CHAPTER-6

THE KASHMIR PROBLEM
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The story of Kashmir is the story of conflicting claims, ideologies and antagonism between India and Pakistan. Before the partition of India, Kashmir was one of the 564 princely states scattered over the sub-continent which had to decide whether to join India or Pakistan. Technically there was also nothing to prevent a state from remaining aloof, but as these states could not be expected to command sufficient armed strength and economic resources to preserve their independent and sovereign status, it was in their interest to join either India or Pakistan. The Maharaja of Kashmir hesitated for some time in taking any decision and this delay gave birth to the 'Kashmir problem' which is still the greatest hurdle in the way of normalisation of relations between India and Pakistan.

GEOGRAPHICAL IMPORTANCE OF KASHMIR

Strategically Kashmir occupies a key position, because the geographical position with the frontiers adjoining three countries — The Soviet Union, China and Afghanistan — is intimately connected with the security and international contacts of India. Conveniently called by the shorter name "Kashmir", the Jammu and Kashmir state includes besides the celebrated Valley, the areas of Jammu, Ladakh Baltistan,
Gilgit, Hunza and Nagar. The State is situated in the extreme North of the Indian sub-continent covering an area of about 94,258 square miles and is the biggest among the Indian States and very nearly approaches the aggregate area of England, Wales and Scotland. 1

It consists of three provinces - The frontier districts, Kashmir province and Jammu province which includes Poonch and Chinni. On the borders of Kashmir are Tibet in the North-East, Sinkiang in the North, The Soviet Republic of Turkestan and Afghanistan in the North-West of the State, while she shares her boundaries with both India and Pakistan in the South. The mountainous Valley of Kashmir may be conveniently divided into three geographically demarcated regions: The Tibetan and Semi-Tibetan tracts in the North, which include the districts of Leisakh and Gilgit, the middle region of the happy valley of Kashmir and the plain land of Jammu in the South. These three areas are separated from each other by the snowbound outer Himalayan ranges.

Srinagar, the capital of the State situated in the centre of the Valley stands on the banks of the Vitasta. One of the oldest cities in India, its history dates back to the time of Asoka, who is credited with having founded it during his visit to Kashmir. The Valley has been noted for its scenic beauty and Europeans and Indians alike have

gone lyrical on the exquisite beauty of Kashmir. Bernal
described it as the "paradise of the East." It is the
beauty of Kashmir which has attracted invaders for centuries.  

Pakistan has links with the State through the Jhelum Valley road. This road runs from Srinagar through Rawalpindi
and Abbottabad to Pakistan. Between Srinagar and Jammu town
runs a road through the Banihal pass and from Jammu two
roads spread out, one in the direction of Sialkot, Pakistan
and the other towards Pathankot in India.

EARLY HISTORY

The history of Kashmir is the history of living
people. From ancient times they have passed through days of
joy and sorrow, of affluence and penury. But whether in
sunlight or shade, the Kashmiris stuck fast to their
humanistic principles. The history of Kashmir for some
hundreds of years was a succession of violent changes in
which dynasty succeeded dynasty.

Kalhan, the celebrated Kashmiri poet and historian
of the twelfth century, depicts the known history of civilised
man in Kashmir as having begun in 2450 B.C., when
Gonanda I ascended the throne and laid the foundation of
the monarchical system of Government in the valley.

Most historians, however, begin the history of
Kashmir from the Maurya period and particularly from the
reign of the Maurya King Asoka, the Great (274 B.C. to

2. Sisir Gupta, "Kashmir: A Study in India-Pakistan Relation".
237 B.C.). Massive Buddhist temples and 'Stupas' bear
testimony to the great emperor's reign in Kashmir. In the
8th Century A.D. Kashmir was ruled by Labhitaitya, a man
of humble origin, whose reign witnessed the expansion of
the Kingdom into the Punjab in India, to Tibet and to
Central Asia. The year 1089 A.D. found the State under the
hagemony of the Hindu king Harsha. In all, twenty eight
dynasties ruled Kashmir until 1339 A.D., when the Muslims
finally captured power.

Shah Mir, a Muslim, deposed the widow of the
Hindu king of Kashmir in 1339 and established his rule
over the State. One of his successors was Zain-ul-Abidin
(1421-1472) who is remembered for his benevolent despotism.
In 1532 Mirza Hyder invaded Kashmir followed, in 1586, by
the Great Moghul Akbar. Two centuries of Moghul rule over-
reached itself in 1752 A.D. when Ahmad Shah Abdali of
Afghanistan swept over the territories of Kashmir to bring
in an era of misery, torture and persecution, the like of
which Kashmir had never before experienced. In despair, the
people welcomed the advent of the Sikhs who entered Kashmir
in 1819 under Ranjit Singh to oust the Afghan tyrants.
Thus ended about 500 years of Muslim rule in Kashmir.

