The Origins of a Dispute

Kashmir 1947

Prem Shankar Jha

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Preface to the New Edition

This is an account of the origins of the Kashmir dispute between India and Pakistan. The dispute has raged unabated for 55 years and now poses a threat to the entire region because both countries are armed with nuclear weapons. The current work is a substantially revised and much enlarged version of a book I wrote in 1994–95 which set out to examine the exact circumstances in which Kashmir acceded to India in 1947. It differs from the first not in purpose but content. In 1994, several sets of papers of crucial importance to understanding the origins of the Kashmir conflict were still under embargo. Among these were the correspondence of Lord Mountbatten, British India's last Viceroy, with King George VI after he became the Governor-General of free India, and more importantly, the minutes of the Defence Committee of the Indian Cabinet during the 14 months of the Kashmir war. Over the years, a few scholars like Philip Ziegler and H. V. Hodson, had been given access to them by the Mountbatten family, and others had seen some of the papers that would periodically surface in the India Office Records Library in London. In 1994, I had not been able to see the Mountbatten papers and had therefore relied, perforce, upon Hodson's *The Great Divide* to fill in the blanks in my reconstruction of events. These were, mercifully, few but kept nagging me during the years after the first edition appeared in December 1995. In 2001, I was able to examine the Mountbatten papers in some detail. This enabled me to cite hard evidence on many issues where I had earlier been forced to rely upon inference.

A second source of dissatisfaction was the existence of some minor discrepancies between the account given to me by Field Marshall Manekshaw, of the date and time of the signing of the Accession and its presentation to the Defence Committee of the Indian Cabinet, and my own reconstruction based upon the official correspondence and the accounts of Hodson and Sir Alan Campbell-Johnson. While the latter had concluded that the Instrument was handed over to the Indian Cabinet

when it met on the evening of October 26, 1947, Manekshaw maintained that he saw V. P. Menon hand it over to Mountbatten before the start of the Defence Committee meeting on the morning of the 26th, i.e., a full day before the Indian troops entered Kashmir. Manekshaw had also insisted during my interview with him that the first Indian soldier entered Jammu and Kashmir state on the afternoon of October 26 and not the morning of the 27th. The Mountbatten papers revealed that Manekshaw's memory was certainly accurate on the second count and most probably accurate on the first as well.

A third source of dissatisfaction in the years after the first edition came out was my inability to carry the narrative of the Kashmir dispute, and especially of the British role in it, beyond November 1947, and therefore to include an analysis of the debate before the UN Security Council. But another important set of documents, of which only a few had been released by the British Foreign Office in 1994, had become available by the time I revisited the British Library in the summer of 2001. This was the so-called Pinnell files, containing the correspondence between the British Foreign and Commonwealth Relations offices, the British delegation to the UN Security Council and the British Embassy in Washington, that had been entrusted to Sir Arthur Pinnell, a member of the British delegation to the UN Security Council. Their perusal enabled me not only to flesh out the chapter on Britain's role in the Kashmir dispute, but to provide a clue to the causes of the estrangement that developed between the United States and India within months of Indian Independence and a full three years before the Korean war. I have, accordingly, devoted three chapters of the present book (6-8) to the British hand in the Kashmir dispute. While much of the material in the first two of these chapters was present in the 1995 version of my book, I have added one chapter, titled 'Kashmir at the UN' to carry the story up to April 1948, in the present version.

Access to the Mountbatten papers and the Pinnell files confirmed that contrary to the impression created by two generations of Western and Pakistani writers, the dispute has its origin neither in the 'unfinished business of Partition', i.e., the division of British India into Muslim and non-Muslim majority areas, nor in the vacillation of a 'weak, indolent and despotic' Maharaja. On the contrary, the Kashmir dispute is a product of what, half a century ago, used to be called 'Power Politics'. The seed was sown by British policy in the last days before the Transfer

of Power as London tried to work out ways to safeguard what it considered to be its vital interests, in the Middle East and South-East Asia. This preoccupation pervaded the behaviour of its minions not only till August 15, 1947, but, less excusably, in the ten weeks after Independence when the Kashmir dispute was incubated. Far from being independent actors, both India and Pakistan, but particularly India, were manipulated by British officials posted in the two Dominions, through careful acts of commission and omission. Kashmir's accession to India upset these calculations. The focus of British foreign policy, therefore, shifted to undoing it by whatever means came to hand. In this, it skillfully recruited the United States, without the latter fully realising the implications. As a result, it created the mould in which the mutual antipathy between the US and India, the two largest democracies in the world, was forged.

When an issue generates as much bitterness, anger and frustration as Kashmir has done, some of this feeling is bound to be absorbed by those who attempt to study it. It is not, therefore, surprising that over the years, two completely different versions of Kashmir's accession to India have come into being, not only in peoples' perceptions—that is only to be expected—but in the academic literature on the subject. These versions have then been fed into the popular perception through, and by, the media. Thus by degrees the distinction between scholarship and polemic has been eroded to the detriment of the former.

This book examines both versions, and the role played by the British government, with the aid of contemporary accounts, documents and the voluminous correspondence between and within the governments of Pakistan, India and Britain and declassified correspondence within the British government during this period. I have used these to build a clear, week by week, day by day and finally hour by hour account of events in 1946 and 1947, as it emerges from the above sources. These are fully described in the footnotes. No attempt has been made to read exhaustively all the voluminous secondary literature that the Kashmir dispute has generated, especially from scholars of international affairs. Instead, I have adopted the historian's approach to the subject and confined myself to the above primary sources. These have been used to sift the statements made by the principal actors in their autobiographies and accounts of events, to determine what can and cannot be believed. On many occasions the correspondence has highlighted the significance of statements in the autobiographies that would otherwise have escaped

my notice. The interpretations of other scholars have been tested against the story that has emerged from the above reconstruction.

I can no more claim to be unmoved by the events that are described in this book, than can the dozens of people who have written on the subject of Kashmir before me. Rather than make claims to objectivity, I consider it more fair to the readers to spell out clearly the overall framework of values with which I have approached this subject. Pakistanis believe, almost without exception, that Kashmir should naturally have been part of Pakistan, and that they got tricked, or coerced, out of it by a clever and deeply laid Congress plot. This belief is based on the fact that 77 per cent of the population of the original princely state, was 'Moslem', to use the spelling the British favoured at the time, and Pakistan was created on the basis of the theory that Hindus and Moslems were two different nations. If one has an implicit faith in this theory, the rest follows naturally.

This implicit belief has permeated a great deal of the literature on the subject, particularly the writings of non-Indians. The way it has biased academic investigation by predetermining what the writer believes was natural or morally right is reflected in the two basic premises with which the British scholar Alastair Lamb begins his most recent book on Kashmir.[1]

> First, did those parts of British India with viable Muslim majorities have the right to look forward to an independent future *free from Hindu domination*? ...[and second], Had Jammu and Kashmir been an integral part of British India, there can be no doubt that it would automatically have been embraced within the Muslim side, Pakistan, by the operations of the process of Partition (emphasis added).

The moral imperative in these two observations could not be more explicit: A 'right' is invoked, its denial is depicted as the denial of freedom, and its extension to areas not covered by the original covenant is deemed to be morally desirable, if not an outright duty. The strong overload of morality inhibits Lamb, as it has inhibited other scholars, from asking a number of other questions that certainly deserve an answer, such as: 'did all Muslims want this 'freedom'? Were the 'Muslims' a homogeneous

[1] *Birth of a Tragedy: Kashmir 1947*. Roxford Books, Hertingfordbury. 1994. pp. 1 and 2

community with all the attributes of suppressed nationhood or were they a heterogeneous community with internal divisions?

Were there no other loyalties that might conflict with their loyalty to their co-religionists? Were there no class differences, in particular that might do so? For that matter were the 'Hindus' a single homogeneous community? Was there a fully fledged Hindu nationalism, or was there only the makings of one, in 1947? Did the term 'Hindu' have any political significance at all? Is there even such a thing as a 'Hindu'? Are there no conflicting loyalties among the 'Hindus'?

Assuming that Muslim interests, and the position of Muslims in Indian society did need safeguards, at least for psychological reasons, was Partition the only way of providing them? In view of the fact that fully one-third of the Muslims of the subcontinent were left behind in India, and that their position deteriorated steeply after Partition, the holocausts that accompanied it and the flight of their leaders to Pakistan, can it even be claimed that Partition achieved its primary purpose of freeing Muslims from Hindu dominance, or did it free some at the expense of the rest? Were no other political arrangements possible that would have safeguarded the position of all the Muslims of the sub-continent? In particular, since British India had already travelled a good way towards federal democracy, especially after the passage of the Government of India Act of 1935, would a federal, or confederal arrangement not have been better than what the subcontinent enjoys today?

Rather than attempt to answer these questions, I will leave it to the reader to draw his own conclusions from documents cited in this book and from the subsequent history of the Indian subcontinent. I will confine myself here to stating that I do not believe in the two-nation theory. Were I to do so, I would have to insist that 140 million Muslims have no rightful place in India. I would find myself, ideologically, in the same bed as the most rabid of Hindu chauvinists. This does not mean that India and Pakistan should be reunited, much less forcibly. It also does not mean that Pakistan has no reason to exist. While religion may not have proved to be the most permanent of glues for nationhood, Pakistan has now existed for almost half a century and is in the process of building other *raisons d'etre*. Religion is certainly as important an ingredient in the personalities of nations as of individuals, but it defines neither. In the Indian subcontinent, if there is a fundamental social reality, it is (and has been for more than two millennia) ethnicity. The natural

social groupings in South Asia have been ethnic. These have a shared language, a shared history, shared customs, a shared inheritance of food, dress, art, music and culture and whenever the 'paramount' power (for lack of a better word) has weakened, a shared nationality. South Asia had and continues to have hundreds of ethnic groups. Keeping them united in a few larger entities is the most challenging task that any nation state has faced. What the two-nation theory did at the time of Partition, was to drive a neat cleaver through ethnic identities. In 1946 and 1947, the operation was performed in Punjab, Bengal, and with less fanfare in the North West Frontier Province (NWFP) and it was performed without an anaesthetic. The trauma inflicted on the subcontinent has persisted for half a century.

What made Partition worse, when seen from this perspective, was that where Muslims did not take naturally to the two-nation theory, they had to be 'sensitised'. The method of doing so was to turn on the religious minorities and provoke retaliation, or to call the wrath of Allah down on those Muslims who did not see eye-to-eye with the two-nation theorists, and insisted on hobnobbing with the *kafirs*. It began in the NWFP in June 1946, and was taken to Calcutta with a call for 'Direct Action' on August 16, 1946. In January, 1947, it was unleashed in Punjab, where it led to an outbreak of communal rioting between Hindus and Sikhs on one side and Muslims on the other. The animosity this created led to the fall on March 2, 1947, of the Unionist government of Khizr Hayat Khan in which Sikhs and Hindus, but particularly the former, had had a major part.

Even the definition of the 'two nations' was synthetic, for neither the 'Hindu' nor the 'Moslem' corresponds to actual religious divisions in India. Hindus have always been *Shaivas, Vaishnavas, Shaaktas, Tantriks, Brahmins, Baniyas, Kurmis, Koeris, Rajputs, Marathas*, and so on. The sense of a religious identity is greater among the Muslims, but they too think of themselves more naturally as *Sunnis, Shias, Ismailias, Bohras, Memons, Khojas, Ahmediyas*, and so on. Sunni-Shia riots were far more common in British India than Hindu-Muslim ones, and in today's Pakistan Sir Mohammed Zafrullah Khan, who defended Pakistan's claim to Kashmir before the Security Council on the grounds of its Muslim majority, would not have been recognised as a Muslim, for he was an Ahmediya. An identity based on religion alone is necessarily synthetic. It is one more way of imagining a nation, and an unstable way at that.

