CHAPTER III

HISTORICAL BACKGROUND OF ARMED CONFLICT IN KASHMIR

INTRODUCTION

Jammu and Kashmir was the largest Princely State of India in 1947, covering an area of 84,471 sq. miles and sharing international boundaries with China and Afghanistan. It was under the terms of ‘Treaty of Amritsar’ in 1846, that Kashmir Valley was sold to Hindu Dogra ruler, Gulab Singh by the British. He, as the Maharaja of Jammu and Kashmir, was able to include Kashmir with other territories which were under his possession like Jammu, Ladakh, Baltistan and numerous hill states through which the Indus river and its tributaries to the east flowed. Before him, the Kashmir was ruled by many dynasties like Sikh dynasty, Mughal dynasty, Muslim dynasty and so on.

EARLY RULERS OF KASHMIR

Kashmir’s period of imperial history begins in 3rd century BC with Ashoka’s rule. He was originally a devout Hindu, but later he turned to Buddhism and sent various Buddhist missionaries to the Kashmir Valley. After his death, the Valley once more became independent. In the 1st century AD, the Kashmir Valley was invaded by Kushans from North West China. The kings of Kushans were renowned for their love of art, architecture and learning and this period was highly marked by intellectual resurgence. Traders, who transversed the Silk route, did not only brought merchandise in the Valley but also literary and artistic ideas. In the followed decades, Kashmir Valley is remembered as enjoying a golden age.

Lalitaditya, who was the predecessor of European emperor, Charlemagne, ruled in the early 8th century and made a significant contribution as an

Another great Hindu king who lived in the 9th century, after whom the town of Avantipur is named, was Avantivarman.  

KASHMIR UNDER THE MUSLIM SULTANS

The first great king during the Muslim period was Shahab-ud Din who took the throne in 1354 AD. After devastation of Mongols, peace was restored, then Shahab-ud Din fully devoted his attention towards the foreign expeditions, conquering Baltistan, Ladakh, Kishtwar and Jammu. It was during the reign of his successor, Qutb-ud Din that the pace of conversion to Islam increased. However, the Hinduism persisted and the administration remained in the hands of Brahmans, the learned men, who were recognized as traditional official class. Besides that, Sanskrit also retained its position as the official court language. It was in 1420, that another great king (popularly known as Bud Shah) took the throne. He was the grandson of Qutb-ud Din and took the name ‘Sultan Zain-ul Abidin’. It was during his reign of 50 years until 1470, that the Valley prospered. His court was full of great poets and musicians besides that he patronized scholars and intellectuals and was very tolerant towards the Hindus. He even rebuilt the temples which had been destroyed during the reign of his father. Hence, many Hindus returned, who had left the Valley. The new official language was Persian and government appointments were offered to those who learnt it. The art of weaving and papier mache making were also introduced by him, which made the Kashmiri handicrafts famous all over the world even to this day. By the end of his reign the ratio of Muslims to non-Muslims reached 85 per cent to 15 per cent, which has remained fairly constant to this day. 

KASHMIR UNDER THE MUGHALS

Meanwhile in the years to come, the Mughals were attracted by the fame of Valley but they in their early attempts failed to dominate the Kashmir Valley. It was however, in 1586 that the Mughal emperor Akbar who took the throne of Delhi in

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3 Ibid., p. 3.
4 Ibid.
1558, sent an expedition to conquer the Kashmir Valley. The Last king of Kashmir Yusuf Shahi Chak died in exile. With Mughal rule, the landlords were replaced by the Mughal Civil Servants. A pattern of government began in Kashmir. To administer the province and to demand taxes, a governor was sent to the Valley.\(^6\)

The last of the Mughal Emperors was Aurangzeb, who took the throne in 1658. His first and the only visit to Kashmir was in 1665 in which he was accompanied by the French doctor, Francois Bernier. It was towards the end of Aurangzeb’s reign that a strand of beard of Prophet Muhammad (PBUH), the Moi-Muqqaddas, was brought to Kashmir by the servant of a wealthy Kashmiri merchant. It was first displayed in a Srinagar mosque, but the mosque being too small, the relic was then taken to another mosque located on the banks of upper Dal Lake, which came to be known first as Asar-e-Sharif and then Hazratbal. During Aurangzeb’s reign, Brahmins still retained the administration and the merit based opportunities for both Muslims and Hindus existed. After the end of his rule, and the war between his three sons over succession after his death in 1707, led to a steady decline of Mughal rule in the Valley.\(^7\)

**KASHMIR UNDER THE AFGHANS**

By the 18\(^{th}\) century, the Mughal Empire had begun its own steady decline, and the nobles of Kashmir invited the brutal ruler of Afghanistan, Ahmed Shah Durrani, to liberate their country. It was in 1751, that the Afghans under his rule absorbed the Valley into their expanding empire. Ahmed Shah Durrani doubled the taxes and persecuted Shia Minority with a fanatical vigour that even shocked the Kashmiri nobles.\(^8\)

Oppression took various forms like extortion of money from people and the brutality in the face of opposition. Both men and women in Kashmir lived in the fear of their lives. It was during the Afghan rule that the shawl industry in the Valley declined.\(^9\)

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\(^6\) Ibid.  
\(^7\) Victoria Schofield, p. 4.  
\(^8\) Tariq Ali, p. 17.  
\(^9\) Victoria Schofield, p. 4
KASHMIR UNDER THE SIKHS