But meanwhile great changes had taken place in
the State. The vast mass of Kashmir's population which was

4. Prem Nath Bazaz-'The History of Struggle for Freedom
Hindu, had, by then, been converted, by the Muslim rule, to Islam. According to the Census of 1941, the total population of the State was 4,021,616, of which the Muslims accounted for 77.11% (3,073,540), the Hindus 20.12% (807,549), the Christians 3,079, the tribes 29,374 and other 108,074 (mainly Buddhists). No census was taken in Kashmir in 1951, but according to the Registrar General of India, the population figure stood at 44.1 lakhs on the 1st March 1951.

THE DOGRAS

The Sikh rule in Kashmir continued from 1819 until the defeat of the Sikhs at the hand of the British in India in 1846. During this period, the Sikhs governed the state through Governors. Ranjit Singh conferred the title of Rajah on one Gulab Singh in recognition of his services under the Sikhs and made him the hereditary Governor of Jammu after having brought it under his hegemony following the death of the Rajput Ruler, Ranjit Deo. Gulab Singh was the great-grand-nephew of Ranjit Deo—a Dogra Chief of Rajput descent who ruled over Jammu until 1780.

With the death of Ranjit Singh, then, Sikh power in India collapsed. In 1846, at the conclusion of the First

5. Census 1941, Table XIII (II)
6. 'India 1957' Page-11
Sikh War, the defeated Sikh Durbar was asked to pay £1,500,000 as indemnity to the British. Finding it impossible to meet the demand, it offered the British all its hill territories from the Beas River to the Indus including Kashmir and Jammu.

At this stage, Gulab Singh, who was already made the hereditary Governor of Jammu by Ranjit Singh, appeared on the scene and offered to pay the British a certain sum of money provided he was made the independent Ruler of Jammu and Kashmir. A separate Treaty embodying this arrangement was concluded with Gulab Singh at Amritsar on 16th March, 1846, by the British. At that time, Gulab Singh held Jammu and Lajakah under his direct control while Kashmir and Gilgit territories, held by the Sikhs, were transferred to him by the terms of the said Treaty:

1. In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharajah Gulab Singh will pay to the British Government the sum of Seventy Five Lakhs of rupees (Manuk Shahsa), fifty lakhs to be paid on ratification of this Treaty and twenty five lakhs on or before the 1st October of the current year, A.D. 1846. 7

According to the Imperial Gazetteer, "The general and practical result, therefore, of the treaty of Amritsar was to confirm Gulab Singh in what he already possessed and to transfer to him the province of Kashmir with its newly acquired authority over Gilgit." At the time of the partition of the country this dynasty, represented by Maharajah Hari Singh, had ruled the Jammu and Kashmir State for just over a hundred years by virtue of the Treaty of Amritsar of 1846, concluded by Rajah Gulab Singh with the British.

The Treaty of Amritsar has been the subject of a serious controversy. Some have characterised it as a 'Sale deed' (Government of Pakistan and Sheikh Abdullah) and others have given it the name of 'acquisition' by Gulab Singh (K.M. Panikkar - 'Gulab Singh, the founder of Kashmir, page 104). But the fact remains that the State of Jammu and Kashmir, in its present form, has been in existence since 1846. No representative of the Government of India was located in the state and it was not until the year 1852 that the first 'officer on special duty' in the state was appointed. Maharaja Gulab Singh died in 1857 and was succeeded by his son Ranbir Singh. In 1870, he sent his troops to Hunza and Nagar and obtained their vassalage. Later

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he concluded a treaty with the Mehtar of Chitral who
accepted to pay annually a small tribute.

It was thus towards the end of the 19th Century
that the Jammu and Kashmir state came finally into shape,
the Maharaja's authority extending from Chitral in the north
to Kathua in the south and Akasichin in the east to Kohala
in the west. "The State thus became the most important
frontier region of India and consequently a pawn on the
chessboard of power politics." 9

RELIGIOUS AND CULTURAL HETEROGENEITY

The State of Jammu and Kashmir is by no means
unilingual or unirecial. In fact, it presents the picture of
a multiracial society, speaking different languages, having
different religions, and conforming to different traditions
in dress, manners, and customs. The religious division, it
should be noted is only one and not the most important of the
divisions in Kashmir. This is well illustrated by the fact
that Article 48 of the New Kashmir programme adopted by the
National Conference in 1946 stated:

"The national languages of the State shall be
Kashmiri, Dogri, Balti, Dari, Punjabi, Hindi and Urdu." 10

9. P.N.K. Banzai, 'Kashmir & Power Politics - From Lake
Success to Tashkent' Page-26.
Jammu is the home of the Dogras, a hardy people divided into several castes and sects both Hindu and Muslim. The inhabitants of the region of the 'Midile Mountains' are a virile and active people called the Paharies. The language, they speak is a mixture of Hindi, Punjabi, Dogri and Sanskrit words. Another interesting hill people are the Gujjars. The Brahmins, popularly known as Kashmiri Pandits, form a distinct class of their own. The Sikhs are another small community.