In East Pakistan, ethnicity reasserted itself within a few years, and led to the formation of Bangladesh. In Sindh, too, it is threatening to reassert itself. The migrants from the former United Provinces and Bihar were denied the right of residence in West Punjab from the outset, and after half a century, have still not been absorbed into the ethnic culture of Sindh. They have been left with no choice but to transplant their ethnicity from Uttar Pradesh, a thousand miles away. As was inevitable, this has now assumed a full-blown political form.

In India too, the Bharatiya Janata Party's attempts to come to power on the basis of 'Hindutva'—a national revival based on Hinduism alone—have met with a conspicuous lack of success. Between 1986 and 1992, it too used the process of communal sensitisation around real and imagined historical and other grievances, and focussed Hindu resentment on an unoffending mound of brick and stone called the Babri Masjid. But after managing to push up its vote to 23 per cent in 1991, it was unable to add significantly to its share during the rest of the Nineties. It won the 1998 and 1999 parliamentary elections not by increasing its vote but by widening, and successfully managing a multi-party coalition government in which it had only 60 per cent of the seats. To do so, it diluted its 'Hindu' nationalist agenda till it began to face a severe backlash from its own right wing. By 2001, it was fighting a rearguard action against the ever-resurgent ethnicity of the Indian nation. Thus did India's intrinsic pluralism and diversity force itself upon its most monolithic and ideologically motivated political party.

Not believing in the two-nation theory, I have not begun with the presumption that Kashmir's Accession to India was 'unnatural'. This has made me ask questions, and see significance in events and statements that others might have passed over without noticing. What has therefore emerged is a book that is different from its predecessors for not one but two reasons: the newness of the materials that have been used, and the viewpoint from which they have been examined.

I owe a debt of gratitude to many people who have made the writing of this book possible—to Sir Alan Campbell-Johnson (since deceased), who was Lord Mountbatten's press secretary and Dr Karan Singh, son of Maharaja Hari Singh for agreeing to be interviewed about their memories of those eventful days; to Vikram Mahajan, son of Justice Mehr Chand Mahajan of the Punjab High Court, and the last Prime Minister of Kashmir state, for presenting me with a copy of his father's

autobiography and allowing me to quiz him about his father's observations and reminiscences, and to Maja Daruvala, daughter of Field Marshall S. F. H. J. (Sam) Manekshaw, for telling me that the Indian Army officer who had accompanied V. P. Menon on his fateful visit to Srinagar on October 25, 1947, had been none other than her father, and arranging for me to interview him. I owe another kind of thanks to wonderfully helpful librarians at the India Office Records Library in Blackfriars, London, in September and November 1994 and to David Blake and the keepers of the India Office collection at the British Library in July and August 2001. On a more personal note, I owe a great deal to my late father Chandra Shekhar Jha, who dealt with the Kashmir dispute both at the beginning in the Commonwealth Relations Office in New Delhi, and in the United Nations during the later Nehru years as India's Permanent Representative to the United Nations; to Professor Maya Chadda for making a number of valuable suggestions when I was starting my research; my brother, N. N. Jha and several other friends who allowed me to use them as sounding boards while I did my loud thinking on the subject. Finally, I have to thank my daughter Radhika for putting up with me during all those months, during the writing of the first edition of the book, when the past seemed more real than the present.

June 2003 Prem Shankar Jha

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1

Two Versions of History

The Indian State of Jammu and Kashmir has been in the grip of violence for 12 years. For the first five of these, the conflict was primarily between Kashmiri insurgents and Indian security forces and was waged with the essentially political goal of making Kashmir independent of India. Since 1995, the insurgency has passed increasingly into the hands of 'Mujahideen' recruited in Pakistan, whose goal has been to free their Islamic brethren from the yoke of Hindu domination and bring them into the freedom of Islamic Pakistan. Every insurrection, every revolt creates its own justification. More often than not it seeks this justification in history, which is re-examined endlessly and rewritten to fit the revolutionaries' needs. It is not, therefore, surprising that the history of Kashmir's accession to India in 1947, and its subsequent integration into the Indian Union, is being challenged, and not one, but two parallel histories are being created by the rival groups of militants. While those in search of independence are re-interpreting the past to claim that Kashmir has been engaged in an unending struggle for its independence since the days of the Mughal emperors, those who wish to merge with Pakistan are challenging the legitimacy of the State's accession to India in 1947. Several authors, mostly from Pakistan, have engaged in the latter endeavour[1]. The purpose of this book is to examine the latter revision of 'history' to assess how closely it conforms to the known facts.

[1] The most often cited books of this genre are those by Alastair Lamb. These are (1) *Kashmir: A Disputed Legacy, 1846–1990*. Roxford Books, U.K. 1991, republished by Oxford University Press, Pakistan 1993, and, (2) *'Birth of a Tragedy': Kashmir, 1947*. Roxford Books, Hertingfordbury,1994. The references to the former in this book are from the OUP Pakistan 1993 edition.

Since the earliest days of Kashmir's accession there has existed an Indian and a Pakistani version of the circumstances in which it took place. The Indian version is, broadly, as follows: When the British announced their plan to partition British India on June 3, 1947, and informed the princely states that Britain would not be able to recognise any of them as independent dominions and expected them to make their arrangements with either Dominion, the Congress members of the Interim Government told the Maharaja of Kashmir more than once that he was perfectly free to accede to either Dominion, but that, given that he was a Dogra Hindu, while 77 per cent of his subjects were Muslims, he would do well to ascertain the wishes of his people before taking his decision. As August 15, 1947, Independence Day, approached, Maharaja Hari Singh tried to enter into a standstill agreement with both India and Pakistan. India did not refuse to do so, but stalled his request, saying that there were various problems to be overcome first, but Pakistan signed the standstill agreement with Kashmir immediately. However, in the following weeks, Pakistan began to exert various types of pressure, including withholding supplies of kerosene, petrol, food, edible oils and salt to the state.[2] When this soured relations with Maharaja Hari Singh and led to acrimonious exchanges between him and Prime Minister Liaquat Ali Khan, including veiled threats by the Maharaja that he would 'ask for assistance' elsewhere if his state's needs were not met, Pakistan organised an invasion of Kashmir to take matters out of the Maharaja's hands. Initially, the invaders were Pathan tribesmen, directed and led by Pakistani officers, who entered Kashmir on the night of October 21/22, 1947. From early 1948, however, the regular Pakistani army also came into the fray.

The Maharaja appealed to India for help in repelling the invaders, but the Indian government said that it could not send its troops to Kashmir unless the Maharaja acceded to India first. The Maharaja signed the Instrument of Accession on October 26. However, since 77 per cent of the people of the state were Muslims, the Indian government wanted Sheikh Abdullah, leader of the Jammu and Kashmir National Conference, to be inducted into the government and the accession itself ratified by ascertaining the wishes of the people after the raiders had

[2] Reported by Mountbatten in his letters to the King, November 7, 1947. MSS Eur F 200–214 Oriental and India Office Collection. The British Library. London.

been driven from Kashmir, and peace restored. When the Maharaja agreed to these terms, Indian soldiers were airlifted to Srinagar in the early hours of October 27.[3]

Pakistan's version of events was first given on October 30, 1947, and disputed the Indian version at each and every point.

'The Government of Pakistan cannot accept the version of the circumstances in which Kashmir acceded to the Indian Union'. 'There is conclusive evidence', it said, 'that Kashmir troops were used first to attack Moslems in Jammu and even attack Moslem villages in Pakistan near the border. Early in October, women and children from Poonch sought refuge in Pakistan and there are at present about 100,000 Moslem refugees in west Punjab from Jammu.... Mortars and automatic weapons have been used to drive Moslems out of their villages. Recently, over 17,000 Moslem corpses were counted near a village in west Punjab and raiders from Jammu into that province left behind them military vehicles and dead bodies of soldiers in uniform'... 'The attack on Poonch and massacres in Jammu further added to and inflamed all the more Pathan feelings and made the raid on Kashmir inevitable, unless the Government of Pakistan by the use of troops, was prepared to create a situation in the North West Frontier Province which might have incalculable results on the peace of the border'.... The sending of Indian troops to Kashmir further intensified and inflamed the feeling of the tribes ... in the opinion of the Government of Pakistan the accession of Kashmir is based on fraud and violence and as such cannot be accepted'.[4]

In substance, Pakistan's claim therefore was that the Hindu Maharaja's 'Dogra' troops embarked on what would now be described as 'ethnic cleansing' and provoked a spontaneous uprising against his tyranny. This, and the subsequent accession, inflamed the Pathan tribesmen and made them come to the defence of their co-religionists. But this immediate reaction was only half of Pakistan's case against Kashmir's accession to

[3] The entire sequence of events was first related to Mr C. R. Attlee, Prime Minister of Britain, by Pandit Nehru in a telegram sent via the UK High Commission in India, on October 28, 1947 at 5.30 A.M. A more detailed version was given in the Government of India's White Paper on the Accession of Kashmir to India, which was released on March 22, 1948. The version of events given in the above documents remained unaltered throughout the long and tortured debates in the Security Council from 1947 to 1965.

[4] Reuters Despatch. Lahore, October 30, 1947. OIOC, British Library. L/P& S/13/1845b.

India. Within days, the Pakistan government also began to claim that the accession was the product of a 'long nurtured plot in India, aided and abetted by Lord Mountbatten, to tie Kashmir to India and prevent the State's accession to Pakistan'. Proof of the British involvement was the Punjab Boundary Commission's award of three tehsils in Gurdaspur district of Punjab, to India, despite the fact that Gurdaspur as a whole had a small Muslim majority and the interim boundary between the two parts of Punjab, announced in June 1947, had provisionally placed Gurdaspur as a whole in what was to become Pakistan. The separation of the three tehsils gave Kashmir a land link with the Indian Union, and made accession to India possible.

In the years immediately following the accession, the international community recognised that the accession gave India the legal right to be in Kashmir and required Pakistan to vacate it. This position was reflected in the UN Security Council's resolution of April 13, 1948, and the resolution of the UN Commission on India and Pakistan (UNCIP) of August 13, 1948, which was designed to give it operational shape. Pakistan and India accepted both of these. The August 13, 1948 resolution asked Pakistan to withdraw all its forces and get the tribesmen to vacate Kashmir, before India thinned out its forces in Kashmir, and appointed a plebiscite administrator to organise a plebiscite.[5] Pakistan never fulfilled this pledge. As a result, India's willingness to hold a plebiscite was never tested.[6]

The outbreak of insurgency in the Kashmir Valley and some adjoining areas of Jammu in 1989 and 1990, has sparked off a renewed attempt to discredit the Indian version of events. While some scholars have raised questions about Kashmir's accession to India in the course of re-appraising

[5] In addition, there were two other UNCIP resolutions of January 5, 1949, and April 28, 1949 that came close to being accepted but finally were not, by one or both parties. Following objections by Pakistan, the second said that the plebiscite administrator would be appointed by the UN Secretary-General. The third noted that Pakistan had accepted the January 5 resolution and undertaken to get all of its troops, and as many as possible of the raiders, out of Kashmir within seven weeks. The second and third were not accepted by India because in the meantime, i.e by January 1949, Pakistan had raised an Azad Kashmir militia, which found no mention in the two resolutions. The April 28 resolution was also rejected by Pakistan on other grounds.

[6] See Chapter 7.

Lord Mountbatten's role during the momentous years that saw, in India, 'the first decisive breach in the fabric of European and American empires', others have done so with the more ambitious goal of legitimising the present by re-interpreting the past—more specifically of condoning Pakistan's training and arming of insurgents in Kashmir on the ground that India had itself secured Kashmir's accession by fraud and by the force of arms.

