CHAPTER -I

UNDERSTANDING SITUATION LEADING TO ACCESSION

The British Indian Empire broadly comprised of two Parts, the provinces and the states. Provinces were directly ruled by the British Indian Government whereas around six hundred Indian Princely states of varying sizes were ruled by the native rulers under British paramountcy.¹ The relationship between East India Company and rulers of native Indian states was based on treaties and alliances between them. However the terms of these treaties were not uniform. For various reasons the Directors of the East India Company had realised that the policy of the Company should not aim at total extinction of all the native states. Direct rule on the entire country was considered unwieldy and costly. Moreover rulers of Princely states were also expected to ensure indirect goodwill of their subjects to the company. However, through diplomatic and political policies the British hold over the Indian states was gradually strengthened.²

By the Queen’s proclamation of 1858, the Indian territories already governed by the British East India Company came under the governance of the British crown. So far as the relationship between the native rulers and the British Indian government was concerned, new treaties, sanads and engagements were defined in such a manner that the states were dependent on the British Indian Government both on internal and external relations. The supremacy of the crown over the states extended not only in relation to defence and foreign affairs but also to maintenance of peace and order throughout India.³ Since the princely states had no international life of their own, they had no policy of negotiations with any other country. It was the paramount power that entered into international treaties, agreements on behalf of the princely states. These commitments were binding on the states. For internal peace and orderly administration the princely states were at par with British provinces. The Princes were thus thoroughly dependent on paramount power.⁴

The state of Jammu and Kashmir came into being as a single political entity in 1846 under the Treaty of Amritsar signed between Raja Gulab singh and British Government on 16th March, 1846.⁵ The treaty put Raja Gulab Singh as Maharaja, in possession of all the hill country between the Indus and the Ravi, including Kashmir, Jammu and Ladakh and certain other areas which for strategic purposes, it was
considered advisable to retain and for which a remission of Rs. 25 lakh was made from the one crore demanded, leaving Rs. 75 lakhs as the final amount to be paid by Raja Gulab Singh. While Jammu and Ladakh being already ruled by Raja Gulab Singh, the valley of Kashmir which the Lahore Darbar had given to the British Government was transferred by the latter to Raja Gulab Singh.

Maharaja Gulab Singh had some difficulty in obtaining actual possession of the province of Kashmir. The last Sikh governor of Kashmir, Sheikh Imamuddin resisted his efforts for a time but was not successful and it was with the help of British troops that Maharaja Gulab Singh was able to get the possession of Kashmir on 9th November, 1846. Before Maharaja Gulab Singh consolidated these territories under his rule, no single government had ever held sway over them. The state of Jammu and Kashmir thus created was one of the largest state under the British paramountcy in India. It had an area of 2,22,236 Square Km. including those parts which are under the occupation of Pakistan and China. According to the census of 1941 the state had a population of 4,021,616, out of which Muslims comprised 77.11%, Hindus 20.12%, Sikhs 1.64% and the population of Buddhists was 40,696, Indian Christians 3,079, European and Anglo-Indian Christian 430, Jains 910, Parsis 29 and Jews.

This state was the northern most state of India and its strategic location was unique as it was bordered by five different countries in 1846 when it came into being. To the north it was bordered by Chinese Turkistan (Sinkiang), to the North-East by Tibet, to the North-West by Soviet Turkistan, to the West by Afghanistan, to the South-West by Pakistan while Himachal Pradesh and Punjab formed the Southern boundaries of the state. It has been inhabited by the followers of all the religions-Hinduism, Islam, Sikhism, Buddhism, Jainism and Christianity. The immense diversity in climate, flora and fauna, economy, social setup, language and culture of the state can be broadly grouped into four regions: in south lies Jammu; the valley of Kashmir in centre; in north the areas of Gilgit, Chitral and Baltistan; and Ladakh between the valley of Kashmir and Tibet. The state is almost entirely mountainous in nature. The Pir Panjal range separates Jammu from Kashmir valley while the Jozila intervenes between Kashmir and Ladakh.
Operation of British Paramountcy

Maharaja Gulab Singh and his successors who ruled the state were known as Dogra rulers. The Treaty of Amritsar bound the Dogra rulers to a subordinate alliance with the British and the Dogras not only recognised the British supremacy but also agreed to pay tribute to them, a fact which almost destroyed the independence they were supposed to have acquired. By explicit and clearly defined provisions the British acquired complete control over the external relations of the state, thus extending a political protectorate over the state. The Dogras agreed to submit to the British arbitration the disputes which arose between them and the Sikhs or any other neighbouring state. The Dogras also undertook to put their troops at the disposal of the British whenever the latter were involved in the hills, a stipulation which gave the British vicarious power to determine the disposition of the Dogra armies. The other restrictions which were imposed on the Dogras were that:

- The territories of the state would not be altered without the concurrence of the British;
- The Dogras would not employ in their service any British, American or any European subjects without the permission of the British.

Finally and more specifically the Maharaja acknowledged, vide Article 10, “the supremacy of the British government” and in token of such supremacy, agreed to “present annually to the British government one horse, twelve perfect shawl goats of approved breed and three pairs of Kashmiri shawls”. On their behalf, the Britishers promised to give aid to the Maharaja to protect his territories from external attack. No subsidiary force was imposed on Maharaja Gulab Singh. Political relations between the British Government of India and the state commenced in the year 1849 but these were conducted by the British Government in Punjab through the Maharaja’s agent at Lahore and no representative of the government of British India was stationed in the state.

Special Status of Jammu And Kashmir Under British Rule

A distinct feature of the State’s relations with the paramount power was absence of any provision for stationing British Resident in the State which was the practice in other princely states of the country. The Residents were representatives of the central government in the states under British Raj as the Governors are in
independent India, except that they had far greater powers- undefined and arbitrary-than the latter now have, which is bound by the letter of the Constitution, albeit without a similar ceremonial status. Thus, the state of Jammu and Kashmir enjoyed a sort of special status within the British Indian Empire.¹⁸

However, British Government started interference in the internal affairs of the Jammu and Kashmir state immediately after its creation because of their own imperial interests in Asia and fear of Russian advance into Central Asia and Persia. So after consolidating their hold over the rest of India, directly or through loyal Princes and after the final subjugation of the Sikhs and the annexation of their territories, the British lost no time in extending an effective political control over the state of Jammu and Kashmir as well. The reasons advanced were that the British government was not fully satisfied with the administration of Maharaja Gulab Singh so wanted to appoint a Resident in Jammu and Kashmir. The Maharaja, however stoutly refused his consent to the proposal for the appointment of a resident. He said there was no such provision in the Treaty of Amritsar which authorised the British government to appoint a resident in the state.¹⁹ However, finally he had to agree to the posting of a special officer at Srinagar to stay. Thus, Major Macgregor was appointed first British officer on special duty in Jammu and Kashmir in 1852 for the purpose of looking after foreign visitors.²⁰ This officer resided in Kashmir only during the summer months.²¹ He was basically a political officer who had to safeguard the imperial interests and inform the Governor General about the day-to-day happenings in the state and beyond its frontiers. In February 1856 Maharaja Gulab Singh installed Ranbir Singh on the Gaddi as his Successor.²² But British Government’s confirmation was necessary to sanction the installation of the king to the throne. Accordingly the Maharaja deputed the Dewan Jawalla Shahi to communicate to the Governor- General Lord Dalhousie (1848-1856) his desire to enthrone Ranbir Singh. As the British Government of India readily agreed to confirm the installation, the succession was smooth.

Gulab Singh told Maharaja Ranbir Singh that he should show obedience to the British, keep his Army properly equipped, watch the borders, govern his people well and maintain friendly relations with the British.²³ However Gulab Singh continued to be the real sovereign of the Kingdom until his death on Sunday, 7th August 1857 due to illness.²⁴ Anglo-Dogra relations were further strengthened due to the outbreak of the revolt of 1857. A contingent of 2000 Infantry, 200 cavalry and 6 guns under the
command of Ranbir Singh and Dewan Hari Chand were sent to help the Britishers in the siege of Delhi. The mutineers who had entered the territory were delivered to the British government. In Delhi Dogra forces proved of help to the British and suffered great losses. Ranbir Singh had to return early due to the death of Gulab Singh in August 1857 but Dewan Hari Chand was killed in action outside Delhi. The Governor–General, Lord Canning (1856-1862) appreciated the services rendered by the Maharaja in the task of suppressing the mutiny of 1857. Even the Queen Victoria despatched presents for him and conveyed her commendation about the loyalty and the sincerity of Maharaja Ranbir Singh who maintained the tradition of his father and remained faithful and loyal to the British Government.

Although, after the mutiny the British sought to find the fresh lines of approach towards the Indian states but their policy with regard to Kashmir was determined by different considerations. With the assumption of Company’s possessions in India by the crown, the frontiers of British Empire suddenly stretched all over the North of the sub continent. The imperial expansion, so diverse and expensive, had deep and wide ramifications for the British. In their foreign relations almost everywhere they were committed. The proximity of the Russian borders, the vulnerability of the vast central Asian belts to a probable Russian advance, the political instability of the Afghans and the other tribal chieftains situated along the borders of India and the competition for economic advantages in their regions were, in fact, the main considerations which determined the policies of the British Indian Government with regard to the Dogras who held a pivotal position in the region.

As in 1860’s Russia raised her influence in Afghanistan, Chitral, Gilgit and Pamirs. Therefore British Government took effective steps to consolidate the frontier of their Indian Empire. Moreover the British Primarily commercial people could not resist the lure of central Asian trade. So far the Maharaja had imposed restrictions upon British trade through his country. It was alleged that the Maharaja’s government not only collected customs on the state borders but also charged exorbitant rates on imports. So British government in India approached and persuaded Maharaja Ranbir Singh in 1863 to reduce duties on trade. In January, 1867, a British agent was appointed at Leh, though concerned with trade, and asked to collect and shift political information regarding the progress of events in China. However, Maharaja Ranbir
Singh was assured that the British agent at Leh would not interfere in the internal affairs of the state.  

Further in 1870, a trade treaty was concluded with the British government in India. Under its terms, the Maharaja undertook to forgo all duty on the trade between Central Asia and the British India, in return for the same, concessions were made by the Indian Government for goods to be imported into the state through British India. 

In 1872, a mixed court of British and state official was set up to decide civil suits between European and British subjects and their servants on the one hand and the subjects of His Highness the Maharaja on the other. However, political relations between the state and British India were conducted through the Punjab Government up to 1877, when the officer on special duty was placed directly under the Government of British India.

Actually it was the Lord North Brook (1872-1876) who revived the Residency question in 1873 but his proposal was not accepted by Maharaja Ranbir Singh with a sound logic. He submitted a memorandum clarifying his stand against the appointment of a Resident. He reminded the Government of British India of the services of his father, Gulab Singh, to the British Empire. His father rendered valuable services to the British Indian Government during the revolt of Sardar Chuttur Singh in alliance with Amir Dost Mohammed of Kabul. Further, during the revolt of 1857 his father remained not only faithful but rendered active help also. Therefore Viceroy North Brook declared that British Indian Government had no interest in the internal affairs of the state.

Lord Lytton (1876-1880), the Governor-General of India, gave proposal to Maharaja Ranbir Singh in a meeting at Madhopur on 17-18th of November, 1876 for appointment of political officer in Gilgit to report directly to British Indian Government about developments of the frontiers. In return Lord Lytton offered Maharaja Ranbir Singh the British support to Kashmir to occupy Yasin and Chitral. The negotiations resulted in the establishment of Gilgit Agency and Captain Biddulph became the first Political agent at Gilgit in 1877 with specific duties to perform i.e. obtaining trustworthy information in regard to occurrences beyond the border and of gaining influence among the neighbouring tribes. Further in the Anglo-Afghan war of 1878-80, the Maharaja Ranbir Singh sent a contingent of troops and artillery to assist the British Government in India. But Lord Rippon (1880-84), Lytton’s
successor allergic to the strategy of “forward policy”, withdrew the Gilgit agency in 1881. He was of the opinion that the conditions were such that its continuance was neither beneficial to the imperial government nor to the Maharaja.  

However, the administration of the trade routes was entrusted to joint commissioners who were appointed by the Government of British India and were vested with judicial powers and special authority to control and supervise trade between central Asia and the British India. The appointment of the Joint Commissioner in Leh and the extension of the British control over the Ladakh frontier was a material and substantial change in the political and legal relations that obtained between the Dogras and the British. In fact it was for the first time that effective territorial jurisdiction was assumed by the British in a part of the state. The authority acquired by the British was unwillingly extended to cover the entire frontier of the state. Maharaja Ranbir Singh died in 1885 and was succeeded by his eldest son, Pratap Singh. The year 1885 A.D. was very significant in the history of Anglo-Kashmir relations as Britishers succeeded in establishing Resident in Jammu and Kashmir which was vigorously opposed by Maharaja Gulab Singh (1846-1856) and Maharaja Ranbir Singh (1856-1885). Also the year 1885 brought Russia and England on the brink of war.

So for the appointment of British Resident in the state, the Government of British India wrote in a letter dated 7th April, 1884 to the Secretary of state for India that establishment of a residency in Jammu and Kashmir was a measure which may be called for, not merely by the need for assisting and supervising administrative reforms but also by the increasing importance to the Government of India of watching the events beyond the Noth-Western frontiers of Jammu and Kashmir. In reply, Lord Kimberley, British Secretary of State for India, in a communication to Lord Rippon, the Viceroy of India, dated 23rd May, 1884 confirmed that no Resident was appointed in the state in 1846 nor was suggestion of his appointment pressed in 1873, because it did not justify “disregarding objections which were expressed by authorities entitled to respect” (referring to the Kashmir Darbar). But he added that the interval, circumstances had greatly changed, interalia, due to “the course of events beyond the border, which have materially increased the political importance of Kashmir”. He accordingly, advised the Viceroy, “to proceed in the matter at any time after the death of Maharaja Ranbir Singh”.
So immediately after the accession of Maharaja Pratap Singh (1885-1925) to the throne, the Viceroy Lord Dufferin (1884-88) sent a despatch emphasising that it was essential in the interest of good government that the Maharaja introduce certain reforms in his administration and accept a British Resident in Jammu and Kashmir. The Maharaja angry over the encroachment on his powers wrote in protest “I do not hesitate to admit that the existing state of affairs in Kashmir urgently requires the introduction of substantial reforms in the administration of the country but I beg to assure you that nothing shall be spared on my part to prove beyond any possibility of doubt that it is my ambition to make my country a well governed state in alliance with the Government of India”. But the new Maharaja’s vigorous protests were of no avail. The Sir Oliver St. John officer on special duty in Kashmir became the first British Resident in Kashmir. The first Resident St. John’s tenure was very short of six months but before going he left a very damaging report about the administration and character of Maharaja Pratap Singh. He was succeeded by T.C. Plowden in March, 1886. Plowden was intriguing and vigorous officer of the political department so he encouraged and favoured the anti-Maharaja faction, whose leader was Amar Singh, younger brother of Maharaja. As the Maharaja resisted further British attempts on the autonomy of the state, a plan was prepared to deprive him of power. Towards the close of 1888, the Residency made a startling disclosure that it had come to possess letters of treasonable nature which the Maharaja had written to the Tzar of Russia, to Maharaja Dalip Singh (the dethroned ruler of the Punjab) and to some other favourites, the Maharaja had in the state. The Maharaja Pratap Singh denied having written any of the letters. However, the Resident, Parry S. Nisbet who had replaced Plowden, wrote to the Government of British India that Raja Amar Singh had testified that the letters were genuine and written by Maharaja Pratap Singh. This act of Raja Amar Singh brought to fore the rivalry in the royal family and the British fully exploited this rivalry in the royal family, between the Maharaja and his brother Raja Amar Singh, to increase their hold on the state. In March 1889 Resident presented Maharaja Pratap Singh the draft of an Irshad or Edict of Resignation announcing his own abdication in favour of a council of Regency with Raja Amar Singh as its President. The Maharaja in utter frustration declared that, if his own brothers were determined to ruin him with false accusations, he would submit to his fate. He gave his consent to such arrangements as were proposed to him. He signed or was made to sign an Irshad on 8th March, 1889. According to it he relieved himself of all powers.
in the administration and placed it in the hands of a five member council of Regency for a period of five years. The council was constituted for the administration of the state on 18th April, 1889. It consisted of Raja Ram Singh, Raja Amar Singh, Rai Bahadur Pandit Bhag Ram and such other member as may be added from time to time by the Government of British India. The President of the Council was Raja Amar Singh. The state council in its first meeting held on 18th April, 1889 declared, “The Resident shall be the final referee in all matters and may veto any resolution passed by the council or suspend action there on pending further explanation”.