About two thousand years or more ago, Kashmir was a great centre of Buddhism, but by the beginning of the 13th century it was gradually influenced by the preachings of numerous Islamic teachers. By the beginning of the 14th century a fair proportion of the people may be said to have accepted Islam. Now an overwhelming majority of the people in the valley profess the Muslim faith. In the valley Muslims comprise 90% of the population. The Jammu province as a whole holds a slight Muslim majority of 53%. A closer analysis would show that the province can be regarded as bisected by the river Chenab, to the South and East of the river being predominantly Hindu, to the North and West Muslims being in the majority. Gilgit and Baltistan can also be regarded as mainly Muslim while Lehakh has always been completely Buddhist.

It is also necessary to note one of the special characteristics of the Muslims of Kashmir, viz., their lack
Communal Distribution in Jammu and Kashmir State
of religious fanaticism and their close association with Hinius. Lawrence wrote: "Holy men from Arabia have spoken to me with contempt of the feeble flame of Islam which burns in Kashmir, and the local Mullahs talk with indignation of the apathy of the people."

He found the Sunni Musalmans particularly free from fanaticism and the Sunnis constitute almost ninety-five percent of the Musalmans of Kashmir. The Imperial Gazetteer noted:

"Close observers of the country see that the so-called Musalmans are still Hinius at heart." The Encyclopaedia Britannica says: "The great majority of the inhabitants of Kashmir are professingly Mohammedans but they are still strongly influenced by their ancient superstitions."

PoliTical AwakenIng and SHEIKH ABDUllAH

Lord Reading, the Viceroy, who perfected the imperial policy of 'divide and rule' in India, paid his state visit to Kashmir in 1924. The Muslims of Srinagar, who had already been fed on a virulent communal propaganda from Lahore and Amritsar, held demonstrations against the Maharajah's rule and presented a memorial of their grievances to the Viceroy. They demanded the grant of proprietary rights in land to the peasants; a larger


representation of Muslims in Government service etc.

By 1930, it became apparent that all was not quiet in the state. Several Muslim young men, fresh from the universities in India particularly Aligarh, where they had come in contact with Muslim leaders, organised themselves into a group, holding frequent meetings at the Muslim Reading room in Srinagar. In December 1930, the All Kashmir Muslim conference founded a few years ago, 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.

Sheikh Mohammad Abdullah, an active member of the Reading room party, fresh from the University with a Master of Science degree, was the most conspicuous and impressive among them. In 1932, the All Jammu and Kashmir Muslim Conference, with Sheikh Abdullah as its first President, was established to fight for the rights of the Muslim Community for admission into the administrative and military services of Kashmir. Having initiated the organisation for the Muslims only, Sheikh Abdullah very soon came to appreciate the weakness of a political party based on religion. A process of intercommunalisation was attempted and it found success in 1937 when the Hindus and the Muslims alike courted imprisonment after the agitation of the Muslim Conference for responsible
government under a constitutional head.

On June 28, 1938, at the instance of Sheikh Abdullah, the Working Committee of the Muslim Conference recommended to the General Council of the Conference scheduled to meet in 1939 that "The name and the constitution of the organisation be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste, creed or religion."

Finally on June 11, 1939, the Muslim Conference changed its name to the Jammu and Kashmir National Conference, formally opening its door to all regardless of caste, creed or religion.

After Abdullah took over the Presidency of the All India States people's Conference, the aim of which was to secure political rights for the inhabitants of the Indian Princely States as distinct from British India, he came into more direct contact with the congress and Nehru. His stature increased as he began to visualize the struggle of the subjects of the Indian States in its correct perspective as essentially one of an incessant fight to oust entrenched feudal interests from power.

"Nationalism, an interest in Left Wing Socialism and sincere secularism were the principles governing..."
In 1940, the Muslim League had passed the Pakistan Resolution demanding the setting up of an independent state for Muslims in India on the ground that Hindus and Muslims formed two different nations. Being contrary to the best traditions of the country and the evolution of political consciousness among the people of India, the ‘Two-nation’ theory of Mr. Jinnah could not be accepted by the Indian National Congress which from its very inception, represented the Indian nation comprised of all classes, creeds and interests.

Mr. Jinnah now tried to win the sympathies of the Muslims of Kashmir. In Kashmir where the ruler was a Hindu but the majority of the people Muslim, he might have supposed communal politics would thrive, but the people through centuries of their history had developed a tolerant and peaceful outlook on religious belief, therefore, when in reply to a reception given by the resuscitated Muslim Conference (it was revived in 1941 by Ghulam Abbas) he said -

"Muslims have one platform, one Kalma and one God. I would request the Muslims to come under the

banner of the Muslim conference and fight for their rights," this brought out a sharp rejoinder from the National Conference. In a statement issued on 26 June 1944, Abiullah said that Jinnah had violated the spirit in which he was received in Kashmir and aid.