In two recent works, the British author, Alastair Lamb, sought not only to vindicate the Pakistani contention on every point, but asserted that the accession was a sham to which not just a gullible Mountbatten but the entire British government was a party, for geo-strategic reasons. He has also made the startling claim that Indian troops entered Kashmir well before the Instrument of Accession was signed.[7] In the second book, Lamb goes a step further and very strongly hints that the Instrument of Accession was perhaps never signed.[8]

In his1991 book, Lamb claimed that the British government conspired with the Indian Union-to-be to prevent Kashmir's accession to Pakistan because it needed a 'vantage point' from where to watch Central Asia. In 1947, China was still under a weak and exhausted Kuomintang and Britain therefore needed a vantage point from where to monitor Soviet intrigue in Central Asia. The best place for doing this was from Hunza, adjoining Gilgit proper, in the northernmost part of the old princely state of Kashmir.[9]

> If the State of Jammu and Kashmir joined Pakistan, whose stability and durability appeared to many British observers in 1947 to be extremely doubtful, then the Northern Frontier might become an open door into the subcontinent for all sorts of undesirable influences which it had been British policy for generations to exclude. Far better, it could well have been argued, that the guardianship of the entire northern frontier be entrusted to the bigger, stronger and apparently more reliable of the two successors to the British Raj, India.[10]

According to Lamb, this strategic understanding came to light when the 'Indian Foreign Department' wrote a letter to Prime Minister Attlee

[7] For a summary of his hypothesis, see Lamb: *op. cit.* pp. 148–56. OUP Karachi edition, 1993.

[8] Lamb: *Birth of a Tragedy. op. cit.* pp. 93–6.

[9] Lamb. *Disputed Legacy.* p. 107.

[10] *Ibid.* p. 74.

on October 25, 1947.[11] The letter justified India's decision to go to the help of Kashmir, because 'Kashmir's northern frontiers, as you are aware, run in common with three countries, Afghanistan, the USSR and China.[12] Reconstructing events in the light of this understanding, Lamb concluded that the first unambiguous proof of the British grand design was the position taken by Mountbatten that with the lapse of paramountcy, Gilgit, including Hunza, should be retroceded to Kashmir. Listowel, the Secretary of State for India, agreed. The British government fully realised Gilgit's importance. That is why it forced the Maharaja of Kashmir to lease the Gilgit Agency to it for 60 years. Since Gilgit was not contiguous with India, British rule need not have lapsed with the end of paramountcy, but could have been handed over, in keeping with the principles of Partition, to Pakistan. The fact that it was returned first to the Maharaja made Lamb conclude that Mountbatten had all along intended that Gilgit, along with Kashmir, should go to India. The British government in London was apparently of the same mind.

The second proof of conspiracy was the award by the Boundaries Commission headed by Sir Cyril Radcliffe, of three tehsils in Gurdaspur district to India, despite the district as a whole, and Pathankot Tehsil in particular, having a small Muslim majority. This made Jammu and Kashmir contiguous to the railhead at Pathankot and fulfilled the main requirement for Kashmir having the right to choose India. Lamb concedes that the terms of the Boundary Commission asked it to 'demarcate the boundaries of the two parts of Punjab on the basis of ascertaining the contiguous majority areas of the Muslims and the non-Muslims. In doing so it (was to) also take into account other factors'. However, he goes to great lengths to show, firstly, that the award was known to Mountbatten and his staff at least a week before August 15, and secondly, that Mountbatten brought the weight of the viceroyalty to bear on Sir Cyril Radcliffe to change it to give these three crucial tehsils to India.[13]

Lamb is fully aware of the enormity of his accusation. He, however, defends it by referring to papers relating to the Transfer of Power to India and Pakistan, released by the British government only in 1977, and published between 1979–83. In these, he specifically refers to a

[11] Lamb believed that this was inspired by the Home Minister, Sardar Vallabh Bhai Patel.

[12] *Ibid.* p. 148.

[13] *Ibid.* pp. 104–5.

report from the British Resident in Kashmir, to the effect that Maharaja Hari Singh wanted to remain independent. Webb, the Resident, goes on: 'The Maharaja's attitude is, I suspect, that once paramountcy disappears, Kashmir will have to stand on its own feet, and that the question of loyalty to the British government will not arise and that Kashmir will be free to ally herself with any power—not excluding Russia—it chooses'. Lamb clearly believes that this was a sufficiently alarming prospect for the British to cast propriety to the winds.[14] To show that the British were fully capable of such underhand deals, Lamb reminds his readers how Sir Olaf Caroe managed to get an entire new volume of Aitchison's *A Collection of Engagements, Treaties and Sanads* replaced surreptitiously in various libraries, with a new version that included the exchange of notes between the British and the Tibetans at the Tripartite Simla Convention of 1914, when the original volume had left these out.[15]

Lamb gives three additional pieces of evidence to show that, independently of the British strategic design, which India shared, the Congress had designs on Kashmir from the very beginning and that Mountbatten leaned further and further towards bringing them to fruition. The first is a letter, described by Lamb as 'confused and emotional', written by Krishna Menon to Mountbatten, which the latter received just as he was setting out for Kashmir in June 1947. Menon warned him of dire consequences if Kashmir was allowed to go to Pakistan. He said that the British had resigned themselves to losing India, but intended to build up Pakistan as the eastern frontier of British influence. Menon feared that Mountbatten's purpose in going to Kashmir was to persuade Maharaja Hari Singh to accede to Pakistan in order to make it as strong as possible.[16] The second is a letter from Nehru to Mountbatten urging him to make the Maharaja see reason and release Sheikh Abdullah, whom Pandit Nehru believed to be indisputably the most popular leader in Kashmir, from jail. In his letter, Nehru pointed out that although the state was 77 per cent Muslim, its people would approve of accession to India because of their devotion to Sheikh Abdullah. Nehru, therefore, urged Mountbatten to press the Maharaja to dismiss his prime minister Pandit Ramchandra Kak, and release Sheikh

[14] *Ibid.* p. 106.

[15] *Ibid.* pp. 73–4.

[16] *Ibid.* p. 108.

Abdullah. Nehru warned that pushing Kashmir into Pakistan when its most popular leader was against the move would create a great deal of unrest in the state. The letter makes it plain that whatever might have been the formal position of the Indian dominion, Nehru at any rate was extremely keen that Kashmir should accede to India and not Pakistan (as will be shown later, his one precondition to such an accession was that it should be carried out by Sheikh Abdullah and not the Maharaja acting on his own). But the conclusion Lamb draws from the letter is not the obvious one: according to him this 'fascinating' document 'cannot have failed to impress Mountbatten'.[17] He regards this letter as one more piece of evidence that by June 1947, independently of the British 'Grand Design', Mountbatten had begun to lean towards Kashmir's accesssion to India. That would explain his subsequent actions, and his tendency, by the time the Kashmir war erupted, to regard Pakistan as the enemy[18]. Lamb's final piece of evidence is a note Mountbatten made of a communication with Ram Chandra Kak, the dewan, or prime minister, of Kashmir. Mountbatten reports a discussion with the Maharaja in which he asserts that ... it is not for him to suggest which constituent assembly Kashmir should join.... 'If they joined the Pakistan constituent assembly, *presumably* Mr Jinnah would protect them (the royal family) against pressure from the Congress. If they joined the Hindustan Assembly, it would be *inevitable* that they would be treated with consideration by Hindustan'[19] (emphasis added).

Lamb believes that this conversation with the Maharaja might never have taken place, and may have been fabricated by Mountbatten.[20] More important he contrasts the 'presumably' used by Mountbatten about Jinnah with the 'inevitable' he used while describing the likely reception the Maharaja would get in India, and concludes that what Mountbatten was really conveying was that Kashmir would be well advised to join India, as India would keep Hari Singh on his throne, while Jinnah would make sure that the Maharaja's Muslim subjects brought about his overthrow.

[17] *Ibid.* p. 109.
[18] *Ibid.* p. 139.
[19] *Ibid.* p. 110.
[20] *Ibid.* p. 109. Lamb writes, (in the form of reporting a discussion which may never have taken place), 'The Maharaja went out of his way to avoid the slightest policy discussion with the viceroy.'

The 13-year-long insurrection in Kashmir has drawn heavily on Pakistan's and Lamb's arguments to refute Indian claims of sovereignty over Kashmir. This makes it necessary to re-examine them as closely as possible with the help of contemporary documents and memoirs. The subsequent chapters are devoted to this endeavour.

2

Invasion or Uprising?

A close examination of contemporary accounts, including those of Mountbatten himself; of both published and unpublished documents pertaining to the Transfer of Power from Britain to India and Pakistan, and the records of the last eventful months of the British Raj in Punjab, NWFP and Kashmir, which are now, kept in the India Office Records Library in London, show that both the original Pakistani version of the events of 1947 and the distinctive interpretation put on it by Lamb, are totally unfounded, and that it is the original (for want of a better description 'Indian') version that is closer to the truth. All the available evidence points to the following conclusions:

i) That Maharaja Hari Singh's 'Dogra' rule of Kashmir was not tyrannical, any more than British rule in India could be described as such, and was most certainly not communal;

ii) That at least till the end of September 1947, while communal disturbances in the subcontinent caused a considerable amount of uneasiness both in the people and the administration of Kashmir, there was next to no animosity between Hindus and Muslims, and no communal violence inside the state, except for a few sporadic incidents in the Jammu region;

iii) That there was no spontaneous revolt in Jammu and Kashmir against the Maharaja, at least till the end of September, and that what happened in the Poonch region of the state at the end of August and in early September, was carefully instigated by Pakistan;

iv) That while there must have been some atrocities committed against Muslims in the border belt of Jammu province in the first week of October by bands of Sikhs and some state troops, these were caused by an overspill into the state of the communal carnage that was going on all along its borders in east and west Punjab. Some of it may have been an over-reaction in the face of atrocities committed by Muslims in the same area and in the adjoining areas of west Punjab, where Hindus and Sikhs made up slightly less than half of the population. While this did not mitigate the crimes, Pakistan's charge that the state troops were 'cleansing' the state of its 77 per cent Muslim population in order to enable the Maharaja to accede to India is wholly unsustainable. Had this been his intention he would have 'cleansed' his 8,000 strong state force of its almost 3,000 Muslims first, and not waited for them to kill their officers before deserting to the enemy camp on October 23–25.

v) That the raids into Kashmir by the Pathan tribesmen and Muslim ex-servicemen from Punjab were not a spontaneous retaliation for the pogroms of Muslims by Dogra state troopers, but were carefully planned and instigated at least from the end of August or early September. This happened a whole month before any of the alleged atrocities by the Kashmir state troops against Muslims in the border region. There is, in fact, indubitable evidence that the raids had been planned even earlier, although it is not clear precisely when they received the blessings of the Muslim League and the Pakistan government-to-be.

vi) There is unambiguous evidence in the declassified documents and correspondence, that far from having decided that India was the better bet as the future custodian of Kashmir, and therefore of British strategic interests in Central Asia, it was Pakistan that had been cast in this role all along. The pro-Pakistan slant of debate in the UN, which sowed the seeds of Indo-Soviet friendship, can be traced unequivocally to the chagrin of the British at the frustration of their grand design for Kashmir by India's acceptance, even provisionally, of Kashmir's accession.

vii) Lastly, there is equally unambiguous proof that the Gurdaspur award was neither orchestrated by the British government from London, nor by Lord Mountbatten in Delhi.