Thus, with the deposition of Maharaja Pratap Singh, British Indian Government achieved its objectives i.e. the re-establishment of the Gilgit Agency and the stalling of Russian expansion. In this context William Digby, a liberal member of British Parliament said that no misgovernment existed in Jammu and Kashmir. Actually British Indian Government desired to obtain complete control over the Kingdom of Jammu and Kashmir, if not actual possession of it because of fear of Russian aggression towards India. The British intervention in the government and the administration of the state earned the government of British India considerable censure and disapproval both in India and at home. Most of the Indian princes expressed concern at the turn of the events had taken in Jammu and Kashmir.

Further, in this context British Member of Parliament Bradlaugh asked why the Government of British India “virtually annexed the state of Jammu and Kashmir to British India and subjected its ruler to great indignities”. His adjournment motion in the House of Commons on 3rd July was supported by 88 members while 226 members opposed it. However, soon, it transpired that the allegation brought against the Maharaja was baseless. The British attitude consequently softened and the Maharaja’s powers were then nominally restored. So in 1891 he was made the President of the Council by Viceroy, Lord Lansdowne (1888-94). Whereas Raja Amar Singh was made the Vice President who was more effective with British blessings but the Resident remained the virtual ruler.

But Maharaja was only a figure head he was not even allowed to sign the papers for the Resident. He appealed to British for restoration of powers as a result minor changes were made in the rules of business of the council in 1896. The maharaja was given the power to send for proceedings of the council and if he did not agree with any of its decisions or orders he could “refer it back to the council”. Every
member had to prepare a synopsis of the work done by him outside the council and send it to the Maharaja. Meanwhile, Gilgit Agency had been re-established in 1889, which was resisted by Maharaja till his abdication. The Gilgit Agency consisted of a Part of the Gilgit wazarat, the chief ships of Hunza and Nagar and the Governorships of Punial, Yasin, Kuh-ghizr and Ishkoman. Stating the reasons for setting up a political agency the government of British India in a despatch to the secretary of state for India, stated that “the advance of Russia up to the frontier of Afghanistan and the great development of her military resources in Asia, had admittedly increased the necessity for strengthening our line of defence”.

The administrative control of British officers grew mostly due to the unfettered power enjoyed by the British Resident in Jammu and Kashmir with this the communications between Gilgit and the rest of India were considerably improved. A strategic road fit for pack ponies and mules was built linking Gilgit with the Kashmir valley and a telegraph line connected it with the Army headquarters in British India and the Residency in Srinagar. The Gilgit Agency advanced the British imperial interests, the greater part of the expenditure on the Hunza and Nagar campaigns and on the administration of these districts was borne by the Jammu and Kashmir state. The expenditure covered not merely the cost of the maintenance of the Agency and state troops at Gilgit but also of making roads, establishing dispensaries and schools and other normal functions of administration within the territories themselves. Not only for the Gilgit but for the black mountain and Chitral expeditions the Jammu and Kashmir state had to contribute in men and money.

By 1905 the imperial government had consolidated its position on the North-western frontier of India. Therefore, the British Indian Government inclined to take another step towards restoration of powers to Maharaja Pratap Singh. So in 1905, the Viceroy Lord Curzon (1899-1905) abolished the state council and its powers of administration were conferred on the Maharaja by Lord Curzon himself. The Maharaja was to be assisted by a Chief Minister and three other ministers namely Revenue, Home and Judicial. All the ministers had to send the cases and their abstracts to the Maharaja through the Chief Minister.

By the death of Raja Amar Singh in 1909 long feud that had plagued the dynasty after the death of Maharaja Ranbir came to an end. Maharaja Pratap Singh was left himself to make the best possible of the situation and reclaim the authority he
had lost.\textsuperscript{59} Maharaja appointed Dewan Amar Nath his Chief Minister and retained the post of Commander-in-chief with himself till 1915, when the military department was transferred to Hari Singh.\textsuperscript{60}

Further, during the first world war the Maharaja Pratap Singh placed all the resources of his state at the disposal of the British imperial government. Meanwhile, with the rising tide of freedom movement in India, the British government was reorienting its policy towards the States which they believed would act as breakwaters during the impending mass uprisings in India. So Maharaja’s chances of gaining full power looked brighter.\textsuperscript{61} He remained loyal to Britishers. For instance, he issued strong warnings to and took prompt action against his subjects suspected of any affinity or sympathy with the national freedom movement.\textsuperscript{62}

Pleased with such loyalty, in 1914, the Government of British India extended certain concessions to the Maharaja in respect of the financial control they still exercised in the state. The Maharaja was empowered to order the appropriation of some of the expenditure without the sanction of the Resident, provided that the appropriation was approved by the Accountant General.\textsuperscript{63}

In September, 1920, at the lag end of his life, the Maharaja once again appealed to the Viceroy for the restoration of all his powers. In return the government of British India demanded an assurance that “\textit{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}”.\textsuperscript{64} The Maharaja Pratap Singh accepted these conditions and thereupon in March 1921, Lord Chelmsford (1916-21) restored full powers to him in a Darbar held at Jammu.\textsuperscript{65} After the restoration of powers, the Maharaja Pratap Singh drew up a scheme for reorganisation of his government and submitted it to the Government of British India for approval. The Government of British India accepted the part of the scheme which envisaged the reorganisation of the council and the establishment of a High Court of Judicature. Then Maharaja Pratap Singh appointed the five member Executive council with himself as its President in January, 1924. The Maharaja entrusted the executive council with the administration of the state. He retained in his own hands the power of veto and control.\textsuperscript{66} Thus the Treaty of Amritsar which conferred a special status on the ruler of Jammu and Kashmir state in
the princely states of India, continued to be eroded. By the reign of Pratap Singh, the state was reduced to a status of an illusory autonomy. 67

Struggle for Responsible Government

After the restoration of his powers, the Maharaja was confronted with a new problem. During his deposition, western educated men from the neighbouring Punjab and other places had been appointed in large numbers to posts in the administration. Kashmiris, who had hitherto been excluded from the affairs of the state, strongly resented this new encroachment from outside. Even the Dogras now suffered unemployment. As education advanced, this resentment, which had been growing for the past half century became even stronger. The slogan “State for the state’s people” came to be heard everywhere but the Maharaja paid little heed to this growing movement. 68

In the Spring of 1924, the workers of Reshamkhana (silk house) protested against the oppressive attitude of the authorities. They organised themselves and gathered at Huzoori Bagh. But the Maharaja Pratap Singh’s government put them down with a firm hand. Here many workers were injured which outraged the public. This led to first protest march in Kashmir in which men, women and children participated. 69 In October, 1924 during the visit of Viceroy Lord Reading (1921-26) and Lady Reading to Jammu and Kashmir secret seventeen points memorandum signed by Kashmiri Muslims was submitted to Viceroy. They demanded the ownership of land to the farmers, large representation of Muslims in the cadre of gazetted officers as out of 421 gazetted officers in Jammu and Kashmir, Muslims were not more than fifty, improvement in the conditions of Muhammadan education in the state, abolition of Beggar in all its aspects and transference of the Mosque were also made. When the Viceroy embarked on boat procession and passing by the Khanqah-e-Maula, crowds gathered at the river bank, started waving black flags and raising slogans: “Injustice! Injustice!” and the memorandum were placed in the Viceroy’s hand. 70

The Maharaja to whom full powers had been restored two years earlier was greatly incensed at the submission of the memorandum to the Viceroy. Some of the signatories to the memorial were externed and their property confiscated. 71 Meanwhile the growth of National movement in British India cast its impact on the people of princely states in India. The awakening in the rest of the country was
influencing the minds of the young men in the state too. Jammu, being adjacent to the Punjab, was naturally the first to be affected by the wave. In 1907, the students of the Government school collected subscriptions for ‘Punjabee’ a paper of Lahore connected with the student movement. Some of the students shouted ‘Bande Mataram’ in the streets of Jammu and wrote slogans on the walls of the school. Consequently the state authorities expelled four students and dismissed two teachers from service. Thus Anglo-Dogra administration tried to keep the people of the state of Jammu and Kashmir completely isolated and immunized to the national movement and its manifold repercussions.

The movements of all visitors of a suspicious nature were closely watched and on frivolous grounds they were turned out of the state. For example, in 1909 the Resident informed the state government that two agitators from Punjab, Ajit Singh and Sufi Amba Prasad were to enter the state and a watch be kept over them. The Maharaja in his zeal replied that keeping of a watch was not necessary, he would not allow them to enter the state. Every Bengali was suspect and any Bengali youth who came to Jammu in 1910 was closely watched because Bengal was the centre of Nationalist Movement in India.

Further, the Non Cooperation and Satyagraha movements launched by Indian National Congress under the leadership of Mahatma Gandhi greatly inspired the people in the Jammu region and made them conscious of the ideals of freedom and self rule. In the Prince of Wales College Jammu the students went on strike following the expulsion of a student from the college by the Principal, an Englishman. Subsequently over 150 students went to Gujranwala to attend a conference of students convened by Lala Lajpat Rai to induce the students to join the non cooperation movement, but due to personal intervention of the Maharaja, the situation did not assume serious proportions.

Maharaja Pratap Singh had no son and was not allowed to nominate his adopted son as his heir. So after death of Maharaja Pratap Singh in September, 1925, Raja Amar Singh’s son, Raja Hari Singh was recognised by the British Indian Government to be his successor. Hari Singh ascended the throne on 23rd September, 1925 at the age of thirty. He had proclaimed “justice is my religion and merit alone will be considered the deciding factor for all types of employment. Caste, creed, religion or sex will receive no consideration”.

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He was born in 1895 and first Dogra Prince to receive education in a public school. In 1908, he joined the Mayo College, Ajmer and after completion of full course of studies there he received training in the Imperial Cadet Corps, Dehradun. He was appointed Commander-in-Chief for the state Army in 1915. He took an active part in the training and equipping of the units despatched for service in the World War 1st (1914-1918). In 1922 at the age of 27, he was appointed senior member of the then state council and a number of reforms were initiated by him in this capacity.77 Thus he had been associating himself with the administration even before his accession.

Maharaja Hari Singh was aware of the keen interest the Government of British India had taken in the Northern frontier of the state after the first world war. He also realised the implications of the national movement in India, which by the time he succeeded to the throne had entered the most decisive phase of its history. He had therefore, cultivated the favour and friendship of the British officials in the state and his succession was smooth while he maintained the cotrie of the willy British officials in favour, he assumed direct and effective control over the administration.78 At the same time, Maharaja Hari Singh seemed imbued with a desire to restore the autonomy of the state. The power of the Residency continued neither in the same form nor to the same extent as before. He won an important concession from 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 authority of the Residency courts.79

The freedom struggle which was started during rule of Maharaja Pratap Singh grew stronger with the coming of Maharaja Hari Singh. By this time people had become politically conscious about their socio-economic conditions and started demanding the redressal of their grievances from Maharaja Hari Singh. The grievances of people included economic hardship, discrimination in government services, freedom of religion, freedom of speech and expression and so on. The economic hardship of the people contributed to the spread of political discontent in the state. More than 80% of the Muslim population in Kashmir lived on agriculture. The peasants of Kashmir had no proprietary rights of land while the peasants of Jammu enjoyed full proprietary rights of land.80 As a rule, the Muslim peasants worked in the fields during the six warmest months of the year to pay revenue and
taxes to the state, rental to the proprietor, interest to the money lender and graft to the local officials. During the six months they were unemployed and had to go outside the boundaries of the state to work as labourers in big towns and cities of British India. Many of them died every year unknown, unwept and unsung outside their homes. This disgraceful environment and unkind surroundings in which so many of them died was a slur alike on the people and the Government of the country to which they belonged. Thus, there seemed to be no hope of their salvation from the monopolistic position of the state as the proprietor of the land, the system of the Jagirdari, the corrupt and oppressive bureaucracy.

There had been a provincial as well as communal bias in the policies adopted by the Maharaja. Thus, the government contracts were given to the non-Muslims from outside the state at rates lower than the rates offered by the local Muslim contractors for similar contracts. Lakhs of rupees were loaned to the non-Muslims from outside the state for the development of industries in the state. Either no interest or only a nominal interest was charged on the money loaned to them. The cottage industries in Kashmir, owned and run by the Muslim, suffered from a lack of capital investment. The government did not give any financial assistance to these industries for their development, nor did it take any interest in introducing new patterns and designs in the production of its finished goods. This policy of provincialism and racial discrimination followed by Dogra rulers created an atmosphere of hatred apathy and antagonism amongst the Kashmiri people.

The Kashmiri Muslims complained that they were not given an adequate share in the government services even according to the available number of educated members of their community. On the other hand, Kashmiri Pandits, as enjoying an elevated position in the hierarchy of the Hindu caste system, were given jobs of lower level in the civil administration but not in military administration, which was reserved for Dogras. In the civil administration higher appointments were practically reserved for Rajputs and outsiders especially Punjabis. The doors of the military were also closed against the Kashmiris, both Hindus and Muslims. The Regiments of the Maharaja were formed either of Hindu Dogras or Muslim Dogras, Kangra Rajputs and Gurkhas and even Punjabi Sikhs from outside the state were recruited in armed forces of Kashmir. Thus the military services were exclusively reserved for the Dogras, particularly Rajputs. Politically the people were deprived of all basic rights.
and civil liberties. There existed no public opinion in the state. The right to freedom of speech, freedom of press and freedom of association were made unlawful. Even the holding of a private meeting or a religious meeting was prohibited. However such meetings could be held only with the prior permission of the authorities. Even when permission was granted, the applicants were required to submit to the authorities a summary note of the speeches to be delivered at such meetings. In absence of the elementary political rights and civil liberties no healthy criticism was possible. The people were forced to be silent which made them perturbed and restive. The Muslim subjects suffered from various religious disabilities. Several Mosques, Shrines and other sacred places were in the possession of the government.  

With the advent of the Christian missionaries modern education began in Kashmir. The educated young men were influenced by the western learning with its tradition of liberalism. So firstly, Kashmiri Pandits started movement “Kashmir for Kashmiris”, under the leadership of Shankar Lal Kaul. Its objective was to get more and more administrative jobs for the educated unemployed young men of their own community and also for securing high position for highly qualified pundits already in the government service. Similarly the Dogra Sadar Sabha the first organised party of the people of Jammu had launched a similar movement in Jammu. It disapproved the domination of the state administration by the Indian Civil Service cadres. After 1910 the Dogra Sadar Sabha started a vigorous campaign for the reservation of administrative employments for the people of the state.

The agitation was so strong that Maharaja had to issue an order on 31st January, 1927 which provided that the Mulkis (state subjects) would be preferred to outsiders in case of employment in the Government services. It also instructed that grants of land for building and other purposes were to go only to the state subjects. Non hereditary state subjects were debarred from acquiring immovable property in the state or selling or transferring it to other than hereditary state subjects. In regards to contracts also it was decreed that the claims of state subjects should have priority over those of non subjects. Further, the Department of Civil supplies was instructed that preference should be given to indigenous products. These measures guaranteed the right 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.
the service. But it did not equally benefit all the communities residing in the state. With Mahraja Hari Singh’s pro-Dogra policy in operation, the people of Jammu particularly Rajputs got the most of the higher posts while the Pandits were recruited as clerks in offices vacated by the Punjabis.\textsuperscript{92} Under the state’s Arms Act, only Rajputs and Dogras were permitted to own and utilise fire arms. Non Dogras were not given any chances to serve in the army till 1930.\textsuperscript{93} The degree of communal discrimination became explicit in the Ranbir penal code, which provided for seven years imprisonment for the slaughter of the cow.\textsuperscript{94} The states criminal procedure code of 1932 made the offence non bailable.\textsuperscript{95} It was against this background that Sir Albion Bannerji spoke of the conditions prevailing in Kashmir at the All India State People’s Conference in 1939, “\textit{In the state of Jammu and Kashmir injustice of various kinds are prevalent. The Muslims, who form an overwhelming majority, are illiterate, steeped in poverty and driven like dumb cattle. No rapport exists between the government and the people. There is no system to redress their grievances. Public opinion is not permitted. Newspapers are generally non-existent}”.\textsuperscript{96}

By 1930, Kashmir had seen the emergence of a good number of young Muslims who had received higher education at various universities in India like Aligarh, Lakhnow etc. These young men came from middle class families and formed middle class intelligentsia with a middle class political outlook. During their educational career, they had acquainted themselves with Indian National Movement. They belonged to revolutionary era. Some of them also participated in the Muslim league session at Allahabad in 1930 where for the first time Dr. Mohammad Iqbal adumbrate his theory of pan Islamism and a separate state for Muslims of the sub continent in his presidential address.\textsuperscript{97} These educated young Muslims when came back to Kashmir, they faced the problem of unemployment as they could not get suitable jobs and felt frustrated.\textsuperscript{98}

During the Salt Satyagraha in 1930, arrest of Gandhiji spread like wild fire and there was a spontaneous hartal in Jammu, Srinagar and other towns. In Srinagar a huge procession was organised and a bonfire of foreign cloth was held in the city’s main chowk while the demonstrations shouted anti-British slogan.\textsuperscript{99} One among the educated young men was Sheikh Mohammad Abdullah, born on 5\textsuperscript{th} December, 1905 at Sowra, Srinagar.\textsuperscript{100} Graduated from Islamia College Lahore and took his post graduation degree in chemistry from Muslim University Aligarh, in 1930 and returned
to valley of Kashmir where he became a teacher in High School on a salary of Rs 60 per month. Though many of the gazetted officer in various departments were mere matriculates and one of them Departmental heads, a Dogra Rajput, was not even literate as he used to sign the official documents with the thumb impression. Being frustrated he raised a voice of protest against the Maharaja’s policy. He immediately involved himself in political activity. At Islamia High school Sheikh Abdullah met persons of political foresight. At school he was undeniably influenced by Hafiz Mohammad Ismail, who was actively engaged in mobilising the mass opinion for responsible government. Sheikh Abdullah along with others used to visit Hafiz Sahib’s residence daily after 5 o’clock to discuss the position of illiterate Muslim masses, their poor representation in government services and their economic position.