"As for the National Conference we certainly owe no apologies to Mr. Jinnah for our existence. Starting the Muslim Conference as a sectional organization in 1932, we passed on to a higher stage of political evolution in 1939...Thus we passed Mr. Jinnah's milestone of today over five years ago...Viewing the position from an all-India perspective, we find that Mr. Jinnah has repeatedly declared that he does not extend his plans of Pakistan to the Indian States. Thus his conception of Islamic sovereignty conveniently halts at the customs barrier which divides our state from British India. Yet when it comes to giving advice, Mr. Jinnah tres-passes over his own boundaries and Mr. Jinnah had to leave Kashmir disappointed.

With the departure of Mr. Jinnah, the rift between Abiullah and the Muslim League broadened considerably. The Muslim conference, in its turn, effected a close organizational link with the parent body of the League, taking over and executing League policy in Kashmir. Ghulam Abbas, the President of the

Muslim Conference, declared on 10th April 1946, that the Muslim Nation had complete faith in the Muslim League and its inspiring leader Jinnah.  

STRUGGLE WITH FEUDALISM AND GANDHIJI’S VISIT

In 1946, Sheikh Abdullah organized the ‘Quit Kashmir’ campaign against the Maharaja for the transfer of power to the people and as a result, was sentenced to a long term of imprisonment, but by this time he had acquired a considerable hold over the people of the State. That the Sher-e-Kashmir enjoyed tremendous popularity among the people of Kashmir Valley was testified by the Czechoslovak Chairman of the United Nations Commission for India and Pakistan in his book, ‘Danger in Kashmir’. He writes – “We attended a service at an old mosque where Sheikh Abdullah was preaching to several thousand believers...who sat quietly in an open space listening with rapt attention, their faith and loyalty quite obvious in their faces. Nor could we notice any police, so often used to induce such loyalty.”

Having disposed of Sheikh Abdullah and his party, the Maharaja’s Government then turned on Ghulam Abbas and the Muslim Conference. In October, 1946 Ghulam Abbas and his principal collaborators were also arrested. Thus on the eve of independence in the sub continent,

17. *Dawn*, dated April 10, 1946, (a leading daily Muslim News paper of New Delhi until Partition)
the Dogra dynasty in the State of Jammu and Kashmir had suppressed the two major parties and reverted to rule by its traditional methods of autocracy.  

Meanwhile, far-reaching developments were taking place in the country. The British Government had announced the transfer of complete power to India. The partition of India was in the offing. The people of Kashmir, locked in a mighty struggle with the forces of feudalism, could not give thought to these vital questions. In such hard times when tempers were rising high in the rest of India, Ganihiji found time to visit Kashmir in July 1947. He was impressed with the communal harmony that prevailed in the state and said that in an India which had become dark all around, Kashmir was the only hope.  

Although no documentary evidence could be cited about the Mahatma's visit to prove that he advised the Maharaja to accede to India, the London Times commented, "But the union of India has been taking a lively interest in the subject and indications are that the Hindu Maharaja of Kashmir Sir Hari Singh, has lately been much influenced by representations made by Mr. Ganihi, who visited Kashmir three months ago and by other Congress leaders."

Did Mahatma Ganihi really persuade the Maharaja to join India? It does not look so. As far as the accession to the dominions was concerned, he was firmly of the opinion that the people alone should decide that. After returning from Kashmir, he made a few remarks about the State of Srinagar on August 5th. He suggested that the question of accession should be decided between the two dominions, the Maharaja and the Kashmiris. If the four could come to a joint decision, then much trouble would be avoided. After all, Kashmir was a big State, it had the greatest strategic value, perhaps, in all India. It is difficult to discover any plot or even attempt on the part of the Mahatma, to influence the decision of Kashmir from these recorded statements.

Mahatma Ganihi's visit was still talked of in the homes and streets of Srinagar, when news came that the Maharaja had dismissed Ram Chandras Bak, the Prime Minister of the State, and appointed a former Revenue Minister, General Janak Singh in his place. The people now looked up for a clear lead from the National Conference with regard to the most important question -

"Accession of the State to India or to Pakistan."

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PARTITION OF INDIA AND QUESTION
OF ACCESSION

On June 17, the Indian Independence Act was passed stating that on August 15, 1947, the British would relinquish their authority in India which was to become an independent country. A part of its territories with a preponderating Muslim majority was to be constituted into Pakistan and recognised as an independent and sovereign State. The Partition applied only to what was known as British India and not to the Princely States. The question of the future of the Princely States was defined in a memorandum ( dated May 12, 1946 ) on 'States Treaties and paramountcy' presented by the Cabinet Mission to the Chancellor of Princes in India:

"When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they can not contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers 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. Politically, arrangements between the States, on the one side, and the British Crown and British India, on the other, will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India or failing this, entering into particular arrangements with it. 23

The legal provision under which the Princely States could enter into a "federal relationship with the successor Government or Governments in British India" was to be found in the Indian Independence Act of 1947 and the India Act of 1935. These two Acts of the British Parliament, which created the legal basis for the independence of India, provided that a State could accede to the dominion of India or Pakistan by an Instrument of Accession executed by the ruler thereof.