That the Maharaja's government could scarcely be called 'Hindu', much less oppressive or tyrannical, becomes apparent when one examines its composition. In 1946 and 1947, the chief of the state forces was

much-decorated British Army officer, Gen. Scott, who had won the DSO (Distinguished Service Order) not once but twice. His Chief of Staff, and one of the three brigade commanders was a Muslim. The chief of police in Srinagar was another Englishman. The superintendent of police in Jammu was a Muslim. One-third of the state forces were Muslims as was half the police force in Jammu.[1] The Maharaja's prime minister was a Kashmiri Pandit, Ram Chandra Kak, but far from being aggressively Hindu, which in any case no Kashmiri Pandit resident in the Valley was, Kak had an English wife and was socially close to the miniscule permanent British community in the Kashmir state, which consisted of the British Resident, and the chiefs of the state forces and police. If there was a centre of Dogra influence it was the palace, and what there was, centred around the Maharani who was a Katoch from Kangra in the Punjab hills. It was a constant complaint of these courtiers that they were being kept out of power. This was a clear, if left-handed, acknowledgment of the broad base and secular nature of the Maharaja's administration.[2] Sheikh Abdullah's call to put an end to 'Dogra rule'—the rallying cry that landed him in jail in the spring of 1946—was therefore a demand for democratising the government of Kashmir and not for ending oppressive Hindu rule of Muslim people.

Nor is there any evidence whatsoever of the growth of communal feeling in Kashmir, similar to what was happening in British India in 1946 and 1947. This would have been a necessary prelude to any uprising against the Maharaja inspired by religious sentiment. This becomes apparent from a detailed month-by-month study of how the Kashmir crisis developed. The most reliable evidence of internal conditions in Jammu and Kashmir is furnished by the fortnightly reports of the British political agent in Kashmir W. F. Webb, and, after his departure, on the lapse of Paramountcy, by the commander of the state forces, Gen. Scott.[3]

[1] Gen. Scott's last report from Karachi. *op. cit* below and Mehar Chand Mahajan: *Looking Back. op cit* below. pp. 144–5.

[2] Information supplied by Col. Dewan Singh, last surviving aide to Maharaja Hari Singh, to the author in 1996. Also referred to by Dr Karan Singh in his interview given to the author in October 1994. See below.

[3] The fortnightly reports are to be found in the India Office Records Library, Files L/P&S/13/1266 Internal Conditions in Kashmir. A key report by Gen. Scott, referred to later, is to be found in L/P&S/13/1845b.

The former's fortnightly reports to the Crown's Representative for the states, i.e. the Viceroy, show beyond any doubt that although relations between the Hindus and Muslims began to grow uneasy and in some cases strained, as communal violence flared in the plains around the state, Kashmir remained free from communal disturbances. The unease was, moreover, confined to Jammu and some of the frontier areas adjoining the Administered Territories—the buffer zone created by the British between the North West Frontier Provinces and Afghanistan—and did not affect the Valley where half of the population lived.

Kashmir as a whole remained virtually untouched by the 'Direct Action' programme launched by Jinnah in British India, which led to widespread communal riots in Bengal and other parts of north India. The only incidents that did occur took place in Jammu town. On September 21, 1946, a Hindu youth was stabbed to death. The next day, three Muslims were killed in a similar manner. On the 23rd, one more Hindu was killed. The administration reacted strongly to this: it recovered 1100 knives from a Hindu merchant in Jammu and 400 from someone in Srinagar.[4] Webb's report for this period refers to the stabbings and adds that the State government's response was 'prompt and firm'.

After that, calm prevailed once more. Fortnight after fortnight throughout the months from December 1946 to the end of June 1947, Webb reported either that there was nothing to report or that the communal situation was uneasy but that there had been no violence. Even the arrival in Muzaffarabad of about 2,500 Hindu and Sikh refugees from the tribal agency area of Hazara, in December 1946, did not cause any tension there.[5] Webb reported that the attitude of the locals towards them was friendly.[6]

[4] Telegram sent by the Crown Representative to the Secretary of State for India on 25-9-1946. Kashmir Internal Conditions, *op. cit.*

[5] The exact number was 2,382. Figure given by the state government to the Kashmir Praja Sabha, in response to a question from a Muslim Conference member, Ghulam Nabi Gilkar, on 9 April, 1947.

[6] Tragically, most of these refugees fell victim to the tribesmen from whom they had sought to flee, only 10 months later in October, 1947. This was reported by Nehru to the Eighth meeting of the Defence Committee of the Indian Cabinet, on October 25, 1947. Mountbatten Papers. MSS Eur F200/246. Oriental and India Office Collection, British Library, London.

Similarly, in Jammu, although Hindu refugees poured in and communal relations became uneasy, there was no breach of peace.[7] The British government was aware of the Maharaja's success in maintaining peace in Kashmir. In a notation on the margin of the file containing Webb's report to the Viceroy, dated 17 April, 1947, an official of the CRO, London, noted: 'It is very creditable indeed to the state that things remained quiet during the Punjab and NWFP troubles.'[8]

The peace was however growing more and more fragile during this period. The reason was that the Muslim Conference in Kashmir had decided in June 1946 to start playing the communal card. In his end-of-year report for 1946, Webb wrote that in June its representatives had gone to Karachi to meet Jinnah who had told them to capitalise on the failure of Sheikh Abdullah's National Conference to unseat the Maharaja. In its meeting in Srinagar in July, the Muslim Conference raised the cry that the Prime Minister, Ram Chandra Kak, was oppressing the Muslims. During the remainder of 1946, the Muslim Conference began to model itself closely on the Muslim League. It imported Muslim League leaders from Punjab to help reorganise the party, and set up recruiting and training centres for a cadre of National Guards that mirrored the Muslim League National Guards. All this followed the appointment of Agha Shaukat Ali as the general secretary of the Muslim Conference and of Chaudhuri Ghulam Abbas, a leading politician from Jammu, as its president. Shaukat Ali, was known to be in close touch with the Muslim League and particularly with the editor of *Dawn*, the party newspaper, in Karachi. Webb commented: 'It is significant that these new leaders included in their programme the working up of anti-Hindu sentiments under the guise of uniting all Muslims in the party.'[9]

[7] Webb's reports of 15 to 31 January, 1947, 15 to 30 April, 1947. IOR L/P&S/13/1266.

[8] IOR Library L/P&S/13/1266.

[9] *Ibid.* Webb's report for 15 to 31 Dec. 1946. A detailed account of the Muslim Conference's growing integration with the Muslim League is given by Ian Copland in *'The Political Inheritance of Pakistan'*. Ed. D. A. Low. in a chapter entitled *'The Abdullah Factor: Kashmiri Muslims and the Crisis of 1947'*. pp. 218–254. Especially pp. 235–237. 'During the first half of 1947', Copland concludes, 'the NC (National Conference) made a strong recovery in the Valley as its socialist message began to filter down to the masses... By contrast, support for the MC (Muslim Conference) was reckoned by one inside source to be virtually 'null and void' by October 1947'. St Martin's Press New York. 1991.

Webb reported further that Agha Shaukat Ali and others threatened 'Direct Action' in Kashmir in September, but 'in spite of this, failed to unite the warring factions in the Muslim Conference.[10] This was a telling indicator of the weakness of the 'Muslim' sentiment on the basis of which Kashmir was predestined in the eyes of many, to go to Pakistan.[11]

Throughout the first half of 1947, the Maharaja made strenuous efforts to prevent the violence in Punjab from spilling over into Kashmir. On March 13, Reuters reported from Srinagar that 'more troops have been sent to the Kashmir-Punjab border to ensure that trouble-makers do not enter the territory from Punjab. Kashmir has been virtually cut off from the rest of India for the past week. Motor drivers are refusing to use the Srinagar-Rawalpindi road because of reports of raiders burning lorries and destroying bridges and culverts.' Less than a week earlier, Webb had reported that Basian and Phagwari, two villages in the Murree hills in Punjab that were inhabited by Hindus and Sikhs which were less than 10 miles from the Kohala border, had been burned. The burning houses could be seen for miles and had triggered the flight of around 200 refugees belonging to the two communities across the Kohala bridge into Kashmir. This had spread uneasiness in Kashmir province. The state government had dispatched a large number of state troops to Kohala and Ramkot on the Domel Abbotabad road to ensure that armed raiders did not cross the border.[12]

There were other direct incitements to communal violence from outside the state. Local newspapers had reported, Webb said in his dispatch for March 30, 1947, that the Pir of Manki Sharif in the NWFP had sent his agents to Kashmir to prepare the people for a'holy crusade' by the frontier tribes after the British left India.

> Agents provocateurs of the Pir of Manki Sharif have entered the frontier districts of the state. The people are, it is alleged, being asked to sacrifice their lives for the cause of Islam in the holy crusade the tribes will launch soon after the British quit in June 1948.

[10] *Ibid.*

[11] If Sheikh Abdullah was a 'quisling' as Liaquat Ali was to describe him a little more than a year later, then the leaders of the Muslim Conference and its rank and file, who did not respond to the call for direct action were only slightly less so. The truth was that most Muslims in Kashmir, especially those of the Valley, practised a syncretic version of Islam that was entirely different from that of the Punjab plains.

[12] Webb's report for 8 March, *loc. cit.*

The Pir of Manki Sharif was no ordinary religious zealot. Along with Abdur-Rab-Nishtar, he was one of the two most important leaders of the Muslim League in the North West Frontier Province. He had a chequered history that went much further back, for he had been in the pay of the British who used him during the inter-war period, to keep the frontier tribes docile and anti-Russian, and later became one of the founders of the Muslim League in the NWFP. He financed and instigated a large part of the year-long direct action programme in the NWFP, whose aim among other things was to kill and drive away Hindus and Sikhs. When Pandit Nehru insisted on visiting the NWFP in October 1946, the Pir preceded him on his tour of the tribal areas and incited the tribes against him by telling them that Pandit Nehru intended to destroy their freedom and make them slaves of the Hindus.[13] Having tasted a generous dose of success in the NWFP, the Pir was now ready to turn his attention to Kashmir.

As has been pointed out above, the little communal tension that the state had experienced in 1946 and 1947 before Independence had been in Jammu or the frontier regions of the state. The Valley had remained completely free from tension. The reason, one suspects, was its distinct culture, which had developed within the sheltering walls of the Himalayas and the Pir Panjal ranges, and in particular, its distinctive brand of Islam. Islam came to Kashmir as late as the 14th century from Persia, and was spread by sufis. The message of the sufis was taken to the people by local saints called rishis. In the course of its dissemination, it took on many customs and practices of Hinduism and modified them to suit its purpose. Kashmiri Muslims worship the relics and shrines of their saints and pirs, a practice that is anathema to the orthodox Sunnis of the plains. What is more, many of their pirs are worshipped by Hindus and Muslims alike. The shrine at Charar-e-Sharif of Sheikh Noor-ud-din, a noted sufi saint who is credited with having brought Islam to Kashmir Valley, is one of the most important places of worship in the Valley. He is

[13] The Pir's activities are described by Wali Khan, the son of Badshah Khan and at present head of the National Awami Party in Pakistan, in his book *Facts are Fact: The Untold Story of India's Partition*. Vikas Publications, New Delhi, 1987. Pages 71, 111–2, and 119. For an account of his organisation of pogroms against the Hindus and Sikhs, Wali Khan relies on Erland Jansson's book *India, Pakistan or Pakhtoonistan*.

known among Hindus as Nand Rishi. Lal Ded, one of his principal disciples, and one of the founders of the rishi tradition of Islam that Kashmiris practice, was born of a Hindu lady named Laleshwari Devi.[14]

These practices had not gone unnoticed among the future leaders of Pakistan. When, after a series of increasingly urgent pleas by the leaders of the Muslim Conference, Jinnah sent a close aide, probably his private secretary, Khurshid Hussain, to the state, to assess Kashmir's potential as a field for League activity. Hussain advised against it and reported:

> The Muslims of Kashmir do not appear to have ever had the advantage of a true Muslim religious leadership. No important religious leader has ever made Kashmir... his home or even an ordinary centre of Islamic activities. Islam in Kashmir has therefore throughout remained (*sic*) at the mercy of counterfeit spiritual leaders ... who appear to have legalised for them everything that drives a coach and four through Islam and the way of life it has laid down... It will require considerable effort, spread over a long period of time, to reform them and convert them into true Muslims.[15]

By contrast, the Islam of the parts of Kashmir that lay outside the Valley, and the plains of Jammu, was very different. In Jammu, and Poonch, the people were traditional Sunnis, and were racially akin to the Punjabi Mussulman. In Ladakh and Baltistan, there were Shias and Buddhists. In Gilgit, there were Shias, and in Hunza, Ismailis. This bewildering complexity, and not the indecisiveness for which he has been roundly condemned, was the main reason why Maharaja Hari Singh did not want to accede to either Dominion, and would have vastly preferred to remain independent with close relations with one if not both the Dominions. Seventy-seven per cent of the population of Kashmir state was indeed Muslim, but they belonged to at least three frequently antagonistic sects, with two-thirds belonging to a strongly syncretic tradition of Islam that had a good deal in common with the Bhakti tradition in Hinduism. Acceding to either Dominion would have meant putting some part of the population or some elements of the Kashmiri identity in jeopardy.