In 1819, the soldiers of Ranjit Singh, the ‘Lion of Punjab’ as he became known, took Srinagar. He faced no resistance worth the name. The 27 years of Sikh rule over Kashmir is regarded by the Kashmiri historians as the worst calamity ever to befall the Valley. The principal mosque situated in Srinagar, got closed, other mosques were made the property of State, prohibition was laid on Cow-slaughter, and heavy taxation was imposed on the people. It was during his reign that the people fled to the nearby cities of Punjab, Amritsar, Lahore and Rawalpandi. But it was 1846 that his disorganized empire fall into the hands of British in the first Anglo-Sikh war, which resulted in the victory for the East India Company, which acquired the Kashmir as a part of the treaty of Amritsar. Being aware of the chaos in Kashmir, the British hurriedly sold the Kashmir Valley to Gulab Singh, the Dogra ruler of neighboring Jammu, for 75 Lakh rupees (7.5 million), as reward for his neutrality during the first Anglo-Sikh war.10

KASHMIR UNDER DOGRAS

Under Dogra rulers, the Kashmir suffered very badly. The Dogras reintroduced the corv’ee and the peasants in the Valley were reduced to the condition of serfs.

The 20th century brought with it new values like freedom from foreign rule, passive resistance, the right to form trade unions and even socialism. Young Kashmiris who got educated in Lahore and Delhi on their return were fully determined to wrench their country from the hold of Dogra Maharaja and his colonial patrons.11 As of Kashmiri origin, Allama Sir Mohammad Iqbal, the influential and the widely respected, were amongst those who gave vocal support to the Muslims of Kashmir. It was in his first visit to Kashmir in 1921 that he put to verse his distress at the poverty of the people:

11 Tariq Ali, p. 17
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“In the bitter chill of winter shivers his naked body
Whose skill wraps the rich in royal shawls.” \(^{12}\)

The progress of Kashmiri Pandits at the expanse of the Kashmiri Muslims continued to be pointed by the leading Muslim newspapers in India. Tavleen Singh, an Indian Journalist observed in her book “Kashmir: A tragedy of Errors” (1995), p. xiv:

“Muslims, who constituted the majority of the population, hated the Dogra rule as they were discriminated in every way. They were mainly landless peasants and craftsmen having low literacy levels with almost no hope of bettering their lives.”

It was in the spring of 1924 that the predominantly Kashmiri Muslim workers of the State-owned silk industry factory went on strike; demanding the pay rise and the transfer of a clerk who they alleged was extorting bribes. Although the management agreed to a small wage increase, but arrested some of their leaders. The workers then finally came out on strike. Meanwhile, the Maharaja Pratap Singh sent his troops. Workers were assaulted with spears, lances and other tools of warfare and also resulted in the imprisonment of the principal organizer of the action and his death after torturing. \(^{13}\)

The representation which was signed by two chief religious leaders was submitted to the British Viceroy, referred to other grievances also:

“The Mussulmans of Kashmir are in a miserable plight today. Their education needs are woefully neglected. Though forming 96% of the population, the percentage of literacy amongst them in only 0.8%.... So far we have patiently borne the State’s indifference towards our grievances and our claims and its high-handedness towards our rights, but patience has its limit and resignation its end... The Hindus of the State, forming merely 4% of the whole population are the undisputed masters of all departments.” \(^{14}\)

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\(^{12}\) Allama Iqbal, as quoted in Sheikh Mohammad Abdullah, *Flames of Chinar*, New Delhi (1993), Tr. From Urdu by Khushwant Singh, p.3.

\(^{13}\) Tariq Ali, p. 18

\(^{14}\) *Representation to the Viceroy*, Lord Reading by Khadmans of Khanqah Muallah, Shah Hamdan, Srinagar, 29 Sept. 1924 as quoted in Muslims of Kashmir RI/I/1474, OICI.
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The Viceroy, Lord Reading forwarded the petition to the Maharaja Pratap Singh, who was enraged and an inquiry was made, which concluded that protesters were ‘sedition-mongers’. The signatories of the representation were reprimanded. Some of them were banished from the State, and some others apologized. The Maharaja ordered the immediate deportation of Saad-ud Din Shawl, the organizer of petition.15

The condition remained almost same, even after few years, when Maharaja Pratap Singh died and was replaced by Hari Singh, who was his nephew (the son of his brother Amar Singh). By 1931, people were suppressed. A maximum of ten years sentence of imprisonment awaited those who slaughtered cow, which is sacred to Hindus and therefore to the State as the ruler was Hindu. The inheritance law would deprive anybody of his inherited property provided over the change of his religion to Islam. Added to this was the social discrimination of most invidious type. The catalyst for uprising in 1931 was provided by the alleged discretion of the Quran by a Hindu policeman in Jammu,16 when in April 1931, the policemen entered the mosque in Jammu and stopped Friday Khutba. In June, political rally in Srinagar elected 11 representatives by popular acclamation to lead struggle against the native and colonial repression. Among the elected representatives, one was Sheikh Muhammad Abdullah later came to be known as the ‘Sher-I-Kashmir’ (‘The Lion of Kashmir’).17

Abdul Qadir, one of the speakers at the rally, a butler by profession who worked for a European household, was arrested for describing the Dogra rulers as a dynasty of blood suckers, who had drained the energies and resources of all over people.18 On the very first day of his trail, demonstrators, thousands in number gathered outside the prison and demanded right to attend proceedings. The Hari Singh’s Police opened fire and killed 21 of them. Hari Singh even responded with heavy handed arrests and imprisonments. Sheikh Abdullah and other political leaders were arrested the following day. There was significant popular unrest, particularly in Srinagar, Anantnag, Shopian, Baramulla and Sopore. Three

