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A Historical and Political Perspective of Kashmir Issue

Naghma Mangrio*

Abstract

The Kashmir issue emerged on the world scene in 1947, after the British withdrawal from the Indian sub-continent. Before the partition of the sub-continent, the ruler of Kashmir had option to decide the future of Kashmir while acceding to either India or Pakistan. The Maharaja of Kashmir opted for accession to India thus signing the instrument of accession to Indian Union. This decision was contested by the government of Pakistan on the ground that majority of state's population was Muslim. The matter was referred to the United Nations after war broke out between India and Pakistan on Kashmir in 1948. The Kashmir issue is not only the bone of contention between India and Pakistan, it is also associated with the peace and stability of South Asia. Given the profound impact that Kashmir issue has on South Asian security in general and Indo-Pak relations in particular, it needs to be examined thoroughly. In order to comprehend the issue objectively, it is imperative to explore the factors responsible for its creation. This paper is an effort to trace the origins of the Kashmir issue, while focusing on the historical and political perspectives.

Keywords: Kashmir, Sub-continent, Pakistan, India

Origins of the Kashmir Problem

The British Indian Empire was divided into two independent sovereign states of India and Pakistan in 1947 and it was resolved that the Muslim majority areas would constitute Pakistan and the non-Muslim majority areas India. At the time of Independence there were more than 560 Princely states in the Indian sub-continent. It was Indian Independence Act of 1947 which provided for the creation of the two independent Dominions of India and Pakistan. Paramountcy was not transferred to the successor governments but was terminated on August 15, 1947, making Indian states masters of their destiny. "They could accede to one or the other Dominion or could live as independent states by making suitable

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political arrangements with their more powerful neighbouring Dominions”.¹

Lord Mount Batten the then Viceroy of India gave some suggestions regarding the criteria for deciding which of the two dominions a Princely State should join. He said “Normally geographical situation and communal interests and so forth will be the factors to be considered.”² Subsequently, the states which were contiguous to India having a majority of non-Muslim population acceded to India with Hyderabad and Junagadh being the exception. While states, contiguous to Pakistan with a majority of Muslim population, acceded to Pakistan. Maharaja of Kashmir wishing to be independent could not decide immediately. Meanwhile, with the arrival of Indian troops in Kashmir and rebellion by Muslim population, situation was worsening. This eventually paved way to the Indian pressure and Maharaja agreed to join India by signing the controversial Instrument of Accession on 26th October 1947.

It would be relevant here to have a glance over the letter of Lord Mount Batten which he wrote to the Maharaja informing him about acception of his request for accession.

*In the special circumstances mentioned by your Highness, my Government has decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided n accordance with the wishes of the people of the State, it is my government's wish that, as soon as law and order have been restored in Kashmir, and her soil cleared of the invaders, the question of the State's accession should be settled by a reference to the people.*³

Early History

Buddhism was introduced in Kashmir valley in the third century, B.C by Ashoka. For nearly four centuries, Buddhism prospered and was further strengthened by Kanisha in the first century A.D. In the sixth century A.D., Huns gained control of the valley. After that it was Ujjain Empire in India which extended its control over Kashmir with Vikramaditya as its strongest ruler. During 697-738 A.D., Hindu rulers found a new dynasty by combining Hinduism and Buddhism, under “Lalituditya. Lalituditya is still regarded as one of the most celebrated Hindu Kings.”⁴

The beginning of Muslim rule

In 1339 A.D. the foundations of Muslim rule were laid in Kashmir when Rianchin Shah, a Tibetan, embraced Islam and adopted the Muslim name of Sadruddin. After his death Shahmir of Swat who adopted the name of Shamsuddin became the first Sultan of Kashmir. "The establishment of Shah Mir on the throne of Kashmir was not the triumph of an Islamic Power struggling for supremacy in the state. It was in reality triumph of the freedom struggle of the people who had been groaning under the misrule of Hindu Kings."⁵ "The rule of Muslims came as a blessing not only politically but intellectually and spiritually. It popularized Islam in Kashmir which revolutionized the thinking of the people and their whole attitude to life." Politics had dehumanized the Kashmiris, Islam made them men again."⁶ The first great king of Muslim period was Shahabu Din who came to the throne in 1354. After restoring peace within the valley, the king focused his attention on foreign conquests. He then conquered Baltistan, Ladakh, Kishtwar and Jammu. After the death of Shahb-ud-Din , Qutub-ud-Din took power. He was followed by Sikindar. In 1420 another great King, Zain-ul-Abidin famously known as Bud Shah took the throne. He ruled until 1470. India's Emperor Akbar was invited by the people of Kashmir. He conquered Kashmir in 1586. The Mughals ruled the Valley till 1752 A.D.

