War II, of the 71,667 citizens of the State who served in the British Indian forces, 60,402 were Muslims (Bose 2003). According to Puri (1993), as issues got mixed up, the agitation turned communal. The State army was used to crush the local unrest, but 'the traditional loyalty of a large number of Muslim troops of the State forces towards the Maharaja could no longer be taken for granted under the changed circumstances (Puri 1993). “The soldiers refused to fire on the demonstrators with whom they had religious and ethnic ties. They deserted the army and the agitation took the form of an armed revolt. The supply of ammunition and other types of assistance from across the a realistic assessment that the Maharaja had only two options: release Sheikh Abdullah, accede to India and resign himself to becoming a figurehead, or keep Sheikh Abdullah in jail, accede to Pakistan and retain his internal powers for some time longer. Since neither was palatable trying to remain independent was the only course open to him. See Jha (2003).

39 According to Jha (2003), this contention, possibly based on an article by Richard Symonds, a Quaker who was carrying out relief work in Punjab, in The Statesman, Calcutta and Delhi (February 4, 1948), that these taxes were imposed only on the Muslims, and not on Hindus and Sikhs, i. e. that Maharaja Hari Singh had imposed a reverse Jaziya tax on Muslims, finds no confirmation in the fortnightly reports of British political agent in Kashmir, W. F. Webb, or in General Scott’s report. Nor are any such discriminatory taxes mentioned by Sheikh Abdullah who was leading a populist campaign against the Maharaja in 1946 before he was arrested, whose main target was the oppressed peasants. Dr. Karan Singh, son of Hari Singh and Head of the State from 1948 to 1951, denied any such taxes ever having been on the statute books. He, however, pointed out that in Kashmir, as elsewhere in Princely India at that time, land revenue was the main source of income for the state. When the resources of the government became strained, these taxes rose. In Kashmir, and especially in Poonch and Muzaffarabad, Gilgit, Hunza, and for that matter the North West Frontier Region, all land was owned by Muslims. Hindus and Sikhs were traders and artisans, and most of them lived in towns. Land taxes and the Zaildari tax, which was a kind of surcharge levied to meet the cost of collection of land tax, inevitably therefore fell on Muslims. This could be what led Symonds to conclude that taxes were being imposed only on Muslims.
border gave further strength to the revolt” (Puri 1993: 7). The demobilised soldiers responded to the reprisals by evacuating their families to West Punjab areas beyond the boundaries of the Princely State and then returning to confront the regime’s forces (Bose 2003). As the fire of rebellion flickered, flared, and subsided, Muslims slipped in from Punjab to help the rebels in Jammu. Sikhs and Hindu extremists, on the other hand, crossed the border to aid the Maharaja’s forces. The revolt was renewed in the aftermath of partition in August 1947, this time with a definite pro-Pakistan character. Jha (2003) writes that at the end of August, a group of about 30 Pakistani nationals crossed into Poonch and began to incite the Satti and Sudhan tribes of Poonch not only against Maharaja Hari Singh but in favour of accession to Pakistan. About 10,000 locals agreed to go on a demonstration to Poonch town to demand accession to Pakistan, but their main purpose, according to General H. L. Scott, the commander of the State forces, was to air local grievances, mainly the high prices of foodstuffs. The distress of the people was not surprising as the winter of 1946-47 had been unusually severe, and had caused food shortages and pushed up prices. Add to that the disruption of supplies that had taken place in spring and summer because of the communal violence in Punjab, and it was hardly surprising that the people of Poonch, as elsewhere in Kashmir, were in considerable distress (Jha 2003). To make matter worse, Punjab and the NWFP were convulsed with violence in August-September, communal massacres were taking place amid a collapse of civil order and traditional neighbourly relations, and armed brigandage was rife. Bose notes that in early September armed groups from Pakistan began infiltrating Jammu and Kashmir from West Punjab, especially the Rawalpindi zone, looting and attacking Hindu and Sikh minorities. By October, communal riots had spread all over Jammu. The State army was also weakened by desertions and shortage of ammunition. It was also too thinly spread from north-eastern Gilgit to Jammu, to overcome the revolt in Poonch and the adjoining areas, since the revolt was actively supported by Pakistan. Regular supplies of gasoline, wheat, salt, kerosene oil, and cloth from Pakistan were stopped. The postal system did not work, savings bank accounts were tied up, and checks on west Punjab banks were not honoured. By early October the State government complained to the Pakistan’s foreign ministry that cross-border attacks were being conducted across hundred kilometres of the Jammu border, from Rawalpindi in the north to Sialkot in the South (Bose 2003). The Jammu and Kashmir government demanded that Pakistan authorities put a stop to the infiltrations if the inter-governmental
dialogue was to continue. Pakistan denied that infiltrations were systematic and called attention to terror and atrocities perpetrated by the regimes forces against the Muslims of Poonch – atrocities which, it suggested, were provoking spontaneous reactions both within the Jammu and Kashmir and from ethnic and religious kin across the border. By early October the rebels had gained control of almost the entire Poonch district except the town of Poonch, garrisoned by a government force (Bose 2003). “Flush with success in the Poonch fighting, the pro-Pakistan chieftains of western Jammu districts – Muzaffarabad, Poonch and Mirpur – proclaimed the formation of a provisional “Azad” Jammu and Kashmir government in Rawalpindi, Pakistan on October 3, 1947” (Bose 2003: 32-33). Jammu and Kashmir government again on October 18 sent a message to Pakistan's Prime Minister Liaquat Ali Khan and Governor-General Jinnah in which it alleged that Pakistan was using economic strangulation as a pressure tactic. In response, Islamabad called for talks to relieve cross-border tensions and noted with disapproval the Jammu and Kashmir government’s decision to release Sheikh Abdullah on September 29, 1947 while continuing the incarceration of leading pro-Pakistan leaders (Bose 2003). As the very existence of his State was increasingly threatened, Maharaja Hari Singh made desperate attempts to mend his fences with Pakistan by offering to make an impartial inquiry into Pakistan’s allegations that the Kashmir State army had made attacks on Muslim villages in Poonch. Jinnah welcomed the offer of inquiry and invited Prime Minister Mehr Chand Mahajan to Karachi for discussions. Mahajan reiterated that the Independence Act gave complete authority to the ruler on the issue of accession and also expressed his ambition to make Kashmir a Switzerland of the east which would be on the ‘friendliest terms with both the dominions’. He expected ‘as worthy a treatment from Pakistan as from a good neighbour’ (Puri 1993).

