APPENDIX A

Treaty of Amritsar: 1846

Article I: The British Government transfers and makes over, forever, independent possession, to Maharaja Gulab Singh and heirs male of his body, all the hilly or mountainous country, with its dependencies situated to the East ward of the river Indus and West ward of the river Ravi, including Chamba and excluding Lahol, being part of the territories ceded to the British government by the Lahore state according to the provisions of Article IV of the treaty of Lahore dated 9th March, 1846 A.D.

Article II: The eastern boundary of the section transferred under the article in progress Maharaja Gulab Singh will be fixed by the Commissioners appointed by the British Government and Maharaja Gulab Singh respectively, for this purpose and will be defined in a separate contract after the investigation.

Article II: In view of the transfer made to him and his heirs for the supply of the above elements, Maharaja Gulab Singh will pay the United Kingdom Government the sum of seventy five Lakh of Rupees (Nanakshahi), fifty lakhs to be paid for the ratification of this Treaty and Twenty-five lakh on or before 1 October of the current year 1846 AD.

Article IV: The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without the concurrence of the British Government.

Article V: Maharaja Gulab Singh will refer to the arbitration of the British Government any dispute or issue that may arise between him and the Government of Lahore or any other neighboring state and to comply with the British Government's decision.

Article VI: Maharaja Gulab Singh engages for himself and his heirs to join with the whole of his military forces, the British Troops when employed in the hills or in the territories adjoining his possessions.
**Article VII**: Maharaja Gulab Singh agrees not to adopt or maintain in their service any British or any other European or American state without the consent of the British Government.

**Article VIII**: Maharaja Gulab Singh undertakes to respect the provisions of Article V, VI and VII of the Separate Agreement between the Government of the United Kingdom and Lahore Darbar dated 11 March 1846 as regards the territory that has been transferred.

**Article IX**: The British government will support Maharaja Gulab Singh to protect their territories from outside enemies.

**Article X**: Maharaja Gulab Singh acknowledges the supremacy of the British government and on behalf of that supremacy, submitted annually to the British Government a horse, race approved goats (six men and six women) and three pairs of shawls of Kashmir.

This Treaty consisting of the above Articles has been this day settled by Fredrick Currie Esq. and Brevet Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B, Governor-General, on the part of the British Government, and by Maharaja Gulab Singh in Person and the said Treaty has been this day ratified by the seal of the night Honourable Sir Henry Hardinge, G.C.B, Governor-General. Done at Amritsar this Sixteen day of March in the year of our Lord 1846, corresponding with the seventeenth day Rabi-ul-Awwal 1264, Hijri.

(Signed) H. Hardinge (Seal)

Maharaja Gulab Sing
(Signed) H. M. Lawrence

BY order of the Right Honorable the Government of India
(Signed) F. Currie.

Secretary to the Government of India,

With the Governor of India.
APPENDIX B

Speech of the Honorable Sheikh Mohammed Abdullah in the Constituent Assembly.

We are proud to have our bonds with India, the goodwill of those people and government is available to us in unstinted and abundant measure.

In order to live and prosper as good partners in a common endeavor for the advancement of our peoples, I would advise that, while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal cooperation and assistance in this great task, as well as offer our fullest cooperation and assistance to the Union.

We as a Government are keen to let our people decide the future of our land in accordance with their own wishes. If these three preliminary processes were accomplished, we should be happy to have the assistance of international observers to ensure fair play and the requisite conditions for a free choice by the people.

The Cabinet Mission Plan has provided for three courses which may be followed by the Indian States when determining future affiliations. A State can either accede to India or accede to Pakistan, but failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State.

As a realist I am conscious that nothing is all black or all white, and there are many facts to each of the propositions before us. I shall first speak on the merits and demerits of the State's accession to India. In the final analysis, as I understand it, it is the kinship of ideals which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State's peoples' freedom. The autocratic rule of the Princes has been done away with and representative government have been entrusted with the administration. Steps towards democratization have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction, and above all built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy.
Moreover, during the last four years the Government of India has never tried to interfere in our internal autonomy this experience has strengthened our confidence in them as a democratic State.

The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial division if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State, which is a throw back to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, color caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seeks to favor the interests of one religion or social group against another. This affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

I shall refer now to the alleged disadvantages of accession to India.

To begin with, although the land frontiers of India and Kashmir are contiguous, an all-weather road-link as dependable as the one we have with Pakistan does not exist. This must necessarily hamper trade and commerce to some extent particularly during the snowy winter months. But we have studied this question, and, with improvements in modern engineering, if the State wishes to remain with India the establishment of an all-weather stable system of communication is both feasible and easy. Similarly, the use of the State rivers as a means of timber transport is impossible if we turn to India, except in Jammu where the river Chenab still carries logs to the plains. In reply to this argument, it may be pointed out that accession to India will open up possibilities of utilizing our forest wealth for industrial purposes and that, instead of lumber, finished goods, which will
provide work for our carpenters and laborers, can be exported to India where there is a ready market for the Indeed in the presence of our fleets of timber carrying trucks, river-transport is a crude system which inflicts a loss of some 20% to 35%, in transit.

Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardized. This would happen if a communal organization had a dominant hand in the Government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgment that the presence of Kashmir in the Union of India has been the major factor in establishing relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, "I lift up mine eyes into the hills, from whence cometh my help."

As I have said before, we must consider the question of accession with all open mind, and not let our personal prejudices stand in the way of a balanced judgment. I will now invite you to evaluate the alternative of accession to Pakistan.

The most powerful argument which can be advanced in her favor is that Pakistan is a Muslim State, and, big majority of our people being Muslims the State must accede to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life but often it leads to irrational action. Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disproved this, right-thinking men would point out that Pakistan is not an organic unity of all the Muslims in this sub-continent. It has on the contrary, caused the dispersion of the Indian Muslims for whose benefit it was claimed to have been created. There are two Pakistan at least a thousand miles apart from each other. The total population of Western Pakistan which is contiguous to our
State, is hardly 15 million. While the total number of Muslims, resident in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations should choose the forty millions living in India.

Looking at the matter too from a more modern political angle religious affinities alone do not and should not normally determine the political alliance of States. We do not find a Christian bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States.

We have another important factor to consider, if the State decides to make this the predominant consideration. What will be the fate of the one million non-Muslims now in our State? As things stand at present, there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against the interests of any religious group.

As regards the economic advantages. I have mentioned before the road and river links with Pakistan. In the last analysis, we must however remember that we are not concerned only with the movement of people but also with the movement of goods and the linking up of markets. In Pakistan there is a chronic dearth of markets for our products. Neither, for that matter, can she help us with our industrialization, being herself industrially backward.

On the debit side we have to take into account the reactionary character of her politics and State policies. In Pakistan we should remember that the lot of the States' subjects has not changed and they are still helpless and under the heel of their Rulers, who wield the same unbridled power under which we used to suffer here. This clearly runs counter to our own aspirations for freedom.

Another big obstacle to a dispassionate evaluation of her policies is the lack of a constitution in Pakistan. As it stands at present, this State enjoys the unique position of
being governed by a Constitution enacted by an outside Parliament which gives no idea whatsoever of the future shape of civic and social relations. It is reasonable to argue that Pakistan cannot have the confidence of a freedom-loving and democratic people when it has failed to guarantee even fundamental rights of its citizens. The right of self-determination for nationalities is being consistently denied and those who fought against Imperialism for this just right are being suppressed with force. We should remember Badshah Khan and his comrades who laid down their all for freedom, also Khan AbdusSamad Khan and other fighters, in Baluchistan. Our national movement in the State considers this right of self-determination inalienable, and no advantage, however great, will persuade our people to forego it.

The third course open to us has still to be discussed. We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both States but having friendly relations with them. This might seem attractive in that it would appear to pave the way out of the present deadlock. To us as a tourist country it could also have certain obvious advantages, but in considering independence we must not ignore practical considerations. Firstly, it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Secondly we must have the goodwill of all our neighbors. Can we find powerful guarantors among them to pull together always in assuring us freedom from aggression? I would like to remind you that from August 15 to October 22, 1947 our State was independent and the result was that our weakness was exploited by the neighbor with invasion. What is the guarantee that in future too we may not be victims of a singular aggression.

I have now put the pros and cons of the three alternatives before you. It should not be difficult for men of discrimination and patriotism gathered in this Assembly to weigh all these in the scales of our national good and pronounce the well being of the country lies in the future.
APPENDIX C

Presidential Address of Sheikh Mohamad Abdullah, Muslim Conference,

March 26, 1938   Legal Document No 60(Extract)

Like us the large majority of Hindus and Sikhs in the State have immensely suffered at the hands of the irresponsible government. They are also steeped in deep ignorance, have to pay large taxes and are in debt and starving. Establishment of responsible government is as much necessity for them as for us. Sooner or later these people are bound to join our ranks. No amount of propaganda can keep them away from us.

The main problem therefore before us is to organize joint action and a united front against the forces that stand in our way in the achievement of our goal. This will require re-christening our organization as a non-communal political body and introducing certain amendments in its constitution and its rules.

I reiterate today what I have said so often. Firstly, we must end communalism by ceasing to think in terms of Muslims and non-muslims when discussing our political problems. Secondly there must be universal suffrage on the basis of joint electorate, without these two democracy is lifeless.

You complain that the Hindus belonging to the vested interests are reactionary and stand in the way of our progress. But have we not had the same experience in the case of capitalist Muslim also? It is significant as well as hopeful that in spite of many difficulties in their way some non-muslims have cooperated with us though their number is very small. Their sincerity and moral courage make us feel their strength. We must, therefore, open our doors to all such Hindus and Sikhs, who like ourselves believe in the freedom of their country from the shackles of an irresponsible rule.
Legal Document No 112

Text of letter dated October 26, J 947 from Sri Hari Singh, the Maharaja of Jammu and Kashmir to Lord Mountbatten the Governor-General of India.

My dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations and Dominion of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited
number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mohara power-house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped and makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Government, as first step to over running the whole State.

The mass infiltration tribesman drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowing of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and to great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Domination of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to fee-booters. On this basis no civilized Government can exist or be maintained. The alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Shaikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.
In haste and with kindest regards.

Yours Sincerely

Hari Singh

The Palace, Jammu

26th October, 1947.