The Sikh rule

With the visit of Guru Nanak to the Kashmir valley in 15th century, the connection between Sikhs and Kashmir began. By the end of the 17th century, Sikhs were converted into a military theocracy under the Guru Gobind Singh. As a warrior, he gave the Sikh community its militaristic traits and organized his guerilla operations against the Mughals. Since Sikhs were divided under MISALS or clans, they remained without unity. Ranjeet Singh, belonging to the MISALS of Charan Singh had an eye on Kashmir. He first made an alliance with Shah Mahmood of Afghanistan and tried to control Kashmir. The Sikh army proceeded to Kashmir via Peer Panjal in 1814. In 1819 the Sikhs entered Shupayan and soon they controlled the valley.

These were the Kashmiris, who first invited Ranjit Singh to invade the territory to get rid of Durani rule of Kashmir but later they repent their action and started complaining to Ranjeet Singh about the conduct of their Governors in Kashmir. Moti Ram's rule, who was Ranjeet Singh's Governor was described by William Moorcraft in his travels as "Everywhere the people are in the most abject condition exorbitantly taxed by the Sikh Government and subjected to every kind of extortion and oppression by its officers"⁷ Moorcraft goes on to say

“Villages are half deserted and the few habitants that remained wore the semblance of extreme wretchedness. The poor people are likely to reap little advantage from their labour, for a troop of tax-gatherers come into a village and seize nine-tenths of the grain of the farmer for the revenue. Islamabad (Anant-pur) is swarming with beggars and the inhabitants of the country around half-naked and miserably emaciated. The Sikh seems to look upon the Kashmiris as little better than cattle. The murder of a native by a Sikh is punished with a fine by the Government, of from sixteen to twenty rupees, of which four rupees are paid to the family of the deceased if a Hindu and two rupees if a Muslim.”⁸ Sikhs ruled Kashmir over a period of twenty seven years which ended in 1839.

The Treaty of Amritser

After the Sikhs were defeated by British in 1846, Gulab Singh a Dogra Rajput appeared as a dominant figure. He had entered Maharaja Ranjeet Singh’s service as Raja of Jammu. After Ranjeet Singh’s death, the relations between East India company and Sikhs deteriorated. Sikhs fought two wars with British, first in December 1845 and the other in February 1846 with subsequent defeat of the Sikhs. “Gulab Singh remained on the sidelines, offering to help his overlords but failing to give it, at the same time as keeping in regular contact with the British. Without his support, Sikh defeat was inevitable.”⁹

“Treaty of peace of 9th March 1846 between Sikhs and British was meant to favor Gulab Singh. Instead of paying an indemnity of one crore of rupees the Sikh were required to cede to the East India company the provinces of Kashmir and Hazara.”¹⁰ On 16th March 1846, the Treaty of Amritser was signed by the British and Gulab Singh. According to this treaty Kashmir was sold to Gulab Singh for a sum of 75 lacs. Gulab Singh was also supposed to sever his allegiance from the Sikhs. Gulab Singh became the Maharaja of Jammu and Kashmir. Ladakh and Baltistan were also included in his estate.

Many historians share the opinion that although Dogras were the rulers of Kashmir, “the common Kashmiri people felt that Dogras considered Jammu as their home and the valley as a conquered territory”.¹¹ The Treaty of Amritser, consisting of ten articles had no mention of the rights, interests and future of the people of Kashmir.

Dogras

“The Maharaja was given this bargain Kingdom for two reasons first, he had assisted the British in making an orderly retreat from the disastrous British Afghan expedition. Second, at the conclusion of the Anglo-Sikh

war of 1845 and the defeat of the Lahore Kingdom, Gulab Singh had indicated that he would protect British interests in the Punjab.”¹²

The crisis in Kashmir began with the handing over of Kashmir to the Dogras. Gulab Singh under Wazir Lakhpat sent some troops to take the valley into possession. The Governor Shaikh Imam-ud-Din resisted and refused to surrender. A fight ensued between the Kashmiris and Dogras in which Gulab Singh’s troops were defeated and Wazir Lakhpat was assassinated. Thus in 1846, the present state of Jammu and Kashmir including Ladakh, Baltistan and Gilgit was established.