The climax to the growing crisis came in the fourth week of October, when several thousand aggressive Pathan tribesmen from the NWFP invaded the Kashmir Valley, ostensibly to liberate their co-religionists from the ‘Hindu’ yoke. The Maharaja’s forces were no match for them; within a week, the tribesmen had taken Baramulla and advanced to within 20 miles of Srinagar. During this offensive, as well as their subsequent retreat, they engaged in a campaign of indiscriminate murder, rape, arson and looting against the overwhelming Muslim population of the Valley. In this confusion and chaos, the panic-stricken Maharaja Hari Singh on October 24 sent an
urgent request to India for military assistance to repulse the raiders. According to Mahajan, “When we got news of the raid, we sent our deputy Prime Minister with a letter from his Highness (Maharaja Hari Singh) to the Prime Minister and Deputy Prime Minister of India. I also sent personal letters, asking help on humanitarian grounds to save us from this unprovoked act of aggression. We also sent with him a letter proposing accession. The British Prime Minister was approached by cable but no response came from him (Mahajan 1969: 17). Menon (1956) writes that indeed government of India on 24 October 1947 received a desperate appeal for help from the Maharaja. The government also received information from the supreme commander regarding the raiders’ advance and probable intentions. Menon continues that on the morning of 25 October a meeting of the Defence Committee was held, presided over by Lord Mountbatten, where the request of the Maharaja for arms and ammunition as also for reinforcement of troops was considered. Lord Mountbatten emphasised that no precipitate action should be taken until the government of India had fuller information. Menon writes that he was asked go to Srinagar immediately in order to study the situation on the spot and to report to the government of India (Menon 1956: 397)). Menon notes that after coming back to Delhi from Srinagar on 26 October 1947, he went straight to a meeting of the Defence committee. “I reported my impressions of the situation and pointed out the supreme necessity of saving Kashmir from the raiders. Lord Mountbatten said that it would be improper to move Indian troops into what was at the moment an independent country, as Kashmir had not yet decided to either India or Pakistan. If it were true that the Maharaja was now anxious to accede to India, then Jammu and Kashmir would become part of Indian Territory. This was the only basis on which Indian troops could be sent to the rescue of the State from further pillaging by the aggressors. He further expressed the strong opinion that, in view of the composition of the population, accession should be conditional on the will of the people being ascertained by a plebiscite and after raiders had been driven out of the State and law and order had been restored. This was readily agreed to by Nehru and other ministers” (Menon 1956: 399). Hodson (1997) writes that: “The members of the Defence Committee considered that the issue of accession would make little difference to the situation, though one Minister argued that immediate accession might only arouse further opposition. It was argued that when the accession was accepted this should be subject to proviso that a plebiscite would be held in Kashmir ‘when the law and order situation allowed this’. Lord Mountbatten
suggested that this plebiscite should be on three choices: to join India, to join Pakistan, or to remain independent. He also suggested that before a plebiscite was held the future defence of Kashmir should be discussed by the two Dominions in the Joint Defence Council. The Prime Minister, Pandit Nehru, observed that the Government of India would not mind Kashmir remaining an independent country provided that it was within India’s sphere of influence ” (Hodson 1997:454). Hodson notes that “although the Defence Committee took no decision on that morning (26 October 1947) that Kashmir’s accession should be accepted – which was strictly not its business – it is clear that by the end of its discussion this was treated as a foregone conclusion. Its actual decision, apart from military directives, was to charge the Ministry of States with preparing a draft Instrument of Accession and a draft letter from the Government of India to the Maharaja, recording the conditional acceptance of this Instrument, as justification for aiding in the restoration of law and order, provided that the will of the people of Kashmir on the question of final accession were ascertained when condition allowed this to be done” (Hodson 1997: 454). The beleaguered Maharaja Hari Singh sent a letter to Lord Mountbatten describing the pitiable plight of the State and reiterating his request for military help along with the Instrument of Accession for acceptance by the Indian government (Menon 1956). The Maharaja formally signed the Instrument of Accession on October 26 1947 – giving India jurisdiction over defence, external affairs and communications - and handed it over to Menon. Next day, on October 27, 1947 Mountbatten replied to Hari Singh that his government has decided to accept the accession of Kashmir State to the Dominion of India. He declared that: “Consistence with their policy that, in case of any State where the issue of accession has been the subject of dispute, the question of 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 law and order have been restored in Kashmir and her soil cleared of the invaders, the question of State’s accession should be settled by a reference to the people. Meanwhile, in response to your Highness’s appeal for military aid, action has been taken today to send troops of the Indian army to Kashmir to defend your territory and to protect the lives, property and honour of your people” (Puri 1993: 14). The Instrument of Accession, which formed the basis of Jammu and Kashmir’s future relationship with India, accorded the State a special status which was not granted to other former Princely States. Legally, India’s jurisdiction only extended to external affairs, defence and communications. The document of accession
which was proposed by the Maharaja and accepted by Lord Mountbatten was unique in many respects as it was bound by many term and conditions (Punjabi 1995). The broad features of this instrument were:

The right of the dominion Legislature was limited to making the laws regarding the matters specified in the schedule i.e. defence, communications and foreign affairs. (Clause 3)

The terms of the Instrument of Accession could not be varied unless accepted by the Maharaja. (Clause 5)

The exclusion of the Dominion Legislature from making laws pertaining to the State was subject to regulations. (Clause 6)

The instrument would not bind the Maharaja to accept any future constitution of India; or fetter his discretion to enter into agreements with the government of India under any such future constitution. (Clause 7)

The sovereignty of the Maharaja, or of his heirs and successors over the State, would not be affected by this instrument. (Clause 8) (Punjabi 1995: 44)

For Maharaja Hari Singh the hardest part about the accession was to deal not only with Prime Minister Nehru with whom he had little rapport but also with the man who had so consistently opposed to him since 1930’s - Sheikh Abdullah. Nehru believed that in the peculiar circumstances of Kashmir with its Muslim majority it was absolutely essential both for national and international reasons for Sheikh Abdullah to be fully involved in the government of the State. After signing the Instrument of Accession on October 26, 1947, Maharaja Hari Singh on October 30, 1947 appointed his bête noire Sheikh Abdullah as Head of the Emergency Administration. In Srinagar, the National Conference soon emerged as the de facto government. With India’s military intervention in the Valley and help from National Conference’s thousands of volunteers and State’s national militia, first the raiders were pushed out of the vicinity of Srinagar, eliminating a threat to the city’s airfield. Indian troops then retook Baramulla on November 8 and Uri on November 14. The Pakistani leadership explicitly held the National Conference’s collaboration with the Indians responsible for this dramatic reversal of the military situation. Pakistan premier Liaquat Ali Khan in late November 1947 said that it was astonishing that Nehru should proclaim this
‘quisling’ (Sheikh Abdullah) to be the acknowledged leader of the Muslims of Kashmir and accused the ‘lion of Kashmir’ of being a paid agent of Congress with no following among the Muslims masses (Bose 2003).

Before making a formal complaint with the United Nations by India on 01 January, 1948, there were bilateral efforts to resolve the Kashmir issue. Menon (1956) writes that when fighting started in Kashmir and Jinnah heard that India had accepted the accession of Jammu and Kashmir and that Indian troops had been air borne to Srinagar, he immediately gave orders to General Gracey, the Acting Commander-in-Chief of the Pakistan Army, to rush troops to Kashmir. General Gracey expressed his inability to obey his orders without first consulting the Supreme Commander Field Marshal Claude Auchinleck. Field Marshal Auchinleck explained to Jinnah the problems which might arise out of Pakistani army entering Kashmir and former was able to persuade Jinnah of withdrawing his orders. After cancelling his order, Jinnah then sent a message through Field Marshal Auchinleck to Lord Mountbatten and Nehru for a conference in Lahore to discuss the Kashmir problem. Lord Mountbatten met Jinnah on 01 November 1947 in Lahore. Hodson writes that: “There followed a sharply-worded interchange as to which side was responsible for the violence which in Mr. Jinnah's indictment vitiated Kashmir's accession to India. Mr. Jinnah then proposed that both the sides should withdraw at once and simultaneously. When Lord Mountbatten asked how the tribesmen were to be ordered out, Mr. Jinnah replied that if India would withdraw he would ‘call the whole thing off’ ” (Hodson: 1997: 459). Lord Mountbatten then suggested that a plebiscite should be held in the State. Jinnah objected to it and said that, with the presence of Indian forces in the State and with Sheikh Abdullah in power, the people of the State would be far too frightened to vote for Pakistan. Lord Mountbatten then suggested a plebiscite under the auspices of the United Nations Organisations (Menon 1956). But Jinnah pressed for a plebiscite to be held under the joint control and supervision of the Governor-Generals of India and Pakistan. This suggestion of Jinnah was not acceptable to Lord Mountbatten. Victoria Schofield (2004) writes that the talk between Nehru and his Pakistani counterpart Liaquat Ali in Lahore in December 1947 reinforced Lord Mountbatten’s belief that an intermediary was necessary. Schofield quotes Lord Mountbatten as saying that: “I realised that the deadlock was complete, and that the only way out now was to bring in some third party in some capacity or other. For this purpose, I suggested that the
United Nations Organisation should be called upon” (Schofield 2004: 67). Schofield writes that Liaquat Ali had agreed to refer the dispute to the world body, including measures to stop the fighting and arrange a programme for withdrawal of troops. But India was not prepared to deal with Pakistan on equal footing. Lord Mountbatten writes Hodson (1997), now increased his efforts to getting the idea of reference to the United Nations accepted. According to Hodson, Nehru was initially adamantly opposed. “Under what article of the Charter, he asked, could any reference to the United Nations be made? How did Pakistan come into the picture at all? He insisted that the first step was to drive out the raiders. However, he gradually came round, and on 20th December the Indian Cabinet finally decided that India should appeal to the United Nations, accusing Pakistan of helping the raiders. Pandit Nehru still refused to consider a joint application of any sort” (Hodson 1997: 466). When the Prime Ministers of the two countries again met in Delhi, Nehru informed Liaquat Ali of his intention to refer the dispute to the U.N. under Article 35 of the U.N. Charter. Liaquat Ali was said “that this accusatory reference was far from what he has hoped for; however, if Pandit Nehru was sincere in his declared intention to proceed with a plebiscite under the United Nations when the time came, he supposed he would have to accept it, since the earlier the U.N. was brought in better it would be” (Hodson 1997: 466).