These educated kashmiris propagated the idea of democracy and self government among the masses. As a result “All Kashmir Social Upliftment Association” emerged under the guidance of a young and dedicated person Ghulam Nabi Gilkar, to arouse social upliftment among the Muslim masses of Kashmir. On 9th May, 1930, a Reading room was opened in a house of Mufti Jiauddin at Fateh Kadal, Srinagar by Sheikh Mohammad Abdullah. Apparently the Reading room was a place for books and newspapers reading but inside the room the gathered youth used to discuss the current political affairs and the prevalent high handedness of the rule of the Maharaja. Due to state laws that prohibited political gatherings, it was necessary to operate clandestinely. After many discussions Reading room group felt that increased Muslim representation in the government, would be a major step towards improving the conditions of all Muslims in the state. So Reading room group sent Sheikh Abdullah and Abdul Aziz with a petition to the State Government. The petition calling for a larger share of Government positions for Muslims was rejected by the state cabinet.

Aroused by this Sheikh Abdullah and other members of reading room group decided to widen and intensify their campaign. Soon “All Kashmir Social Upliftment Association” merged with the “Reading Room Party”. Encouraged by this association, Muslims of Jammu also created “Youngmen’s Muslim Association of Jammu” with the same objectives. Both associations collaborated with each other exposing the misrule of the Maharaja. The Maharaja’s government had instituted
by then a Civil Services Recruitment Board for selecting candidates to higher posts on
the basis of merit. Again the non-Muslims who had by then advanced in education
and secured technical qualifications offered a stiff resistance to the entry of Muslims
into the state service. Sheikh Mohammed Abdullah raised his voice against the policy
and resigned from the job in protest.  

This political struggle in Jammu and Kashmir was supported aggressively by
the Muslim press from Lahore and other cities of Punjab. Newspapers such as the
“Muslim outlook” and “Siyasat” carried articles about the suppression of Muslims in
the state under the Autocratic rule of Maharaja. Jammu being near to the Punjab,
was first to be affected by its propaganda. In December, 1930, the All Kashmir
Muslim Conference held the annual session in Lahore which was attended by some
young men from Jammu who on their return to the state, embarked upon a campaign
of agitation against the government. This excited the Muslim residents of Jammu city
and adjoining villages. The events of Jammu received wide spread support from the
valley of Kashmir.

In March, 1931 Yusaf Shah, an enthusiastic young man became the Mirwaiz,
the chief preacher of Srinagar. He at once reversed the conservative policies of his
predecessor, Mirwaiz Ahmadullah, and started sympathising with the activities of the
Reading room group. He helped Sheikh Abdullah, who had by then become
significant figure among Muslim masses, to organise mammoth public meetings in
various mosques of Srinagar. In all such meetings Sheikh Abdullah and other top
leaders of the Reading Room group delivered fierce speeches exposing the hardship
and depressed conditions of the Muslims. In the face of repressive rule the only
forum, which was immune from attack and hence could be used for political
organisation, were the mosques.

On the other hand among Pandits the ‘Yuvak Sabha’, a religious organisation
jumped into politics under the Presidentship of Prem Nath Bazaz. Thus, in Jammu
and Kashmir communal tension reached the flash point and it needed only a spark to
explode. Abdul Qadir who had arrived in Kashmir along with Major Butt of the York
shire Regiment as cook made the sparks fly. Abdul Qadir stood up and delivered a
very provocative speech urging the Muslims to rise in revolt against the Dogra
authorities in a meeting of muslims conducted to select a delegation to present a
petition to the government at Khanq-e-Maulla on 21st June 1931. He was arrested
on 25th June 1931 on charge of sedition and his trial in the court of the Sessions judge, on 4th July, 1931 excited the Muslim public and huge crowds assembled in and outside the court on the days of hearing. Consequently it was decided to hold the trial in the Srinagar central Jail. So on 13th July, 1931 when the court was in session a crowd of five to six thousand people gathered outside the jail and raised slogans “Allah-ho-Akbar”, “Islam Zindabad”, “Abdul Qadir, our brother from Rai Barelli, Zindabad”. The mob was in an excited state, broke the Iron Gate and entered the jail premises to have a look at Abdul Qadir. The angry crowd started pelting stones at the policemen posted there, who had to fire in air to disperse the mob. In the police firing 21 persons died and many more were wounded. Thereafter, 13th July, became ‘Martyr’s Day’ in the history of Jammu and Kashmir state and is observed so till date.

Immediately after Jail incident, most of the elected representatives were arrested. On 14th July Sheikh Abdullah was arrested and kept in Hari Parbat fort along with Maulvi Abdul Rahim, Khwaja Ghulam Nabi Gilkar and Choudhary Ghulam Abbas. This arrest added fuel to the fire which held the people in its grip. Law and order remained only in name. Complete and spontaneous hartal was observed by the Muslim shop keepers throughout the Kashmir province for 19 days. Big processions were taken out and the demonstrations held at all towns and important villages in which men, women and children participated in large numbers. Henceforth, the Muslim population in Kashmir had been raising slogans against Maharaja as: “Hari Singhun bauel, khudayan gool” meant let the progeny of Hari Singh perish. From this day struggle for independence and freedom in the most modern sense started openly. Kashmiri Pandits joined the freedom movement openly and Prem Nath Bazaz and other Kashmiri Pandits became critical supporters of the movement. The incident of 13th July shocked the whole state including administration.

So, under the instructions of the Government of British India, Maharaja Hari Singh appointed an official Commission under the chairmanship of Sir Barjor Dalal, Chief Justice of state High court to hold an enquiry into the causes of the happenings. But Muslims boycotted the Dalal Commission. On 1st August, 1931, the Resident conveyed to the Maharaja, the Muslim demand for an impartial British enquiry and advised him to meet a Muslim deputation from the Punjab which had sought to wait upon him. But the proposal was promptly turned down by the Maharaja. He had by
now sensed the intention of the British Indian Government and had come to know that the official of the Residency and some of the senior British officials in his government, including Wakefield, were involved in a plot to undermine his position.120 So finding that cabinet was unable to solve the political problems, Maharaja discharged two of his ministers i.e. Mr G.E.C Wakefield, the then Prime Minister and Mr. P.K. Wattle, the Finance Minister.121 Maharaja appointed an experienced administrator, Raja Hari Kishen Kaul as new Prime Minister.

Meanwhile, All India Kashmir Committee had been formed on 25th July, 1931 at Lahore by Amir of Jamait-i-Ahmadity, Mirza Bashir-ud-din Mohammad Ahmed with himself as the President and Maulvi Abdul Rahim Dard as its Secretary. The objective of the committee was to give moral and material support to the Muslims in Jammu and Kashmir. It was campaigning both at home and abroad for the redressal of grievances of Muslims of Jammu and Kashmir. It also provided financial support to the agitation. All India Kashmir Committee also proposed 14th August, 1931 to be celebrated as ‘Kashmir Day’, when public meetings, processions and peaceful demonstrations were to be the main features of the celebrations. The purpose of celebrating ‘Kashmir day’ was to focus the attention of the world on conditions in Kashmir.122 In such conditions Prime Minister Hari Kishen Kaul realised that without entering into some understanding with the leaders of the agitation, it was not possible to restore normal conditions in the state. So, anxious to bring about peace, Maharaja Hari Singh invited Sir Tej Bahadur Sapru and Maulana Abul Kalam Azad to help him in bringing about settlement.123

Abul Kalam Azad tried to convince Sheikh Abdullah to make peace with the Government and Present his demands to the Maharaja, but Sheikh Abdullah demanded removal of Hindu Prime Minister Hari Kishen Kaul. However, it was not accepted by Maharaja Hari Singh as Prime Minister had played a very important role in curbing the jail riots that had taken place in July, 1931.124 Meanwhile Syed Nawab Mehr Ali, a moderate politicians in British India, had come to Srinagar to try for a compromise between the state government and its Muslim subjects. He succeeded in bringing an understanding which took place at the residence of Raja Hari Kishen Kaul and came to be known as ‘Temporary truce’ signed between the Muslim representatives and Raja Hari Kishen Kaul on 26th August, 1931. According to the truce agreement, the leaders undertook to suspend the agitation and present their
grievances to the government. The government on its part undertook to release all political prisoners and withdraw cases against them. In order to ease the tension all political prisoners were released on 31st August, 1931.

However, the signing of truce agreement was not liked by the members of the All India Kashmir Committee, which was carrying on its propaganda to keep the agitation alive. They gave an ultimatum to Maharaja and had threatened action against him in case he failed to redress Muslim grievances within two months.125 They also invited Sheikh Abdullah who started holding fresh public meetings and resumed delivering inflammatory and seditious speeches charging the government with violating the terms of the agreement. As a result Sheikh Abdullah was arrested on 21st September, 1931. The news of his arrest spread like wild fire and the city assumed frightening appearance. People started protest in Kashmir, where military opened fire by which four persons were killed and thirty injured.126 An underground committee called ‘War council’ was constituted to direct the agitation whose leader Bakshi Ghulam Mohammad was also arrested.127 So, 24th September, 1931 is another important day in the history of Kashmir. Large number of Muslims with all kinds of crude weapons in their hands paraded the streets.

According to official report it was impossible for any policeman to go out into streets. In the evening of 24th September, the Maharaja passed an ordinance on the line of ordinance, which had been promulgated in Burma (19-L) to put down an organised and armed rebellion in that country. The city was handed over to military control and the civil administration was suspended.128 Despite severe measures adopted by the government, Muslims continued to agitate. So the Maharaja decided to change the policy. Here British Indian government appeared in a commanding role. Here Resident told Maharaja that the British Indian Government “took a very serious view of the situation and feared widespread outbreaks in the Punjab. There were also apprehensions of Muslims from India sending Jathas to the state. Therefore the British Indian Government suggested that the concessions should be announced immediately. The Maharaja had thus to yield to the pressure from the people below and the British Indian Government from above. So on 5th October, 1931, the day of his birthday, Maharaja issued a proclamation withdrawing the ordinance 19-L and releasing all prisoners.129 Also Maharaja gave an assurance that “If any section of his subjects desired to submit any reasonable request, they will receive his sympathetic
consideration.” Consequently, memorials were submitted by all classes of the people to the Maharaja on 19th October, 1931. The memorialists demanded fundamental rights, which would guarantee complete religious freedom, freedom of assembly, speech, press, equal rights and equal treatment to all the state subjects in all respects. In matters of recruitment of state services, the Muslims demanded that seventy five percent of these posts should go to them in all grades. The basis of recruitment was minimum qualifications.130

Meanwhile to demonstrate their sympathies with the state Muslims, the Ahraris sent jathas of volunteers to Jammu with the intentions of creating disturbances and disaffection against the government. Now the scene shifted to the Jammu province where unrest was simmering for a considerable time. Nearly 4500 such volunteers entered the state boundaries in the month of October. Encouraged by their presence, Jammu Muslims started political demonstration to deal with the situation. Simultaneously, the communal-cum-economic riots broke out in Mirpur and Poonch districts of Jammu province. It was war of Muslim peasantry against the Hindu money lenders. Whole villages were burnt down and entire buildings razed to the ground in the greater part of the tehsils of Mirpur, Kotli and Rajouri. It became very difficult for the state government to deal with the situation. Therefore, the Maharaja requested the British Indian government for help. On 4th November, 1931, the British troops arrived in Jammu from Jallunder cantonment, which effectively suppressed the local disturbances and also prohibited the entry of the Ahraris into the state.131

When the situation became normal, the Maharaja on the advice of British Indian Government appointed enquiry commission on 12th November, 1931. This commission consisted of four non official members and was presided over by a European officer, Bertrand J. Glancy of the foreign and the political department of Government of British India. The function of the commission was “to enquire into and report on the various complaints of religious or general nature contained in the memorials” and also such complaints as might be directly laid before the commission. On the same day, the Maharaja ordered the institution of a Constitutional reforms conference to examine the feasibility of political reforms in the state. Again B.J. Glancy was appointed President of the Commission. The Glancy Commission recommended that.132
(i) all religious buildings of the Muslims in the possession of the government should be restored to them like Pathar masjid, Khanq-i-maulla, Khanq-i-Sokhta, Khanq-i-Bulbul Shah, Khanq-i-dara Shikoh Malshah bagh and many other places;

(ii) the educational development should be strenuously taken in hand especially in regard to primary schools;

(iii) the appointment of a special officer for supervising and promoting Muslim education;

(iv) the qualification for Muslims be not very high, all vacancies be effectively advertised and Muslims who form the great majority of population should be given a greater share in matters relating to the employment in the state services, and

(v) the proprietary rights should be granted in Kashmir province and the frontier regions.\(^{133}\)

These recommendations were favourable to the Muslims. By and large these recommendations were accepted by His Highness Government and a notification to that effect was issued on 10th April, 1932. Meanwhile, the Maharaja appointed another commission of enquiry under the president ship of Mr. Middleton to enquire into the incidents that took place at Srinagar and Shopian after second arrest of Sheikh Abdullah on 21st September, 1931. The commission visited different cities while conducting hearings. The Middleton commission recorded statement of 384 witnesses. Its findings disappointed the Muslims.\(^{134}\)

While the commission under B.J. Glancy was making its enquiry, Sheikh Abdullah addressed a public meeting at Khanq-i-Maula on 21st January, 1932 where he said, “If Maharaja Hari Singh does not listen to me, I will tweak his ears”. These developments had been seriously noted by the government. So on 23rd January, 1932 ban was imposed on Sheikh Abdullah prohibiting him from moving beyond the limits of Srinagar city. Again on 25th January Sheikh Abdullah organised a public meeting at Khanq-i-Maula. Then he went to his office where again he was arrested. The news of his arrest roused the people and once again there were meetings, processions and hartals.\(^{135}\) During this period, while the agitation in Kashmir was going on, Raja Hari Kishen Kaul had been removed from his office and on the advice of the British Indian
Government, the Maharaja had appointed Colonel Elliot Dowel James Colvin, an officer of the British Indian Government, as Prime Minister of the state. Two more officials of the Indian civil services had been inducted into the state ministry and put in charge of the home affairs and finance. Besides being deputed to tighten the control over the administration of Maharaja and stabilise the political situation in the state Colvin was entrusted with the arduous task of securing British control over Gilgit and rest of the northern frontier of the state. E.D.J. Colvin succeeded in persuading the Maharaja to hand over Gilgit to British.  

After the enquiry into grievances had been completed, the Kashmir Constitutional reforms conference under the Presidency of B.J. Galancy commenced its work about the middle of March, 1932. Its report was submitted in April, 1932. The conference recommended that a legislative Assembly should be established as soon as possible and made suggestions regarding its composition, powers and functions. At the same time the conference tried to collect the necessary data on which further action could be based. So, in pursuance of the recommendations made by B.J. Galancy, in May, 1932, a Franchise committee, headed by Sir Barjor Dala (Chief Justice of the state high court) was set up to report on the quantum and content of the elected membership in the proposed assembly, the determination of the qualifications for franchise and the delimitation of the separate electorate. Other members of the Franchise Committee were L.A. Jardine, a civil service official of the government of India, as vice President while Thakur Kartar Singh and Sheikh Abdul Qayum as members. In March, 1933, Sir Ivo Elliot, Bart, I.C.S. (Retired) was appointed Franchise officer. 