Prem N Bazaz has aptly said that: “Dogras were different from earlier rulers of Kashmir in that they were themselves vessels of another power i.e. the British. They established a sort of Dogra imperialism in the state in which the Dogra’s were elevated to the position of the masters and all non-Dogra communities and classes were given the humble places of inferiors.”¹³

He goes on to say “ By coming under the British Suzerainty the valley began to have the impact of Western ideas and modern civilization which finally awakened the people to demand their birth-right of independence and freedom.”¹⁴

Ian Copland summarized the situation of the Muslim community in the State in following words: “Though they comprised 53 percent of the population in the southern or Jammu Province and upwards of 93 percent in the more populous northern or Kashmir province, the Muslims were a community without wealth or influence. At the policy making level, power was shared between the dynastic ruler Maharaja Hari Singh and four man executive council which in 1931 consisted of the Maharaja’s brother, two British officers loaned by the Government of India, and a Sikh. In the bureaucracy, Hindus and Sikhs held seventy-eight percent of gazetted appointments compared to the Muslims’ twenty-two percent. At the local government level the disparity was less marked over all but non-Muslims still dominated, specially in Jammu for instance, Tehsildarse of Kotli and Rajouri, the Nibe Tehsildarse of Bhimber, Naoshera, Kotli and Rajouri, Superintendent and Deputy Superintendent of Police at Kotli and nearly all the Magistrates were either Sikhs or Hindus, while in Mirpur Tehsil it was estimated that 94 percent of Patwaries were Kashmiri Brahmins.”¹⁵

Maharaja Hari Singh, the last Dogra ruler succeeded to the throne in 1925. During his rule also, Kashmiris felt highly alienated thus giving rise to the movement known as “Kashmir for the Kashmiris” encouraged by educated class of Kashmiris. Soon voices from different segments of the society were raised against the policies of Maharaja Hari Singh. Prominent among these was Shaikh Mohammad Abdullah , an

Aligarh educated Kashmiri. This was the time when political unrest in the valley was beginning. He joined Reading Room Party and became famous as “Lion of Kashmir”. Later Abdullah founded a political party the All Jammu and Kashmir Muslim conference in 1932.

By this time the people of Kashmir stood up for the first time and protested against the atrocities of Maharaja Hari Singh. Agitations started against the Maharaja’s rule and a demand for basic political rights was put forward. Maharaja took efforts to crush the Muslim uprising. During early 1930’s two major incidents took place which added fuel to the already alarming situation.

The first incident occurred in Jammu on the occasion of Eid Prayers on 29th April 1931. The Imam while delivering the Eid sermon narrated the cruelties committed by the pharaoh of Egypt on Moses and his community and how Moses eventually emancipated the Bani Israel from the bondage of the Pharaoh.”¹⁶. The Hindu sub-inspector of police Khem Chand considered this was an attack on the Hindu Maharaja. Infact the Imam narrated the story routinely and was not aware of its repercussions. The police officer intervened and tried to stop the sermon. This was taken by Muslims as unnecessary interference in their religious affairs.

Another incident took place when a Muslim constable was reciting the Holy Quran in his barrack in Jammu. His Hindu colleague Labboo Ram felt irritated by the recital. Snatching the Holy Book, he threw it down in anger. This resulted in exchange of severe language between them. “This news spread like wild fire. It provided added fuel to the fire of discontent already aflame in Muslim hearts.”¹⁷ Further “a mosque was demolished in Riasi and there was growing interference in offering prayers in Degwar and Kotli.”¹⁸ This caused Muslims to protest vocally.

Partition of the Sub-Continent

Mount Batten Plan was published on 3rd June 1947. According to the plan the sub-continent of India was to become independent on 15th of August 1947. Subsequently according to Indian independence Act of 1947, British India was divided into two independent countries i.e. India and Pakistan. To Kashmiris the establishment of Pakistan was matter of joy, who thought that they are now close to achieve their destiny i.e. liberation from cruel Hindu Dogra Raj.

According to the provisions of the independence act, the rulers of all independent states were given the choice to join either India or Pakistan. Maharaja of Kashmir apparently adopted a neutral stand and signed a standstill agreement with Pakistan. In pursuance of that

agreement, the management of the line of railway owned by the Government of Jammu and Kashmir and of the postal and the telegraphic services and customs in the state continued to vest in the Government of Pakistan.