15 Victoria Schofield, p. 17.
16 Christopher Snedden, p. 96.
17 Tariq Ali, p. 18
18 Ibid. p. 19.
companies of armed troops were sent by the British (about 500 soldiers) to support
the ruler and to restore the law and order in the State. The uprising became serious.
It was indeed possibly the most serious communal outbreak in India between the
Mopah rebellions of 1921 in southern India and 1946 Calcutta riots.\(^\text{19}\)

Under the pressure of British Resident, Hari Singh appointed a commission
under Sir Bertrand J. Glancy, a British official from the Government of India, to
inquire into the complaints made by people. In April 1932 J. Glancy presented his
report recommending reforms for the development of education, appointment of
government servants and establishment of industries to create employment
opportunities. These recommendations were supplemented later by the Reform
Conference, which proposed the setup of Legislative Assembly. The Hari Singh
reluctantly devolved a system to his praja (people) that was very limited. Universal
adult suffrage was not allowed and only about 5% of the people in J&K entitled to
vote. It did not allow the free speech, congregational freedom, freedom to protest or
freedom to oppose politically.\(^\text{20}\) The Praja Sabha (People’s House) he established
were to have 75 members, but out of its 60 non-official representatives, only 33 were
to be elected, hence leaving the Maharaja Hari Singh with the majority vote.\(^\text{21}\)

The Praja Sabha (Legislative Assembly) could ask questions, move
resolutions, introduce bills and even discuss the State budget, but any bill which is
passed by the Praja Sabha, could be sent back for reconsideration along with
amendments proposed by Maharaja. If the Praja Sabha refused to pass a bill
proposed by the Council of Ministers of Maharajas Government, the Maharaja
himself was empowered to certify that such bill be passed in the interest of State
and on his certification would become Act. Even the Legislative had no power
over Privy Purse of Maharaja, organization and control of State Army or
provisions of Constitution.\(^\text{22}\)

\(^{19}\) Ian Copland, *Islam and Political Mobilization in Kashmir, 1931 –
\(^{20}\) Christopher Snedden, p. 97.
\(^{21}\) Victoria Schofield, p. 18.
\(^{22}\) Jyoti Bhusan Das Gupta, *Jammu and Kashmir*, Martinus Nijhoff,
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FORMATION OF ALL JAMMU AND KASHMIR MUSLIM CONFERENCE AND
ALL JAMMU AND KASHMIR NATIONAL CONFERENCE

While in the Srinagar Centre jail, the Sheikh Abdullah and other political
leaders who were detained discussed the formation of a political party, ‘Muslim
Conference’, which they decided to call it. On their release in June 1932, J&K’s
first political party, the All Jammu and Kashmir Muslim Conference, was founded
in Srinagar in October 1932. The principal leader of the party was Sheikh Abdullah
from the Kashmir Valley and Choudary Ghulam Abbas from the Jammu region.23
Sheikh Abdullah was elected as its president, while Ghulam Abbas as the first
General Secretary. Sheikh Abdullah’s continuing emphasis on secularism
eventually led to an internal disagreement. As a result, the confessional Muslim
leaders under the Mirwaiz Muhammad Yusuf Shah broke away.24

At the annual convention of the party in June 1939, the Muslim
Conference was renamed as All Jammu and Kashmir National Conference. Out
of the total 176 delegates from all districts present, 173 voted to ratify the
change, even though some Muslim members expressed that a secular
organization would eventually gravitate towards Indian National Congress, and
the Hindu-Sikh element present in the party would eventually undermine the
movement because of their vested interest under Dogra rule.25

Meanwhile, the Abbas’s loyalists in Jammu along with a small anti-
Abdullah faction in Kashmir Valley eminent being the Mirwaiz Muhammad Yusuf
Shah, split from the National Conference in 1941 and revived the Muslim
Conference. In the course of time, the National Conference became close to
National Congress and Muslim Conference to Muslim League.

QUIT KASHMIR MOVEMENT AND DIRECT ACTION PROGRAMME

The announcement of returning full powers to the rulers of Princely States
left the Maharajas and the Nawabs with the responsibility of determining their own
future. But only 20 princely states were of sufficient size for their rulers to be in a
position to make any serious decision about their future. Jammu and Kashmir was

23 Sumantra Bose, Kashmir: Roots of Conflict, Paths to Peace,
25 Sumantra Bose, p. 20 – 21.
one of them. Leaving the decision to Maharaja was objected by the Sheikh Abdullah, as he maintained that Maharaja did not enjoy majority popular support. Mirroring Gandhi’s ‘Quit India Movement’ in 1942, ‘Quit Kashmir Movement’ was launched by Sheikh Abdullah in 1946 describing how the tyranny of Dogra had lacerated their souls. Meanwhile Sheikh Abdulla was arrested and put to prison, when he attempted to visit Jawaharlal Nehru in Delhi. The State was placed under martial law by the Prime Minister Ram Chandra Kak. Other political activists like Ghulam Muhammad Sadiq, D.P. Dhar and Bakshi Ghulam Muhammad escaped to Lahore, where they stayed until after independence.\(^{26}\) Still the Maharaja managed to arrest 900 political activists after May 1946.\(^{27}\) However, the ‘Quit Kashmir Movement’ of Sheikh Abdullah had come under the criticism from his political opponents. Ghulam Abbas, the President of Muslim Conference stated it as an attempt to restore the lost prestige of Nationalists. The political opponents in the Muslim League charged that the agitation was launched only to boost his popularity, which he was losing because of his pro-India stance.\(^{28}\)