When the bilateral efforts failed to resolve the dispute, India in January, 1948 took the Kashmir dispute to the United Nations under Article 35 of the UN Charter, which provided for any member ‘to bring to the attention of the Security Council a situation whose continuance was likely to endanger the maintenance of international peace’. India alleged that regular Pakistani troops were fighting in Kashmir and that they should be expelled. In subsequent debates, India assured the U.N. that the accession of Kashmir was only provisional and the ultimate status of Kashmir was to be determined through ‘a reference to the people’. However, both India and Pakistan took the position that Kashmiris could choose to join either India or Pakistan. The idea of a separate Kashmir State was overruled by both sides. The U.N. Security Council resolution on Kashmir which laid down the terms of the settlement was passed on April 21, 1948. The resolution recognised India’s legal presence in Kashmir resulting from the signing of the accession bill. Pakistan was to withdraw from the territories of the State before the plebiscite could be held. Armed clashes between
India and Pakistan, however, continued and their troops remained in the State. Gradually attitudes hardened on both sides. Finally a ceasefire was arranged by the U.N. which came into effect on January 1, 1949. By that time less than one third of the Kashmir State had come under Pakistani control. In July 1949 agreement was reached on the ceasefire line and U.N. observers were stationed on both sides of the line of control to monitor it. In subsequent years Pakistan was to reiterate its demand for a plebiscite while India was to overrule it on the plea that Pakistani forces were occupying parts of the State and therefore the holding of an impartial plebiscite was out of question. It was also held that the newly elected Constituent Assembly of the State had approved Jammu and Kashmir’s accession to India. Before the resolution was passed by the United Nations, the world body was also addressed by Sheikh Abdullah on 5 February 1948 and in his speech said: “After all what is the dispute between India and Pakistan? From what I have learned from the complaint brought before the Security Council by my own delegation, the dispute revolves around the fact that Kashmir acceded legally and constitutionally to the Dominion of India. There was some trouble about the democratisation of the Kashmir administration within the State, and the tribesmen from the across the border have poured into my country. They have been helped and are being helped by the Pakistan Government with the result that there is the possibility of greater conflagration between India and Pakistan. India sought the help of the Security Council so that Pakistan might be requested to desist from helping the tribesmen and to desist from supporting the inside revolt, should I say, against the lawful authority” (Abdullah 1948:2).

Special Status and Article 370 of the Indian Constitution

According to Behera (2000), New Delhi’s policy towards Jammu and Kashmir in the early years was marked by internal differences between Nehru and Sardar Patel on the significance of Kashmir’s accession to India; strategies to achieve that, and its status within the Indian Union. Before August 15, 1947, Sardar Patel had not paid much attention to the State’s accession and was prepared to accept Maharaja Hari Singh’s decision to accede to Pakistan. But after Pakistan’s acceptance of accession of Junagadh, a Hindu-majority State, and raider’s invasion of Kashmir, Sardar Patel became firm on driving the enemy back and retaining the State at all costs. He believed that Kashmir’s accession was complete and irrevocable, and plebiscite offer was an unnecessary complication. For Sardar Patel, taking the Kashmir to the UN was
another major mistake as the world body had no *locus standi* in deciding the State’s political future. India’s Home Minister also opposed any special concession to the State. He distrusted Sheikh Abdullah because he believed later would ultimately let down India and Nehru and would come in his true real colours. Sardar Patel was of the opinion that Sheikh Abdullah’s antipathy to Maharaja Hari Singh was not really an antipathy to the ruler as such, but to the Dogra people in general and with the Dogras he identified the rest of the majority in India (Behera 2000: 75). Behera argues that on the other hand Nehru was keen not to lose Kashmir because a Muslim-majority State’s accession to India was critical to establishing the secular base of the Indian nation State and dismissing Jinnah’s two-nation theory. Accordingly, the Indian Prime Minister was prepared to go the extra mile in accommodating the political aspirations of Kashmiris. He promised to honour the Kashmiri’s right of self-determination, and was confident of winning the plebiscite with National Conference’s support, and assured that the State’s future was secure in a federal, democratic and secular India (Behera 2000). Jammu and Kashmir’s constitutional status was almost similar to that of other Princely States which acceded to India but political compulsions created divergent expectations about the future of this status among people belonging to different regions and communities of the State. Puri writes that under section 7 of the Indian Independence Act, passed by the British Parliament in 1947, the suzerainty of the British Crown over the Indian States including the State of Jammu and Kashmir lapsed and its ruler became an uncontrolled and absolute sovereign. In exercise of this sovereign right, Maharaja Hari Singh signed the Instrument of Accession which made it constitutionally a part of Indian Union (Puri 1981a). In course of time, particularly since 1957 when India’s commitment to hold a plebiscite to determine future of Kashmir started fading out and New Delhi shifted its stand on Kashmir from moral and political to constitutional grounds, the Maharaja’s sovereign position in 1947 gained importance in India’s official arguments (Puri 1981a).

Needless to say, the Instrument of Accession signed by the ruler of Jammu and Kashmir was also of the standard form used by all the States; provided under section 6 of the Government of India Act 1935, as adopted by the Indian (Provisional Constitutional) Order 1947. It vested India with the authority to deal with three subjects – defence, external affairs and communications – and also ancillary matters.
The Maharaja of the State zealously guarded the terms of the Instrument of Accession and believed that he had even a right to withdraw it. Puri writes that despite the Accession, in the initial period, Jammu and Kashmir’s relationship with India was not stable. “Threatening to withdraw the accession, the Maharaja wrote to Sardar Patel on 31 January 1948, that he had acceded to India with the idea that the Union will not let us down and the State will remain acceded to the Union and that my position and that of my dynasty would remain secure. Expressing apprehensions about the result of the plebiscite and his dynasty’s interests within India, he felt, that even at that stage, it might have been possible to have better terms from Pakistan. In reaction to the Maharaja’s letter, Nehru on 9 February 1948 wrote that certainly the idea of cancellation of accession is completely wrong” (Puri 1993: 24). After Maharaja Hari Singh’s abdication in 1949, State Prime Minister Sheikh Abdullah also treated these terms as sacrosanct (Puri 1993). “From the very beginning the NC leaders were apt to treat the terms of the Instrument of Accession literally. They, like the Maharaja, innocently believed that its terms were sacrosanct and would always continue to have the same meaning. The Indian Government, however, on the basis of its experience with other States, tended to regard the Instrument as a provisional formality with expectations that the State Jammu and Kashmir, too, would eventually follow the uniform pattern” (Puri 1993: 24). Moving Article 306-A (Article 370 in the Constitution), which gave a special status to the State, N. Gopalaswamy Ayyangar, a member of the Drafting Committee, on October 6, 1949 told the Constituent Assembly of India that Instruments of Accession would be a thing of the past in the new Constitution. According to Ayyangar, in case of practically all States except Jammu and Kashmir, their Constitutions also had been embodied in the Constitution for the whole of India. Describing the chequered history of the State, Ayyangar observed that it was the hope of everybody here (in the Constituent Assembly) that in the due course even Jammu and Kashmir would become ripe for the same sort of integration as has taken place in the case of other States (Puri 1993). In 1949, the Indian Constituent Assembly was coming to the end of its task. A large number of Indian Princely States had been represented in the Indian Constituent Assembly from the beginning and had taken their share in the framing of the Constitution. The Members from Princely States were nominated by the Princely rulers. When the States entered the Constituent Assembly, it was envisaged that the States would have separate constitutions for their internal administration. But it soon became clear that
the idea of a separate constitution for each State was a legacy from the ruler’s polity which would have no place in a democratic set up (Anand 1998). “The Government of India conferred with the States, and after detailed discussions, it became obvious that the subjects of the States desired their constitutions to form a part of the Indian Constitution. After examining the various aspects, it was decided that the Constitution of India should also contain within itself the constitution of the States. It was also agreed by the States and the Union Government that “acceptance of the constitution … should be by the Rajpramukh or the ruler, as the case may be, on the basis of a resolution to be adopted by the Constituent Assembly of the States concerned where such a body existed” (Anand 1998: 98). For the other States, Sardar Patel explained, “We have, therefore, no option but to make the constitution operative in three States on the basis of its acceptance by the ruler or Rajpramukh, as the case may be, who will no doubt consult his Council of Ministers” (Anand 1998: 98). So the Constitution of India included the constitutions of all the willing Princely States. The rulers and Rajpramukh made the Constitution of India as it was, with some modifications, operative in their States by issuing proclamation roundabout the 25th November, 1949 (Anand 1998).