Accession to India

Before partition of the sub-continent many leaders tried to persuade the Maharaja for accession of Kashmir to India. Among these were Mr. Acharya Kirpalani, the President of Indian Congress, Maharajas of Farid Kot, Kapurthala, Patiala and the rulers of the Punjab Hill States, who had already decided to accede to India. In June 1947 Lord Mount Batten also went to Kashmir with the same plans. He was followed by Gandhi. All the efforts were without success except one as the state Prime Minister Ram Chandra Kak, who was in favour of independent Kashmir was replaced by a Dogra, Janak Singh. "Later by the middle of the October, Prime Minister Janak Singh was replaced by the Indian Congress nominee Mehr Chand Mahajan with the promise that military aid could be made available to him at his discretion."¹⁹

Maharaja under a plan, ordered the Muslim population to disarm themselves. At the same time he started pouring Hindus and Sikhs from East Punjab to Kashmir. The people of Kashmir protested against the Maharaja's attempt to disarm the Muslims. "A guerrilla movement was started which drew its strength from the nearly 70,000 Poonchis who had served in the British Indian army during the 2nd World War"²⁰

The atrocities jointly perpetrated by forces of Maharaja and the bands of Sikh and Hindus provoked the passions of the Muslims of Kashmir and Pakistan. This led to the incursion by the tribesmen from the tribal areas of Pakistan into Kashmir on October 22, 1947 to help their co-religionists in trouble.

The Genesis of the Issue

There are many factors which could be taken into account while analyzing the history of Kashmir and finding the root cause of the issue. The dispute began with the partition of the British Indian Empire in August 1947 into two independent states Pakistan and India.

The Viceroy of India Lord Mount Batten suggested some guiding principles for the princely states in order to accede to India or Pakistan. He advised the rulers to decide for accession while keeping in mind the geographical position of their states and the wishes of the people. Since paramountcy was not transferred to the successor governments but was terminated on 15th August 1947, Indian States in principle should have to be independent. And if the option of being

independent was given, many of the states could have opted for that, including Kashmir as the Maharaja of Kashmir was interested to be independent.

As far as the Kashmiri people were concerned they had natural interest in allying themselves with Pakistan. "At the time of the transfer of power, Muslims constituted about 78% of the entire population and around 93% in the valley itself. Kashmir had religious and cultural affinities with Pakistan. It has over nine hundred mile border with Pakistan."²¹ Besides this there were many other factors which linked the Kashmir closely to Pakistan. This clearly shows that Lord Mount Batten accepted the accession against the interests of the people of Kashmir.

Moreover, Lord Mount Batten's role in fixing the boundaries between India and Pakistan cannot be ignored. India would not have had any land route to Kashmir. The boundary commission under Sir Red Cliff, placed the district of Gurdaspur a Muslim majority district to India. In this way a land link to Kashmir was provided to India. This became another cause of resentment among the Muslims of Kashmir and the Pakistan as well.

Kashmir's accession to India not acceptable to Pakistan

The accession of Kashmir by Maharaja is the main argument on which the Indian Government bases its claim on Kashmir. The letter of Maharaja and Lord Mount Batten's reply were never accepted by Pakistan as the valid basis for Kashmir's accession to India.

Maharaja's capacity to offer accession while in flight, his authority to control the territory and the conditions within Kashmir have been questioned by many. It has been widely acknowledged now, that there was a freedom movement at its peak in Kashmir, Maharaja had lost the control over large part of Kashmir, he was not enjoying the support of the masses. His forces were dispersed and he himself was leaving the Kashmir. In these circumstances the letter of Maharaja offering the accession of Kashmir to India and the acceptance of this offer by India does not constitute a valid reason for accession of the state to India.

Conclusion

Historically speaking Kashmir had been ruled by different dynasties. From the 14th century onward it was ruled by Muslims. Then it came under Sikhs, Afghans and then Dogras. Before 1846, Kashmir was part of Sikh empire. Kashmir was sold to Maharaja Gulab Singh in that year under the Treaty of Amritsar. Maharaja Gulab Singh ruled Kashmir in a ruthless way. Oppressed people of Kashmir resisted against the cruel ruler Hari Singh as they had been in the past. During partition of the sub

continent, states were given the choice to accede to either India or Pakistan.

Maharaja of Kashmir could not decide immediately after the partition. The people of Kashmir being in majority wanted to accede to Pakistan. Meanwhile with the arrival of Indian troops in the valley and tribal men from Pakistan, situation deteriorated. Maharaja eventually signed the controversial instrument of accession with India on 27 October 1947.

Since Indian claims on Kashmir are based on the Instrument of Accession, the validity of this document becomes of vital importance to this issue. Three factors can be taken into account, firstly Indian argument that Maharaja willingly acceded to India, secondly timings of signing the Instrument of Accession. Based on the above mentioned two is the third factor i.e. whether Indian troops arrived before signing of the Instrument of Accession thus rendering them illegal.

Apart from the question of validity or invalidity of Instrument of accession another element which has been overlooked throughout the history is the people of Kashmir. The will of the people has never been consulted as was pledged by India itself and under the auspices of the United Nations.

What Kashmir needs today is a generally agreed settlement with wishes of the Kashmiri people as central. If this could not be achieved a solution to the Kashmir issue is unseen in times to come.

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