Here, Prime Minister E.D.J Colvin stated that, in order to assure a favourable atmosphere for the work of the Franchise Committee, orders have been issued that prisoners of all communities shall be released on giving an undertaking to refrain from all forms of agitation in future. Accordingly Sheikh Abdullah was released from jail on 5th May, 1932. As Glancy Commission lifted ban on press, Sheikh Abdullah once again engaged himself in organizational work. Sheikh Abdullah consulted many Muslim leaders in Lahore including Dr. Mohammad Iqbal, the great poet. The primary concern of Sheikh Abdullah and other young Muslim leaders was to give voice and organisation to the Muslim masses of the state. So, availing themselves of the new measures of freedom, they established the All Jammu and
Kashmir Muslim Conference on 16th October, 1932. In its inaugural session held in Srinagar from 15-17 Oct, 1932, Sheikh Abdullah was unanimously elected president of the Conference.\textsuperscript{143}

Thus, Muslim Conference became the only political party which enjoyed an overwhelming support of the entire Muslim community of the state. Its aim was to secure social, political, economic, cultural, moral and educational upliftment of Muslims of Jammu and Kashmir state. The leaders of the Muslim conference drafted a constitution and also adopted a party flag similar to that of All India Muslim League. The flag hoisting ceremony was performed by Wali-ullah-Jani-ud-Abidin, a representative of All India Kashmir Committee on 4th October, 1932.\textsuperscript{144}

In his Presidential address Sheikh Abdullah said that their objective was not only to safeguard the interests of the Muslims but to the entire down-trodden masses of the state. “\textit{We have repeatedly declared that Kashmir movement is not only communal, it is a forum to address the grievances of every section of people. We shall always be prepared to help our compatriots, Hindus and Sikhs. No progress is possible unless we learn to live in amity. For that, mutual respect for each other’s legitimate rights is an important pre condition. I repeat Kashmir movement is not a communal movement}”\textsuperscript{145}

The Conference leaders had, in the meantime, started a vigorous campaign of meetings and protest against the policies of the government in regard to the implementation of the recommendations made by the Grievances Enquiry Commission.\textsuperscript{146} The second annual session of the Muslim Conference was held at Mirpur in December, 1933 under the Presidentship of Sheikh Abdullah. He advised the Muslims to unite and asked the non Muslims to support the movement.\textsuperscript{147} Meanwhile on 30th December, 1933 Franchise Committee submitted its report with following recommendations:

(i) Legislative Assembly on the Morley-Minto Model is established to be consisted of 75 members, of which 33 to be elected and 30 nominated.\textsuperscript{148}

(ii) Maharaja had the right to appoint twelve official members to the Assembly, among whom six would be ministers and other six non officials were to be appointed on the basis of their expert knowledge in the various spheres of legislation.\textsuperscript{149}
The nominated members were to be appointed by the Maharaja.

The delimitation of the constituencies was recommended to be done on the territorial and communal basis. The entire state was to be divided into 12 rural and 2 urban districts. Urban districts included Jammu city and Srinagar city, where as 12 rural districts were the wazarats of Jammu, Udhampur, Reasi, Kathua, Mirpur, North Kashmir, South Kashmir, Muzaffarabad, Ladakh and Gilgit and two Jagir illaqs of Poonch and Chenani. It was recommended that two members be elected from each Constituency, one by the Hindu electorate and other by the Muslim electorate. For Mirpur, Northern Kashmir, Southern Kashmir and Poonch both members to be elected by the Muslim electorates. As minorities in these areas were almost negligible in comparison with minorities in Jammu, Udhampur and Reasi. So Committee recommended separate electorate for smaller minorities.

Separate representation recommended to the Sikh community.

In Jammu city one Muslim member was to be elected by the Muslim electorate and two Hindu members were to be elected by Hindu electorate. Similarly, Srinagar city would be represented by five Muslim members and two Hindus.

State subjects who attained 21 years of age should be enfranchised.

Women in general be excluded from franchise except in case when any of them had secured the middle examination certificate.

The recommendations made by Franchise Committee, fell short of the demands, the Muslims had made. The Muslim leaders rejected the recommendations of Franchise committee. The minorities also dissatisfied with recommendations as proposed assembly was hardly vested with in any substantial powers. So on 10th February, 1934, the working committee of the Muslim Conference met in Sialkot to consider the report of the Franchise Committee.

Meanwhile in Kashmir sporadic disturbances had been going on for some time in response to the agitation launched by young men’s Muslim Association. Chowdhary Ghulam Abbas was appointed the sole dictator of the conference and authorised to negotiate with the government in regard to the Muslim demands and the recommendations of the Franchise Committee and take action as he considered
necessary. So he complained to the Prime Minister Colvin about the failure to fulfil
the assurances given by it with regard to the implementation of the recommendation
of the Glancy Commission. Secondly he said that, Muslims were not satisfied with the
recommendations of Franchise Committee and did not approve Assembly which
envisaged some measure of responsibility.\(^\text{152}\) Prime Minister Colvin agreed to the
implementation of the recommendations of Glancy Commission but refused to open
up discussion on the constitutional reforms or the recommendations of the Franchise
Committee. Chowdhary Abbas turned down the offer and gave a call for Civil
disobedience and boycott of the recommendations made by the Franchise Committee.
Then he was immediately arrested and imprisoned for six months. There was a feeble
response to his call for civil disobedience. A few days after his arrest, the agitation in
Kashmir fizzled out.\(^\text{153}\)

By keeping in mind, the report of Franchise Committee and report of Kashmir
Constitutional Reforms Conference, Maharaja Hari Singh promulgated the
Constitution Act of 1934.\(^\text{154}\) The Constitution Act provided for the reconstitution of
the government of the state and the institution of a Legislative Assembly commonly
known as ‘\textit{Praja Sabha}’. It would consist of 75 members, but of its 60 non official
representatives only 33 were to be elected which included 21 Muslim, 10 Hindu and 2
Sikh representatives.\(^\text{155}\) All Powers, legislative, executive and judicial were declared
to have always been possessed by the Maharaja and the provisions of the Constitution
Act were not deemed to affect the inherent right and prerogative of the Maharaja to
make regulations and promulgate ordinances. The provisions were envisaged by the
Act for the Constitution of a council of Ministers appointed by the Maharaja and
responsible to him. The Act also defined the relationship between the council of
ministers and the legislative Assembly and the extent of the overall control, the
Maharaja would exercise over both the institutions.\(^\text{156}\) Among matters excluded from
the purview of the Praja Sabha, the important ones were His Highness’s privy purse,
organisation and control of the state Army and the provisions of the Constitution Act.
Thus, this Act introduced a dyarchical form of government. The subjects were divided
into two groups: Group I comprised ‘reserve subjects’ which remained under the
exclusive charge of the Maharaja and Group II comprised of ‘transferred subjects’,
the administration of which was entrusted to the ministers.\(^\text{157}\) The first election for the
legislative assembly were held in 1934 in which Muslim Conference won 19 seats out
of 21 allotted to the Muslims. The Praja Sabha, provided a place for people representing different communities and interests in the state to sit together and helped one leading political party, the Muslim Conference, to understand their difficulties and the disabilities that they laboured under. To a large extent the Praja Sabha was responsible for a reorientation of the political and economic policies of the Muslim Conference.

**Lease of Gilgit to the British**

Meanwhile Prime Minister Colvin and the Resident had succeeded in persuading the Maharaja to give the Gilgit Wazarat on ‘Lease’ for 60 years to the British Indian Government and hand over the administration and control of the leased territory to them. On 29th March, 1935, the Maharaja and the Resident, Colonel L.E. Lang, signed the lease document by which the Viceroy Lord Willingdon (1931-36) of India was authorised to assume the civil and military government of the wazarat of Gilgit subject to the condition that the territory would continue to be included within the dominion of His Highness the Maharaja of Jammu and Kashmir and the rights pertaining to mining would also be reserved to the Jammu and Kashmir government. Having attained their objective, the British at once relaxed the pressure on the Maharaja. The Maharaja was free to deal with the political agitators in any way he liked. The leaders of various communal and political parties in the state who had till then received support and inspiration from Colonel Colvin’s government were thrown away like squeezed lemons. But Sheikh Abdullah, upbeat over the drawing of a new Constitution for India by the British government under the Pressure of Congress, intensified his demand for Responsible Government. Simultaneously, the growing of all community support for Sheikh Abdullah began to demoralize his political opponents. Mirwaiz Moulvi Mohammad Yusuf Shah gave threat to his leadership as a result fighting between the two giants of the community did not remain behind any curtain and their supporters started fighting in the streets.

**Nationalism in State Politics**

Meanwhile the National movement in the sub continent was at its zenith and the leadership of Muslim Conference had come in close contact with the great leaders of Indian National Congress. Sheikh Abdullah had developed personal relations with Mahatma Gandhi and Jawahar Lal Nehru which had widened his vision and
thought. So, to popularise the ideology and thought to lay the foundation of progressive Nationalism in the state Sheikh Abdullah and Prem Nath Bazaz on 1st August, 1935 jointly started a weekly journal “The Hamdard” in urdu. In fact, the new outlook was given articulate expression at the annual session of the Muslim Conference held at Pathar Masjid, Srinagar in November, 1935 under the Presidentship of Choudhary Ghulam Abbas and Sheikh Abdullah as the General Secretary of the session. An appeal was made to the Hindus and the Sikhs to extend their support to the Conference and assured them that the struggle, the Conference led, was aiming at the amelioration of all the people in the state. A large number of non Muslim leaders participated in the session such as Prem Nath Bazaz, Kashyap Bandhu, Jia Lal Kilam and Sham Lal Saraf.

Further, on 29th March, 1936, the working Committee of the Muslim Conference met in Srinagar. The Conference appealed to the Maharaja to widen the scope of the Constitutional provisions enacted in 1934 which, the committee stated had done considerable harm to the development of the representative and responsible administrative institutions in the state. The working committee took a decision to organise state wide demonstrations and protest meetings on 8th May, 1936 in support of the institution of a responsible legislative organ. But as was expected Maharaja Hari Singh refused to consider their demands. So, on 8th May, 1936, the Muslim Conference observed a ‘Responsible Government day’ throughout the length and breadth of the state in which Hindus, Muslims and Sikhs participated. The response was most encouraging and a number of meetings were addressed by Hindu, Sikh and Muslim leaders, exhorting the people to forge a common platform and party. Sheikh Abdullah was also strengthened by change in the administration.

By early 1936, Col. Colvin was replaced by Sir N. Gopalswami Ayyangar as Prime Minister of the state. Ayyangar was a hardened bureaucrat and had served the British Indian Government for many years, a nationalist by heart, so allowed the nationalist party to gain strength. Further, in 1937 Sheikh Abdullah had gone to Lahore and developed intimate relations with the progressive nationalist leaders of the Punjab. He was staying with Mian Iftikar-ud-din, the President of the Punjab Pradesh Congress Committee, when Pandit Jawahar lal Nehru arrived in Lahore, setting out on a tour of the North-West Frontier Province. Here Sheikh Abdullah met Pandit Jawahar Lal Nehru for the first time. Sheikh Abdullah became so fascinated with
Pandit Nehru that he boarded his Railway Compartment and toured the whole of the North West frontier province with him. It was during the tour that Sheikh Abdullah developed intimacy with Khan Abdul Gafar Khan (Badshah Khan). Both Pandit Jawaharlal Nehru and Sheikh Abdullah exchanged ideas on the National and state politics. Pandit Nehru suggested opening of membership of the Muslim Conference to the non Muslims so that the campaign against Maharaja could gain more strength. Sheikh Abdullah invited Pandit Nehru and Badshah Khan to visit Kashmir.\textsuperscript{171}

After some time, the States’ People’s Conference was set up in India, with Jawahar Lal Nehru as its President. It was clear that if the Kashmiri leaders wanted support of the Indian National Congress, they would have to change the name and the Constitution of the Muslim Conference. Dr. Mohammad Iqbal, one of the Kashmir’s native sons had given similar advice in 1937 to Sheikh Abdullah. He said that only unity could deliver Jammu and Kashmir from the present turmoil.\textsuperscript{172} By the sixth annual session of Muslim Conference, held in Jammu on 25-27\textsuperscript{th} March, 1938, the creeping nationalism had become established fact. Sheikh Abdullah said:\textsuperscript{173} \textit{“We must end communalism by ceasing to think in terms of Muslims and non Muslims when discussing our political problems ..... and 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”}. In this session again demand for ‘Responsible Government’ was raised. Sheikh Abdullah convened a meeting of the working committee of the Muslim Conference on 28\textsuperscript{th} June, 1938 in which he moved a resolution suggesting change in the name of the Conference and to amend the Constitution for allowing the non Muslims to become its members, irrespective of their caste, creed or religion.\textsuperscript{174}

Immediately after this, state wide demonstrations were held on 27\textsuperscript{th} August, 1938, in support of demand for a responsible government. While the agitation was in progress, 12 leaders drafted a joint memorandum on responsible government. The memorandum was called ‘National Demand’. The next day Pandit Kashyap Bandhu, Sardar Budh Singh and Khwaja Ghulam Sadiq were arrested. On 29\textsuperscript{th} August, 1928, Sheikh Abdullah was also arrested. Their arrest were followed by massive public demonstrations against the government.\textsuperscript{175} The ‘National Demand’ underlined certain broad principles which, the state leaders claimed, could form the basis of future constitutional reforms in the state. The manifesto envisaged the demand that the government in the state be reorganised to incorporate the principle of administrative
responsibility, separate and qualified franchise be abolished and substituted by universal adult franchise, weightage be given to the minorities for the protection of their legitimate interests. The manifesto demanded that the people be ensured the basic rights to life, liberty and property, freedom of speech, expression and association and right to legal remedies against any arbitrary action of the state.\textsuperscript{176} Jawahar lal Nehru commended these demands of the National Conference as progressive in a speech at the All India States People’s Conference held at Ludhiana in February, 1939. He said, “As a matter of fact, the two movements have progressively developed on national lines and I am glad to say that a number of wise and far seeing Hindus and Sikhs have thrown their weight on the side of the popular movement and supported the national demand... for responsible government.”\textsuperscript{177}

Thus, the freedom movement in Jammu and Kashmir State had come out of the empire of communalism and was shining in all its brilliance on the high pedestal of nationalism. The policy of severest repression was launched by the government. Hundreds of leaders and workers including Sheikh Abdullah, Ghulam Abbas and Prem Nath Bazaz were arrested. Even then many Kashmiri Pandits fought shoulder to shoulder with Muslims and suffered equally with them. It was a glorious chapter in the history of the freedom movement of Kashmir. As repression only strengthened the forces of nationalism in state and realising this N Gopalaswamy Ayyangar released all imprisoned leaders and the workers by the end of February, 1939.\textsuperscript{178}

On 10-12\textsuperscript{th} March, 1939 the annual session of the Indian National Congress was held at Tripura under the Presidentship of Subash Chander Bose. A delegation of the state leaders, which included Sheikh Abdullah, Bakshi Ghulam Mohammad, Pandit Kashyap Bandhu, Pandit Prem Nath Bazaz and Maulana Sayeed Masoodi, was specially invited by the congress president to attend the session. Tripura session of Indian National Congress brought the state leaders closer to the Indian National Congress. The Congress leaders acclaimed the struggle of states’ people for self governance and extended whole hearted support to Sheikh Abdullah and his colleagues in their quest for freedom. In fact, the Congress strategy with regard to the political movements in the states was given the final shape at Tripura.\textsuperscript{179} The session also decided to maintain closer cooperation between the congress and the All India States People’s Conference “to devise ways and means of bringing the people of Indian states and British India closer to each other”.\textsuperscript{180}
After concluding Tripura session of Indian National Congress, Jawaharlal Nehru and Badshah Khan arrived in Kashmir on 30th May, 1939. They attended large number of meetings and when returned said that the people of Kashmir were fully alive and awake while the administration was inert and ineffective. 

Finally All Jammu and Kashmir Muslim Conference on 11 June, 1939, changed its name to All Jammu and Kashmir National Conference in a special session held in Srinagar from 10-12th June, 1939. This session was attended by 176 delegates representing all districts. This change was a revolutionary step in the politics of Kashmir.

The National Conference held its first session in October, 1939 at Anantnag and adopted the party flag, red in colour with a white plough inscribed in the centre. Here, the National Conference formally endorsed the Congress policy towards the world war, which of course was one of the most momentous decisions taken by Gandhi in his three decade long challenge to the British Raj. For the first time, Sheikh Abdullah spoke openly in praise of the congress. Jawaharlal Nehru gave his message to the first formal session of the All Jammu and Kashmir National Conference that: “The Conference is meeting at a time of very great crisis in the world which will be reflected more and more in India. We cannot escape that crisis or Ignore this revolutionary period of the World’s history.....All the world is on the move and India must move with it, not separately or in isolation. India must attain her full freedom based on unity. I trust that Kashmir will play an honourable part in the events to come. I hope that the Conference will view all these events that are happening in true perspective so that the people of Kashmir may attain their freedom in the large freedom of India”. Sheikh Abdullah would launch a brilliant offensive against the philosophy of the Muslim league to keep Kashmir with the ideology of secular India in the critical year of 1947. In this session National Conference passed a resolution of ‘National Demand’. The resolution demanded responsible government i.e. legislature composed entirely of members elected by adult franchise based on a joint electorate with some seats reserved for the minorities.