Although the Congress acquiesced in the British insistence to terminate the "Paramountcy" with the transfer of power, it was not ready to accept the corollary proposition that termination of Paramountcy meant independence for the States. 24

Pakistan was carved out of India but, India minus Pakistan remained one compact unit comprising all the States which did not accede to Pakistan.

**MAHARAJA'S INDECISION**

Like some other Rulers of the Indian States, Maharaja Hari Singh was unable to make up his mind as to which Dominion the State should accede. In this case the Maharaja's indecision was, however, understandable. As a result of the 'Quit Kashmir' movement and 'Direct Action' agitation, all the leaders of Kashmir were in jail. There was thus created a political vacuum. Moreover, unlike the states of Hyderabad and Junagadh his State had common frontiers with both Pakistan and India. And thirdly, he hardly knew which Dominion the people of Kashmir would like to choose. His greatest dilemma was the grim realisation that being a Hindu, accession to Pakistan might ultimately cost him his throne, while accession to India would inevitably have to be accompanied by a substantial degree of political freedom and representative government, to which he was opposed. He preferred to sit on the fence and to toy with the idea of an independent Kashmir.

Lord Mountbatten, the Governor-General of India paid a visit to Kashmir on 19th June, 1947 to persuade the Maharaja to make up his mind before it was too late. It was revealed by him later, "Hai he
acceded to Pakistan before August 14, the future
government of India had allowed me to give His Highness
an assurance that no objection whatever would be raised
by them. Had His Highness acceded to India by August 14th,
Pakistan did not then exist and therefore could not have
interfered.”25 This has been pointed out by V.P. Menon
also.

"He went so far as to tell the Maharaja that
if he acceded to Pakistan, India would not take it
amiss that he had a firm assurance on this from Sardar
Patel himself. Lord Mountbatten went further to say
that in view of the composition of the population, it
was particularly important to ascertain the wishes of
the people.”26

His visit, however, has been variously
interpreted. There are those with the "conviction
that Mountbatten from the beginning connived with the
Government of India to force the Maharaja and with him
the State of Jammu and Kashmir into accession.”27 There
are on the other hand, those who feel that "the object
of the visit was to ask him to give accession of the
State to Pakistan.”28 V.P. Menon says that the Governor
General was particularly concerned about Kashmir when the future of the States was being discussed and he during his visit, had argued with the Maharaja that independence was "not a feasible proposition." He also assured the ruler that in case he acceded to either of the Dominions before 15 August there could be no trouble as the Dominion to which he would accede, would take the State firmly under its protection as part of its territory. "29 In a speech after the visit Mountbatten said, "The only trouble that could have been raised was by non-accession to either side, and this was unfortunately, the very course followed by the Maharaja."30

In fairness to Maharaja Hari Singh, it must be said that, situated as he was, it was not easy for him to come to a decision. If he acceded to Pakistan, the non-Muslims of Jammu and Ladakh as well as considerable sections of Muslims led by the National Conference would definitely have resented such action. On the other hand, accession to India would have provoked adverse reactions in Gilgit and certain areas contiguous to Pakistan. Further more, at least at that time, the real communications were with Pakistan and the forest


30. Time only to look Forward, speeches of Earl Mountbatten - Page 268-69.
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, as Mr. V.P. Menon puts it, "in a Micawberish frame of mind hoping for the best while continuing to do nothing." 31

**STAND STILL AGREEMENT WITH PAKISTAN**

The immediate problem for Kashmir, pending a verdict of the people, was to keep her economic and political life going, as well as to maintain law and order at a time when serious threats to it had arisen elsewhere. On 12 August, the government of Kashmir in a communiqué expressed its desire of concluding Stand still Agreement with India and Pakistan and addressed identical telegrams to the two countries offering an agreement. The Agreement, as provided in the Indian Independence Act, would guarantee that

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until new agreements were made all existing agreements and administrative arrangements would continue. Any dispute in regard to this would be settled by arbitration; and "nothing in this Agreement includes the exercise of any paramountty functions." 32

A point made by the Indian delegate in the U.N. in 1957 was that the offer to Pakistan was in regard to post-office, railways, communications, and supplies and "nothing else"; the offer to India, on the otherhand, was regarding even such subjects as external affairs, control of state forces, defence etc. 33

The telegram sent to the Government of India by the Maharaja stated that the -

"Jammu and Kashmir Government would welcome whatever agreements with the Union of India on all matters on which these exist at the present moment with outgoing British India Government ...These arrangements, according to the Treaty of Amritsar of 1946, comprised the use of Indian forces if there was internal rebellion or invasion by a foreign government."

The Government of Pakistan agreed to accept the offer (on 14 August, 1947) but the Government of

34. P.N.K. Bansaia, op.cit., page 92-93.
India did not accept the offer immediately, it wanted time to examine its implications. The Government telegraphed back:

"The 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 Kashmir Government and Indian Dominion Early action desirable to maintain existing agreements and administrative arrangements."

But before anybody could go to Delhi to discuss these matters, 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.