In June 1949, Yuvraj Karan Singh acting on the advice of his Council of Ministers nominated four Ministers to the Indian Constituent Assembly. Unlike those from other States, Kashmir’s representatives, made it clear that Kashmir’s association with India would be based ‘only’ on the terms of the Instrument of Accession. It was also made clear that while the accession of Jammu and Kashmir State with India was complete in fact and in law to the extent of the subjects enumerated in this instrument – defence, communications and external affairs – the autonomy of the State with regard to all other subjects outside the ambit of instrument of accession should be preserved. Under clause (7) of the Instrument of Accession, the State did not commit itself to the acceptance of any future Constitution of India, nor fetter its discretion to enter into agreements with the Government of India under any such future Constitution (Anand 1998). “The Government of Jammu and Kashmir did not accept the Constitution of India as a constitution for the State. Despite the accession, the State was still to be governed by the old Constitution Act, 1939. This was because the

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40 Maharaja Hari Singh through a proclamation issued on 20th June, 1949 decided to leave the State ‘temporarily’ and installed his son Karan Singh as the ruler of the State.
Indian government had given an undertaking that the people of Kashmir could frame their own Constitution. India could not force the State to accept the Constitution, for that would violate the agreed terms of the associations of Kashmir with India. The State had voluntarily surrendered three matters only and the Government of India could not enlarge the sphere of its jurisdiction at its own discretion. So, whereas the Constitution of India laid down constitutional provisions, not only for the former provinces of British India but also for the other Princely States as full-fledged constituent units of the Union, in the case of Jammu and Kashmir, it had to make special provisions to cover that particular case” (Anand 1998: 103). Explaining the exception made in the case of Jammu and Kashmir, Ayyangar who moved the Bill for that purpose in the Indian Constituent Assembly, said: “At present the State is a unit of a federal State namely the Dominion of India. This Dominion is getting transferred into a Republic, which will be inaugurated on January 26, 1950. The Jammu and Kashmir State, therefore, has to become a unit of the new Republic of India” (Anand 1998: 103). During the debate, Ayyangar said that the relationship of all the States with India, till it becomes a Republic, was based on the Instrument of Accession. In the new Constitution of India, Instruments of Accession was going to be a thing of the past for the erstwhile Princely States. They would be integrated with the federal republic in such a manner that they would not have to accede or execute a document of accession for becoming the constituent units of the Republic. But it was not to be so in the case of State of Jammu and Kashmir as that particular State was considered not yet ripe for this kind of integration (Anand 1998). It was due to the special condition prevailing in the State as there was a war going on within the limits of Jammu and Kashmir and part of the State was still in the hands of Pakistan. Also the Government of India had committed to the people of Kashmir in certain aspects. It had committed that an opportunity would be given to the people of Kashmir to decide for themselves the nature of their Constitution (Anand 1998). After this clarification was made by Ayyangar, the question of drafting Article 370 (Article 306-A in the Draft Constitution) was considered. In these negotiations it was made clear by the State government that it was for the Constituent Assembly of the State to frame the Constitution of the State and that any provision that may be might be made in the Constitution of India regarding Kashmir, the basis should be the Instrument of Accession. Further, till the Constituent Assembly of the State consented to accede in any other subject to the centre, the relationship between India and the State of Jammu
and Kashmir should be limited to the subjects specified in the Instrument of Accession” (Anand 1998: 100). “On this principle and since the situation regarding Jammu and Kashmir at the United Nations had reached a stalemate, it was decided to have an interim arrangement in the Constitution of India regarding the State. Accordingly, Article 370 was discussed and adopted. The future relationships of Kashmir with India were to be governed by this Article, which was based on the Instrument of Accession. Article 238 (Article 211 in the Draft Constitution) which governed the relationship between the Union and other part B States, was not to apply to Kashmir” (Anand 1998: 100). The Constitution of India was soon to come into force, so it was necessary to take steps for the enforcement in Kashmir of the provisions of the Indian Constitution applicable there. Yuvraj Karan Singh issued a proclamation on 25 November, 1949 to the following effect:

“Whereas with the inauguration of the new Constitution for the whole of India now being framed by the Constituent Assembly of India, the Government of India Act, 1935, which now governs the constitutional relationship between this State and Dominion of India, will stand repealed:

I now hereby declare and direct that the Constitution of India shortly to be adopted by the Constituent Assembly of India shall, insofar as it is applicable to the State of Jammu and Kashmir, govern the constitutional relationship between this State and the contemplated Union of India and shall be enforced by me, my heirs and successors in accordance with the tenor of its provisions;

That the provisions of the said Constitution shall, as from the date of its enforcement, supersede and abrogate all other Constitutional provisions inconsistent herewith which are at present in force in this State” (Anand 1998: 100-101).

After taking control over Hyderabad and Junagadh by India, pressure started mounting on the Jammu and Kashmir to surrender more powers to New Delhi. Puri notes that: “any special consideration for the aspirations of the people of Kashmir, therefore, lost the pragmatic compulsion.” At a meeting of the representatives of the State governments and the Government of India held on May 1949, it was agreed that the Constituent Assembly of the State would decide upon the transfer of powers to the Government of India. Accordingly, a ‘transitional and provisional’ Article 370 was incorporated in the Indian Constitution with the idea that: “when the Constituent
Assembly of the State has met and taken its decision on the constitution of the State and the range of federal jurisdiction over the State, the President of India may, on the recommendation of the Constituent Assembly, issue an order that Article 370 shall either cease to be operative or shall be operative only subject to such exceptions and modifications as may be specified by him” (Puri 1993: 25). Thus, writes Puri (1993), the special constitutional status of the State was thus not granted by the Government of India, but was sanctioned by the relevant provisions of the Government of India Act 1935, the Indian Independence Act of 1947, the Indian (Provisional) Constitution Order of 1947 and the Instrument of Accession. Neither the Maharaja nor those who inherited power from him were prepared to surrender that status. Sheikh Abdullah speaking in the Constituent Assembly of the State said that while other princes agreed to the application of the Indian Constitution to their States, Maharaja Hari Singh declined to do so. The State, he claimed, had a political justification for it (Puri 1993). Jammu and Kashmir was granted a special status under Article 370 of the Indian Constitution. Therefore, no provision of Indian Constitution except Article 1 (bringing it under the territorial jurisdiction of India) was to be made applicable to it. In accordance with the Instrument of Accession, Indian Parliament could legislate only on the above mentioned three subjects vesting the residuary powers in the State, a situation unique to Jammu and Kashmir in the Indian Union. Moreover, the State was allowed to retain important cultural symbols, such as its own flag, political titles such as Wazir-i-Azam (Prime Minister) and Sadar-i-Riyasat (Head of the State) instead of Chief Minister and Governor. Its special position was further cemented by the Delhi Agreement in 1952 signed between the representatives of the two governments which provided for the abolition of hereditary rulership; vesting of residuary powers in the State; continuation of special citizenship rights for the ‘State-subjects’; flying a separate flag for the State with the national flag; and subject to certain restrictions and limitations, extension of provisions of Indian Constitution in respect of fundamental rights, emergency powers of the President and jurisdiction of the Supreme Court (Behera 2000:77). For Nehru, Jammu and Kashmir’s inclusion in India was necessary for fighting an older and larger battle of secular Indian nationalism vis-à-vis Pakistan’s two-nation theory. Nehru regarded Kashmir as a test of India’s secularism and therefore did not accept the extension of the two-nation theory to Kashmir. In offering to hold a plebiscite in the Muslim-majority State, he was perhaps hoping to expose the fallacy of Jinnah’s ‘two-nation theory’ (Behera 2000). Nehru had argued:
“We have always regarded the Kashmir problem as symbolic for us … as it illustrates that we are a secular State… Kashmir has consequence both in India and Pakistan, because if we disposed of Kashmir on the basis of the two-nation theory, obviously millions of peoples in India and millions in East Pakistan would be affected” (Behera 2000: 77). For Nehru, Sheikh Abdullah and National Conference were vital assets because they shared his faith in secularism. Jammu and Kashmir was important for Nehru’s efforts to establish a secular Indian State internally because secular nationalism had not only faced an ideological adversary in Muslim nationalism but also Hindu nationalism. In this context, a decision of Muslim-majority State to join India strengthened Nehru’s hand. He argued: “It helped our thesis of nationalism not being related to religion. If the contrary thesis were proved … it would have a powerful effect on the communal elements in India, both Hindu and Muslim. That is of extreme importance to us – that we do not by taking some wrong steps in Kashmir create these terribly disruptive tendencies within India. Thus, Nehru’s keenness to secure Kashmir’s accession was grounded in a larger political objective. Besides secular Indian nationalism, it sought to contain Hindu nationalism as well” (Behera 2000: 78). On Article 370 of the Indian Constitution, Bazaz (1954) writes that when India adopted its Constitution, Jammu and Kashmir was included as an integral part of it. The National Conference leaders demanded that Kashmir should be treated as a special case and given the fullest autonomy so that the State people particularly the Muslims may feel assured that the Hindu-dominated centre is not going to interfere in their domestic affairs. The Indian Constituent Assembly accepted the demand and Article 370 was incorporated in the Constitution. For Bazaz, although it was a most welcome provision in the Constitution but in reality, this autonomy has been of the greatest assistance to the ruling regime in suppressing the public opinions. “Paradoxically, even many of those who were against State’s accession to India have had to complain against this grant of autonomy which has been instrumental in strengthening the fascist set up in the country” (Bazaz 1954:477).