In the meantime, the Muslim Conference had arranged to hold its annual session in Srinagar in October 1946, hence defying the ban on holding the public meetings or processions in the city. Ghulam Abbas delivered a speech on October, 24 at Jama Masjid in which he severely took the Government to task for its failure to grant permission to hold the annual session to his party. This was perhaps aimed at keeping pace with Muslim League’s Direct Action programme launched in India in August 1946. On the very next day, top four ranking leaders of the Muslim League, Ghulam Abbas, Aga Shaukat, A.R. Sagar and Noor-ud Din were arrested by the Maharajas Government.\(^{29}\)

**PRAJA SABHA ELECTIONS OF 1947**

Ghulam Abbas and Sheikh Abdullah were held in the same jail, where they during their night-long conversations discussed the possibility of a reconciliation and resumption towards a common struggle, which however never materialize. Three years of simple imprisonment and a fine of Rs 15,000 was sentenced to Sheikh Abdullah in September 1946. The National Conference in reaction to the

\(^{26}\) Victoria Schofield, p. 24.
\(^{27}\) Christopher Snedden, p. 97.
\(^{28}\) Victoria Schofield, p. 24.
\(^{29}\) Jyoti Bhusan Das Gupta, p. 71.
arrests made by the Maharajas Government boycotted the Praja Sabha elections. The elections were held in January 1947 in Kashmir, in which the Muslim Conference won 16 of the 21 seats reserved for Jammu and Kashmir Muslims. The results suggested the strongest party status of the Muslim Conference. But in Kashmir province, the National Conference was certainly the popular party, while in Jammu province it was Muslim Conference which was dominating.\footnote{Christopher Snedden, p. 98.} One more important fact regarding the January elections was that, only 182,000 voters went to the polls out of 607,419. The rest of the voters remained absent because of the boycott and the crippling cold.\footnote{Jyoti Bhusan Das Gupta, p. 71.} Muslim Conference however became the representational political organization of the Kashmiri Muslims.

Meanwhile the British Parliament passed Indian Independence Act on 16 July, 1947 by which the paramountcy of the British was to lapse on 15 August, 1947 and the country was to be divided into India and Pakistan.

**AFTERMATH OF INDIAN INDEPENDENCE**

On 14 August 1947, the State of Jammu and Kashmir was one of the 562 Indian States under the suzerainty of the British Crown. Its territory was not part of British India and its people were subjects of the British Crown. The Cabinet Mission’s Memorandum of 12 May 1946 defined the status of these States and legal consequences which the transfer of power has on them, in these words:

“His Majesty’s Government will cease to exercise powers of paramountcy. This means that the rights of all the States which flow from their relationship with the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.”\footnote{White Paper on Indian States, Ministry of States, Government of India (1950), p. 153.}
Thus, on the lapse of paramountcy consequent on the transfer of power, the Indian States became independent and were free to accede to either of the two Dominions, India and Pakistan, or to remain independent. Under Section 7 (1) (b) of the Independence Act of 1947, the suzerainty of the British Crown over the Indian States lapsed and with it all treaties and agreements in force between them. As Lord Mountbatten, the British Viceroy, told the Princes on 25 July 1947, “the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom- technically and legally they are independent.” He however proceeded to say that “the States are theoretically free to link their future with whichever they may care. But when I say they are at liberty to link up with either of the dominions may I point out that there are certain geographical compulsions which cannot be evaded.” He further added, “You cannot run away from the Dominion Government which is your neighbor any more than you can run away from the subjects for whose welfare you are responsible.”

Lord Mountbatten put forward before the rulers two documents: (1) the Instrument of Accession and (2) a standstill Agreement for the continuance for the time being of the agreements and arrangements in matters of common concern between the States and the Dominion of India.

The All India Congress Committee (AICC), in a resolution dated 15 June 1947 held “that the lapse (of paramountcy) does not lead to the independence of the States” and said “it is clear that the people of the States must have a dominating voice in any decision regarding them.” In keeping with this stand, the Government of India objected when the ruler of Jodhpur was negotiating accession with Pakistan.

Soon after independence, all States acceded to one Dominion or the other, except for Hyderabad, Junagadh and Jammu and Kashmir.

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33 Ibid., p. 161.
34 The Times of India, 16 June 1947.
CASE OF JUNAGADH

Two days after independence, a report appeared in the newspaper that Junagadh had acceded to Pakistan. Mr. Menon writes: ‘On 21st August I was instructed to address a letter to the High Commission of Pakistan in India pointing out the considerations of Junagadh’s geographical contiguity, the composition of its population and the need for consulting the views of the people with regard to the accession.’ On 12 September 1947, Nehru suggested that a telegram be sent to Liaqat Ali Khan, Prime Minister of Pakistan, indicating the Government of India’s willingness to accept and abide by the verdict of the people of Junagadh in respect of the accession of the State to either of the Dominions. In the course of the telegram sent to the Prime Minister of Pakistan, Nehru said:

“The population of Junagadh, according to the 1941 Census is 6.71 lakhs of which no less than 5.44 lakhs, or eighty per cent, are Hindus. This large majority of the population of the State has made it clear to the ruler of Junagadh in no uncertain terms that they are opposed to Junagadh acceding to the Dominion of Pakistan and that they wish that the State should accede to the Dominion of India.”

He went on to say:

“The Dominion of India would be prepared to accept any democratic test in respect of the accession of the Junagadh State to either of the two Dominions. They would accordingly be willing to abide by a verdict of these people in this matter, ascertained under the joint supervision of the Dominion of India and Junagadh. If, however, the ruler of the Junagadh is not prepared to submit this issue to a referendum and if the Dominion of Pakistan, in utter disregard of the wishes of the people and the principles governing the matter, enter into arrangement by which Junagadh is to be part of the Federation of Pakistan, the Government of India cannot be expected to acquiesce in such an arrangement.”