**BORDER RAIDS AND ECONOMIC BLOCKADE**

Only a few days after Pakistan accepted the Standstill Agreement, Maj. Gen. Scott, Chief of Staff, Jammu and Kashmir State Forces, submitted his first report to the Jammu and Kashmir Government on the border raids from Pakistan. On 4th September, on the basis of his reports, the Kashmir Government protested by telegram to the West Punjab Government against armed Muslims from Rawalpindi district infiltrating into the S-tates. Two days later there was a marked increase in this activity. These
armed raiders entered Poona from Pakistan and committed atrocities against non-Muslims. The Kashmir Government requested the Pakistan Government to see that these unfriendly acts ceased.

It should be noted that by this time the great population movements in the Punjab had started and the State of Jammu and Kashmir was often the way, through which transit was effected both ways. This had gravely aided to the burden on the State's limited forces. The least that Kashmir could thus expect from the two governments was that they would prevent incursion of the rowdy elements into Kashmir. But according to Mahajan, the Private Secretary of Jinnah, 'had come to Kashmir earlier and had been there for several months creating an atmosphere of communal frenzy against India. Communal minded persons and Muslim divines were worked up and were asked to request the Maharaja to give accession of the State to Pakistan.' On 22 September, a convention of Muslim Conference Workers formally asked for accession to Pakistan.

The reports of the Pakistani press also evoked considerable curiosity. One significant editorial wrote in a threatening vein:

"Let us beleaguer Kashmir, let us do it so effectively that it may not be able to get out of our hands and seek refuge beyond the borders of our dominion. Kashmir and Jammu are parts of Pakistan. Their going out of Muslim domination will daily shatter the prestige of Muslims."  

From 15th August 1947, the history of Kashmir was a story of pressures exerted by Pakistan and its supporters inside Kashmir to accede to that dominion.  

Besides the several incursions by her armed forces and nationals into the State territory, she began an economic blockade of the State. Supplies of food, petrol and other essential commodities to Kashmir were cut off. Neutral observers also recorded increased Pakistani interest in Kashmir. On 13th October 1947, Norman Cliff, correspondent of the London 'Morning Chronicle' reported from Kashmir: "Pakistan has cut off from Kashmir supplies of petrol, sugar, salt and kerosene oil, although a Standstill agreement between them has been signed."  

37. The interest of Pakistan in Kashmir is clear by the fact that Kashmir stood for the 'K' of PAKISTAN (Details on page 22)  
38. On Oct. 3, 1947, the Dawn noted in a Write-up on Kashmir "The Pakistani Government's decision to stop export of essential commodities like foodstuffs, salt, petrol etc." (Italics added)  
THE FIRST INVASION

The all out invasion of Kashmir started on 22 October 1947. The main raiders' column, which had approximately two hundred to three hundred lorries, and which consisted of frontier tribesmen estimated at five thousand led by some regular officers, who knew Kashmir well, advanced from Abbottabad in the N.S.F.P. along the Jhelum Valley Road. They captured Garhi and Doniel and arrived at the gates of Muzaffarabad. The raiders continued to advance and on 24 October, they captured the Mahua Power House, which supplied electricity to Srinagar. Srinagar was plunged in darkness. The raiders had announced that they would reach Srinagar on 26 October in time for the Id celebrations at the Srinagar mosque.

Two features which characterised the invasion were: the atrocities committed by the invading forces against the people of the State, who are traditionally peaceful and mild; and the planned, methodical, and modern nature of the operations. The State forces were unable and inadequate to meet this challenge and fell back leaving more and more of Kashmir's territory and unarmed people. Rape and murder, arson and loot of unprecedented magnitude overtook Kashmir, making the
living worse than the deal. According to Lord Birkwood
the tribesmen had resorted to "indiscriminate slaughter
of both Muslims and Hindus." 40

At this point, it is necessary to examine
the claim of the Government of India that the raiders
were helped by Pakistan, 41 and the emphatic denial by the
Government of Pakistan that this was so, 42 together with
its counter argument that the massacre of the Muslims in
Kashmir incited the tribal people, culminating in the
raid. 43

Between June and October 1947, major changes
had taken place in Kashmir. The Prime Minister of Kashmir,
Pandit Ram Chanira Kak, who was extremely anti-Indian was
replaced by Maj. Gen. Janak Singh who was inclined towards
accession to India. Secondly on 29th September 1947, Sheikh
Abdulah was released by the Maharaja's Government and it
was no secret that an intimate connection existed between
Sheikh Abdulah and his National Conference on the one
hand, and the Indian Congress and Nehru on the other.
Thirdly, on 15th October 1947, the Maharaja again changed

41. Telegram dt. 31st Oct, 1947 from Foreign New Delhi to
Lahore & Foreign, Karachi, from Nehru to Liaquat, Text
42. Letter from Prime Minister, Pakistan, to Prime Minister
43. Security Council Official Document (5/646 dt. 15.1.48)
his Prime Minister, Lala M.C. Mahajan, assumed charge and according to Mr. Prem Nath Bazaz '... a few hours after taking over charge on 15th October, issued .... statement to the press-presumably with the approval of the Maharaja - in which he praised the Indian leaders and Abiullah and denounced Pakistan.'... 44