During negotiations on Article 370 in 1951-52, Behera writes, “National Conference insisted that the State would not be brought within the territorial jurisdiction or constitutional organisation of the Indian Union. No instruments, including the Constituent Assembly of Jammu and Kashmir, would be vested with any powers to change and modify the existing constitutional relationship. It persistently argued that
the Constituent Assembly of the State was a sovereign body, independent of the Constitution of India and exercised inherent powers derived from the people of the State who did not form a part of the people of India. This amounted to not only excluding Jammu and Kashmir State from the jurisdiction of the Indian Union, but also making all federal instrumentalities inoperative as there would be no remedies if the Constituent Assembly of the State transgressed limits and violated the Constitution of India” (Behera 2000: 79). New Delhi rejected the position taken by the National Conference and argued that the provisions of the State constitution must not be inconsistent with the basic structure of the Constitution of India. The central leadership had taken it for granted that the Jammu and Kashmir would be integrated into the Indian Union. While Sardar Patel’s conviction emanated from the constitutional validity of the Instrument of Accession, Nehru was confident of winning the plebiscite (Behera 2000). In July 1949, the Ministry of States headed by Sardar Patel had submitted the following suggestions for considerations by the Drafting Committee of the Constituent Assembly: (1) Jammu and Kashmir be treated as part of Indian Territory and shown in States specified in Part III of schedule I. (2) A special provision be made in the Constitution to the effect that until Parliament provides by law all the provisions of the constitution applicable to the States specified in part III would apply to the State, the power of Parliament to make laws for the State would be limited to the items specified in the Schedule to the Instrument of Accession governing the accession of this State to the dominion of India or to the corresponding entries in list I of the new Constitution (Navlakha 1996). For Behera, Jammu and Kashmir getting special status in Indian Constitution was a tactical strategy rather than acceptance of Sheikh Abdullah’s principled argument that the special position accorded to the State could alone be the source of growing unity and closer association between the State and India.

**Delhi Agreement of 1952**

When Princely States signed the Instrument of Accession with India, they were assured by Lord Mountbatten and Nehru of retaining all powers and asked to hand over to the central government only external affairs, defence, and communications. These provisions were stipulated in detail in the Instruments of Accession signed by the respective rulers. But almost inevitably the Princely States soon found themselves
stripped of all powers and their States amalgamated within individual provinces of the Indian Union (Korbel 1954). Unlike other Princely States, the State of Jammu and Kashmir, however, did not fuse with the Indian Union, but retained rights of autonomy. According to Korbel, the ruler of Jammu and Kashmir in one sense followed the fate of his Princely colleagues, but he was deprived of his powers, not by the government of India, but rather by his own Prime Minister, Sheikh Abdullah. Ruler of the State Maharaja Hari Singh because of his differences with Sheikh Abdullah had turned over to his son Karan Singh all his Princely rights. Korbel writes that from that time until the summer of 1953 it was Sheikh Abdullah’s systematic policy, using Regent Karan Singh as a figurehead, to keep and maintain Kashmir autonomy against any infringement by the Indian government. In September, 1949 the ruling National Conference passed a resolution reaffirming its decision not to accept any limitation on Kashmir autonomy. It expressed faith in their New Kashmir programme and appealed to the peoples to support to their cause (Korbel 1954). Many politicians in New Delhi expressed their deep dissatisfaction with these manifestations of Sheikh Abdullah’s independent-mindedness. The Indian government tried several times, but with no success, to convince Sheikh Abdullah to fall in line with other Princely States and merge with India. On October 17, 1949, the Constituent Assembly of India passed Article 370 of the Constitution according to which constitutional provisions concerning the Princely States did not apply to the State of Jammu and Kashmir and stating further that certain specified matters could be legislated by Parliament only in concurrence with the State government. The main purpose of Article 370 was to define the powers of the Indian Parliament in relation to Kashmir. Sheikh Abdullah, now even more firmly entrenched in power, reaffirmed his position and his policy of autonomy from India. Karan Singh on occasion attempted to slow down the policy of radical land reforms. But Sheikh Abdullah always moved with vigour. On one occasion particularly Sheikh Abdullah warned Maharaja Hari Singh that not only would he never be allowed to return to Kashmir from exile but also that if his son (Karan Singh) persisted “in seeking the advice of reactionaries and communalists, I can only tell him… that his future will not be far different from that of his father” (Korbel 1954: 221). In October 1950 the General Council of the National Conference passed a resolution asking for elections for a Constituent
Assembly which would determine “the future shape and affiliations of the State of Jammu and Kashmir” (Korbel 1954). In May 1951 Regent Karan Singh issued a proclamation convoking a Constituent Assembly of the State. The members of the Constituent Assembly were elected. National Conference ‘won’ all 75 seats. The Constituent Assembly met on October 31, 1951. Its Chairman declared, “… Kashmir was not interested in the United Nations, which was the victim of international intrigues. The path of Kashmir and UN lay in different directions….It is well known that the National Conference had gone to the people of the State with a programme of accession to India and this programme of accession had been ratified by every single adult voter of the State” (Korbel 1954:222 & Lamb 1992: 193). A few days later, on November 20, the Constituent Assembly of the State passed “The Jammu and Kashmir Constitution Act, 1951,” which stripped the Maharaja of virtually all powers, allowing him to act only on the advice of the State government. The law reaffirmed the principle of autonomy in all affairs with the exception of defence, foreign affairs and communications. According to Lamb (1992), “Sheikh Abdullah saw the Constituent Assembly as a continuation of Jammu and Kashmir's freedom struggle. Even if the result would be some kind of incorporation of the State within the Indian Union, this would be done by a public demonstration of the sovereign will of the people under his guidance. He believed that the Constituent Assembly would guarantee that the State of Jammu and Kashmir would never become just another Indian State. A suitable Constitution would ensure that the “temporary” special status indicated in Article 370 of the Indian Constitution would, in fact, be permanent; and it would not preclude the possibility of, one day, of full independence. This is what he understood by the word “accession”; and it explains many of the apparent contradictions in his public statements over the years. All that “accession” really meant to him was that the State of Jammu and Kashmir was not in any legal sense part of Pakistan. It did not indicate that the State was forever more to be an integral part of India. Through “accession” the State of Jammu and Kashmir had sought Indian

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41Pakistan lodged a protest with Security Council of the U. N. against this, which in their view prejudiced the final determination of whether Kashmir would join India or Pakistan. The Security Council affirmed in its resolution (no. 91 (S/2017 Rev. 1) of March 30, 1951 that the convening of a Constituent Assembly and any action concerning the future of the state would not be in accordance with previous agreement of plebiscite. Korbel writes that Sheikh Abdullah was not discouraged by the Security Council Resolution. See Korbel (1954).
aid at a moment of crisis: and the “irrevocability” of the “accession” implied no more than that such aid was perfectly legitimate and could never be contested on the grounds of international law” (Lamb 1992: 193). Sheikh Abdullah writes Korbel, now assured “constitutionally” of a supreme position in the State, opened a political offensive. Korbel writes that Sheikh Abdullah in March 1952 appealed to the POK people to make “positive efforts” to liberate themselves from Pakistan whose attempt always has been to mislead them and keep them away from knowing the true facts. Sheikh Abdullah also opened his guns against India. To put his position on autonomy beyond doubt he made a speech on April 10, 1952 at Ranbirsinghpura in Jammu in which he criticised India for communalism and warned against applying the Indian Constitution to Kashmir in all respects. He qualified these attempts as “unrealistic, childish and savouring of lunacy,” and added, “no one can deny that communal spirit still exists in India. Many Kashmiris are apprehensive as to what will happen to them and their position if, for instance, something happens to Pandit Nehru” (Korbel 1954: 223). The speech caused uproar in India, and Nehru, who otherwise had been giving public and continuous support to the policy of his long-time friend, declared he did not like it either, especially its tone. According to Mridu Rai (2004), Sheikh Abdullah deliberately selected Ranbirsinghpura to make his speech as it was the same tehsil in Jammu where Muslims in 1897 not only confronted the Hindus of the area as violence and rioting took place but also had opposed Maharaja Pratap Singh’s regime for denial of their religious rights of making their call to prayers, the azan, forcing the British Resident to intervene on the issue and ensuring that the rights of Muslims to call the azan was reinstated (Rai 2004). Although Sheikh Abdullah tried to appease Nehru with another speech, this one more carefully worded, he nevertheless refused to come to Delhi for several months. To calm the first crisis of New Delhi-Kashmir relations, he did send his emissaries to prepare the ground for an Agreement which would stipulate the privileged autonomous position of Kashmir in the India Union (Korbel 1954). On July 24, 1952, Nehru announced in Parliament the terms of the agreement which he had signed with Sheikh Abdullah. The summary of the eight-point Agreement between India and Sheikh Abdullah’s government as announced by Nehru was as follows:
1) Citizenship. A common citizenship was recognised, with special privilege for State subjects.

2) The Head of the State to be recognised by the Indian President on the recommendation of the State Legislature. The State to decide the process of election of the Head of the State. Appointment to be for five years.