Maharaja Hari Singh realised that the people of the state were now united and that he could no longer suppress the rising public feeling. So, in order to placate the rising temper of the people in the state and their incessant demand for self government, new constitutional provisions were designed. On 11th February, 1939, His Highness the Maharaja issued a proclamation:-
(i) The number of elected members in the Praja Sabha was increased to 40 from 33. Thus, it provided for an elected majority in the Praja Sabha, where previously there had been an official majority.

(ii) The Praja Sabha was to be given the power to elect, from its non official members, a Deputy President.

(iii) The appointment of the non official members as under secretaries would be made on the recommendations of the Praja Sabha. This was to ensure a closer association between the Government on one hand and the members of the Praja Sabha and Constituencies on the other.

(iv) The Praja Sabha was granted the right to vote (with the exception of certain non-votable items, like His Highness’s Privy Purse etc.) on the demands made by government for budget appropriations. This was an important step in the constitutional history of Kashmir.

(v) The Praja Sabha was given the right of passing all legislation pertaining to taxes, as distinguished from fees and penalties.

But the leaders of National Conference were not satisfied with such reforms. On 23rd March, 1940, the Muslim League at its annual session held at Lahore on 22-24th March under the Presidentship of Mohammad Ali Jinnah adopted the resolution for creation of Pakistan, a separate homeland of Muslims, after the partition of India. The resolution passed by the Muslim League had profound effect on the political movements in the state. The league organised a parallel states people’s organisation “The All India States Muslim League” to coordinate the Muslim movements in the states. The meeting of All States Muslim League was convened in Lahore during the days, the Muslim League was in its annual session. The states Muslim League endorsed the league resolution for the division of the country where as National Conference leadership repudiated the league resolution for the division of the country and separation of the Muslim majority regions Sheikh Abdullah attended the session of the states Muslim league as an observer. On his return to Srinagar he launched a frontal attack on the resolution of the states Muslim league. He rejected the proposal for the division of the country and separation of the Muslim majorities and called upon the Muslims in India to join Indian National Congress which he declared was the only
representative organisation of the people of India. This sows Sheikh Abdullah’s secular attitude towards Indian National Congress and his relations with India.

After Lahore session of Muslim League number of Muslim leaders, mostly from Jammu dissociated themselves from National Conference. A sizeable section of Muslim Conference leadership had already remained out of the new organisation when the Muslim Conference was dissolved in June, 1939. The parliamentary party of the National Conference in the Praja Sabha also split up. In the last week of July, 1941, the members of National Conference parliamentary party submitted their resignations on the following grounds:

(i) The modifications introduced by the government in the rules of procedure of Sabha, which gave arbitrary powers to the Prime Minister.

(ii) The introduction of the Devnagri or two scripts medium in schools.

(iii) Special concessions provided to the Rajputs and Hindus under the provisions of the Arms Act.

Resignation of the leader of the party Mian Ahmad Yar was accepted but of other members was, however, rejected on the ground that fresh elections could not be held due to the situation created by the outbreak of Second World War. Choudhary Ghulam Abbas left the National Conference. He succeeded in reviving the All Jammu and Kashmir Muslim Conference in the Jammu region but failed in Kashmir valley to attract much following.

On the invitation of Sheikh Abdullah, Jawahar Lal Nehru and Khan Abdul Gaffar visited Jammu and Kashmir on 9th May, 1940. On 30th June, 1940, a huge public meeting was organised by the National Conference at Hazuri Bagh in Srinagar. Sheikh Abdullah declared that the National Conference “had thrown its lot with the freedom loving people of India and decide to fight all forms of colonial dominance as well as all forms of exploitation. National Conference was committed to the unity of India and the Indian freedom”. He rejected any demand for a separate state for any religion or regional community in India. Here both Pandit Nehru and Abdul Gaffar Khan declared that the people in India “Whether they were Hindus, Muslims or Sikhs and whether they lived in British India or in the states were one nation. India was one and indivisible” Nehru declared. Thus Jawahar Lal Nehru’s visit to Kashmir contributed to bring sentiments of Kashmiri sub nationalism closer to the mainstream
of Indian nationalism. Visits of Abul Kalam Azad and Abdul Gaffar Khan, who underlined the secular character of the Congress added to its attractiveness for the Kashmiri Muslims.\textsuperscript{192} After that the first annual session of the National Conference was held from 27-29\textsuperscript{th} September, 1940 at Baramullah, where Sardar Budh Singh was elected President.\textsuperscript{193} He wrote to the Prime Minister requesting the government to reconsider their policy in regard to the script question, the Arms Act and the representation of different communities in the services.\textsuperscript{194}

Sheikh Abdullah took another logical step in 1941 when the National Conference joined the All India States People’s Conference. In this way National Conference moved closer to the Indian National Congress. When Mahatma Gandhi reawakened India with his last great movement i.e. Quit India Movement, in August, 1942, Sheikh Abdullah was ready to echo the Gandhian ultimatum in the valley. Within a week of the ‘Quit India’ resolution the National Conference said, on 16\textsuperscript{th} August, 1942 “The demand of the Congress is based on just reasons. The working committee condemns the reign of terror and repression which the government of British India, has launched by declaring the Indian National Congress illegal, by the arrest of the leaders and by shooting down unarmed people.”\textsuperscript{195} The National Conference called upon the British Indian government to release Congress leaders particularly Gandhiji, Maulan Abul Kalam Azad and Pandit Jawaharlal Nehru and end the policy of repression in order to restore normalcy and confidence in the people so that an atmosphere was created in which complete independence and a national government for India could be devised.\textsuperscript{196}

Meanwhile negotiations between Prime Minister N. Gopalswamy Ayyangar and Sheikh Abdullah started. Seeing that the Sheikh Abdullah was ready to carry out the directives of the Prime Minister in future, he offered to renominate those members of the National Conference to the Praja Sabha who had earlier resigned on the issue of scripts. Sheikh Abdullah grasped this opportunity to regain entry for his men into Praja Sabha by this backdoor. As a result on 18\textsuperscript{th} June, 1942 all the eight former members of the National Conference were nominated to the Praja Sabha by the Maharaja.\textsuperscript{197}

After that Ayyangar discussed the issue of the Constitutional reforms with Maharaja and suggested him to transfer the administrative powers to the minister who would be appointed from the Praja Sabha and they would be responsible to that
institutions. He also proposed that the Sabha should be provided wide control with regard to the finances of the state. Maharaja Hari Singh expressed his strong resentment towards such proposals of Ayyangar and his encouragement towards National Conference. He opposed the idea of transfer of any authority to public representatives, since, it would amount to voluntary abdication. Maharaja had an inherent aversion towards the conference leadership probably because of the role of Sheikh Abdullah, which he had played in the Muslim agitation of 1931. In fact, the Residency officials had expressed their misgiving about the increasing influence of the Congress over the National Conference.

Ayyangar felt flustered and requested Maharaja to relieve him from his office. Therefore on 9th May, 1943 Maharaja Hari Singh replaced Ayyangar by Kunwar Maharaj Singh as Prime Minister of the state, a trusted servant of the Government of British India. The removal of Ayyangar was hailed by the Muslim Conference leaders. They celebrated 9th April, 1943 as day of deliverance. Maharaja Hari Singh supported Muslim Conference in state. So assured of the protection of the government the Muslim Conference leaders launched a campaign for the propagation of Pakistan and the institution of the responsible government in the state. Later Maharaj Singh was replaced by Sir Kailash Narain Haksar on 26th July, 1943. He was one of the trusted ministers of the Maharaja. Haksar was intolerant to Muslim Conference as Ayyangar was. Haksar being conservative in approach did not favour even the National Conference.

On 12th July, 1943 Maharaja Hari Singh appointed a high power enquiry commission to look into the working of Constitution of the state under the chairmanship of Rai Bahadur Ganga Nath, the Chief Justice of the state High court and Major General Janak Singh, a close relative of the Maharaja as vice President. The Commission invited all political parties in the state to send their representatives for participation in the deliberations of the commission. The National Conference decided to cooperate with the Commission and nominated two members. Ghulam Mohammad Sadiq and Mirza Afzal Beg. This twenty member commission was asked to make recommendations to secure safety, integrity and security of the state and efficient and progressive characters of the administration. The chairman and other members of the commission were conservative in approach. Ganga Nath, didn’t
permit to discuss the power and position of the ruler, the ruling dynasty, army, judiciary, the jagirs and the private departments.

So, the leadership of the National Conference disapproved the rigid attitude and the manner in which the deliberations of the Commission concluded. G.M. Sadiq of National Conference presented a detailed report to the working committee of the National Conference, regarding the working of the commission in the first week of February, 1943. The National Conference decided to recall its representatives from the Commission. Accordingly on 28th February, 1943 Ghulam Mohammad Sadiq and Mirza Afzal Beig withdrew from the commission of enquiry. In January, 1944, Sir Bengal Nar Singh Rao, a statesman and a great Judge from the Calcutta High Court who subsequently exercised considerable influence on the Indian and Burmese Constitutions was appointed the Prime Minister of Jammu and Kashmir state. He desired to make the Jammu and Kashmir a ‘Model State’ and so he offered more press and platform freedom to the political parties in Jammu and Kashmir state.

Naya Kashmir

Leadership of National Conference with the help of Freda Bedi, an English women prepared a fresh and comprehensive plan, for the national reconstruction and political reforms in the state. This plan was adopted by National Conference on 27th February, 1944 as the official policy manifesto and name it as ‘Naya Kashmir’. Meanwhile Maharaja Hari Singh returned to state from extensive tour of war front in the Middle East, as a member of British war cabinet. On his arrival in state the ‘Naya Kashmir’ plan was presented to Maharaja Hari Singh by Sheikh Abdullah. It was not only a Constitutional blue print of a sovereign independent state, looking after its own defence and external affairs but also contained a radical socio-economic programme. ‘Naya Kashmir’, as it was termed was a revolutionary document. It assured the safeguarding of the rights of women workers and weaker sections of society.

This Naya Kashmir represented Sheikh Abdullah’s concept of a model state in which democratic and responsible government would ameliorate the plight of people and secure freedom from all sorts of economic exploitation. Further, Sheikh Abdullah had invited Muslim League leader, Mohammed Ali Jinnah to visit Kashmir and find out himself who was the real leader of people, Abdullah or his rivals. Jinnah accepted the invitation and on 10th May, 1944 Jinnah reached Srinagar. Ostensibly ‘for rest’
and with no professed idea of taking part in politics. National Conference gave him warm welcome in a meeting held at Pratap Park Srinagar where Pandit Jia Lal Kilam read out a welcome address in english and said, “We Kashmiris’ today receive you as a prominent Indian despite ideological differences we have been with you.”

Sheikh Abdullah described Jinnah as ‘a beloved leader of Muslims of India’. Sheikh Abdullah reminded him of his promise when in Delhi he agreed to advise the Muslim Conference to merge its identity with the National Conference.

In reply Jinnah asked Sheikh Abdullah to sort out your differences by talking to Choudhary Ghulam Abbas. National Conference turned down his suggestion. But after an hour, in the reception of Muslim Conference Jinnah asked Muslims to join the Muslim Conference because Muslims have one platform, one Kalma and one god... I am a Muslim and all my sympathies are for the Muslim cause. This brought a sharp rejoinder from the Sheikh Abdullah who said “Ills of this land can only be remedied by carrying Hindus, Muslims and Sikhs together.” Jinnah was adamant about keeping politics and religion apart. It appeared that Jinnah’s rest was not divorced from politics. He presided over the annual session of the Muslim Conference and in his speech attacked the National Conference as a ‘band of gangsters’. This was too much for Kashmiris’ to bear and when a few days later, he wanted to address a public meeting at Baramullah, the temper of the people ran so high that he had to be removed to a safer spot for fear that injury might be done to him by the hostile people. A majority of whom were Muslims. The Muslim Conference could win little following and Mr. Jinnah had to leave Kashmir disappointed.

Thus when Mr Jinnah visited Srinagar in 1944, three years before partition, he was given a cold shoulder both by the Maharaja’s Government and by the people at large. The bungalow in which Mr Jinnah was put up had a Hindu cook. Mr Jinnah saw the list of servants and requested the government to provide him with a Muslim cook in place of a Hindu. His request was summarily rejected because the servants could not be changed. This made it clear that neither the Maharaja, nor his government and people, Hindu or Muslims, had any love for Mr Jinnah’s two nation theory and the partition of the country which followed as a result of that theory.

The Prime Minister B.N. Rao was quite aware of a powerful popular movement and Maharaja Hari Singh sensed that the movement was gathering strength and the growing storm was about to break. So in order to win the confidence of the
Muslims, Maharaja Hari Singh on 2nd October, 1944 announced a well prepared plan of diarchy in the Praja Sabha. On the advice of Sir Tej Bahadur Saproo the non-official members of the Praja Sabha elected a panel of six members. Out of these six members His Highness appointed Mirza Afzal Beig and Captain Wazir Ganga Ram, two popular ministers on 19th October, 1944. Since Mirza Afzal Beg was a member and nominee of the National Conference, the leaders of Muslim Conference were not pleased about the selection of these popular ministers. Mirza Afzal Beig was given the portfolio of Public works whereas Ganga Ram was given Home portfolio. The ministers were vested with little initiative to influence the policy formulation in the state government. Ultimate power with regard to policy decision, continued to remain with Maharaja and his Prime Minister. Also they were not provided with necessary staff to carry on the administrative responsibility.

In the meantime B.N. Rao was replaced by Pandit Ram Chandra Kak as Prime Minister of the state in June, 1945. Ram Chandra Kak did not accept any of the suggestions made by the two ministers. Ultimately Mirza Afzal Beig resigned in protest on 16th March, 1946. Thus the uneasy experiment of diarchy lasted for a year and a half. In 1944 the leader of the Hindu Mahasabha, V.D. Savarkar, came to generate support among the Pandits for a “Hindu Rashtra”. Pandit S.N. Fotadar, President of the Yuvak Sabha (who had given Nehru a warm reception in 1940) very bluntly told Savarkar that Hindu fundamentalism was as alien to the culture of Kashmir as Muslim fundamentalism.

The Indian National Congress consistently supported the cause of freedom of the people of the Princely States and this made communal organisations like Muslim Conference and Hindu Mahasabha line up behind the Maharaja in order to give a foothold in the politics of the state. The National Conference followed policies and tactics similar to those of the Indian National Congress and commanded considerable support for its struggle against the autocratic rule of the Maharaja. While the Indian National Congress demanded the withdrawal of the British from India and the establishment of the system of government based on parliamentary democracy, the National Conference demanded the abdication of the ruler and the establishment of a people’s government. Both organisations pledged to improve the social and economic conditions of the people and to establish better political conditions, equitable distribution of wealth, special privileges to backward people etc.
Thus the leaders of the Indian National Congress were sympathetic to National Conference. They did not want to be directly involved in the state’s affairs but expressed sympathy for aspirations of the people of the state. On the other hand leaders of the Muslim League were closer to the rulers of states and kept their distance from the common people. As a result the Indian National Congress won the confidence of National Conference through its friendliness and affability and the Muslim League failed to do so.222

After the end of Second World War, Indian Congress leaders were released on Friday, 15th June 1945 and on 25th June, 1945 in the Simla Conference, Lord Wavell began discussion on the calendar of the transfer of power. In such environment Indian Congress leaders decided to attend annual session of National Conference in Jammu and Kashmir which was to be held on 3rd August, 1945 at Sopore, 30 miles to the north of Srinagar. It was attended by top National Congress leaders including the leaders of States People’s Conference. They were carried in a procession of boats over River Jhelum which flows through Srinagar city.223 The meeting of the standing committee of the All India States’ People Conference under the presidentship of Jawahar Lal Nehru was an important feature of the session. Some important decisions were taken to break the feudalistic structure of Princely states, created and nurtured by the British Government in India. Speeches made at the session laid pronounced emphasis on the political and social ideologies of the people of Kashmir with the people living in the rest of India, and fired the youthful imagination of the politically awakened Kasmiris.224 Abdul Gaffar Khan told the Kashmiris: “Sheikh Abdullah is a gift of god if you don’t follow him you will be humiliated”.225

On 4th August, 1945 during the session, Jawahar Lal Nehru in his speech said that he was there because it was a mass party and totally non-communal. Its doors are open to all Kashmiris.....Kashmir is a beautiful land and those who live here are fortunate. But real good fortune will come on the day freedom comes to the people.....I hope under the wise and far seeing leadership of the Sher-e-Kashmir, Sheikh Abdullah, it will succeed in achiving its objectives.226 On 7th August, 1945 Jawaharlal Nehru told Pandits that, “I advise others to join National Conference in much larger numbers and thereby influence its decisions. They must not remain passive spectators and critics. It is obvious, and even a child know, that the Maharaja
and the British will always keep you slaves if you do not line up with the masses in the land.”227

During July 1945 the general session of the Muslim Conference was held in Poonch. Mirwaiz Yousuf Shah was elected the President of the Conference. The Muslim Conference opposed dyarchy tooth and nail and levelled serious charges against the cadre of National Conference, of having betrayed the cause of Muslims in the state. Leaders of the Muslim Conference distributed pamphlets, which were named “Azad Kashmir.” Azad Kashmir reiterated the Muslim League demand for separate homeland for the Indian Muslims and committed the Muslim of Kashmir to struggle for the realization of Pakistan. It further declared “The Muslims in the Indian states will not submit to the Hindu majorities and they will struggle for independence and emancipation of the Muslims from the Hindu dominance in India as well as in the Indian state.”228

The aftermath of the Second World War and the assumption of power by a Labour Ministry in England, brought about a change in the British policy towards India. On 15th March, 1946, British Prime Minister Clement Attlee despatched Cabinet Mission to India.229 The Mission arrived in India on 23rd March, 1946, a week after Mirza Afzal Beig had relinquished his office.230 Besides trying to find solution for the Indian problem, the mission had also to review the relationship of the Indian native princes with paramount power. This cabinet mission stayed in India for three months and after conducting extensive discussions with the Indian leaders, official of the Indian government and the representatives of the states, on 16th May, announced their plan.231

On 12th May, 1946, the Cabinet Mission issued a memorandum on the future of the princely states: “His Majesty’s Government will cease to exercise 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 on the one side and the British crown will thus be brought to an end. The void will have filled either by the states entering into federal relationship with the successor government or Governments in British India or failing this, entering into particular political arrangements with it for them.”232 In reply to this Sheikh Abdullah submitted a memorandum to cabinet mission and reiterated the demand for independence in the
following words: “To day the national demand of the people of Kashmir is not merely the establishment of responsible government but their right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the sale deed of 1846 can only be judged by looking into the actual living conditions of the people. It is the depth of our torment that has given strength to our protest.”

