

# Tracing the Origins of Kashmir Issue: A Study of Political Developments with Special Reference to Treaty of Amritsar

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**Abstract**—*Kashmir has been one of the burning issues in the world right now. It is bone of contention between the two nuclear powers of Asia and wars have been fought over it. The Kashmir issue is a crucial one which is to be resolved in order to maintain peace in the sub-continent. Owing to its geopolitical significance and richness in natural resources, it was exploited by different rulers and dynasties for their personal benefits, the trend which started centuries back and still has its importance. The people resented against the established rule but its form changed from time to time. The present paper is an attempt to bring out the genesis of the Kashmir issue through the light of political developments. Special focus of the paper will be on the treaty of Amritsar, when the state of Jammu and Kashmir was formed. It was here when the seeds of the conflict were sown.*

**Keywords:** *Burning issue, Bone of Contention, Nuclear powers, Geo-political, Political developments, Treaty of Amritsar etc.*

## 1. INTRODUCTION

Kashmir is the northernmost geographical region of the Indian subcontinent. Until the mid-19<sup>th</sup> century, the term ‘Kashmir’ denoted only the Kashmir valley between the Great Himalayas and the Pir Panjal Range. Today it denotes a larger area that includes the Indian administered territory of Jammu and Kashmir, the Pakistani administered territories of Azad Kashmir and Gilgit-Baltistan, and the Chinese administered territories of Aksai Chin and the Trans-Karakoram Tract[1].

The beautiful valley of Kashmir is a delightful garden par excellence which has been referred as paradise on earth by the eminent scholars, travellers and rulers, due to its scenic charm. The fact is that no other country of the world is gifted with such natural features[2]. It was because of these unique features that Kashmir attracted not only travellers and scholars but also the famous rulers of the world like Alexander. Kashmir was ruled by the indigenous Hindu rulers during the ancient period. The Hindu rule was taken over by Muslim rule in 1339 A.D., with the establishment of Shah Mir dynasty. The rule of this dynasty continued up to 1586, when finally Kashmir was taken over by Mughals and thus ended the indigenous Kashmiri rule. It was emperor Akbar who brought an end to indigenous Kashmiri Muslim rule that had lasted 250 years. The watershed in Kashmiri history is not in the beginning of the Muslim rule as it is regarded in the rest of the subcontinent but the

changeover from Kashmiri rule to a non-Kashmiri rule [3]. Thus this incident marked the beginning of foreign rule which Kashmir has been witnessing from last more than four and a half centuries. The Mughals were succeeded by Afghans and then by Sikhs. They left the Kashmiri people in a deplorable and miserable condition. There was no concern for people on part of State. The people were suppressed ruthlessly and had no say at all.

The Sikhs were succeeded by The Dogras in 1846 A.D., which marked the new phase of autocratic rule in Kashmir. This was evidently not for the first time that the valley of Kashmir had been held by ‘outsiders’, having passed from Mughal to Afghan and finally into Sikh hands. However, what did change critically at the same time as Kashmir was handed over to the Dogras was the nature of the political world of pre-colonial India more generally, and Kashmir more specifically [4]. Now it was not only Kashmir valley but also other territories which were mingled into one and thus formation of Jammu and Kashmir state took place through treaty of Amritsar. It was here that the seeds of conflict were sown which marked the beginning of new phase in Kashmir history.

## **2. TREATY OF AMRITSAR**

March 16 is the darkest day in the history of Kashmir. It was on that day when one of the most inhuman treaties of the human history was concluded through which the entire human population of Kashmir was sold by the trading company of “the country of shopkeepers” to a “rascal”, as the managers of the company called him. The treaty which is the root cause for most of the sufferings of the Kashmiris is the treaty of Amritsar. The inhuman treaty inflicted a deep wound on the Kashmiris mass psyche which refuses to heal even after the lapse of more than one and a half century period [5].

The treaty between the British Government on the one part and the Maharaja Gulab Singh on the other concluded on the part of British Government by Frederick Currie, Esq. And Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Rt. Hon. Sir Henry Hardinge, G.C.B., one of her Britannic Majesty’s most Honourable privy council, Governor-General of the possessions of the East India Company, to direct and control all the affairs in the East Indies and by the Maharaja Gulab Singh in person -1846 [6].