3) For “historical and sentimental reasons” a State flag to be recognised, but the Indian flag to continue to have the same status as elsewhere in India.

4) The President of India to retain powers to reprieve and commute death sentence.

5) The President of India to exercise his emergency powers under Article 352 of the Indian Constitution in such matters as invasion and external or internal disturbances, in Kashmir. But in the case of internal disturbances, action to be taken only with the concurrence of the State.

6) The application of principles of Fundamental Rights, as defined in the Indian Constitution, to apply in Kashmir subject to certain modifications. For example, the Kashmir decision to not award compensation to dispossessed landlords is contrary to the Indian guarantee.

7) The Supreme Court of India to retain original jurisdiction in respect of disputes mentioned in Article 131. Such disputes are those between States or between a State and the government of India. The State advisory Tribunal to be abolished and its functions are to pass to the Supreme Court of India. This in effect made Supreme Court the final Court of Appeal in all civil and criminal matters. (The Kashmir government seemed uncertain over their final consent in this matter, and in his statement Pandit Nehru inferred generally that the Agreement covered principles but not details.)

8) Financial arrangements between India and Kashmir including the difficult question had still to be worked out (Birdwood 1956: 223).

The agreement which came to be known as Delhi Agreement gave Kashmir special rights which no other State of India enjoys (Korbel 1954). The National Conference delegation headed by Mirza Afzal Beg during their parleys with the Indian leaders
discussed several crucial issues in regard to the constitutional relations between the Union and the State and the constitution of the State, including the abolition of the Dogra rule. The National Conference leaders insisted upon changes in the constitutional organisation of the State, as a first measure to introduce reform in the State, which would later be followed by changes in the constitutional relations between the State and the Union. As a matter of fact, the delegation sought the approval of the abolition of the Dogra monarchical rule and substitution of the ruler by a Chief Executive who would be elected by the Constituent Assembly of the State as proposed by the Basic Principles Committee of the Constituent Assembly (Teng 1998). For Teng, the insistence of the Conference leaders, upon the abolition of the Dogra Princely rule, was permeated by subtler motives as they were aware of the fact that Regent of the State Karan Singh possessed the powers and prerogatives which his father Hari Singh had reserved by virtue of Instrument of Accession. Maharaja Hari Singh had reserved for himself authority to enter into fresh agreements with the Indian government in respect of the constitutional relations between the State and the Union of India. The government of India, could, in case, the necessity arose, conclude fresh agreements with the Regent in regard to the constitutional relations between the two. The abolition of the Dogra rule would dissolve the prerogatives of the ruler and permanently close the prospect of any agreement between the government of India and the head of the State of Jammu and Kashmir without the approval of the interim government. Nehru told the Conference delegation that:

1) The changes in the constitutional organisation of the State would necessitate the integration of the State into the constitutional organisation of India and the application of the Constitution of India to the State, except in regard to the State government;

2) The Constituent Assembly would frame the Constitution for the government of the State;

3) The Constitution of the State would not incorporate provisions inconsistent with the basic structure of the Constitution of India (Teng 1998).
The position adopted by the Indian leaders had substantial justification. The decision of the Constituent Assembly of the State to abolish the Dogra rule impinged upon the provisions of Article 370 of the Indian Constitution. Article 370 provided that the State government was construed to mean “the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under Maharaja’s proclamation dated March 5, 1948” (Teng 1998: 119). The National Conference leaders actually sought to change the provisions of Article 370 to secure a constitutional position for the Head of the State which would change the provisions of the Constitution of India in the respect of the State. “Indian leaders agreed to accept the abolition of the Dogra rule and replacement of the ruler by an elected head of the State in such manner and for such term as the Constituent Assembly of the State would determine. They also agreed to allow the State to have a separate flag and a separate constitution. However, they proposed the application of the provisions of the Constitution of India to the State, in regard to citizenship, fundamental rights, jurisdiction of Supreme Court, emergency powers of the President of India and the financial relations between the Union and the State. Nehru assured …that the financial integration of the State would enable the interim government of Sheikh Abdullah to stabilise the dilapidated economy of the State and put it on an even course of future development” (Teng 1998: 120). The Conference leaders, writes Teng, however, refused to accept any extension of the Constitution of India to the State on the ground that the Constituent Assembly of the State drew its powers from the people of the State and not from the Constitution of India. Therefore, they claimed, the Constituent Assembly has plenary powers to determine the form and nature of the constitutional instruments it would create, independent of the Indian Constitution. They also emphasised that except for the three subjects which instrument of accession stipulated their State retained its separate and independent identity. The National Conference leaders claimed that Jammu and Kashmir did not form a part of the Republic of India; consequently it was not subject to the Indian jurisdiction. They objected to the application of the Indian citizenship to their State on the ground that the provisions of the Constitution of India would impinge upon the State-subject rules which prohibited non-subjects from owning land and immovable property in the State and reserved services and scholarships exclusively for the State-subjects. They expressed the fears that the infringement of the State-subject rules would adversely affect the economic and political interests of the people of the State,
who were economically and educationally backward. The State leadership also objected to the application of the provisions of Indian Constitution in respect of fundamental rights and related legal guarantees as well as the jurisdiction of the Supreme Court to the State, on the ground that economic reforms, mainly the land legislation undertaken by the Sheikh Abdullah’s interim government, conflicted with the right to equality and right to property enshrined in the Indian Constitution. Nehru assured the National Conference delegation that the provisions of the Constitution of India in respect of citizenship and fundamental rights would be extended to the State with such exceptions as would save the State-subjects rules and land reforms from any irreconcilability with them. He assured them further that the original jurisdiction of the Supreme Court alone would be extended to the State (Teng 1998). If Nehru gave assurance to the members of the delegation, he also sought an assurance from them that before the constitutional changes, embodied by the Delhi Agreement were implemented; the Constituent Assembly would adopt a resolution which would reaffirm the accession of the State to India. Such a resolution, Nehru said, would put many controversies about the Constituent Assembly and its powers to decide the disposition of the State, at rest. Nehru sought a further assurance from them that the changes in the constitutional organisation of the State would be implemented simultaneously with the implementation of the other provisions of the Delhi Agreement (Teng 1998). It was agreed between the two parties that the hereditary Dogra ruler would be replaced by an elected head of the State who would hold office for a term of five years and recognised by the President of India. In all other States of the Union, this function was held by the Governors who were appointed by the President. Fundamental rights that were guaranteed by the Indian Constitution were to apply to Kashmir subject to the provision that they would not encroach upon the programme of land reforms, including the expropriation of land without compensation, nor must they hamper the State’s measures concerning its security. The Indian government further agreed that the Kashmir Legislature shall have the power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to the acquisition of immovable property, appointment to services and like matters (Korbel 1954&Teng 1998). This meant that although Kashmiris enjoy the same right as Indian citizens all over India, Indian citizens have no right to acquire land in Kashmir. The jurisdiction of the Supreme Court was to be limited to inter-State disputes, to the fundamental rights which were applied to the
State, and to matters of defence, foreign affairs, and communications. New Delhi also wanted to make the Supreme Court as the final court of appeal in all civil and criminal cases, but Sheikh Abdullah wanted to leave the question open. The national flag of India was to be recognised by the State as supreme, but the Kashmir State flag was to be maintained. In financial matters, the central government would have preferred integration, but Sheikh Abdullah wished again to reconsider the matter. The most important provision of the agreement between Sheikh Abdullah and Nehru concerned the emergency powers of the President of India. According to Article 352 of the Indian Constitution, the President has the right to declare a State of emergency in case of invasion, external danger, or internal disturbances. The agreement provided that in the latter case the President’s power could be applied in Kashmir only “at the request or with the concurrence of the government of the State.” This would mean that in case of violent uprising in Kashmir, the President of India would have no right to declare a State of emergency and to intervene unless the government of Jammu and Kashmir asked him to do so (Korbel 1954).