On 22 September, the Governor-General of India wired to the Governor-General of Pakistan:

"Acceptance of accession to Pakistan cannot but be regarded by the Government of India as an encroachment on Indian sovereignty and inconsistent with friendly relations that should exist between the two Dominions. This action of Pakistan is considered by the Government of India to be a clear attempt to cause disruption by extending the influence and boundaries of the Dominion of Pakistan in utter violation of the Principles on which partition was agreed upon and affected."38

In a Communiqué issued on 25 September 1947, the Government of India set out their view and said that the “relationship of Junagadh to either of the two Dominions’ should be determined by a free expression of the will of the State. To ascertain these wishes the Government of India suggested a referendum. They adhered to the suggestion.”39

On 4 October, the Government of India considered the Junagadh situation. ‘It was decided to inform the Prime Minister of Pakistan that the only basis on which friendly negotiations could start and be fruitful was the reversion of Junagadh to the status quo proceeding the accession of Junagadh to Pakistan and that the alternative to negotiations was a plebiscite.’40

In a statement on 5 October 1947, the Government of India recalled that the Governments of India and Pakistan had declared their determination in the joint statement issued on 24 September to rule out war. The Government of India set out their views in regard to the accession of Junagadh and said that they would not accept it “in the circumstances in which it was made.”41

Two days later, the Government of Pakistan issued a statement stating out their views on the accession of Junagadh. The statement suggested the withdrawal of troops by the Government of India from Surdargarh and Batra and by Junagadh

38 Ibid.
39 The Times of India, 26 September 1947.
40 V.P. Menon, p. 140.
41 The Times of India, 6 October 1947.
from Babariawad. “The Pakistan Government have also informed the Government of India of their willingness to discuss the conditions and circumstances in which a Plebiscite should be taken by any State or States.”

Meanwhile, in Bombay a Provisional Government of Junagadh headed by Mr. Samaldas Gandhi was set up and it proceeded to Junagadh. On 9 November 1947 Indian Armed Units moved into Junagadh. A telegram sent the same date by the Prime Minister Jawaharlal Nehru to the Prime Minister of Pakistan mentions a request made by Major Harrey Jones, Senior Member of the Junagadh State Council, appealing to the Government of India to take over Junagadh administration. ‘This request was made in order to save the State from complete administrative breakdown and pending an honorable settlement of several issues involved in Junagadh’s accession.’

The Government of Pakistan lodged a protest and contended that in view of the accession of Junagadh to Pakistan it continued to remain a part of Pakistan territory. When the Kashmir question came up before the Security Council in 1948 Pakistan raised the question of Junagadh but after a few inconclusive debates in March, April and May 1948 the question was never raised again.

In February 1948 the Government of India held a referendum in Junagadh and by an almost unanimous vote the people showed their preference for India.

CASE OF HYDERABAD

The case of Hyderabad was different. It didn’t acceded to Pakistan, but its Muslim ruler, with 16.50 million people majority of whom i.e. 86.50 per cent were Hindu, was adopting the tactics of delaying until forced to submit before the armed might of India on September 13, 1948. Hyderabad was surrounded in the north by the Central Province (now called Madhya Pradesh), in the west by Bombay and in east and south by Madras. It had annual revenue of 260 million Rupees. Even the Pakistan raised the issue of Hyderabad in the Security Council but nothing came out of it.

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42 The Times of India, 8 October 1947.
43 The Times of India, 10 November 1947.
44 A.G. Noorani, p. 4 – 5.
45 Jyoti Bhusan Das Gupta, p. 81.
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The events concerning Junagadh and the Hyderabad have been dealt with only to show the stand of Governments of India and Pakistan with regard to cases of disputed accession, and hence are very relevant to an understanding of the Kashmir Problem.

CASE OF JAMMU AND KASHMIR

Jammu and Kashmir was the largest Princely State in 1947, covering an area of 84,471 sq. miles and sharing international boundaries with China and Afghanistan.46

Maharaja Hari Singh’s princely State on August 1, 1947 comprised three provinces: Jammu, Kashmir and the Frontier Districts. Jammu Province, included Poonch Jagir in 1936 was Hari Singh’s home Province and the most populous Province of J&K. It was much smaller in area than Frontier Districts Province but larger than Kashmir Province.

Table: 3.1 Princely State of Jammu and Kashmir (1941)

<table>
<thead>
<tr>
<th>Province</th>
<th>Area (Sq. miles)</th>
<th>Population</th>
<th>Religious Composition</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jammu</td>
<td>12,378</td>
<td>1,981,433</td>
<td>61.19% Muslim</td>
<td>1,212,405</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>37.19% Hindu</td>
<td>736,862</td>
</tr>
<tr>
<td>Kashmir</td>
<td>8,539</td>
<td>1,728,705</td>
<td>93.48% Muslim</td>
<td>1,615,928</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4.95% Hindu</td>
<td>85,531</td>
</tr>
<tr>
<td>Frontier Districts</td>
<td>63,554</td>
<td>311,478</td>
<td>86.86% Muslim</td>
<td>270,539</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12.89% Buddhist</td>
<td>40,164</td>
</tr>
<tr>
<td>Total</td>
<td>84,471</td>
<td>4,021,616</td>
<td>77.05% Muslim</td>
<td>3,098,872</td>
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<td></td>
<td></td>
<td></td>
<td>20.46% Hindu</td>
<td>822,955</td>
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<td></td>
<td></td>
<td></td>
<td>2.49% Buddhist</td>
<td>40,164</td>
</tr>
</tbody>
</table>

Source: Census of India 1941.