[14] *Our Real Crime* by Yassin Malik. Published by the Jammu and Kashmir Liberation Front. 1994. Pages 103–15.

[15] Copland: *op. cit.* p 223. Taken from a secret report to Jinnah, dated August 20, 1943. IORL, R/1/1/3913.

Hari Singh's government was able to shield Kashmir from the turbulence that was racking the rest of north India, till the end of August 1947. But within two weeks after that, a spate of developments took place which completely upset the delicate equilibrium that he had been trying to maintain.

At the end of August, a group of about 30 Pakistani nationals crossed into Poonch and began to incite the Satti and Sudhan tribes of Poonch not only against the Maharaja but in favour of accession to Pakistan.[16] About 10,000 locals agreed to go on a demonstration to Poonch town to demand accesssion to Pakistan, but Gen. Scott, the commander of state

[16] This was the beginning of the so-called revolt in Poonch. Much of the case built by the Pakistan government and by writers like Alastair Lamb, to discredit the Maharaja's right to accede to India in October, and to reinforce Pakistan's moral right to Kashmir is built on this revolt. In his second book, '*Birth of a Tragedy*', Lamb has gone so far as to formulate a thesis of colonial annexation by Kashmir, and permanent revolt by Poonch, stretching back to the 1830s (pp. 55–8). It escaped his notice that the gradual subordination of the Poonch Jagir to the State of J&K and the takeover by the Maharaja of powers formerly exercised by the Jagirdar was in no way different from the mode of territorial consolidation in all other parts of India, or that the powers being 'usurped' were essentially those of another Dogra ruler, and therefore had nothing to do with the two-nation theory, the basis on which Pakistan was created. Tracing the origins and extent of the so-called revolt is therefore of considerable importance. The account given here is taken from Gen. Scott's report to the UK Commonwealth Relations Office, as transmitted by the UK High Commission in Pakistan on October 8, 1947 from Karachi. Scott, a distinguished army officer who had been decorated for his bravery, and had led the Kashmir State forces during the war in Burma, was on his way home after refusing an extension of a year to his contract, which expired on September 29. The reasons he gives in his last report to his own Government for not accepting the extension show, beyond any doubt, that he would have liked Kashmir to accede to Pakistan, and decided not to stay on only when it became clear to him, towards the beginning of September, that the Maharaja had decided to accede to India. During his last months in Kashmir, Scott had carried his advocacy of accession to Pakistan beyond words. During the crucial meeting of the Defence Committee of the Indian Cabinet on October 25, 1947, Pandit Nehru had informed the Governor-General and his colleagues that one of the reasons why Hari Singh had resisted releasing Sheikh Abdullah from jail was Scott's 'persistent advice' that Abdullah not be released. Scott, of course, knew that Abdullah had opposed the partition of India and had cast his lot firmly with India. (Mountbatten Papers, *op. cit.*) Scott's report can therefore be deemed to be as free from bias as any account of what was happening in Kashmir during that crucial month (IOR L/P&S/13/1845b).

forces, was at pains to point out that their main purpose was to air, local grievances, mainly the high price of foodstuffs. The distress of the people was not surprising. As Webb had reported from Srinagar at the time, the winter of 1946–7 had been unusually severe, and had caused food shortages and pushed up prices. Add to that the disruption of supplies that had taken place in spring and summer because of the communal violence in Punjab, and it was hardly surprising that the people of Poonch, as elsewhere is Kashmir, were in considerable distress.[17]

On September 9, at a small town called Bagh, with a population of 3,000, mostly Hindus and Sikhs, the state forces denied the demonstrators passage to Poonch. They then surrounded the town. A small detachment of signallers sent out by the state forces was set upon by the Sattis and two of their numbers were killed. The state troops then attacked the

[17] Lamb concedes (*Birth of a Tragedy*, p. 61) that local grievances, and especially resentment of high local taxes played a large part in the disaffection of these returning ex-servicemen. These taxes were supposed to have been imposed after the war, and may well have been, but it is surprising that there is no reference to them, or to any consequent unrest, in Webb's reports for 1946 and 1947. Nor is it likely that these taxes were imposed on the residents of Poonch alone. Lamb's contention, possibly based on an article by Richard Symonds, a Quaker who was carrying out relief work in Punjab, in *The Statesman*, Calcutta and New Delhi (4 February, 1948), that these taxes were levied only on Muslims, and not on Hindus and Sikhs, i.e. that Hari Singh had imposed a reverse *Jaziya* tax on Muslims, finds no confirmation in Webb's reports, or in Scott's report from Karachi. Nor are any such discriminatory taxes mentioned by Sheikh Abdullah who was leading a populist campaign against the Maharaja in 1946 before he was arrested, whose main target was the oppressed peasant. Considering the explosive potential of such a tax, and the historical memories that it would have aroused, it is doubtful if their imposition could have remained unnoticed for long, even in the rest of British India. Dr Karan Singh, son of Maharaja Hari Singh, who was Kashmir's head of State from 1948 to 1951, stoutly denies any such taxes ever having been on the statute books. However, he pointed out to the author in an interview in October, 1994, that in Kashmir, as elsewhere in Princely India at the time, the main source of income was land revenue. When the resources of the government became strained, these taxes rose. In Kashmir, and especially in Poonch and Muzaffarabad, Gilgit, Hunza, and for that matter the North West Frontier Region, virtually all the land was owned by Muslims. Hindus and Sikhs were traders and artisans, and most of them lived in the towns. Land taxes, and the *Zaildari* tax, which was a kind of sucharge levied to meet the cost of collection of the land tax, inevitably therefore fell on Muslims. This could be what led Symonds to conclude that taxes were being imposed only on Muslims.

demonstrators and easily dispersed them. In all, the troops killed 20 Muslims and the demonstrators killed 12 Hindus and Sikhs before order was restored. However, Scott also pointed out that there was no violent anti-Hindu or anti-Sikh feeling in the mob. Although they burnt a number of homes, most of those whom they killed had refused to give up their arms.

There was no further trouble in Poonch during the remainder of Scott's tenure. Scott, in fact, pointed out in his report to London that Kashmir had remained free of communal trouble despite the fact that the state troops had escorted 100,000 Muslims through Jammu territory on their way to Pakistan, an equal number of Sikhs and Hindus going the other way and that Poonch had become a temporary place of refuge for around 60,000 refugees, mainly Hindus and Sikhs from west Punjab. Scott's disclosure that despite this huge refugee influx, the state had remained free from communal violence, is of special significance because in his broadcast to Pakistan on November 4, in which he rejected the accession of Kashmir to India on the grounds that it was based on 'fraud and deceit', Pakistan's Prime Minister, Liaquat Ali Khan, had accused 'so-called Sikh refugees of having infiltrated into Kashmir from east (and not west) Punjab, where they were provided more weapons by the state authorities', and set about 'repeating the horrible drama that they had enacted in east Punjab.[18]

Scott's report also completely contradicts an article published by one Richard Symonds in *The Statesman*, New Delhi, and accepted uncritically by most writers, that by August 29, the Kashmir Durbar had already launched a 'scorched earth policy, (notice the emotionally loaded terminology) against Muslim villages (apparently designed to insulate the border against possible Pakistani incursions)', and that this was what caused the small-holders and ex-servicemen of Poonch to rise in revolt against the Maharaja.[19] Scott's report also completely refutes Symonds' contention that because of the success of this revolt 'in six weeks the whole district except for Poonch city was in rebel hands'. It was only by mid-October, that the State forces were pushed back to

[18] Report by Reuters from Karachi, November 7, 1947. Contained in IOR L/P&S/13/1845b.

[19] Copland *op.cit* p. 243-244. The Kashmir government adopted a policy to clear the border belt only some time after the mass demonstration and uprising of Sattis on September 9.

Poonch and its vicinity, but the reason, which Symonds had no reason to know at that time, was the massive, covert operation that had been launched to arm local Muslims, and send in tribesmen and other Punjabi *musulmans* from across the Jhelum, led by former Muslim officers and other ranks of Subhash Chandra Bose's Indian National Army.[20]

Scott's report also showed that far from being bloodthirsty Dogras bent upon eliminating the Muslim population of Kashmir or driving it across the border, the State forces had continued to do an exemplary job of looking after not only the local population but the quarter-million refugees that they had to deal with. Yet a bare two weeks later, on October 15, the UK High Commission in Pakistan forwarded a communication to the Commonwealth Relations Office in London from the Pakistan government to the effect that:

> According to soldiers of the Pakistan army returning from leave, armed bands which include troops are attacking Muslim villages (in Poonch) and fires of many burning villages can be seen from the Murree hills. The Pakistan government takes the gravest view of these attacks on the homes of their soldiers and have asked the government of Kashmir to take immediate and effective steps to restore order. The government of Pakistan have also asked the Kashmir government to inform them of the action taken to restore order in Poonch.[21]

Pakistan's allegation against the Maharaja's forces was not easily believable even at the time, when very little was known of the plans that the Muslim League had hatched for the state. Allowing for the time it takes for news to filter through and form a sufficiently disturbing pattern to warrant a complaint, could such a dramatic turnaround have taken place in as little as 10 to 12 days? If Poonch was free of internal trouble in the last week of September, what could have made the state troops go berserk in less than a fortnight? Had there been a small number of Muslims to haze out of the state, this might conceivably have been part of a policy. But the Muslims were in a majority—around two-thirds—in Poonch, and a third of the 8,000 state troops were Muslims who were

[20] See later

[21] India Office Records Library, Doc. L/P&S/13/1845b. A notation on the margin of the file in the CRO showed that the Karachi dispatch was not immediately believed. It did however, leave open the possibility of things having changed suddenly, immediately after Gen. Scott left.

not Kashmiris,[22] and defected to Pakistan only a few days later. So how could 5,000 Dogra and Sikh troops (also from outside the Valley) carry out a pogrom of Muslims even if they were ordered to, especially as they were spread out in 'penny packets' along a 400–mile border? The notion becomes even less credible when we remember that their victims would have been mainly Sattis and Sudhans, two war-like clans that had 60,000 demobilized soldiers freshly returned from the Second World War among them, laced with a sprinkling of Hazara tribesmen and armed Pakistani infiltrators.