### **2.1 Provisions of Treaty [6]**

#### **Article 1**

The British Government transfers and makes over for ever in independent possession to Maharaja Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward 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 the Article IV of the Treaty of Lahore, dated 9<sup>th</sup> March, 1846.

#### **Article 2**

The eastern boundary of the tract transferred by the foregoing article Maharaja Gulab Singh shall be laid down by the commissioners appointed by the British Government and Maharaja Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

### **Article 3**

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharaja Gulab Singh will pay to the British Government the sum of seventy five lakh rupees (nanukshahee), fifty lakh to be paid on or before the 1<sup>st</sup> October of the current year, A.D., 1846.

### **Article 4**

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

### **Article 5**

Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of the British Government.

### **Article 6**

Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his military forces, the British troops when employed within the hills or in the territories adjoining his possessions.

### **Article 7**

Maharaja Gulab Singh engages never to take to retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

### **Article 8**

Maharaja Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of the Article V, VI, VII of the separate engagement between the British Government and the Lahore Durbar, dated 11<sup>th</sup> of March, 1846.

### **Article 9**

The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

### **Article 10**

Maharaja Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmere shawls.

In this way Kashmir came into the hands of Maharaja Gulab Singh. He was already the master of Jammu. Ladakh and Baltistan had also been earlier conquered by him by his General Zorawar Singh. After taking the possession of Kashmir, Maharaja Gulab Singh occupied Gilgit as well. Thus he founded the modern State of Jammu and Kashmir [7].

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### 2.1.1 Views on the Treaty

“The Treaty of Amritsar was a baleful event, if there has been a catastrophe to hit Kashmir politically, devastates it economically, ruin it socially, and bash it psychologically, it was this treaty. It was a good bargain for both the parties; the vendor received a booty and suzerainty in exchange and the bargain hunter got a sizeable chunk of fertile lands”. [8] *Ahad*

“With the conclusion of the treaty of Amritsar, the people were stabbed in the back, forced into the state of quandary, and once again in their History of misfortune falling from the frying pan into the fire.” [9] *Pampori*

“For seventy five lakhs of rupees, the unfortunate Kashmiris were handed over to the tender mercies of the most thorough ruffian that ever was created- a villain from a kingdom down to half penny.” [10] *Knight*

“Valley, mountains, forests, rivers, fruits, flowers and grain...cattle, sheep, humans and their work and labour...all traditions inherited by us from our forefathers...look at the sale deed, everything is in black and white... ownership of the country bought for seventy five lakhs...confiscated all this booty in seventy five lakhs, be it cattle or humans to be bought, all for sale...their sons, daughters, and progeny all for sale...None can ever be free, all are up for the sale...Homeless till doomsday, ruined, forever on sale, sold is Kashmir’s paradise for seventy five lakh.” [11] *Hafeez Jalandhari*

“O breeze if thy happen to go Geneva way. Carry a word to the nation of the world. Their fields, their crops, their streams. Even the peasants in the vale. They sold, they sold all alas. How cheap was the sale.” [12] *Iqbal*

“Towards the people of Cashmere, we have committed a wanton outrage, a gross injustice, and an act of tyrannical oppression, which violates every humane and honourable sentiment, which is opposed to the whole spirit of modern civilization and is in direct opposition to every tenant of the religion we profess.” [13] *Thorpe*

## 3. STATE AND RESENTMENT OF PEOPLE

The Dogra rulers did little for the welfare of the people as they considered Kashmir as their purchased property and they wanted to extract as much as they could. Their rule was characterized as despotic, tyrannical and sectarian. The people of Kashmir particularly Muslims suffered immensely from the Dogra rule. It was feudalistic type of political system, wherein the ruler at the top, invested within himself all the sources of power, legislative, executive and the judicial [14]. Dogra rulers revoked the jagirs from Muslims and transferred them to their co-religionists. Religious places of Muslims were converted into store houses for grains and ammunition. A person suspected of killing cow was imprisoned in chains, his family mercilessly flogged and tortured. There were cases of men being boiled in oil for killing a cow. In 1920, out of 117 prisoners in Kashmir jails, 97 were held for cow slaughter [15]. Maharaja Hari Singh also confiscated the rent free grants and established the Dharmarth Trust to which huge amount of revenue was imposed on people [16]. It was here that the Kashmiri Muslims were alienated as their religious sentiments got hurt through the policies of rulers from Jammu. Most of landless labourers were working as serfs for Hindus landlords. Though pandits were only two percent of total population, they were given

preference over other communities [17]. People were having no rights to voice against Maharaja and make any organisation or party. As such Kashmir became the scene of vile oppression and abominable misrule and it remained trodden down and trampled [18]