With the birth of two independent Dominions, India and Pakistan on 14-15 August 1947, the princely States were technically free to accede to either Dominion or to become independent States. However, the last British

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46 Christopher Snedden, p. 99.
administrator of India, Lord Mountbatten was unequivocal that the third option was merely a theoretical one. He urged the rulers of the princely States to make a decision to accede to one or the other before 15 August if possible on the basis of geographical contiguity and wishes of their subjects.  

The Jammu and Kashmir State concluded a ‘Standstill Agreement’ with Pakistan in regard to the maintenance of the arrangement in respect of Posts, telegraphs etc.

Lord Mountbatten visited the J&K State in June 1947 to urge the Maharaja not to make any declaration of independence but instead find out the will of people and accede to the Dominion which the people prefer. M.K. Gandhi visited the State in the August of 1947. Tendulkar reports his speech in the following words:

“British paramountcy would terminate on the 15th. The real paramountcy would then commence. He refried to the paramountcy of Kashmiris. They had one language, one culture and, so far as he could see, they were one people. He added that without going into the intricacies of Law which he had no right to dilate upon, commonsense dictated that the will of the Kashmiris should decide the fate of Jammu and Kashmir. The sooner it was done the better. How the will of the people would be determined was a fair question. He hoped that the question would be decided between the two Dominions, then much trouble would be saved.”

On 29 September of 1947, Sheikh Abdullah and the political activists associated with him were released from the jail. However, Ghulam Abbas and his political associates were still kept in jail. Soon after his release, Sheikh Abdullah said: “If the forty lakhs of people living in Jammu and Kashmir are bypassed and the State declares accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle.”

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47 Sumantra Bose, p. 30.
48 A.G. Noorani, p.5.
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The trouble over Kashmir arose as India laid claim to every single Hindu majority area on the ground that the people of these States were not with the rulers and hence their accession to Pakistan was unacceptable. On the other hand, when Pakistan made claim over the Muslim Kashmir on the same ground, the claim was always rejected by India.\footnote{S.M. Burke and L. Ziring, Pakistan’s Foreign Policy: An Historical Analysis, Oxford University Press, London (1990), p. 18.}

POONCH REVOLT

All the parties of Kashmir Valley were in favour of accession with Pakistan except National Conference.\footnote{P.N. Bazaz, The History of Struggle For Freedom in Kashmir, Kashmir Publishing Company, New Delhi (1954), p. 172.} So, Sheikh Mohammad Abdullah declared that on the issue of accession he had an open mind and invited rival claimants to come and convince him.\footnote{B. Puri, The Era of Sheikh Mohammad Abdullah, Economic & Political Weekly, Vol. 18, No. 7 (1983), p. 230.} There was a local revolt in Poonch Province of J&K State against the ruler in the spring of 1947. The Raja of Poonch, who was a tributary to the Maharaja and was also his Kinsman, was dispossessed of his estates by a lawsuit during the war, and the Maharaja began to levy taxes in the Poonch Province in accordance with rules obtaining in Kashmir proper. These rules and the taxes were both harsh and exacting and the Poonch Muslims, noted for their valour and warrior spirit, defied the law of the Maharaja by unleashing a no-tax Campaign in the spring of 1947. It is to be said that out of 71,667 citizens of J&K who served in the World War II, 60,402 were Poonch Muslims. One of the members of Quaker Group, Richard Symonds, who was very near the scene of trouble, narrates that the complaints made by the Poonchis about rigours of taxes were in no uncertain terms. There was a tax on every hearth and every window. Every wife as the Muslims can take four according to law, cow, buffalo and sheep was taxed and taxed.\footnote{Jyoti Bhusan Das Gupta, p. 82.} “Finally the Zaildari tax was introduced to pay the cost of taxation and Dogra troops were billeted on the Poonchis to enforce collection.”\footnote{Richard Symonds in to The Statesman (Calcutta), 4.2.1948.} The Maharaja strengthened his garrison in the areas of Poonch and Mirpur with the Sikhs and
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Dogras. The Poonchis after evacuating their women folk to the areas forming parts of Pakistan returned to give a good fight. The revolt was renewed in the aftermath of the partition in August, this time with a definite pro-Pakistan character.\(^{56}\)

Poonch was undoubtedly too affected by the events in the neighboring Jammu. Whereas the Kashmir Valley was protected by its mountains from the communal massacres which devastated so many families in the weeks following the partition. Jammu had an immediate contact with the plains of India and hence was subject to the same communalist hatred which swept throughout the Punjab and Bengal.\(^{57}\)

The editor of *The Statesman* (Calcutta), Ian Stephens, noted the situation in Jammu: “Unlike every part of the State, Hindus and Sikhs slightly outnumbered Muslims, and within a period of about 11 weeks, starting in August, systematic savageries … practically eliminated the entire Muslim element in the population, amounting to 500,000 people. About 200,000 just disappeared, remaining untraceable, having presumably been butchered or died from epidemic or exposure. The rest fled to West Punjab.”\(^{58}\)

**TRIBAL INVASION OF 1947**

On October 21 – 22, 1947, the tribesmen entered the State with the support of Pakistan. They were led by the experienced military leaders who were familiar with the terrain and equipped with modern arms, and their numbers were estimated at between two thousand and five thousand initially. These tribesmen from the North West Frontier Province entered the State territories in and through Muzaffarabad. The raider’s avowed aim was to relieve the distress of their Muslim brothers, but drugged by temporary success and elated at the prospects of loot and arson, they finished all that came their way.\(^{59}\)