But the Cabinet Mission, while admitting the claims of the Indian National Congress and the Muslim League in British India, refused to consider the representation of people of the states. Again on 3rd June, 1946 the British formally reaffirmed: His Majesty’s Government wishes to make it clear that their policy towards Indian states contained in the cabinet mission memorandum..... remain unchanged. While commenting on the rulers of the Indian states, Sheikh Abdullah said, “The rulers of the Princely states who possess one fourth of India have always played traitors to the cause of Indian freedom. The demand that the 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.”

Quit Kashmir Movement

Sheikh Abdullah, who had gone to Delhi to attend the meeting of the standing committee of the states people conference and also to discuss with the Congress leaders the issues arising out of the cabinet mission, returned to Srinagar on 3rd May, 1946. He was disappointed on the rejection of this memorandum by Cabinet Mission. So encouraged by the changed scenario in the Indian subcontinent, the repression in the state and the positive response to the popular movement launched by it, the National Conference decided to organise protest and demonstrate against the aristocratic rule of the Maharaja.

So on 10th May, 1946 in Srinagar Sheikh Abdullah attacked the Maharaja and declared, “we have realised the truth now, we are slaves and have no rights. We have been purchased by the Dogras for a very small sum. Inspite of our repeated request that the administration of the country be entrusted to the people, the government of the state always remained unmoved.” On 16th May, 1946 Mr Attlee announced in the House of Commons, the mission’s proposals and Sheikh Abdullah launched Quit Kashmir agitation in the latter half of that day i.e. 16th may. Sheikh Abdullah said,
“The betrayal of the interest of people of the state had been expected following the rejection of the memorandum of the National Conference and so we in Kashmir decided to place the issue before the people themselves. This is how our well known ‘Quit Kashmir’ agitation began.”

The Quit Kashmir movement was in order to bring the rule of the Maharaja to an end. Sheikh Abdullah stressed that Maharaja should quit the valley bag and baggage and leave Kashmiris alone to decide their future by themselves. In response to this State Government started repressive measures. The Maharaja’s government was prepared to meet any such situation created by Sheikh Abdullah and his National Conference. The Prime Minister Ram Chandra Kak told the correspondent of Hindustan times “we have been preparing for it for eleven months and now we are ready to meet the challenges. We should be ruthlessly firm and we make no apology about it.” Troops were deployed all over the major towns of the state to maintain peace and order. At many places, they had to open fire to disperse angry demonstrators.

On the morning of the 20th May, 1946 Sheikh Abdullah left Srinagar for Delhi in a private vehicle via Jhelum valley road. In afternoon he was arrested at Garhi, a wayside station, on the Jhelum valley road. A case of sedition was instituted against Sheikh Abdullah. His arrest and trial caused a great stir in public both in India and in Kashmir. Pandit Jawarlal Nehru condemned the attitude of the State Government and demanded the withdrawal of the repressive measures, the state government had adopted against the National Conference leaders. The standing committee of the State People’s Conference met in Delhi on 8th June, 1946. The committee endorsed the stand taken by National Conference with regard to Treaty of Amritsar and declared it a hollow document. In his address, Jawaharlal Nehru declared that princes could not claim their titles on the basis of treaties but on the will of the people, if they desired to continue their rule over the states.

Pandit Jawahar Lal Nehru blamed the British for creating all troubles in the Indian states and alleged that the trouble in Jammu and Kashmir was also fomented with connivance of the British. Pandit Jawaharlal Nehru, who was at that time one of the acknowledged leaders of the Indian National Congress and he would be Prime Minister of free India, tried to come to Kashmir on 18th June, 1946. He was not allowed to enter the state by the orders of the Maharaja. At Kohala he was told by a
Magistrate, in the Maharaja’s government, that his entry in Jammu and Kashmir had been banned by the Government of Jammu and Kashmir. The Magistrate advised Jawaharlal Nehru to go back to British India but Jawaharlal Nehru refused to take the advice and proceeded further. At Domel near Kohala (outpost on the Srinagar Rawalpindi road) he was arrested and kept in detention for two days. Thus, the Maharaja was still in a position as late as 1946, to exert his sovereign authority in any manner he desired. The news of the arrest of Pandit Jawaharlal Nehru shocked the whole nation and had widespread repercussions in the state of Jammu and Kashmir. But Jawaharlal Nehru was released as he was called back in Delhi by Gandhi ji. Pandit Nehru ji’s returned to Delhi where he was urgently needed for negotiations with Cabinet Mission. Archibald Percival Wavell sent his private plane and Jawaharlal Nehru returned on 22nd June, 1946.

Jawaharlal Nehru visited Jammu and Kashmir state again on 24th July, 1946 after the ban on his entry into the state was lifted and in a symbolic gesture appeared in the trial court as a lawyer to defend Sheikh Abdullah. The main defence counsel was Asaf Ali. But on 10th September, 1946 Sheikh Abdullah was sentenced to imprisonment for nine years. But Sheikh Abdullah was released on 29th September 1947 in the wake of tribal invasion of Jammu and Kashmir state in October, 1947.

In August, 1946, the state government decided to hold elections to the Praja Sabha. However, National Conference leadership decided to contest the election. A central parliamentary board was constituted by the underground war council to direct the election campaign of the Conference. So the Congress working committee decided on 23rd September, 1946 to send a deputation “to enquire into the reports of repression, suppression of civil liberties and tempering with votes”, in the state assembly elections. In this context an emissary of the Nawab of Bhopal met Gandhi ji on 16th October, 1946 to persuade him against implementing the resolution of the Congress working Committee. Gandhi ji warned him that the feeling against the Kashmir authorities was so strong that if resistance (to enquiry) was pressed too far, it might cause “not merely the possible loss of throne to the present Maharaja but even the disappearance of the state as a unit.”

The government was apparently in no mood to normalize its relations with the National Conference. Government fixed 4th January, 1947 as the date for holding elections to the Praja Sabha. Nomination papers were scrutinised on 19th December,
1946 and most of those forms presented by the candidates of National Conference were rejected. Eight nomination papers were filled against Mian Ahmad Yar, but all of them were declared invalid and Mian Ahmed Yar was returned unopposed. On the same day Bakshi Ghulam Mohammad, denounced the action of the government and announced the decision of the National Conference to boycott the election. In response to this the standing committee of the All India States People Conference met in December, 1946. Jawahar Lal Nehru participated in the deliberation of the committee. The committee endorsed the decision of the National Conference to boycott the elections to the Praja Sabha.\textsuperscript{249}

On \textbf{20\textsuperscript{th}} February, 1947, the British Government in London made an announcement that it would transfer power to Indian hands by June, 1948.\textsuperscript{250} Lord Wavell was replaced by Lord Luis Mountbatten who arrived in India in March, 1947. During this period the relations of the Indian National Congress with the government of Jammu and Kashmir state were particularly strained following the arrest of its leader Jawahar Lal Nehru in June, 1946.\textsuperscript{251} In May, 1947 Indian National Congress President Acharya J.B. Kriplani visited Jammu and Kashmir to make an assessment of the ground situation. He reached Srinagar on 17\textsuperscript{th} May, and met Begum Abdullah. While addressing the workers of National Conference at Mujahid Manzil, Srinagar on 21\textsuperscript{st} May he said that the freedom of India was imminent and the people in the Indian states could also get their freedom with the freedom of the Indian people.\textsuperscript{252} But he discounted the slogan ‘\textit{Quit Kashmir}’. He said that the British were the foreigners and they had to vacate from India. Kriplani had the understanding that Sheikh Abdullah would not bring about accession of Jammu and Kashmir with India but Maharaja Hari Singh alone could do that, being the only competent legal authority to accede or not to accede.\textsuperscript{253}

While the stalemate in Jammu and Kashmir continued, changes of far reaching consequences occurred in India. Lord Mountbatten after long deliberations with the Indian leaders succeeded in persuading them to accept the partition of India and the transfer of power to two dominions i.e India and Pakistan. Accordingly on 3\textsuperscript{rd} June, 1947 British Parliament announced its plan for the transfer of power. It provided for the creation of two independent dominions out of the provinces comprising British India. The Muslim majority areas in British India should constitute the Dominion of Pakistan and Hindu majority areas the Dominion of India.\textsuperscript{254} In this plan the position
of the princely states was mentioned as: “His Majesty’s Government wish to make it clear that the decision announced about partition relate only to British India and that their policy towards Indian states contained in the Cabinet Mission memorandum of 16th May, 1946, remains unchanged.” Thus, it was clear that on the withdrawal of paramountcy, the Princely states would become ‘independent’ and that the communal basis of division of India would not affect the states at all at all. The power to accede to either dominion was given to the ruler and he was to sign the Instrument of Accession in exercise of his ‘sovereignty in and over his state’. It was clear that sovereignty would revert to the ruler on the transfer of power and not to the people.255

The Congress had opposed this theory but the Muslim League supported it. However, the Viceroy had urged the rulers to enter into relation with one or the other Dominion, according to contiguity and communal character of their populations.256

The provisions for accession were made in the Government of India Act of 1935 as adopted under the independence Act of 1947. Finally on 17th June, 1947, the Indian Independence Act was passed stating that on 15th August, 1947 the British would relinquish their authority in India which was to become an independent country.257

As far as the Princely states were concerned, Lord Mountbatten as the Crown representative addressed the chamber of Princes on 25th July, 1947. He advised the Princes and their representatives, although legally they had become independent, to accede to one or the other Dominions before the transfer of power, keeping in mind the ‘geographical contiguity of their states’. Accession he told them was to be under the cabinet mission memorandum of 16th May, 1946, according to which the states should surrender to the central government three subjects i.e. Defence, External Affairs and Communication. In no other matters was the central government to have any authority over the internal autonomy of the states.258

Thus a state could accede to either Dominion by executing an instrument of accession signed by the Ruler and accepted by the Governor-General of the Dominion concerned. Legally the interest of India and Pakistan in a particular state had no relevance, the decision whether to accede or not was an exclusive right of the ruler. In order that each of the two Dominion governments-India and Pakistan, should have an organisation to conduct its relations with the princely states, a state department in each Dominion was set up. In India the states Department was under the admirable guidance of Sardar Vallabhai Patel with V.P. Menon as secretary. In Pakistan the
department was under Sardar Abdur Rab Nishtar with Mr. Ikramullah as the secretary. Further, to prevent a dislocation of the arrangements with regard to customs, transit and communication, posts and telegraphs or other like matters during the period between 17th June, 1947, when the Government of India Act was passed and 15th August, 1947 when India became independent, the ruler of a princely state could enter into standstill agreement with either or both the independent Dominions. Also in the absence of accession, however the union of India was responsible for the defence and protection of Indian states, since it had succeeded to the British crown. The United Nations recognised the Union of India as the successor state to the pre-independence government of India by allowing it to continue its original membership, while admitting Pakistan on her application, as new member state. This was the legal and Constitutional position in which the Jammu and Kashmir state stood on the eve of Independence.

Jammu and Kashmir at the Time of Independence

The state of Jammu and Kashmir did not accede to either of dominion by the 15th August, 1947 and so became independent as from that date. The tension was growing between Muslim Conference, an ally of the All India Muslim League representing the non nationalist Muslims of Jammu and Kashmir and National Conference, an ally of Indian National Congress, claiming the support of the people of all religions. Although the leadership of both organisations was in the hands of Muslims, yet, the two were diametrically opposed to each other. The public in Kashmir was at this time not so much interested in accession to India or Pakistan as in the establishment of a responsible government in the state. On 15th August, 1947, most of the leaders of the National Conference and Muslim Conference were in prison but the common people then raised their heads and demanded the establishment of responsible government.

Here, in the absence of British help, which Maharaja had hitherto been getting to suppress the internal rebellion and external aggression, Maharaja Hari Singh found himself in a tight corner. Previously he had been averse to parting with an Iota of Power, but now he had seriously to consider the three alternatives, accession to India, accession to Pakistan and independence. On 11th August, 1947, Prime Minister Ram Chandra Kak was replaced by Major -General Janak Singh as Kak had good relations with the ruling circles in Pakistan. Thus, when India and Pakistan
celebrated their independence on 15\textsuperscript{th} August, 1947, the status of Jammu and Kashmir state remained cloudy and unresolved.

The Independent status of Jammu and Kashmir was not acceptable to India. In a broadcast of 3\textsuperscript{rd} June, 1947, Jawahar Lal Nehru declared “We had decided to accept these proposals i.e. the proposals of His Majesty Government.....Such a big change must have full concurrence of the people before effect could be given to it for the future of India and not by any outside authority.......”.\textsuperscript{265} This statement encouraged the people of Jammu and Kashmir to work for unity and to extend their full support to the National Conference. The All India Congress Committee met at Delhi on 15\textsuperscript{th} June, 1947 and strongly condemned the Balkanisation of the country. Mr. M.K. Gandhi appealed to the princes to join either of the two dominions when speaking about the independence of the states. Gandhiji also visited Kashmir before 15\textsuperscript{th} August, 1947 and urged the Maharaja Hari Singh to ascertain the wishes of his people to take his people into confidence and to align himself with rather than against them in the political turmoil that was engulfing the country.\textsuperscript{266}

Gandhiji’s visit proved comforting to the harassed people. He was impressed with the communal harmony that prevailed in the state and said that in India that had become dark all around, Kashmir was the only hope. Speaking at Wah in Pakistan, on his return in August, 1947, he said in a prayer meeting that in the large gatherings that he saw, “it was very difficult for me to know whether it was predominantly Muslim or Hindu.”\textsuperscript{267} Mahatma Gandhi had talks with the Maharaja but produced no substantial results. The Maharaja remained undecided and gave a non committal reply to Mahatma Gandhi ji who returned to India without much satisfaction.\textsuperscript{268}

The attitude of Muslim League was somewhat different. On 17\textsuperscript{th} June, 1947, Jinnah declared that “Constitutionally and legally the Indian states will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like; it is open to them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or to decide to remain independent.”\textsuperscript{269} Jinnah’s personal secretary Khurshid Ahmad who stayed in Kashmir during those eventful days for several months assured His Highness that “Pakistan would not touch a hair of his head or take away an iota of his power.”\textsuperscript{270} This policy paid rich dividends to Pakistan.
Viceroy Lord Louis Mountbatten and Lady Mountbatten visited Jammu and Kashmir in June, 1947 to discuss the policy of Accession with Maharaja Hari Singh. For four days Lord Mountbatten discussed the situation with Maharaja. The Maharaja, whose mind was almost made up, seems to have conveyed to the viceroy his desire to assume independence after the British had left. Viceroy told Maharaja that independence was not a feasible proposition and that the state would not be recognised as a dominion by the British Government. Mountbatten persuaded Maharaja Hari Singh to make up his mind before 15th August, 1947 and had brought an assurance from Sardar Patel that India would not take objection, if he acceded to Pakistan.