Against this background of inner politics of Kashmir, a corresponding shift in the politics of Pakistan is quite understandable which resulted in the eventual encouragement by Pakistan of the tribal raid in October -

A perusal of the foreign correspondents' reports tends to confirm this view. The News Chronicle, London, wrote on 27th October 1947, that the invading forces were well equipped with rifles and mortars and scores of army trucks and ample petrol supplies: 'There is every evidence that their expedition had strong support and is being conducted with tactical skill.' The Observer of London, in its city edition of 2nd November 1947, reported its correspondent in Pakistan, Mr. Moorehead, as having despatched, 'Everywhere recruiting is going on and there is much excitement and enthusiasm at the success of the Muslims. This is happening not only in

44. Prem Nath Bazaz, op.cit., page-325.
the tribal territory where Pakistan has no control but inside Pakistan itself.' The New Statesman and Nation carried a report sent from Jammu by its editor, Mr. Kingsley Martin, on 20th February 1948, which said, '... nor can there be any question that encouragement and aid have been given to the tribesmen in Pakistan.'

On 27th October 1947, Sheikh Abdullah stated that the invasion of Kashmir was meant to coerce and compel the people of Kashmir to act in a particular way, namely, to accede to Pakistan and that it was the duty of every Kashmiri to defend his motherland against the intruders.45

ACCESSION TO INDIA

On the evening of 24 October, the Government of India received a desperate appeal for help from the Maharaja. They also received from the Supreme Commander information regarding the raiders' advance and probable intentions. On the morning of 25th October a meeting of the Defence committee was held, presided over by Lord Mountbatten. This committee considered the request of the Maharaja for arms and ammunition as also for

45. Dawn and The Times of India, 26.10.47
reinforcements of troops, Lord Mountbatten emphasized that no precipitate action should be taken until the Government of India had fuller information. It was agreed that Mr. V.P. Menon should fly to Srinagar immediately in order to study the situation on the spot and to report to the Government of India.

Accordingly Mr. Menon flew to Srinagar where he met the Maharaja. On October 26, the Maharaja and Mr. Menon left Srinagar. Mr. Menon reported to a meeting of the Defence Committee. What transpired there is thrashed out in Mr. Menon's words:

"Lord Mountbatten said that it would be improper to move troops into what was at the moment an independent country, as Kashmir has not yet decided to accede to either India or Pakistan. If it were true that the Maharaja was now anxious to accede to India, then Kashmir would become part of Indian territory. This was the only basis on which Indian troops could be sent to the rescue of the state from further pillaging by the aggressors. He further expressed strong opinion that in view of the composition of the population accession should be conditional on the will of the people being ascertained by a plebiscite after the raiders have been driven out of the state and law and order have been restored. This was readily agreed to by Nehru and other
The frivolity of the above argument becomes apparent from the fact, which was known to the Government of India, that Pakistan was already committed to an "act of war" by giving material aid to the raiders. In any case the Indian cabinet was taken in by Lord Mountbatten's persuasive logic; with the result that India of her own volition 'tack half of the cake when Kashmir had offered the whole.' The Maharaja signed the Instrument of Accession on 26th October, 1947.

Commenting on this, the Government White Paper on Jammu and Kashmir said that "in accepting the accession the Government of India made it clear that they would regard it as purely provisional until such time as the will of the people could be ascertained."

JINNAH PROPOSES DISCUSSION

Meanwhile, Mr. Jinnah was getting impatient at Lahore to hear the tidings of the fall of Srinagar. He felt exasperated at the announcement of the Maharaja's

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46. V.P. Memon, op.cit., page-399.
accession to India and the dramatic airlift of Indian troops to Srinagar. The Pakistan Government said that in its opinion "the accession of Kashmir to the Indian Union is based on fraud and violence, and as such cannot be recognized." 49

Losing all sense of proportion Mr. Jinnah gave peremptory orders on telephone to his Commander-in-Chief General Gracq, at Rawalpindi to send in Pakistan regular troops to fight the Indians in Kashmir. This would have amounted to a declaration of war. Visualizing the frightful consequences of such a rash undertaking to his yet disorganized armed forces, General Gracq declined to carry out the orders of the Quaid-i-Azam without reference to the Supreme Commander, General Auchinleck. At this 'Auk' flew to Lahore the next day and succeeded in "persuading Mr. Jinnah to cancel them. He also prevailed upon him to invite Lord Mountbatten and Pandit Nehru to Lahore for a direct talk on the Kashmir situation. 50

Lord Mountbatten welcomed the suggestion of direct talks and urged Nehru to accompany him to Lahore. But Sardar Patel was against any visit by the Indian

49. The Times of India, 31st October, 1947.
Ministers to Lahore while Kashmir was burning. However, Mountbatten went alone taking his adviser Ismay with him as Mr. Nehru was unwell.