\(^{56}\) Sumantra Bose, p. 32.
\(^{57}\) Victoria Schofield, p. 43.
\(^{59}\) Jyoti Bhusan Das Gupta, p. 95.
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ACCESSION

When tribals occupied areas like Muzaffarabad, Bimbar and Kotli, Hari Singh felt that they would soon occupy the entire State and he could not retain his hold over the State and hence he fled from Srinagar to Jammu at the midnight of 25 October 1947 along with 100 Lorries loaded with precious goods.\(^{60}\) It was from there that he appealed the Government of India for help. Hari Singh on October 26, 1947 wrote to Lord Mountbatten:

> “With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for me, without my State acceding to India. I have accordingly decided to do so and I attach the Instrument of accession for acceptance by your Government.”\(^{61}\)

In his reply dated 27 October 1947, Lord Mountbatten said:

> “In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that, in the case of any State where the issue of the 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 invader, the question of the State’s accession should be settled by a reference to the people.”\(^{62}\)

Hence he accepted the appeal for the military aid and said that the Indian Army would be sent to Kashmir to help their own forces to defend their territory and to protect the lives, property and honour of their people.


\(^{61}\) The Nation, New Delhi, 1 June 1990.

PROVISIONAL CHARACTER OF ACCESSION

Government’s White Paper on J&K while commenting on this says that ‘in accepting the accession the Government of India made it clear that they would regard it as purely provisional until such time as the will of the people could be ascertained.\(^63\)

Here it is necessary to stress two clear issues, first the legality of the accession and secondly its provisional, conditional character. The very legality has been questioned by the Pakistan, a contention which is demonstrably unsound. However, an accession even if legal could be either permanent and irrevocable or may be provisional or conditional. As in the case of Kashmir, the letters exchanged between the Maharaja and the Viceroy and pronouncements made would then suggest that the accession was provisional and hence conditional.

This was further confirmed by the Prime Minister Jawaharlal Nehru who in his November 2, 1947 Radio broadcast reaffirmed:

"We have decided that the fate of Kashmir is ultimately to be decided by the people. That Pledge we have given and the Maharaja had supported it, not only to the people of Jammu, but also to the world. We will not and cannot back out of it. We are prepared when peace and law have been established to have a referendum held under the international auspices like United Nations. We want it to be fair and just reference to the people and we shall accept their verdict."\(^64\)

On November 21, Mr. Jawaharlal Nehru said: ‘I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, the people of Kashmir should decide the question of accession by plebiscite or referendum under international auspices such as those of the United Nation.’ In a statement on Kashmir in the Constituent Assembly on November 25, 1947, Mr. Jawaharlal Nehru referred to the events prior to the tribal raid and said: “we made it clear to both of them (Sheikh Mohammad Abdullah and representatives of the Maharaja) that while we would

\(^{63}\) Ibid., p.3.
\(^{64}\) Ibid., p. 11.
welcome the accession of Kashmir, we did not want any hurried or forced accession and we would rather wait for the people to decide. Sheikh Abdullah was himself of this opinion.”

UNITED NATIONS RESOLUTIONS OVER KASHMIR

With increased hostility between India and Pakistan over the issue, as Pakistan declared the accession with India a fraud and invalid, India finally took the case to the United Nations to get a mandate for immediate Pakistan withdrawal. Two resolutions were passed by the United Nations that ordered a ceasefire, withdrawal of Pakistani supported tribal forces from Kashmir, a minimization of Indian forces in J&K, and a vote from the Kashmiri people to decide to which country to accede, known as a Plebiscite. At first, the Pakistan refused to withdraw its troops from its occupied part due to some confusion about the conditions under which the plebiscite will be held and later on, India refused to allow a free vote, fearing that the Muslim majority would eventually vote to join Pakistan. As a consequence, neither side withdrew its forces from the region, thereby splitting Kashmir into two parts. Under United Nations’ mediation, a ceasefire line that drew a 500 mile border, hence splitting Jammu and Kashmir into the regions of India and Pakistani Occupied Kashmir as depicted on today’s map, thus setting the stage for the longest dispute in the history of the United Nations i.e. Kashmir dispute or Kashmir Conflict.

AFTERMATH OF THE DISPUTE

In September 1951, the first ever elections were held for the State Constituent Assembly. In these elections, National Conference won all the 75 seats unopposed. Meanwhile the Indian Constitution passed Article 370 in 1952 and was a compromise between the demands of the Indian secularism and Muslim sub-nationalism.

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65 Ibid., p. 69.
68 Article 370 made Kashmir exempt from the Indian Constitution. It also meant that non-state subjects could not own property within the State and hence giving the J&K State a special status.
By 1953 Sheikh Abdullah had become confrontational with his own cabinet and began speaking of revoking the accession and forming an independent Kashmir on several occasions. So, in August 1953, he was arrested for having turned corrupt and autocratic. He was replaced by his deputy and his friend, Bakshi Ghulam Mohammad, under whom the State Constituent Assembly ratified the J&K State’s accession to India in the February of 1954. After four years, Sheikh Abdullah was released in January 1958. Soon he issued a Press statement, in which he once more began to talk about the plebiscite and the right of self-determination for the people of the State. He along with twenty five other co-defendants including Mirza Afzal Beig was re-arrested in April 1958 and detained again for six years.\(^6^9\)