The Viceroy also told him that, in view of the composition of the population, it was particularly important to ascertain the wishes of the people and then accede to the dominion of the people’s choice before 15th August. From the whole discussion the Maharaja sensed rightly or wrongly, that the object of the visit was to ask him to accede to Pakistan. As he had no intention of obliging His Excellency, he wanted to avoid the formal official interview between him and Lord Mountbatten fixed for the last morning of his visit. Lord Mountbatten was informed that His Highness had severe Colic attack. As a result interview could not be held and Viceroy failed in his mission of persuading the Maharaja to his own views on the question of accession. He returned to Delhi very much disappointed. Later Mountbatten invited the Maharaja to come to Delhi and finalise a settlement there but Maharaja did not go. Immediately after the transfer of power on 15th August, 1947 Lord Ismay, went to Srinagar. He persuaded Maharaja Hari Singh to take one course or the other as soon as possible, but nothing came out of Lord Ismay’s efforts.

Maharaja’s Indecision

Gandhiji’s paternal advice, Mountbatten’s persuasion had no effect on the Maharaja Hari Singh. He could not decide the issue of accession for more than two months after the British withdrawal from the subcontinent. Maharaja’s own attitude was marked by a prolonged indecision. He did not take a decision about joining the Constituent Assembly when it started functioning in December, 1946. When the Maharaja declined to join the Constituent Assembly of India, the Muslim Conference and the Hindu Sabha, both of which were mainly based in Jammu region, publically supported him.
Chaudhri Hamidullah Khan, the acting president of the Muslim Conference in a press statement on 10\textsuperscript{th} May, 1947, urged His Highness to “\textit{declare Kashmir independent immediately and establish a separate Constituent Assembly to frame the Constitution for the state according to the wishes of the people}”. He offered the cooperation of Muslims in carrying out this policy and to welcome “\textit{the Maharaja Bahadur as the first Constitutional ruler of independent and democratic Kashmir}”.\textsuperscript{277} Hindu Sabha also supported the independence of the state by arguing that a “Hindu State” should not merge its identity in a secular India.\textsuperscript{278} Maharaja failed to make up his mind even after the plan for the partition of the country was announced on 3\textsuperscript{rd} June, 1947.

On 15\textsuperscript{th} August, 1947, when British quit India he was still on the fence. The Deputy Prime Minister Rai Bahadur Ram Lal Batra reflected the mind of his master when he said in a press interview on 13\textsuperscript{th} October, 1947 that despite innumerable difficulties “\textit{the state is determined to stick to its neutrality}.”\textsuperscript{279} If the Maharaja Hari Singh had decided to accede to India or to Pakistan before the 15\textsuperscript{th} August, 1947, much of this trouble and bitterness may well have been avoided. But he was fondling with the idea of independence and was relying on his Dogra forces to achieve this end.\textsuperscript{280} He entertained dreams of the independent Kashmir, a Switzerland in Asia also. This was sheer sentimentalism and no practical politics or we can say that unrealistic approach.\textsuperscript{281} The Maharaja’s desire to make his state independent is reflected in a letter he wrote to Lord Mountbatten on 26\textsuperscript{th} October, 1947. He said “\textit{I wanted to take time to decide to which Dominion I should accede...........(to consider) whether it is not in the best interest of both the Dominions and of my state to remain independent, of course with friendly and cordial relations with both}.”\textsuperscript{282}

In fairness to Maharaja Hari Singh, it must be said that the situation he faced was a complex one and it was not easy for him to come to a decision. If he acceded to Pakistan, a large chunk of his people,\textsuperscript{283} including his entire Dogra base would have been outraged.\textsuperscript{284} On the other hand accession to India would have provoked adverse reaction in Gilgit and certain areas contiguous to Pakistan. Also at that time road communication was with Pakistan and the forest resources, particularly timber, which constituted a considerable portion of the state’s revenue, were being transported by rivers which flow into Pakistan. 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 the “Independent Jammu and Kashmir.”

**Standstill Agreement**

Fearing a breakdown of the communication system through Pakistan and the rich export system with India, Maharaja offered to sign a standstill agreement with both India and Pakistan aiming at continuing the existing relationship pending his final decision regarding the future of the state. Therefore, he sent two identical telegrams to both India and Pakistan on 12th August, 1947 which read as, “Jammu and Kashmir government would welcome a Standstill Agreement with India/Pakistan on all matters on which there exists at the present moment with outgoing British Indian government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh orders”. The Foreign Secretary to the Government of Pakistan, Karachi, replied on 15th August, 1947, “The Government of Pakistan agrees to have a standstill agreement with the Government of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh arrangements.”

The Government of India, however did not accept the offer immediately and telegraphed back “Government of India would be glad if you or some other minister duly authorised in this behalf could fly Delhi for negotiating Standstill Agreement between Government of Jammu and Kashmir and Indian Dominion. Early action desired to maintain existing agreements and administrative arrangements”. India refused to sign the agreement unless the political prisoners were freed.

Even after the conclusion of a standstill agreement with Pakistan, the relations between Jammu and Kashmir and Pakistan were hardly friendly. Pakistan did not honour her obligations and started a policy of coercion so that the state could accede to Pakistan. She applied the tactics of putting economic pressure upon Jammu and Kashmir. The Pakistan authorities cut off supplies of food, petrol, cloth, salt and other essential commodities in the hope that hunger would secure the accession of Jammu and Kashmir to Pakistan. At this time a request was made to the Government of India by the Government of Jammu and Kashmir for supply of 5,000 gallons of petrol. India could send only 500 gallons to meet the immediate requirement and thus saved a
complete breakdown of transport in Srinagar. Besides carrying on an economic blockade of the state, Pakistan also applied military pressure in the form of ‘hit and run border raids’.  

In this context Lord Birdwood, the enthusiastic champion of Pakistan’s claim over Jammu and Kashmir, admits that Pakistan was wrong in applying the economic blockade of Jammu and Kashmir. Lord Birdwood writes, “.......But in fact evidence is to the effect that in so far as a Pakistan government then existed, it was attempting to force the Maharaja’s hand by economic pressures of the state, which could only have the effect of damaging her own interests. Chaotic conditions in both India and Pakistan had in any case killed the Jammu and Kashmir timber trade, and to this was now added on embargo on the sale of Jammu and Kashmir produce in Pakistan which drove the state well overnight to bankruptcy. This not very imaginative policy was being pursued at a time when the Prime Minister, Pandit Kak, while fostering independence was certainly closer to Pakistan than to India in an identity of broad policy.” So, before the Prime Minister of Jammu and Kashmir could go to Delhi to discuss matter related to Standstill Agreement, Jammu and Kashmir was invaded. Therefore the standstill agreements which the state was trying simultaneously to conclude with the two countries were interrupted and other developments followed. So, no agreement was concluded between the state of Jammu and Kashmir and India. Instead the state was advised to seek the cooperation of Sheikh Abdullah and take steps to introduce a responsible government.

Frontier Raids and Economic Blockade

Only a few days after Pakistan accepted the Standstill Agreement, there started border raids from Pakistan. A British officer Major General Scott submitted his first report, to the Jammu and Kashmir government on the border raids from Pakistan. There were more armed raids into state territory by Pakistan nationals and soldiers on 13th, 17th, 18th and 28th September, 1947. On 3rd October, 1947 Jammu and Kashmir Government protested to Pakistan against hundreds of armed people from Muree hills in Pakistan operating in Poonch. Meanwhile Pakistan began an economic blockade of the state. Supplies of food, petrol and other essential commodities to Jammu and Kashmir were cut off. Communication was tempered and free transit of people was hindered.
In such circumstances Mehr Chand Mahajan was appointed Prime Minister of Jammu and Kashmir state. On 13th October, 1947, Pakistan sent a protest note to Jammu and Kashmir alleging that the soldiers of the Pakistan Army, who had been on leave to their homes in Poonch reported that the Muslim population in the area was being terrorised by non-Muslim bands. They alleged that the Muslim villages were being looted and burnt. The Government of Jammu and Kashmir was requested to maintain law and order in the Poonch area and report the measure taken to the government of Pakistan.297 As a matter of fact these false accusations by Pakistan were the pretext for their plan of invading Jammu and Kashmir.

On 15th October, 1947 the Prime Minister of Jammu and Kashmir, Mehr Chand Mahajan, in his reply to the Pakistan protest note denied the Pakistani allegations categorically and alleged that instead thousands of Pakistani army men had crossed the frontier from the Sialkot district and committed atrocities on the non-Muslim population of Poonch. He accused the Pakistani press and radio of “pouring out volumes of malicious and false propaganda” in order to force Jammu and Kashmir’s accession to Pakistan.298

Again on same day Mr Mehr Chand Mahajan wrote to the British Prime Minister whom he thought still to be the overall protector of Indian states, that the Pakistan government had violated the standstill agreement by discontinuing the supply of essential commodities and that the railway service from Jammu to Sialkot had been suspended without any reason. He envisaged a threat of invasion to the Gilgit and alleged that the invasion had already taken place in Poonch. He requested the British Government to advise Pakistan to be fair in its dealings with Jammu and Kashmir, and to adopt a course of conduct consistent with the good name and prestige of the Commonwealth of which Pakistan is a member. But no reply came from the British Prime Minister, Mr Clement Attlee.299

**Freedom before Accession**

Meanwhile, in response to pressure from India and to neutralise aggressive postures of pro Pakistan Muslim Conference, the Maharaja on the advice of his Prime Minister, took a qualified letter of apology from Sheikh Abdullah and released him on 29th September, 1947.300 Soon after his release, he took over the leadership of the National Conference party and was anxious to get into power.301 He addressed a
public meeting in Srinagar. He reiterated that the main demand of the Kashmiris was ‘Freedom before Accession’. He however, emphatically added: “How can Muslim League or Mr Jinnah tell us that we should accede to Pakistan?” They have always opposed us in every struggle. Even in our present struggle ‘Quit Kashmir’, he (Mr Jinnah) carried on propaganda against us and went on saying that there was no struggle of any kind in the state. He even termed us ‘Goondas’. Further he said that the question of accession would be decided by the people of Jammu and Kashmir only when they were free.

National Conference leadership requested Pakistan not to precipitate a decision upon them, but give them time, and support the freedom movement of Jammu and Kashmir. So, Ghulam Mohammad Sadiq, went twice to Mr. Liaquat Ali Khan, the Prime Minister of Pakistan, with the same request. Sadiq brought the message that Sheikh Abdullah was invited to Karachi to talk to Mohammad Ali Jinnah. But Editor of Kashmir Times, G.K. Reddy, privately informed Sheikh Abdullah that they wanted to detain him in Karachi and issue appeals in his name to the people of Jammu and Kashmir for accession to Pakistan. Sheikh Abdullah disagreed with the stand of Muslim Conference and the rulers of Pakistan on two vital points, firstly on two nation theory and second on the right of the rulers to decide the future of their subjects. On both these points he completely agreed with the leaders of India. Sheikh Abdullah’s main slogan was “Freedom before Accession”. In a public speech on 9th October, 1947 he said, “Accession is of little importance. Freedom is more important. We do not want to join dominions as slaves. I warn the Governments of India and Pakistan that if Maharaja decides to join any of them without our consent, we shall rise in revolt against such a decision”.

Tribal Invasion

Meanwhile the Pakistani forces intensified their incursions into the state and by 22nd October, 1947 infiltrations and raids were transformed into a full scale military invasion of the state of Jammu and Kashmir. On 22nd October, 1947, a large force of armed raiders entered Muzaffarabad in 300 Lorries and began looting and burning. The invaders were armed with modern weapons, including Bren guns, sten guns, grenades, heavy mortars, anti tank rifles and land mines aided by an unlimited supply of ammunition. They were led by Pakistani commander Major General Akbar
Khan, under the title of General Tariq and other Pakistani officers fully conversant with modern strategy and warfare.  

In this context, Mr Batra the Deputy Prime Minister of Jammu and Kashmir stated in New Delhi on 20th October, that over 7000 Afridis, soldiers of Pakistan Army on leave and armed with modern weapons had entered Jammu and Kashmir in about 100 trucks. On 22nd October the invaders resorted to ‘Arson murder and looting’ of non Muslims. The raiders captured Garbi and Domel and arrived at the gates of Muzaffarabad. These raiders included Afridis, Wazirs, Mahsuds, Swathis and soldiers of Pakistan army ‘on leave’ and were led by some regular Pakistan officers who were acquainted with Kashmir. The raiders tore down ‘the Jhelum valley’ road and killed the civil population-Hindus and Muslims alike. Their property was looted houses burnt and women were molested. The state forces at Muzaffarabad consisting of Dogras and Muslims were commanded by Lt. Colonel Narain Singh. All the Muslims of the battalion deserted and most of them joined the raiders. Narain Singh was shot dead by them. Thus raiders plundered Muzaffarabad and captured Domel on 23rd October, 1947.

The raiders then marched towards Baramullah along the Srinagar road. Their next target was Uri. Muslim officers continued to desert. Brigadier Rajinder Singh, the Chief of Staff of the State forces, gathered about 150 men and moved towards Uri and succeeded in holding the advancing hordes back for three days before they could reach Baramullah, and in the action blew the Uri Bridge. But soon Brigadier Rajinder Singh was encircled by the raiders and was killed. Thus on 24th October, 1947 they occupied Uri. Brigadier Rajinder Singh was the First Gallantry Award winner of independent India, being awarded the Mahavir Chakra posthumously for his outstanding act of bravery and sacrifice.

Here, Mr Prem Nath Bazaz, the champion of Kashmir’s accession to Pakistan, condemned the atrocities, savagery and vandalism that were perpetrated by tribesmen on the poor and innocent people of Jammu and Kashmir. On 24th October, 1947, the Mahura, power house was destroyed by invaders and Srinagar was plunged into darkness. The raiders announced that they would reach Srinagar within two days and celebrate Eid on 26th October, 1947 at the Srinagar Mosque. The atrocities of the raiders increased at every step. In Jammu province, the invaders had made important advances, Mirpur, Bhimber, Rajouri and border towns of considerable
importance had fallen and the crucial town of Poonch had been besieged. Maharaja Hari Singh had tears in his eyes when two villages Deva and Batala, home of the Chib and Bhaul Rajputs were occupied by invaders. If they (invaders) persisted they could have reached Srinagar in few hours, but the tribals were blinded by their lust for loot. In her book, ‘Half way to Freedom’ Margaret Bourke White, describes the plunder: “Their buses and trucks loaded with booty arrived every other day and took more Pathan to Jammu and Kashmir. Ostensibility they went to liberate their Kashmiri Muslim brothers of Jammu and Kashmir, but their primary objective was riot and not loot. In this they made no distinctions between Hindus, Sikhs and Muslims”.

In this dark period of crisis in Kashmir the National Conference came into the forefront. Sheikh Abdullah organised a people’s militia of 15,000 men, women and children. He asked people to collectively donate their weapons and the use of their vehicles. Training sessions for volunteers (Hindu, Muslim and Sikh) were organised who were deprived of military training by Mughals, Pathan, Sikhs and Dogras. This was an unprecedented event in the history of Jammu and Kashmir. The people’s militia did the admirable job of filling the void till the arrival of the Indian Army.

Thus Sheikh Abdullah was the towering personality who had given a clarion call from the Lal Chowk calling upon the people of the state to resist the onslaught and be prepared to shed the last drop of their blood in defence of values held dear by them. Although a devout Muslim himself, Sheikh Abdullah had dreamt of a secular polity for Jammu and Kashmir which was based on the universal human values rather than on any narrow faith, creed or religion.

In those days all Kashmiri young men were called out on duty in defence of their motherland, they looked after civil defence in every lane and street of the valley. There were parades by those disciplined youth in their long files and everybody had these slogans on his lips “Sher-i-Kashmir ka kya Irshad? Hindu-Muslim-Sikh Itihad”. (What is Sheikh Sahib’s order? Unity of Hindus, Muslims and Sikhs) “Hamla-awar Khabardar hum Kashmiri hain tayyar” (Beware invaders we Kashmiris are ready to take you on).

On 26th October, 1947 invaders entered Baramullah and committed untold atrocities. Hundreds were cut down in cold blood, houses were looted and burnt and many women were carried off. No distinction was made between Hindu, Muslim, Sikh or Christian. The entire Mission building of St. Joseph’s convent was
ransacked and then burnt to the ground. According to the correspondence of the New York Times, who visited the town after the raiders were driven out by the Indian Army the surviving resident estimate that 3,000 of their fellow towns men, including four Europeans and a retired British Army officer and his pregnant wife were slain.\textsuperscript{321}

At Baramullah the invaders captured the young hero of the National Conference, Maqbool Sherwani and shot him dead, after several days of interrogation.\textsuperscript{322} With the occupation of Baramullah by the raiders, Srinagar itself was threatened. The raiders were now fast approaching Srinagar, the summer capital of Jammu and Kashmir and Maharaja became extremely nervous. The Dogra Army and the National Militia tried to hold the enemy’s on rushing but ‘prolonged resistance to well trained and well equipped invaders was out of the question. The invaders were meanwhile pushing ahead, destroying and looting whatever came their way.’ The state was at that time in imminent peril and the Maharaja saw his dream of independence shattered like a ‘House of cards’.\textsuperscript{323} Therefore he thought of accession to save his state.