Even the report that Pakistani soldiers on leave had seen their homes burning should have been suspect. Would these soldiers have left their kin to report back to duty or would they have stayed behind to defend them? The probable answer to the riddle was provided to Mountbatten by Gopalaswamy Ayyangar, the last-but-two prime minister of Kashmir, who had been inducted into the Indian cabinet as a Minister without portfolio, and was dealing with Kashmir affairs, at the 12th meeting of the defence committee of the Indian cabinet, on November 3. According to his information, Ayyangar said, in mixed villages, Muslims were taking their families and joining the tribesmen. They would torch the village as they left.[23]

All the available evidence suggests that the violence in Poonch was unleashed first from the other side of the border. This first took the form of hit-and-run raids into Kashmir. On August 31, Gen. Scott, the commander of the Kashmir forces, reported that hostile incursions from Pakistan were taking place in Poonch. In a report dated September 4, he gave details, saying that 500 hostile tribesmen in green and khaki uniforms had entered Poonch from Pakistan. They had been joined by 200 to 300 Sattis from Kahuta Murree. The purpose, according to his report, was not invasion but loot. Scott protested to the British O/C of Pakistan's 7th Infantry Division against the complete absence of any efforts by the Pakistan army to prevent these incursions. Scott also requested that the

[22] By an agreement with the British government Kashmir State was not allowed to recruit Kashmiris, either Muslim or Hindus, into its state forces. This was, explained to the defence committee of the Indian cabinet at its eighth meeting on October 25, 1947. Mountbatten papers, India Office Collection. British library. MSS Eur F200/246.

[23] Mountbatten Papers, *loc. cit*

government of Pakistan be asked by urgent telegram to force the return of these raiders to the west bank of the Jhelum river.[24]

By the middle of October, the raids from across the border had spread across the entire length of the border with Pakistan. In his autobiography, written in 1968, Karan Singh, the son of Maharaja Hari Singh remembers that around the early part or the middle of October, 'intelligence reports from the areas of Poonch and Mirpur, as well as the Sialkot sector started coming in which spoke of large-scale massacres, loot and rape of our villagers by aggressive hordes from across the border... My father occasionally handed some of these reports to me and asked me to explain them in Dogri to my mother, and I still recall my embarrassment in dealing with the word 'rape' for which I could find no acceptable equivalent.'[25]

Mehr Chand Mahajan, who toured the border districts after taking over as Prime Minister of Kashmir between October 19 and 23, has similar tales to tell:

> Soon after I took over charge, reports were received of raids from the Pakistan side on the state territory from Kathua right up to Bhimber, a length of about 200 miles. These raids were organised by local Muslims who invited the Pakistan Muslims to raid the houses of Hindus and Sikhs and abduct their women and kill men, women and children. The local Muslims had sent their women and children to places of safety in Pakistan. This had been done not

[24] Government of India's White Paper on Kashmir war. Released on March 22, 1948. The comment of the Commonwealth Relations Office on this part of the White Paper is interesting. It says: 'Naturally nothing (in it) gives any indication of a revolt in Poonch'. It then refers to General Scott's last report, sent from Karachi, and says that it is more balanced than the White Paper. The CRO is obviously referring to the demonstration by 10,000 Sattis and Sudhans, and the confrontation with the State troops at Bagh on September 9. But it chooses not to refer to the parts of the same report in which Scott says that the demonstrations were mainly to air local grievances, especially to protest against high prices and shortages of essential supplies, or that till the end of September when he left, this was the only demonstration by the people of Poonch. The CRO also ignores his assessment that Kashmir did not face a threat from inside so much as of invasion by the tribesmen of Hazara and the Black Mountain. Clearly, having taken a particular stand on the Kashmir dispute, it was loath to entertain evidence that went against it. The CRO reaction to the White Paper, as well as the comments on it of the U.K. High Commission in India, are to be found in IOR L/P&S/13/1845c.

[25] Karan Singh *Autobiography, 1931–67.* p. 54. Oxford University Press, 1989.

only by the Muslim population residing on the borders of Pakistan, but by a large number of Muslim officers of the state including those in the police and military services... Over two hundred villages on the border were burnt and most of the population exterminated. In retaliation, the Hindus and Sikhs started burning Muslim villages, killing Muslims and looting their property. The abduction of women also started....

In between harrowing descriptions of what he and the Maharaja saw, Mahajan (who had insisted on accompanying him) has this to say:

Most of the members of the state forces, of which over 35 per cent were Muslim, had deserted or assumed a partisan attitude. The Hindu and Sikh Dogra forces, scattered over 84,000 sq. miles of territory were too few both to control the situation in Jammu and stop Pak raids over a length of over 200 miles of border ... we noticed burning of Muslim and Hindu houses on both sides of the road. People were standing out on the road with all kinds of crude weapons with which to commit murder and arson. Small bands of state forces were patrolling the road and trying to do what they could to restore law and order ... but without much success ... a considerable number of Muslim residents of the state were leaving their villages, bag and baggage, driving their cattle, intending to go to Pakistan. They were accompanied by state officers who were trying to give them as much protection as possible. Some of these people got killed during the move. What had happened in east Punjab and west Punjab was now happening in the province of Jammu.[26]

What actually happened in Poonch was explained by the Deputy Prime Minister of Kashmir, Ram Lal Batra, to the UK Deputy High Commissioner in Delhi, A. C. B. Symon, on October 25. Batra told him that after the September 9 disturbances, the state government decided to disarm all those people in the border area who it felt could not be trusted. This operation went off smoothly, but by September 24, the government found that many of those whom it had disarmed had managed to re-arm themselves with 'every kind of modern weapon' that they had secured from Pakistan. A west Punjab police inspector, Batra claimed, had been found dead 10 miles inside Poonch territory. These armed Muslims were linking up with Muslims from the Murree hills,

[26] Mahajan: *Looking Back*. 1963. Har Anand Publications reprint, 1994, pp. 143–46. Mahajan's is perhaps the only first-hand account of what was happening on the border during the last days before the invasion of Kashmir, and is a credible account of what actually was happening during those fateful days.

who had infiltrated into state territory. Of still greater significance in view of what followed, Batra confirmed that tribesmen had entered Poonch from Hazara.[27] When taxed by Symon about the atrocities allegedly committed by the state forces against Muslims in Jammu, Batra conceded that in view of the raids from across the border and the depredations of the tribesmen and other Pakistani nationals, the state government had given orders that a three-mile wide belt along the border should be cleared of habitation, as a *cordon sanitaire* to prevent the raids. The state troops had on occasion acted with undue harshness. Given the surcharged atmosphere, most of the Muslims had preferred to take their families and possessions across the border to the relative safety of Pakistan.[28]

There was, however, a substantial change in the situation between the end of August and the first half of October. While the Sattis from across the border and the Hazara tribesmen who raided Poonch in August and early September were mainly after loot and women, by the end of September the incursions had become planned and instigated to foment an uprising. This was because some time during the month, Pakistan launched the first of two overlapping covert plans to annex Kashmir by force. The first account of this plan was published in an interview given to *Dawn* of Karachi by one former Major, Khurshid Anwar, who had become a leader of the Muslim League National Guard. In it he claimed that he had organized the Pathan tribal attack on Kashmir. Anwar said, among other things, that he had set the 'D Day' as October 21, but

[27] Lamb's description of events however is subtly different from the above. According to him, the Maharaja's troops, in pursuit of a royal order, asked Muslims in the Poonch *Jagir*, to surrender their firearms. These were then distributed to the Hindus and Sikhs, who used them against the Muslims. It was this that brought Muslims from Pakistan across the border. This description strains credibility on one score—we are asked to believe that the minority, and a small one at that, bounded on all sides by huge masses of Muslims, attacked their Muslim neighbours first. This would be tantamount to suicide. The more likely explanation for the redistribution of the firearms, (for which, incidentally, Lamb gives no citation) is that when the non-Muslims found themselves being attacked, they demanded firearms in order to defend themselves, and were given the confiscated ones. Some of these may well have been used thereafter in revenge killings by Hindus and Sikhs.

[28] Top Secret letter from A. C. B. Symon, Deputy High Commisioner in Delhi to the CRO, London, written on 27 October, 1947, giving Diary of Events regarding Kashmir, from 25 to 27 October. IORL L/P&S/13/1845b.

because of some last-minute problems, the attack had to be put back by a day to the 22nd. He said that he had entered Kashmir with 4,000 tribesmen, and that they had swept up the Domel-Uri road, until they met Sikh troops of Patiala state at Uri on October 26.[29] Anwar took credit for having saved Sydney Smith, correspondent of the *Daily Express* and a British colonel with whom he was travelling, when they were captured at Mahoora, and sending them down safely to Abbotabad.

Further details of the plan were revealed in a letter sent home by this same colonel from captivity on November 2, to a Captain H. Stringer in the U.K.[30] In this letter, he says:

> I have not explained how this tribal show in Kashmir was organised. Side by side with the civil administration in Pakistan you have the Muslim League organisation. The latter works in much the same way as Hitler's Gestapo, Brown Shirts, SS men, or whatever they went in for. Jinnah is also the head of the Muslim League... Quite junior government officials may be quite high in the Muslim League. This show is run by the Muslim League High Command, working through its trusted officials down the scale. It is impossible for ordinary officials to obtain rations or petrol against cards or coupons. All the time lorry loads of food and thousands of gallons of petrol are passing up the road to the tribesmen... Just before the show we got a new DC (Deputy Commisioner—the administrative head of a district) in Abbotabad. The old DC was not a Muslim League Member.

Stating that some 10,000 tribesmen were 'operating beyond here' the colonel refers to Sydney Smith in terms that make it clear that this was

[29] Excerpts given in the GOI's White Paper. It is surprising that in his book, *Kashmir: A Disputed Legacy* Lamb insists that no more than 2,000 to 3,000 tribesmen were involved in the raid, when Anwar himself says 4,000. The actual number, as is shown later, was very much larger. It is also strange that Lamb does not refer to Anwar's explicit statement that the tribesmen were checked at Uri by Sikh soldiers from the Patiala forces, when he has based so much of his case for the fraudulence of Kashmir's accession to India on the fact that Patiala troops were in Kashmir before the Instrument was signed. Instead, he credits the remark to Gen. L. P. Sen, who had overall command of the Indian forces in the Kashmir war.

[30] Quoted in the White Paper, p. 35. The paper does not explain how the letter got into Indian hands. The UK High Commission in Delhi therefore showed some scepticism about its authenticity, saying it purports to be an intercepted letter from a presumably British colonel. However, it did not go quite so far as to say that it was fake.

the same person whom Khurshid Anwar was to refer to later as being the companion (of Smith) whom he had sent down to Abbotabad. For, he writes: 'Smith counted 45 busloads of them, 50 to a bus, on their way to Kashmir'. The writer also stated that *according to Smith* (emphasis added), their leader was one Khurshid Anwar, and that his second-in-command was a Major Aslam Khan of the Pakistan army, whose accurate handling of 2-inch mortars broke the (Patiala) Sikhs' first stand at Baramulla. Aslam Khan told Smith, who duly reported it in the London *Daily Express* of November 10: 'You can describe me as a deserter from the Pakistan Army'. If this is an accurate report of Khan's remark, then he was clearly implying that he was not a deserter, but had been seconded for the job he was doing in Kashmir. This surmise is confirmed by a comment of the UK High Commission in Delhi on the White Paper, to the effect that a Pakistan army officer of the same name later turned up in Gilgit first as an emissary and recruiting officer of the Azad Kashmir government and then as commandant of the Gilgit Scouts.[31]

As will be shown later, the British allergy to believing anything that suggested that Pakistan had laid a deep-seated conspiracy to grab Kashmir, made them turn their noses up at information contained in the White Paper that did not accord with their preconceptions.[32]

The full extent to which Pakistan masterminded the entire operation to annex Kashmir by force, was only revealed more than 20 years later by one of its main architects, then Colonel, and later Major General Akbar Khan. Khan's explanation of why Pakistan simply could not tolerate the possibility of Kashmir acceding to India is especially revealing, because it is exactly the fear that was voiced by Sir Lawrence Graffey-

[31] UK High Commission in Delhi's comment on the White Paper. 6th March 1948. IOR L/P&S/13/1845c.