An angry reaction was created by his re-arrest in Pakistan, where the Kashmiri leading activists like Ghulam Abbas decided to launch a Kashmir Liberation Movement by crossing the ceasefire line. Their slogan was ‘Kashmir Chalo’ ‘Let’s go to Kashmir.’ But they were not allowed by the Pakistani Government to cross the ceasefire line and hence hundreds of activists including Ghulam Abbas were arrested in Azad Kashmir.\(^7^0\)

Bakshi Ghulam Mohammad as a Prime Minister retired in 1964. Pakistan invaded the Kashmir in 1965, an attempt to take it by force hence leading to a short war between India and Pakistan. The settlement of the 1965 war was achieved at the Tashkent Conference, where the two sides agreed to restore the pre-war international border and the ceasefire line.\(^7^1\)

The Plebiscite movement launched by Sheikh Abdullah failed to achieve anything, and after the 1971 war in which Pakistan not only got defeated at the hands of India but split in half, Sheikh Abdullah and Kashmir once again moved further close to India.\(^7^2\) In 1972, the Simla Agreement stated that India and Pakistan would resolve their differences bilaterally, and not through UN or any other third party.\(^7^3\)

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\(^6^9\) Victoria Schofield, p. 95.
\(^7^0\) Ibid.
\(^7^2\) Priyanka Bahaya, p. 15.
\(^7^3\) Ibid., p. 14 – 15.

BEGINNING OF ARMED INSURGENCY IN KASHMIR

Sheikh Abdullah died in 1982 and was succeeded by his son Farooq Abdullah. The main turning point in the history of Kashmir, from mass protests, public demonstrations and fiery speeches to armed insurgency were nonetheless the rigged State elections of 1987. Added to this was the grave concern of the Muslim community about their backward status as for as the distribution of employees under government were concerned. As for as the number of central government employees are concerned, most of them belonged to other communities and hence left the majority community i.e. Muslim community at the back end.

<table>
<thead>
<tr>
<th>Community</th>
<th>Number of Officer</th>
<th>%age</th>
<th>Number of Clerical and non-gazetted staff</th>
<th>%age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindus</td>
<td>1613</td>
<td>83.66</td>
<td>4043</td>
<td>79.27</td>
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<tr>
<td>Muslims</td>
<td>133</td>
<td>6.89</td>
<td>662</td>
<td>12.98</td>
</tr>
<tr>
<td>Sikhs</td>
<td>161</td>
<td>8.35</td>
<td>320</td>
<td>6.28</td>
</tr>
<tr>
<td>Others</td>
<td>21</td>
<td>1.10</td>
<td>75</td>
<td>1.47</td>
</tr>
</tbody>
</table>

Source: Economic and Political Weekly, 31 March 1990

When the elections were announced, the leaders of eleven pro-freedom parties devised a strategy to prevent the split of their vote bank. They jointly formed the Muslim United Front (MUF) to contest elections against the pro-India secular parties i.e. NC-Congress alliance. Syed Ali Geelani played a prominent role in the formation of MUF, though its leader was chosen Moulana Abbas Ansari. For the seat of Amirakadal, a district in the heart of Srinagar, two men were competing. One was Ghulam Mohiuddin Shah, the candidate of National

74 Abdul Hakeem, p. 20 – 21.
Conference and the second was his opponent Muhammad Yusuf Shah (popularly known as Syed Salahudeen)\textsuperscript{75}, who was representing the Muslim United Front.\textsuperscript{76} As the counting of ballot begun, it became evident that the Mohammad Yusuf Shah of MUF would win by a landslide. This was his third attempt to the State Assembly, so the people were all together on his side. His rival, Ghulam Mohiuddin Shah, routed in the contest, left the counting center in a dejected mood and went home. But soon he was summoned back; to be declared the winner by presiding officials. As the people protested, police arrived in strength and arrested the MUF candidate and his supporters including his election manager, Mohammad Yasin Malik, a 21 year old resident of adjoining Maisuma neighborhood, and both were imprisoned until the end of 1987 without any formal charge and court appearance.\textsuperscript{77} This does not happened in one or two Constituencies, rather there was same situation in the whole Valley. So, at the end of dramatic and rigged elections, an outcome was that MUF which was expected to win more than 20 of the 43 electoral Constituencies won only 4, although it won 31 to 32 per cent of the votes. While as the NC-Congress alliance took an overwhelming majority and hence formed the Government. But the manipulation of election disappointed Kahsmiris, as they were trying to change the political framework by democratic and peaceful methods as is evident from the explanation of Late Hizbul Mujahidin Commander, Abdul Majeed Dar that “if the MUF had won the election, then we would have declared independence on the floor of the Assembly. We said this openly during the campaign. There were pro-Pakistan songs at our rallies.”\textsuperscript{78} As they failed in that, they therefore look out for an alternative. The people of Kashmir got disgusted and disappointed and disillusioned and hence began to find a new way in order to express themselves. Many of the young Kahsmiris crossed over to Azad Kashmir and got trained in the use of weapon and returned with the weapons in their hands,\textsuperscript{79} hence led to the beginning of armed insurgency in the Valley, that finally end up in the armed conflict between the Kashmiri insurgents and Indian troops.

\textsuperscript{75} Syed Salahudeen is the head of Hizb-ul-Mujahideen, an insurgent group operating in Kashmir, and head of an alliance of anti-India Insurgent groups, the United Jihad Council, that works for the freedom of Indian Administered Jammu and Kashmir.

\textsuperscript{76} Sumantra Bose, p. 48.

\textsuperscript{77} Ibid., p. 49.

\textsuperscript{78} Abdul Hakeem, p. 21.

\textsuperscript{79} Victoria Schofield, p. 138.