The Delhi Agreement met with severe criticism in some Indian newspapers and parliamentarian circles. They were concerned both with the fate of the Hindus in Jammu and with the privileged position which Sheikh Abdullah had managed to carve out for himself. They wished to see the State integrated with India as were all other constituent units of the Republic (Korbel 1954). Nehru, however, defended the agreement against the critics, pointing to the necessity of having confidence in Sheikh Abdullah’s friendship towards India and of acting in good faith. Sheikh Abdullah now set to work to put the Agreement he had signed with Nehru into force. First, he wished to solve the problem of the headship of the State by offering it to the Regent Yuvraj Karan Singh apparently in an attempt to ease the transfer of a hereditary rule to an elected Head of State and to alleviate the misgivings of the Hindu minority of the State. The opposite was achieved. Many Hindu leaders visited the Yuvraj and requested him not to accept the new position as he would serve only as a puppet for the Sheikh Abdullah’s policy. But Nehru prevailed upon the Yuvraj in his request to the latter to accept the office (Korbel 1954 & Alam 2006). On November 12, 1952, the Constituent Assembly adopted an amendment to the Constitution replacing the Maharaja rulership by an elected Head of State called Sadar-i-Riyasat. Karan Singh was elected as the first Sadar-i-Riyasat of the State after being formally recognised by
the President of India and thus abolishing the hereditary rule in the State (Korbel 1954). India government no doubt felt that eventually Jammu and Kashmir would become just another Indian State, notwithstanding the fact that Kashmir’s accession to India had limited jurisdiction of New Delhi to three categories of subjects. This was standard practice for rulers of Princely States signing accession statements, and normally did not pre-empt or preclude further integration of acceding entities into the political framework of India or Pakistan. Jammu and Kashmir, however, was an exceptional case among former Princely States, in that there was an international dispute over its status and the UN resolutions existed calling for settlement of the question through a plebiscite. Since March 1948 when Sheikh Abdullah assumed the office of Prime Minister of the State, he repeatedly justified his party’s decision to side with India in the ringing rhetoric of ideological and programmatic affinity. In his opening address to Constituent Assembly of the State in November 1951, for example, “he praised India's democratic and secular credentials, derided Pakistan as a landlord-ridden country without a written constitution and dismissed full independence for Kashmir as a utopian idea. There were indications, nonetheless, that he privately viewed the association with India in far more contingent terms, as a strategy necessity given the circumstances and the alignment of political forces in 1947 and that he retained a subliminal attachment to the idea of a sovereign Kashmir” (Bose 2003: 60). For Abdullah, the accession of Kashmir to India by Maharaja Hari Singh in October 1947 was an act of necessity and did not constitute a final decision and that the eventual future of the State would be determined by the people themselves. Although he seemed at the time willing to cast his lot with India, he always entertained doubts and reservations. Arguably, his willingness to affiliate the State with the Indian Union was doubtless due to necessity and due to the lack of practicable alternatives. He was of the opinion that Kashmir could not hope to be independent and escape outside pressures. Therefore, it had to identify itself with a more powerful political unit (Parmer 1953). Throughout the course of the Kashmir dispute, India’s attitude seemed not shared by Sheikh Abdullah, who had no desire to find his State to be fully integrated to the Indian Republic like other Princely States. He wanted an independent Kashmir, albeit in association with India. He did not want a Kashmir absorbed entirely by either India or Pakistan. His outlook, however, was not shared by everyone in the State. The opposition Praja Parishad Party popular in Jammu region sought a much closer relationship with India. The leaders of the
Buddhist population of Ladakh, faced with the impact of Sheikh Abdullah’s land reform policy, sought Indian protection and threatened to look for a closer association with Tibet (Lamb 1966). Sheikh Abdullah won very real concessions from the Indian government but he showed a notable reluctance to implement those parts of the agreement which would have associated the State more closely with the Union of India (Palmer 1953). In his address to the Constituent Assembly on 11th August, 1952, he gave a version of the agreement which varied from the stipulations of the actual agreement. He said the agreement envisaged tentative decisions and that the Constituent Assembly would determine the final form of the constitutional relations between the State and the Union of India. Sheikh Abdullah Stated: “Here I would like to point out the fact that Article 370 which has been mentioned as temporary provision in the Constitution does not mean that it is capable of being abrogated, modified replaced unilaterally. In actual effect the temporary nature of this Article arises merely from the fact that the power to finalise the constitutional relationship between State and the Union of India has been specially vested in Jammu and Kashmir Constituent Assembly. It follows that whatever modifications, amendments, or exceptions, that may become necessary either to Article 370 or any Article in the Constitution of India in their application to the Jammu and Kashmir State are subject to the decisions of this sovereign body” (Teng 1998: 123).

Soon after Sheikh Abdullah had begun to implement his agreement with Nehru, he was accused of ignoring those sections which confirmed Jammu and Kashmir’s ties with India. The opposition elements in Jammu and Ladakh gathered new strength, and in the spring of 1953 there burst out, more particularly in Jammu, an open and well organised action. The Praja Parishad led demonstrations in various towns in Jammu, and its leaders organised sabotage in factories and the destruction of bridges and government buildings. Nehru condemned the movement as “most pernicious and malignant” in its “narrow, bigoted, reactionary and revivalist approach,” and pointed to its dangerous repercussions (Korbel 1954). Similarly in Ladakh, the head Lama revived his tactic of looking toward Ladakh’s autonomy within India and of flirting with Tibet (Korbel 1954). Sheikh Abdullah chose to face these growing threats of disintegration by a policy of blowing both hot and cold. He was prepared to make some concessions to the agitationists but at the same time threatened to break away from India. The Basic Principles Committee of the Constituent Assembly was asked
to study the idea of extending autonomy to each province of the State. A plan was prepared to establish five autonomous regions – the Valley, Jammu, Ladakh, Gilgit and a region consisting of the districts of Mirpur, Rajaouri, Poonch and Muzaffarabad. The Valley and Jammu would each have a separate legislature and a council of ministers for local affairs and Ladakh to be ruled centrally with an elected advisory district council. The State’s name would be “Autonomous Federated Unit of the Republic of India.” Subsequent events prevented Sheikh Abdullah from materialising this atomisation of Kashmir (Korbel 1954). The proposed reform failed to reconcile the opposition forces. Rather they were encouraged by the happenings in India. Parties like Hindu Mahasabha, Jan Sangh and Ram Rajya Parishad joined hands with the Praja Parishad and opened a nationwide campaign of satyagrah for full incorporation of Jammu and Kashmir within India. The news of forthcoming meeting between Nehru and his Pakistani counterpart Mohammad Ali Bogra in London during the Commonwealth Prime Ministers’ Conference gave a new impulse to every group engaged in the struggle for power in Kashmir (Alam 2006). The death of Dr. Shyama Prasad Mookerjee, the President of Jan Sangh, on June 23, 1953 in Srinagar of a heart attack added new fuel to political passions which were already running very high. Korbel notes that exposed to increasing pressures from several quarters and forced to witness passively the negotiations between India and Pakistan, Sheikh Abdullah protested that a “decision about Kashmir cannot be taken behind closed doors without the approval of the people of Kashmir” (Korbel 1954: 235). As done before on various occasions, Sheikh Abdullah again hinted at the idea of independence for Kashmir. Newspapers even published the draft of a new Kashmir Constitution which called for independent Kashmiri armed forces and left to India responsibility only for Kashmir’s foreign affairs. In this policy of ascertaining his independent position, Sheikh Abdullah presumably relied on the undivided support of his party and he was profoundly convinced of the incontestability of his leadership. This was where, Korbel writes, Sheikh Abdullah proved to be fatefuly wrong. There were some colleagues in his cabinet as well as within the party who showed more pro-Indian inclinations than Sheikh Abdullah and who were against his policy of drifting away from India. They were led by Sheikh Abdullah’s right-hand man, Bakshi Ghulam Mohammad. There were rumours that Sheikh Abdullah was planning a session of the Constituent Assembly, which, instead of ratifying the accession of the State to India would declare the Valley of Kashmir independent. On top of these reports came the
highly inflammatory rumours that the United States was supporting an independent Kashmir and that Sheikh Abdullah had been encouraged in it when American Statesman and Democratic party leader Adlai Stevenson had visited Srinagar in May 1953 and met Sheikh Abdullah from 01 to 03 May, 1953; and the last meeting lasted for seven hours (Puri 1981a). On 05 July, 1953 the New York Times reported: “The solution of Kashmir dispute envisaged a special status for the Kashmir Valley, possibly independence guaranteed by both India and Pakistan, and partition of the rest of the State along the lines occupied by the opposing armies under ceasefire agreement… It was rumoured, without official verification, that the U. S. Secretary of States, John Foster Dulles, supported a solution of this Nature” (Puri 1981a: 111). Dulles visited India and Pakistan on 24 May, 1953 and reportedly canvassed support for the move for an independent Kashmir. The New York Times also published a map which showed a plan of the partition of the State of Jammu and Kashmir. In August 1953, Stevenson publicly stated that “the best status for Kashmir could be independence both from Indian and Pakistan.” Both India and Pakistan denied the report as “mischievous and false.” Referring to allegations of American interference in the State, Nehru said: “it would not be correct to call it government interference but individuals have not behaved properly, but you must remember the basic fact that Kashmir is a highly strategic area” (Puri 1981a: 111). The then American Ambassador to India, George V. Allen, and Adlai Stevenson himself denied any interference in the Kashmir situation.