The people resented against the oppressive and rapacious taxation of the Dogras right from the inception of Dogra rule. People resorted to hartals but failed due to lack of cooperation and understanding. The popular uprising started in 1865 (Zaldagar uprising), resulting in great bloodshed, had the elements of revolutionary agitation in it as its leaders revealed immense potential of resistance and sacrifice in the face of heavy odds [19]. Though this uprising was ruthlessly suppressed, it sowed the seeds of open confrontation and showed the anger among the people against the autocratic rule.

The policies of State were such by which Muslims particularly felt marginalized and oppressed socially, economically and politically. The result was a political movement against Dogra rule in the valley of Kashmir. The organised reaction against the State started with the event of July 13, 1931, which marked the beginning of what is commonly called as freedom struggle. In the same year Jammu and Kashmir Muslim conference was formed with Sheikh Mohammad Abdullah as its president. Sheikh Abdullah rose to popularity and began to be called as *sher-e-kashmir* (lion of Kashmir) and dominated the political scene in Kashmir till his death in 1982. In order to secularise the freedom movement, he transformed Muslim conference into National conference in 1939. Launching this struggle for a decisive victory National conference on 15<sup>th</sup> may, 1946 reiterated in Srinagar, the demand that the princely order should quit the state is a logical extension of the policy of 'quit India'. When the freedom movement demands complete withdrawal of the British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. The time has come to tear up the treaty of Amritsar. Quit Kashmir is not a question of revolt, it is a matter of right [20]. "*Bainamai Amritsar tod do Kashmir ko Chod do*" (Abrogate the treaty of Amritsar and quit Kashmir) was the common slogan during the struggle for freedom. It defines without any question that how this historical incident shaped the political psyche of Kashmir deeply rooted in the economic oppression, degradation and exploitation [21].

The year 1947 opened the new chapter in the history of Kashmir with the partition and independence of India and Pakistan. It saw the division of Kashmir which was so devastative that thousands of people lost their lives. The reluctance of Maharaja Hari Singh to remain independent did not lasted for long and it was on 27<sup>th</sup> of October, when he signed the instrument of accession with India. However the legality of accession was to be politically reaffirmed in a plebiscite, which was never held because both India and Pakistan could not overcome the mistrust [22]. Pakistan refused the instrument of accession and in this regard Liaqat Ali Khan, prime minister of Pakistan declared on 4<sup>th</sup> november, 1947 that "we do not recognise this accession, the accession of Kashmir to India is a 'fraud' perpetrated on the people of Kashmir by its cowardly ruler"[23].

#### 4. CONCLUSION

It was this historical event of 1846, when the modern state of Jammu and Kashmir was formed, marking the beginning of Kashmir issue, which at present looks extremely complex dispute. The people in general and Muslims in particular faced the wrath of autocratic, despotic, tyrannical and

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communal rule of the Dogras. Though Kashmir did see the new sunrise of freedom from the Dogra clutches, but the miseries continued thereafter as well. It continued to be the bone of contention between India and Pakistan, both claiming it as their integral part and jugular vein respectively. The politics both inside and outside the state affected the people very badly. Mahjoor, the Kashmiri poet shows the disappointment in following lines;

*Azadi* (Freedom)

Let us all offer thanks,  
 For freedom has come to us;  
 It is after ages that she has beamed  
 Her radiance on us.  
 In Western climes freedom comes  
 With a shower of light and grace  
 But dry, sterile thunder is all  
 She has for our own soil.  
 Poverty and starvation,  
 Repression and lawlessness,  
 It is with these happy blessings,  
 That she has come to us.  
 Freedom, being of heavenly birth,  
 Cannot move from door to door;  
 You will find her camping in the homes  
 Of a choosen few alone.  
 ...There is mourning in every house;  
 But in sequestered bowers  
 Our rulers, like bridegrooms,  
 Are in dalliance with freedom.

...*Ghulam Ali Mehjoor*[24]

The disappointment did not stopped here and at present, it has taken a new shape in the form of armed struggle. So the treaty of Amritsar through which different cultural and geographical regions were mingled into a one state resulted in Kashmirs unending subjugation and servitude.

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