**Intervention by the Indian Government**

In such circumstances, Maharaja Hari Singh made a desperate appeal for help to the Government of India on 24\textsuperscript{th} October, 1947. Meanwhile Field Marshal Auchinleck, the supreme Commander, also informed the Government of India about the march of the raiders and their probable intentions.\textsuperscript{324} So, on the morning of 25\textsuperscript{th} October, 1947, a meeting of the Defence Committee was held to consider the request for help from the Maharaja of Jammu and Kashmir. The meeting was presided over by Lord Mountbatten who advised that this could not be done unless the state acceded to the Indian Union. It was also decided to send Mr. V.P. Menon, Secretary to the Ministry of states, to Srinagar to explain the whole position to the Maharaja and to report on the prevailing conditions there.

V.P. Menon accompanied by Army and Air Force officers and D.N. Kachru reached Srinagar by a Plane. On landing at Srinagar, Mr V.P. Menon observed the silence of the graveyard all around. After assessing the situation V.P.Menon advised the Maharaja Hari Singh to shift to Jammu along with his family and valuable possessions.\textsuperscript{325} After gathering the valuable information in the early morning of 26\textsuperscript{th} October, 1947 V.P. Menon accompanied by Prime Minister Mehr Chand Mahajan went to Delhi to discuss the question of accession and military aid.\textsuperscript{326} Menon on his
arrival at Delhi reported to the Defence Committee the supreme necessity of saving Jammu and Kashmir from the raiders. Sheikh Abdullah was already in Delhi by 25th October, 1947.

Mehr Chand Mahajan apprised the Prime Minister and Deputy Prime Minister of the serious and dangerous situation in the state. He requested for early despatch of Indian Army to rescue rapidly worsening situation in Jammu and Kashmir. Carrying Maharaja’s brief message to accept all the terms of the Government of India, he told the Prime Minister Nehru, “Give army, take accession and give whatever power you want to the popular party, but the army must fly to Srinagar this evening, otherwise I will go and negotiate terms with Jinnah.” In reaction to this Prime Minister Jawahar Lal Nehru flew into a rage and gave an exhibition of his temper and told Mehr Chand Mahajan to get out. Just as Mehr Chand Mahajan was getting up, Sheikh Abdullah who was staying in the Prime Minister’s house and overhearing the talks sent a slip of paper to the Prime Minister. The Prime Minister read it and said that what Mehr Chand Mahajan was saying was also the view of Sheikh Abdullah and his attitude completely changed.

So, Mehr Chand Mahajan felt grateful to Sheikh Abdullah for this help at a most crucial time. The Defence Committee thereupon, decided to send troops by air next day and to accept the accession if it was offered. V.P. Menon, accompanied by Mehr Chand Mahajan flew to Jammu and informed the Maharaja about the Defence Committee’s decision. The Maharaja was prepared to accede to India at once. He drafted a letter to the Governor-General Lord Mountbatten, in which he expressed the distressing conditions of his state and reiterated the request for Military help and the Instrument of Accession signed by Maharaja Hari Singh on 26th October, 1947 was attached for acceptance by Governor-General. With the instrument of Accession and Maharaja’s letter, Mr V.P. Menon flew back to Delhi. It was accepted by Lord Mountbatten on 27th October, 1947 and thus the state of Jammu and Kashmir acceded to the dominion of India. On the morning of 27th October, 1947 the Indian troops flew to Srinagar. By November, 1947 India succeeded in recapturing Baramullah, Mahura, Uri, Poonch, Mirpur, Kotli.
Legality of Accession

The instrument of Accession signed by the Maharaja Hari Singh was the same as was executed by the rulers of other Princely States which had acceded to India subject to the provisions of Indian Independence Act. There was no condition attached to the accession of the state to India, which provided for any separate set of constitutional relationship between Jammu and Kashmir and the dominion of India. Leadership of National Conference laid no conditions for the accession of the State to India which they supported except that they demanded the transfer of power to the people of the state, a process to which the Indian Government was equally committed.332

This accession was legally made by the Maharaja on the advice of Sheikh Abdullah, the popular leader of the masses in the state. This decision was influenced not only by consideration of immediate national security, but also by the deep ideological and political ties which the state had with the Dominion of India. Thus the accession was ideological consequence of the deep political association between the state and India.333 In this context the United States representative speaking at a meeting of the United Nations Security Council on February, 4th 1948 acknowledged the legality of the accession. “The external sovereignty of Jammu and Kashmir is no longer under the control of the Maharaja……with the accession of Jammu and Kashmir to India, this foreign sovereignty, went over to India and in exercise by India and that is how India happens to be here as a petitioner”.334

The Government of United Kingdom has also never questioned and indeed could not have questioned this act of accession which was made directly under the enactments of the British parliament. Further the legal advisor to the United Nations Commission came to the conclusion that the state’s accession to India was legal and could not be questioned. This fact was further recognised by the United Nations Commission in its report submitted to the United Nations and defined in its Resolution of 13th August, 1948 and 5th January, 1949.335 Thus there is no doubt that by the act of accession, state of Jammu and Kashmir became legally and irrevocably the integral part of the territory of India and that the Government of India was entitled to exercise jurisdiction over the state with respect to those matters which the Instrument of Accession extended. Therefore the development of Constitutional relations between Jammu and Kashmir and India should have proceeded in the same
lines as in case of other states. But the circumstances in which the state acceded to India could not be ignored.

The state was under invasion and part of its territory had been forcibly occupied by Pakistan. Therefore while accepting the Instrument of Accession, Lord Mountbatten, the then Governor General of India, stated in a letter addressed to the ruler of the state that as soon as law and order was restored in Jammu and Kashmir and her soil cleared of the invaders, it was his government’s wish, in conformity with their policy in case of disputed accession, that “the question of state’s accession should be settled by a reference to the people”. This statement was not a part of the Instrument of Accession therefore it does not and cannot affect the legality of the accession. It should be remembered that the accession was made first and the offer of plebiscite was made unilaterally to the people of Jammu and Kashmir, though it was not asked for, Pakistan did not come into picture anywhere.

Here, Mehr Chand Mahajan was of the opinion that: “The Indian Independence Act did not envisage the conditional accession. It could not envisage such a situation as it would be outside the Parliament’s policy. It wanted to keep no Indian state in a state of suspense. It conferred on the rulers of Indian states absolute power in their discretion to accede to either of the two dominions. The Dominions Governor General had the power to accept the accession or reject the offer but he had no power to keep the question open or attach conditions to it, as the act of accession made the dominion government responsible for defence, Communication and external affairs of the acceding state”.

On the faith of the document of accession crores of Indian tax payers money has been spent on the defence and development of the Jammu and Kashmir. No Indian statesman had any power or right to spend all this money if there was any doubt about the finality of accession. It was a political mistake on the part of the government of India to have given the promise to hold a plebiscite. The Government of India probably did not realise the political and various other consequences of a plebiscite in Jammu and Kashmir.

Thus the Instrument of Accession was accepted in the same way as in the case of other Indian states. It was unconditional, voluntary and absolute. It was not subject to any exceptions. As such, it bound the state of Jammu and Kashmir and India
together legally and constitutionally.\(^{340}\) The accession was thus complete in law and in fact Jammu and Kashmir thenceforth became an integral part of India and consequently India became constitutionally responsible for the defence of the entire state and had to despatch troops to defend it. At the same time future relationship between the state of Jammu and Kashmir and Union of India had to be based on the Instrument of Accession.

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\(^{6}\) Kashmir had not been sold by the Lahore Darbar to East India Company, rather it was given to East India Company in lieu of the war indemnity that Lahore Darbar was to pay to the East India Company after the defeat of Sikhs in Anglo-Sikh war in 1845-46.


\(^{10}\) Hussain, Majid, Geography of Jammu and Kashmir, Rajesh Publication, New Delhi, 1987, p.3.


\(^{15}\) A major demography and geographic change in the state followed the cease fire agreement of 1\(^{st}\) January, 1949, which terminated the armed clash in Jammu and Kashmir between India and Pakistan. With this 84,112 sq Km of area came under the control of the Pakistan. Puri, Balraj, Jammu and Kashmir, Triumph and tragedy, *op.cit.*, p.10.


Ibid., p.133.


Bawa, Satinder Singh, op.cit., p.179.


Bawa, Satinder Singh, op.cit., p.179.


Kaul Bhatt, Ram Krishen, op.cit., p.19.


Ibid., p.10.


Bamzai, P.N.K., Culture and political history of Kashmir, op.cit., p.695.


The memorandum was signed by Khwaja Saduddin Shawl, Khwaja Hasan Shah Naqshbandi, Mirwaiz of Kashmir, Ahmadullah Hamdani, Agha syed Hussain, Mufti Sharifuddin and others. These signatories were arrested by the police. Khwaja Saduddin Shawl was arrested and banished from the state. Khwaja NeorShah Naqshbandi, son of Khwaja Hasan, was forced to resign from the post of Tehsildar. Agha syed Hussain Jalali was removed from the post of Zaildar (territorial officer) exiled from the state and Mirwaiz’s name was removed from the list of Durbaris and strict warning was issued to him.
Quoted by Khushwant Singh in Flames of the Chinar, op.cit., p.16. Sir Albion Bannerji was a senior officer of the Government of India. Maharaja Hari singh appointed him the Prime Minister of Jammu and Kashmir state. As an enlightened administrator, he wanted to end the oppression of the common people. But Maharaja disapproved of this approach which resulted in his resignation in 1929.


Khan, G.H., op.cit., pp.122-123.

Bamzai, P.N.K., Culture and political history of Kashmir, op.cit., p.727.


Nasir, A. Naqash, op.cit., pp.49-83.

Krushwam Singh, op.cit., p.17.

Ibid., p.39.


Bamzai, P.N.K., Culture and political history of Kashmir, *op.cit.*, pp.730-731.


Ibid., p.19.

Bamzai, P.N.K., Culture and political history of Kashmir, *op.cit.*, p.733.


Khan, G.H., *op.cit.*, p.150.


Bamzai, P.N.K., Culture and political history of Kashmir, *op.cit.*, pp.733-734.


Ibid., pp.3-9.


Kaul Bhatt, Ram Krishen, *op.cit.*, p.56.


Kaul, Bhatt, R.K., *op.cit.*, p.64.


Ibid., p.30.


Quoted by Khushwant Singh, *op.cit.*, p.35.


Vaid, S.P., *op.cit.*, p.82.


Ibid., pp.102-103.

Ibid., pp.104-105.

Khushwant Singh, *op.cit.*, pp.41-42 .


Bamzai, P.N.K., *Culture and political history of Kashmir*, *op.cit.*, p.737.

Ibid., p.738.

Ibid., pp.738-739.


Ibid., p.63.


Ibid., p.47.

Ibid., pp.102-103.

Ibid., pp.104-105.

Khushwant Singh, *op.cit.*, pp.41-42 .


Bamzai, P.N.K., *Culture and political history of Kashmir*, *op.cit.*, p.737.

Ibid., p.738.

Ibid., pp.738-739.


Ibid., p.63.


Ibid., p.47.

Ibid., pp.102-103.

Ibid., pp.104-105.

Khushwant Singh, *op.cit.*, pp.41-42 .


Bamzai, P.N.K., *Culture and political history of Kashmir*, *op.cit.*, p.737.

Bamzai, P.N.K., *Culture and political history of Kashmir, op.cit.*, p.139.


Akbar, M.J., *op.cit.*, p.76.

Bamzai, P.N.K., *Culture and political history of Kashmir, op.cit.*, p.739.


As quoted by Akbar, M.J., *op.cit.*, pp.76-77.


Bamzai, P.N.K., *Culture and political history of Kashmir*, *op. cit.*, p.742.


Khushwant Singh, *op. cit.*, p.63

Akbar, M.J., *op. cit.*, p.87. Leaders who attended session of National Conference were Jawahar Lal Nehru, Maulana Abul Kalam Azad, Khan Abdul Gaffar Khan, Abdul Samaad Khan, Achakzai, Mian Iftikar-ud-din, Asaf Ali and Indira Gandhi (who was not involved in politics but accompanied her father Jawahar Lal Nehru.)


Ibid., p.87

Ibid., pp.87-88.

Papers relating to the Cabinet Mission Plan to India, 1946, Government of India Press, New Delhi, p.1. The Cabinet Mission consisted of Lord Pethick Lawrence (Secretary of the State for India), Sir Stafford Cripps, (President of Board of Trade) and Mr A.V. Alexander (First Lord of Admiralty).


Menon, V.P., Outline of Indian Constitutional History and transfer of Power, Published by Bhartiya Vidya Bhavan, Bombay, 1965, p.67.

Kashmir’s Accession to India, Kashmir Documents No. 4, Information Services of India, New Delhi, p.2.

Akbar, M.J., op.cit., p.89.

Ibid., p.89.

Ibid., p.89.


As quoted from Abba, F.A., op.cit., pp.84-85.


Kaul Santosh, Freedom Struggle in Jammu and Kashmir, op.cit., p.172. Other members of the National Conference arrested were Sardar Budh Singh, Mirza Afzal Beig, Mir Ghulam Hassan Jilani, Pandit Kashyap Bandhu and Pandit Shyam Lal Saraf. Ghulam Mohiu-Din Kara went underground and ran the agitation whereas Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq who evaded arrest and fled to Lahore and remained in close contact with Congress leaders.

Vaid, S.P., op.cit., pp.120-121.


Khushwant Singh, op.cit., p.80.

Puri, Balraj, Jammu and Kashmir, Triumph and Tragedy of Indian Federalisation, op.cit., p.44.

Kaul Bhatt, R.K., op.cit., p.117.


Ibid., p.49.

Ibid., op.cit., pp.124-125.

Menon, V.P., Outline of Indian Constitutional History and transfer of Power, op.cit., p.67.


Kaul, Pyarelal, Crisis in Kashmir, Suman Publication, Delhi, 1991, p.35.


Ibid., pp.58-59.

Menon, V.P., Outline of Indian Constitutional History and transfer of Power, op.cit., pp.73-74.

Bamzai, P.N.K., Culture and political history of Kashmir, op.cit., p.747.

Kashmir’s Accession to India, Kashmir Documents No. 4, op.cit., p.257.
His people include non Muslims of Jammu, Kashmir and Ladakh as well as considerable section of Muslims.


Menon, V.P., Integration of Indian States, op. cit., p.394.


Menon, V.P., Story of Integration, op. cit., p.394.


Menon, V.P., Story of Integration, op. cit., p.394.


Ranbir, Jammu, 20th February, 1947.

Ranbir, Jammu, 13th October, 1947.

Mahajan, Mehr Chand, Looking Back, op. cit., p.266.

Ibid., p.264.


His people include non Muslims of Jammu, Kashmir and Ladakh as well as considerable section of Muslims.


Menon, V.P., Integration of Indian States, op. cit., p.394.

Menon, V.P., Story of Integration, op. cit., p.394.


Menon, V.P., Story of Integration, op. cit., p.394.
296 Misra, K.K., Kashmir and India’s Foreign Policy, Chug Publication, Allahabad, 1979, p.53.
298 Bamzai, P.N.K., Culture and political history of Kashmir, *op. cit.*, p.753.
301 Mahajan, MehrChand, Accession of Kashmir to India, The Inside Story, Institute of Public Administration, Sholapur, 1950, p.5.
303 Bamzai, P.N.K., Culture and political history of Kashmir, *op. cit.*, p.754.
308 Menon, V.P., Story of Integration of Indian States, *op. cit.*, p.396.
313 As quoted by Mishra, K.K., *op. cit.*, p.56.
314 Menon, V.P., Story of Integration of Indian States, *op. cit.*, p.397.
316 As quoted by Khushwant Singh, *op. cit.*, pp.92-93
Mr Maqbool Sherwani had preached the need for religious unity in the fight for people’s rights. Sherwani who knew every path in the valley, began working behind the line, keeping up the morale of the besieged villagers, urging them to resist and to stick together regardless of whether they were Hindus, Sikhs or Muslims, assuring them that help from the Indian Army and people’s militia was on the way. Three times he helped Indian Army to capture tribesmen but the fourth time he was himself captured by the tribesmen. He was told he must shout, ‘Pakistan Zindabad, Sher-i-Kashmir Murdabad.’ Once more Sherwani cried out, ‘Victory of Hindu-Muslim unity’ and fourteen tribesmen shot bullets into his body.