Shyama Prasad Mookerjee’s sudden death aroused widespread resentment not only against Sheikh Abdullah but also against Nehru in the country. The government of India started making efforts to mollify Jammu people’s sentiments. Nehru made a public appeal to the people of Jammu to end the agitation. In a press statement on 02 July, 1953, Nehru assured them that “the State government was considering grant of autonomy to its regions, particularly Jammu, while framing the constitution of the State” (Puri 1981a: 116). On the following day, the then Deputy Prime Minister of Jammu and Kashmir, Bakshi Ghulam Mohammad, publicly stated that Nehru’s statement reflected the policy of the State government. In a statement, he added, “Sheikh Abdullah has consented to the proposed scheme of autonomy for the constituent units of the State so as to ensure its unity” (Puri 1981a: 117). The Praja Parishad accepted the offer of Nehru, endorsed by the State government, regarding the
status of Jammu and called off the agitation. By this time Jammu agitation had caused predictable reaction in the Valley. While Nehru expressed his satisfaction over the end of the agitation in Jammu, Sheikh Abdullah was far from satisfied. To him, “the Parishad agitation has ceased, but the conflict of ideals and interests it created remained. The demand for the merger of the State with India is still there. And so long as these aims exist, the sword will hang over the basic relationship between India and Kashmir. This is a serious matter” (Puri 1981a:117). Reacting to discontent in the Valley, provocation from Jammu and overtures of foreign powers, Sheikh Abdullah’s attitude towards Delhi hardened and precipitated a political crisis in the State. The crisis, which was brewing for almost three months, was the direct result of Sheikh Abdullah’s new political line that the State’s limited accession to India be resolved in favour of an independent Kashmir. On 18 May, 1953, Sheikh Abdullah presented his ‘new political line’ to the Working Committee of the National Conference. Normally the National Conference would have accepted any ‘line’ of its founder and leader without question; but this time, after 20 days of discussions, the State Prime Minister’s recommendations were rejected by a decisive margin. This setback, and the barrage of criticism directed against him which followed the death of Syama Prasad Mookerjee, seemed only to intensify his change of mood. His public utterances widened the split within his cabinet and the party; so, too, did his abrupt postponement of elections to the National Conference, after they had already begun and had shown a trend against him (Palmer 1953: 160). The two factions of the National Conference split openly and supported their differences in public meetings. Vehemently the independence-minded Sheikh Abdullah warned that “communal happenings have shaken the foundation of India-Kashmir relationship,” and at the beginning of August he made the statement that “Kashmir’s initial accession to India was forced on her because of India’s refusal to give any help without the State’s accession.” With equal vehemence the more pro-India Bakshi declared that “Kashmiris would defend at the cost of their lives the State’s accession to India and a special position granted to Jammu and Kashmir in the Indian Constitution (Korbel 1954: 239). The cup of suspicion over Sheikh Abdullah's intensions must have overflowed when he drafted a speech in Urdu and sent it to New Delhi for translation to be delivered on Id congregation on 21 August, 1953 at Srinagar. In the prepared text he expressed his views on the definiteness of accession, “Though the accession of Kashmir to India is complete in all aspects it is conditional and temporary in the sense
that the people of State have to ratify it. Therefore it is not final” (Korbel 1954: 239). He also questioned the Delhi Agreement stating that it was “transitory and temporary.” But more than that, he was now ready to admit that Kashmir was geographically so situated that her prosperity depended on trade with both India and Pakistan that her people had cultural relations with both the West (Pakistani) and East (Indian) Punjab and North-West Frontier Province, and that “rivers and roads of Kashmir lead to Pakistan. The nearest railway station to Kashmir is Rawalpindi. Kashmiri traders used Karachi as their port” (Korbel 1954: 239). He criticised the Praja Parishad agitation which was supported “monetarily and morally” in India. He further declared that the Kashmir Muslims were forced to ponder whether they could rely on Indian promises. Sheikh Abdullah said: “The Muslims and not the non-Muslims of the State have to take a decision in regard to the accession of the State to India because non-Muslims could not even think of any alternative. I do not have to assure Hindus and Sikhs that their future will be safe in India because to say that is unnecessary. Whenever I have tried to secure their just rights for the Muslims or voiced their views about their future in India, my friends labeled me a ‘communalist.’ … But, unfortunately, the Praja Parishad agitation, on one hand has created doubts in the minds of the Muslims and, on the other the Muslim middle class is finding out that whereas accession to India has opened to Hindus and Sikhs various doors of progress, Muslims have become a frog in the well” (Korbel 1954: 240). On 07 August, 1953, three members of the State government, led by Bakshi Ghulam Mohammad, accused Sheikh Abdullah in a memorandum of making arbitrary decisions, of being responsible for deterioration in the administration, despotism, inefficiency, and wanton wastage of public resources. “You have tended to act in a manner that has generated uncertainty, suspense, and doubt in the minds of the people of the State in general and those in Jammu and Ladakh in particular,” stated the memorandum. It further read all these factors have combined to strengthen the disruptionist forces seeking the disintegration of the State… You have arbitrarily sought to precipitate a rupture in the relationship of the State with India. … Under these circumstances, what seems inevitable is that interested foreign powers may well take advantage of and exploit the situation for their own selfish purpose” (Korbel 1954: 240). The memorandum informed Sheikh Abdullah that the cabinet has lost the confidence of the people. The memorandum submitted to the Head of the State, who suggested an emergency meeting of the government. The State Prime Minister refused
the request and, probably sure of his unshakable leadership, went to Gulmarg to spend the weekend there. In the early hours of 09 August, 1953, Sheikh Abdullah was woken up by a police party, at the hill resort of Gulmarg where he arrived the preceding evening, and handed over three documents. The first was a letter signed by three out of five ministers of his cabinet – Bakshi Ghulam Mohammad, Girdhari Lal Dogra and Sham Lal Saraf – which expressed lack of confidence in him. The second was an order from Sadar-i-Riyasat (Head of the State) Karan Singh dismissing him (Sheikh Abdullah) from the post of Prime Minister of the State. The third was a warrant of his (Sheikh Abdullah’s) arrest under the Public Security Act. He was taken to Udhampur and detained there (Puri 1981a). Thus ended, writes Korbel, at least temporarily, ‘the meteoric political career of a man who began as a national revolutionary, “the Lion of Kashmir,” who thought as a socialist, acted as a dictator, manoeuvred as a petty Machiavellist, and finally succumbed at the hands of his lifelong associates by arms which he had often used himself.’

Conclusion

In this chapter, the researcher has discussed four important political developments as far as Jammu and Kashmir was concerned i.e. political and constitutional developments in Kashmir since 1930’s, Instrument of Accession, Special Status and Article 370 of the Indian Constitution and Delhi Agreement of 1952. In each of these developments, we have argued that Sheikh Abdullah played an important role. In fact, it was he who singlehandedly led his party to fight for the autonomy of the State. As a determined leader, Sheikh Abdullah through his agitations and mobilisation of people based on his charismatic personality as well as oratory forced Maharaja to introduce representative Government in Kashmir and it was because of his efforts that Glancy Commission was appointed by the Dogra Government to look into the grievances of the people of Kashmir. When Kashmir joined India, Sheikh Abdullah negotiated with India that Delhi should give maximum autonomy to Kashmir and India’s jurisdiction should be restricted to just three subjects mentioned in the Instrument of Accession. Sheikh Abdullah argued that Kashmir needs autonomy as his Government wishes to implement land reforms in the State as promised in Naya Kashmir manifesto.

It can be argued that unlike other Princely States who joined India, Jammu and Kashmir did not fuse with the Indian Union, but sought to retain rights of
autonomy/self-determination. It was more an accession than merger in the case of the State as the State of Jammu and Kashmir entered into a contractual relation with Indian State based on the promise of land reforms, secular democratic polity and special constitutional status. The ruling National Conference reiterated their decision not to accept any limitation on Kashmir autonomy and expressed its faith in their *New Kashmir* programme which was a blueprint of the party’s long-term agenda. The Constituent Assembly of India felt that Kashmir was not yet ripe for the same sort of integration as has taken place in the case of other States. Keeping that in mind, Article 370 of the Constitution was passed according to which constitutional provisions concerning the Princely States will not apply to Jammu and Kashmir. It was further stated that certain specified matters could be legislated by Parliament only in concurrence with the State government. The main purpose of Article 370 was to define the powers of the Indian Parliament in relation to Kashmir. The researcher feel that it was because of Sheikh Abdullah's efforts that till the signing of Delhi Agreement in 1952, Jammu and Kashmir did not accept any provisions of the Constitution of India other than those agreed to in the Instrument of Accession and retained autonomy. However, the leaders who followed him as the Prime Minister/Chief Minister remained puppets in the hands of ‘Delhi Durbar’ as Kashmiri masses perceived them. As a result not only the terms of the Accord were violated but there was a conscious effort not only to ‘integrate’ the State with India but also to dictate terms in deciding about the course of politics in the State. Arguably, there has been lopsidedness in the vision of the political leadership while dealing with Kashmir as the concern for national security and territorial integrity clouded their sense of fairness bringing disaster to the State.