[32] Referring to the White Paper, the UK High Commission in Delhi commented in its despatch to London,'These telegrams and letters do not materially add to our knowledge except to show that there was quite a bulk of protest and counter-protest between Kashmir and Pakistan in October...but these documents also bear out that Kashmir never actually came to the point of arranging with Pakistan the proposed joint enquiry into the troubles. On the crucial issue of Pakistan's complicity in the raids, the letter says that the White Paper adds little to the conclusions already embodied in our memoranda, but it does however bring out the unofficial complicity of authorities in the NWFP and of certain Pakistani Army officials on leave. Thus, the Pakistan government continued to be exonerated from blame. IOR L/P&S/13/1845c.

Smith, the British High Commissioner to Pakistan, who feared that with Kashmir in Indian hands, Pakistan would cease to be militarily and politically viable.[33]

'One glance at the map', writes Akbar Khan, 'was enough to show Pakistan's military security would be seriously jeopardized if Indian troops came to be stationed along Kashmir's western border. Once India got the chance, she could establish such stations anywhere within a few miles of the 180-mile long vital road and rail route between Lahore and Pindi. In the event of war, these stations would be a dangerous threat to our most important civil and military line of communication. It would dangerously weaken our front at Lahore. If we were to concentrate our strength at the front, we would give India the chance to cut off Lahore, Sialkot, Gujarat and even Jhelum from our military base at Pindi. The possession of Kashmir would also enable India, if she so wished, to take the war directly to Hazara and Murree—more than 200 miles behind the front. This, of course, could happen only in the event of war—but in peace time too the situation could be just as unacceptable because we would remain permanently exposed to a threat of such magnitude that our independence would never be a reality. Surely that was not the type of Pakistan that we had wanted...Thus it seemed that Kashmir's accession to Pakistan was not simply a matter of desirability but of absolute necessity for our separate existence.'[34]

Akbar Khan has described the origins of Pakistan's clandestine operation in Kashmir at great length and with obvious pride. His account bears out in full what Smith and the unidentified colonel learned in captivity, namely, that the Pakistan leadership was operating simultaneously on two levels, with the Muslim League as a parallel, covert centre of decision-making. What is clear from his account is that there were at least two simultaneous plans for the annexation of the state. The first was concocted by him, and the second at the Muslim League headquarters in Karachi or Lahore. Khan's plan was born out of a meeting with Sardar Ibrahim, a Muslim Conference member of the Kashmir Assembly, who, according to Lamb, had escaped from Kashmir, but

[33]Akbar Khan (former Major-General) D.S.O: *Raiders in Kashmir.* Pak Publisher Limited. Karachi. 1970. See also Grafftey-Smith's telegram of October 29, 1947. *op. cit.*

[34] *Ibid.* pp. 9–10.

according to Khan, had come across the border in search of help for his people.[35]

To prevent the Maharaja from handing over the state to India, Ibrahim wanted just 500 rifles. Akbar Khan felt however, that 'this was too modest an estimate,' though even this number, at the moment seemed beyond reach.

'The big question really was', Khan writes, 'whether our government could be moved to take an active hand in the affair. We were soon to find that a move in this direction had already started'. A few days later, he met Mian Iftikharuddin, founder and owner of the *Pakistan Times* and very high up in the Muslim League hierarchy. Iftikharuddin told him that he was going to Srinagar to assess the chances of the state acceding to Pakistan, but was not optimistic. He also told Khan that if 'the Kashmiri Muslims were not likely to have the chance of freely exercising their choice—the Muslim League may have to take some action to ... prevent the state's accession to India'. Iftikharuddin asked Khan to prepare a contingency plan. Khan did so.

The key element of this plan was absolute secrecy. At any cost, the British officers in the Pakistan army, and the commander-in-chief had to be kept in the dark.[36] As Khan was at that time Director of Weapons and Equipment at army headquarters, he was able to locate 4,000 rifles intended for the Punjab police and a large stock of old ammunition that was scheduled to be transported to Karachi to be thrown in the sea, and persuade the concerned Muslim officers to divert them for his operation in Kashmir. Khan proposed that the rifles and ammunition be used by bands of irregulars to overcome the widely scattered state forces piecemeal, and to block the unmetalled Jammu to Kathua to Banihal Pass road so as to stop Indian irregulars and even armed reinforcements from reaching the Valley. A few days after he had given the plan to Mian Iftikharuddin, he was summoned to Lahore (this must have been the middle of September—Khan does not give dates) for a conference with the Prime Minister of Pakistan, Liaquat Ali Khan. The conference was held in the office of Sardar Shaukat Hayat Khan, then a minister in the Punjab government. It was here that he learned that there was another plan, hatched entirely by the Muslim League.[37]At the conference, Akbar Khan

[35] *Ibid.* p. 11.

[36] *Ibid.* pp. 13–14.

[37]*Ibid.* p. 16.

soon realised that although several of those present had copies of his plan, most of them had not bothered to read it. This was because Shaukat Hayat 'already had a plan in mind':

> His plan was based on the employment of officers and other ranks of the former INA under the command of Mr Zaman Kiani. These were to operate from across the Punjab border - whereas north of Rawalpindi, the sector was to be under the command of Mr Khurshid Anwar, a commander of the Muslim League National Guards. The operations were to take place in two sectors, under the overall command of Sardar Shaukat Hayat Khan.

Akbar Khan's role was reduced simply to procuring the 4,000 rifles and ammunition. His operational precepts, notably sending irregulars to cut the Jammu to Kathua road, and skirmishers who would seize Srinagar airport, were given scant attention. Khan was left with the critically important role of procuring the weaponry, but otherwise had little to do with the actual 'planning' and conduct of operations.

Khan remained convinced that Kashmir was lost because Khurshid Anwar was a loose cannon, and incited the Pathan tribesmen to invade Kashmir, probably on his own initiative. In his estimate, till the end of the third week of October, everything had been going Pakistan's way in Kashmir. By his reckoning, more and more Muslims were rising in revolt against the Maharaja, who was losing control of his state little by little. This was particularly so in Poonch, where by now the rifles commandeered by him for the operation were in the hands of the local Muslims. 'But then suddenly at this stage, the whole situation was radically altered by the entry of the Frontier tribesmen into Kashmir on October 23. This event was of such significance that it led to the accesssion of the state to India within four days. [38] Khan's estimate that Anwar was a loose cannon was based on two conversations that he had had immediately after the first planning meeting in Lahore.

'Upon coming out of the conference room, Khurshid Anwar took me aside and told me that he was not going to accept any orders from Shaukat Hayat Khan. ...I was just wondering what to do about this when Shaukat Hayat Khan also came and told me that he had absolutely no confidence in Khurshid Anwar. In view of this mutual lack of confidence, I suggested that he should immediately see the Prime Minister

[38] *Ibid.* p. 22.

and get someone else in place of Khurshid Anwar. But he said Khurshid Anwar was the choice of the authorities concerned and nothing could be done at this stage'.[39] An interesting feature of Khan's account is that right till 1970 when he wrote his book, he did not seem to know who Khurshid Anwar was, or precisely why he had been given the pivotal northern sector to command in the operation to grab Kashmir, over the objections of Shaukat Hayat. Khurshid Anwar was one of the Muslim League's most important secret weapons in the creation of Pakistan. A former major of the Indian Army, he had resigned to devote himself full-time to the work of the League. Raising the National Guard was only a small part of his job. He had proved his real usefulness to the Muslim League the previous year when he had toured the length and breadth of the North West Frontier Province and the tribal agencies rousing communal passions against Hindus and Sikhs, and convincing the Pathans that if the pro-Congress regime in the NWFP was not overthrown, it would deliver them into slavery to the Hindus.'[40] Anwar therefore knew the tribes and was best situated to rouse them. Anwar had worked with the Pir of Manki Sharif in 1946. At that time he had been given the task of organizing a procession a day to Assembly hall in Peshawar. The processions included students, who were his special responsibility, and the disciples of the Pir.[41] It was thus no accident that early in 1947 the Pir, a key member of the NWFP Muslim League, openly threatened a jihad to conquer Kashmir for Islam, and that eight months later, an officer he had worked closely with was sent to command the very same operation in his area.

Akbar Khan's account completely exposes the Kashmir operation for what it was—not a spontaneous uprising, but a clandestine operation

[39] *Ibid.* p. 18.

[40] Wali Khan: *Facts are Facts... op. cit.* pp. 111,112, and 155. Wali Khan's description of Anwar's task in the NWFP is worth quoting in full: 'For the first time, in this part of the country, disruptive forces raised their head in the person of Major Khurshid Anwar. It was clear to one and all, that it was the anti-national elements and goondas who had been paid to start plunder and arson, with an unlimited licence to kill. They forcibly took possession of the houses, business premises, and factories of the non-Muslims. Their terrorising tactics were expected to prove the negligence of government officials in protecting the non-Muslims' (p. 155). Wali Khan's description of Anwar's task in the NWFP is worth quoting in full.

[41] *Ibid.* p. 112. Wali Khan quotes Erland Jansson's *India, Pakistan or Pakhtoonistan* (p. 169) for this important piece of information.

designed by Pakistan to annex the state by force. His suspicion that Anwar had acted on his own and upset the apple-cart for Pakistan, would have been hard to believe at the best of times. But given Anwar's importance in the League's grand design, his familiarity with the frontier, and his previous working experience with the Pir of Manki Sharif and other tribal leaders, it is difficult to avoid the conclusion that the raiders were intended all along to be the real spearhead of the Pakistan government's annexation plan, and that the instigation or support of insurrectionary activity and communal mayhem in Poonch and Jammu was a diversionary tactic designed to disperse and pin down the state forces and prevent them from being regrouped, for instance, at the mouth of the strategic Uri gorge through which raiders had to pass before entering the vale of Kashmir, or the strategic bridges at Kohala and Domel. This would explain the general lack of interest in Khan's plan at the Lahore meeting and the clear impression he got that Anwar was getting his orders directly from a higher authority than Shaukat Hayat Khan, the nominal coordinator of the annexation plan.