During the course of discussions Mr. Jinnah put forward a novel plan for the solution of the problem. He suggested that both the Governors General should issue a joint proclamation calling on all those engaged in fighting to cease fire in forty-eight hours. All the armed forces were then to be withdrawn and the administration to be placed in the hands of the two Governors-General who would accept responsibility for a plebiscite. To Pakistan, Kashmir was a very big question-mark in case a plebiscite was to be conducted with Sheikh Abdullah in power. The Sheikh's popularity was not unknown to Mr. Jinnah. Hence this attempt to oust the Sheikh from power, an attempt which has been described in various quarters as fair and reasonable. Once Abdullah was out, it was easy to repeat the Indian performance of the League in Kashmir, but with Abdullah in power, who could tell what might be the outcome? It seems that possession, rather than determination of the will of the people, was the

51. The Sheikh was meanwhile appointed Head of the Administration by the Maharaja.

object of this political gamble. Lord Mountbatten thereupon proposed a plebiscite under United Nations Organization auspices.

But Mr. Jinnah rejected the idea out right. He insisted on the acceptance of his plan in toto. This meant giving Pakistan an equal status with India in the matter of Kashmir which by virtue of its accession was a part of India. The accession was complete in law and in fact and it was accepted by the Governor-General in the same way as in the case of other Indian States. The reference to the people was contained in a separate letter which Lord Mountbatten wrote to the Maharaja, and was a unilateral declaration of the Government of India to the people of Kashmir. This was no concern of Pakistan at all. Thus the talks were called off on an inconclusive note.

**THE NEED FOR U.N. INTERVENTION**

On his return from Lahore, Lord Mountbatten seems to have instilled his idea of a 'plebiscite under U.N.O. auspices' into the mind of Pandit Nehru, for the very next day, in his broadcast, the Prime Minister declared on November 2:

"We are prepared, when peace and law and order have been established, to have a referendum held
under international auspices like the United Nations.\textsuperscript{53}

When, however, the raiders were heavily
defeated in the battle of Shalteng, Pakistan began having
second thoughts on the suggestion. On November 16, when
the Indian armed forces had already cleared the Kashmir
Valley of the raiders and were in firm possession of Uri,
Liaquat Ali Khan surprised the world by his acceptance
of the "referendum under U.N.O. auspices" proposal,
believing that what he had lost on the battle field, he
would try to regain through U.N.O. with the help of
Pakistan's Western friends who dominated it. In any case
he was not interested in any just or peaceful solution
which meant a complete withdrawal of armed raiders and
denying to them all the help they were receiving from
Pakistan.

To this proposal Mr. Nehru replied in his
telegram of November 21, that since the U.N.O. had no
forces, it could not stop fighting. India was attempting
to do it. The fighting would stop if Pakistan denied all
assistance to the raiders.

Negotiations for a peaceful settlement of
the situation were carried on during the closing months
of 1947 between India and Pakistan. Lord Ismay, at the
instance of Mountbatten, concretised and elaborated his

\textsuperscript{53} White Paper on Jammu & Kashmir 1948, Page 54-55.
\textsuperscript{54} Ibid, page-65.
original plan. But the Prime Ministers of both the dominions could not be prevailed upon to accept it.

Meanwhile, the raiders, baulked in their attempt to grab the Valley, extended their field of operation to Jammu. The Indian army, however, resisted their moves, but as fighting continued, it was becoming clear to our Indian army commanders that unless the supply bases and hide outs of the raiders in Pakistan were destroyed, the menace would not end. This meant that Indian forces should have the freedom to cross the borders which no doubt would escalate the fighting to an Indo-Pakistan war. India as a peace-loving nation, would be the last to wish such a development taking place.

While the Indian leaders were considering the steps to be taken to meet the situation, Mountbatten, on his own initiative, invited the British Prime Minister, Attlee, to fly out to India and mediate between Jawahar Lal Nehru and Liaquat Ali Khan over Kashmir. But Attlee preferred to send an "excellently worded" message to Mr. Nehru cautioning against any further embroilment with Pakistan and advising reference of the matter to U.N.O. Here ended the phase of invasion, accession and negotiation and the process of mediation began to unfold itself.
On December 31, 1947, India invoked Article 35 of the U.N. Charter. The article entitles any member to bring any situation before the Security Council whose continuance is likely to endanger international peace and security. Thus started the dispute between India and Pakistan over Kashmir. India, of course, had no territorial ambitions in Kashmir. As Mr. V.P. Menon puts it:

"If the invasion by the raiders had not taken place, I can say in the face of any contradiction that the Government of India would have left Kashmir alone."55 While accepting the accession of the Maharaja of Kashmir, they had one consideration only in their minds, that the invasion of Kashmir by the raiders was grave threat to the integrity of India. What could be said about the intentions of Pakistan whose very first act within less than ten weeks of its establishment, was to let loose a tribal invasion through the north-west.56 An attempt was made to annex Kashmir by force but India came in the way, naturally the relations between the two neighbouring countries got embittered. India sincerely wishing not to indulge in war with Pakistan, looked hopefully towards the United Nations Organization for help in saving this 'earthly heaven' from any further turmoil.

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