Despite the fact that Akbar Khan's book has been out for 23 years and has confirmed a great deal of circumstantial evidence that had always existed about the true nature of the tribal incursion, the belief that there had been a spontaneous uprising in Kashmir stubbornly persists.[42] Its protagonists insist on believing that only a small number of tribesmen actually entered the state of Kashmir most certainly not more than 5,000 and probably as few as 2,000; that they came at the invitation of the local Muslims who had risen against the Maharaja and his oppressive regime, and that by the time the Maharaja acceded to India he had been all but dethroned. An Azad (free) Kashmir government had come into

[42] Lamb. *op. cit.* pp. 133–35. and 150. Lamb independently concedes what Batra reported to Symon that tribesmen had entered Poonch in September-end. But although he quotes Akbar Khan's memoirs frequently he does not mention the despatch of rifles or the recruitment of INA other ranks for infiltration into Poonch. Having established in this manner that the rebellion on Poonch was spontaneous, he goes on to suggest that a few individuals in Pakistan took matters into their own hands because they surmised that if the Maharaja asked for Indian help to suppress the rebellion in Poonch, then 'might not the war overflow (across the Jhelum) into Pakistan itself. So, to prevent this war, these individuals decided to wage a war that made Indian involvement certain! (p. 132).

being, and Maharaja had been forced to flee the vale to Jammu. At the time of accession, therefore, he controlled only Jammu and Ladakh.[43]

The files of correspondence at the India Office Records Library help to lay this bogey to rest, once and for all. So far as a domestic insurrection is concerned, apart from saying, in his last report that till September 29 there had been no trouble whatever in the state, Gen. Scott also reported that in the future, the threat to the state would not come from Jammu or the Muslims in Poonch. 'Should Kashmir accede to India, trouble will come not from immediately within the state, but (from) the fanatical tribesmen of Hazara and the Black Mountain, and the Muslims in Jhelum and Rawalpindi'. The vast majority of the Kashmiris have no strong bias for either India or Pakistan... but they realise that a hostile Pakistan could seriously disrupt Kashmir's economy'. There is no well organised body in Kashmir advocating accession to Pakistan... *on the other hand the Muslim National Conference has been pro-Congress and anti-Pakistan although Sheikh too realises the economic difficulties and certainty of war between India and Pakistan* (emphasis added). Scott concluded his report gloomily by predicting that 'neither Dominion could refrain from intervening in the Kashmir conflict (that would ensue, presumably if the Maharaja decided to accede to India).[44] In saying that the Maharaja could not speak for more than Jammu and Ladakh, Lamb somehow forgot the valley of Kashmir which contained more than half the population of the state, and was firmly in the grasp of Sheikh Abdullah.

The evidence of Sheikh Abdullah's complete dominance of the Valley in 1947 is massive and irrefutable. When he was released from jail at the end of September, *The Times*, London reported:

> Sheikh Abdullah has lost none of his popularity. His recent release from prison was celebrated with huge land and water processions, and it is believed that he might well influence Kashmir to join India. His popularity among Muslims is based on his demand for progressive reform and the abdication of Rajah... the Kashmir Muslim Conference party is young and compared to the Nationalists politically weak but it seems obvious that it is counting on the intervention of religious prejudice.[45]

[43] *Ibid.* p. 150.

[44] UK High Commission in Pakistan telegram to CRO, October 8 1947. L/P&S/13/1845b.

[45] Extract from *The Times*, October 13, 1947.

The British High Commissioner to Pakistan, Sir Lawrence Grafftey-Smith, who made no secret of his passionate advocacy of Pakistan's cause in Whitehall, was forced to report to London after his talks with Scott: 'General Scott is of the opinion that the predominantly Muslim population of Kashmir are not enthusiastically ardent supporters of accession to Pakistan. Their more able leaders are, indeed, sympathetic to Indian Congress' ideas and deplore a partitioned India. The proponents of accession to Pakistan appear to cut very little ice at present. *Here, however, as in the case of the North West Frontier Province, the massacre of Muslims by Hindus in India may arouse communal sympathies transcending past political affiliations and thereby inflame sympathies for Pakistan which are at present tepid, or non-existent*' (emphasis added).[46]

Copland concluded after his detailed study of political developments in Kashmir, at the time, that 'clearly, the NC remained, at the time of the tribal invasion, the dominant political party in Kashmir', and that its support was mainly to be found in the valley. He also reported that one inside source in the Muslim Conference reckoned that by October 1947, support for the Muslim Conference was virtually 'null and void'.[47]

As for a rebel government of Azad Kashmir, the *Daily Express* of 6 October did carry a report that on 2 October or thereabouts:

> 'A rebel Muslim government has been set up in mountainous Kashmir in the far north of India'.
>
> It quoted one Mohammed Anwar as having proclaimed, 'We have seized power'...'No citizen or officer or subject of the State shall obey any order issued by Hari Singh....'
>
> This government was set up in Muzaffarabad, the *Express* reported, 20 miles from the Pakistan border. So far so good. But when the UK government asked its High Commission to ascertain whether the report was true or not, the latter sent the following telegram to the Secretary of State for Commonwealth Relations on the 18th of October: 'Ministry of Foreign Affairs have no confirmation of any rebel provisional government, and believes report to be incorrect'. So apparently not only was there no insurrection, but as of 18 October four days before the tribal invasion of Kashmir, no rebel government either.

[46] Letter to the Rt. Hon. Phillip Noel-Baker dated October 9, 1947. L/P&S/13/1845b.

[47] Copland: *op. cit.* p. 237.

The claim made by Lamb and other writers that only 2,000 to 5,000 tribesmen invaded the Valley, is also invalidated by the documents in the IOR library. If Khurshid Anwar himself was to be believed, 4,000 tribesmen went in with him on 'D' day—October 22. Thousands more followed in the next two weeks. An unofficial checkpost, set up by the British in Abbotabad four days after the incursion began, counted that as of October 30, 6,000 more tribesmen had passed through the town on the way to Kashmir.[48]

Finally in his November 10 dispatch to the *Daily Express* Sydney Smith recounted that he had seen 45 busloads with 50 tribesmen in each' i.e. 2,250 tribesmen, going up to Kashmir since he had been in captivity in Abbotabad.[49] In other words, by October 30, i.e. in the first week of the invasion, about 10,000 tribesmen passed through this one town on their way to Kashmir, and a week later the figure had risen to around 12,500. This was not, of course, the only route to Kashmir, or the only direction from which the raiders came. Nor did this figure include the tribesmen from Hazara and elsewhere who had entered Poonch and other areas along the Punjab border before October 22. The Indian White Paper's estimate that there might in all have been as many as 70,000 tribesmen involved in the Kashmir operation by March 1948 no longer sounds as incredible as Lamb would have one believe.[50]

[48] Telegram from UK High Commission in India, 30 October, 11.35 pm IOR L/P&S/13/1845b.

[49] White Paper of the Government of India on the invasion of Kashmir. A copy is available in the IQRL as part of L/P&S/13/1845c.

[50] The estimates given by Smith, etc. were necessarily of the total number of raiders who entered Kashmir down a single road. But the raiders were a mixed bag and entered from several points. Estimates, therefore, vary according to whether one counts tribesmen who entered Kashmir Valley, or the whole of Kashmir state. The latter number is much larger. Secondly, the numbers depend upon whether one includes only 'trans-frontier' tribesmen, i.e. those from the 'administered territories' or also those from the NWFP. Lastly, a large number of the raiders were Punjabi Mussulmans. Since these were mostly Sattis and Sudhans, who are also present in large numbers in Poonch and Muzaffarabad, all of them could easily be described as local Kashmiris belonging to these regions or vice versa.

The estimates given by the Indian Army to the Defence Committee of the Cabinet at various times were: on October 25, 5,000 tribesmen (Gen. Lockhart quoting Pakistan army headquarters). On October 26, Lt. Col. Manekshaw said that the

The crucial question, however, is why did the tribesmen come? Pakistan's explanation, which, judging from the files and notations of the Commonwealth Relations Office, the British government accepted uncritically, was that the Pathan raiders came spontaneously to the aid of their suffering Muslim brethren; that Pakistan did everything short of engaging them militarily to prevent them; but that when the tribesmen heard that Kashmir had acceded to India, and particularly that Sikh troops had been sent in to Srinagar, there was no holding them back. For scholars, at least, the despatches of Sydney Smith in the *Daily Express*, the Indian White Paper, Khurshid Anwar's background and prior history, his interview to *Dawn* and above all, Akbar Khan's book, should have discredited that explanation, but it has obstinately lingered on. However, direct confirmation of all that the nameless colonel said in his letter

attack from Abbotabad had been carried out by 1,000 tribesmen and about 400 Pathans in 300 lorries. The very large number of lorries and Smith's estimate that each contained about 50 tribesmen suggests that this figure was probably an underestimate. It was in any case based on hearsay in Srinagar. On October 30 (11th meeting) Gopalaswami Ayyangar stated that most of the raiders were not tribesmen. Gen. Lockhart concurred and said that the bulk were ex-servicemen with a sprinkling of soldiers who were probably the Maharaja's Muslim state forces that had deserted. At the 14th meeting (14 November) Maj. Gen. Kalwant Singh reported that there were definitely a number of serving and ex-service Pakistan army officers with the raiders. At the 16th meeting on November 24, the Governor General disclosed that Governor of the NWFP, Sir George Cunningham , had told Ismay that there were 1,000 trans-frontier tribesmen with the raiders, mainly Mahsuds and Mohmads. As the conflict expanded and prisoners were taken, the numbers grew and the identity of the raiders became more well defined. On December 3, the army reported to the Defence Committee (18th meeting) that there were 20,000 to 40,000 tribesmen involved in various theatres, from Suchetpur, Shakargarh tehsil, Gujarat and Jhelum, all under the jurisdiction of the Commissioner of Rawalpindi. Mountbatten also disclosed at this meeting that on November 30, Messervy had told him that 12 Pakistan army officers were unaccounted for and were probably with the 'insurgents' in Kashmir. Aslam Khan was undoubtedly one of them. Finally on May 13, 1948, Maj. Gen. Kalwant Singh, while reporting that the morale of the raiders was low and that they would not be able to hold out for long without reinforcements, told the Defence Committee that based on the interrogation of prisoners the army estimated that in the Jhelum valley 20 per cent were Pathans, 25 per cent were Punjabi Mussulmans and 55 per cent were locals. In Jhangar-Nowshera (opposite Poonch and Jammu) half were Punjabi Mussulmans and half were locals.

from Abbotabad to Capt H. Stringer, is available in the correspondence between Iskander Mirza, the first President of Pakistan, and Sir Olaf Caroe. In a letter written to Caroe in 1968, Mirza revealed that the Muslim League had sent the tribesmen into Kashmir in 1947 behind the Governor, Sir George Cunningham's back. This is a subject to which we shall return later.

3

Accession Under Duress?

Kashmir was not a communally polarised state. There had been no spontaneous uprising of 'Muslims' against the maharaja, and no attempt by him and his 'Dogra' State forces to 'cleanse' the state of its Muslim population. Prior to the end of September, there had been no breakdown of the state administration, and the breakdown, when it did come, was engineered by Pakistan as a prelude to sending in the raiders to annex the state. But could it be that Pakistan merely fell into a trap of India and Britain's making? Is it possible that there was a deep-seated Indo-British plot all along to make Kashmir accede to India, and by sending in the raiders, Pakistan simply fell into it? This is in fact Alastair Lamb's central contention in his *Disputed Legacy* (1991).[1]

The best course, once more, is to let the Transfer of Power documents, the India Office Records, and contemporary accounts and papers speak for themselves. The contemporary official records show:

i) That the Indian government did not have any special designs on Kashmir, prior to the invasion by the raiders on October 22. On the contrary, not only did it do nothing to persuade or coerce the Maharaja, but it went out of its way to assure him that it would not mind if the State acceded to Pakistan.

ii) That a few Congress leaders, of whom Sardar Vallabbhai Patel was the most important, did make an attempt to persuade the Maharaja that it would be in the best interest of the State to accede to India. In this, the Congress was no different from the Muslim League and Jinnah, who were putting pressure and

[1] *Kashmir. A Disputed Legacy. op. cit.*

holding out tempting inducements to make him accede to Pakistan.

iii) However, even this bid was half-hearted because of a sharp, if quiet, disagreement between Pandit Nehru and Patel on the conditions that the Maharaja had to fulfill before accession. Pandit Nehru was emotionally much more involved with Kashmir than Patel, but was adamant that bringing democratic rule to the state was more important than securing its accession to India. He therefore put all the pressure he could muster on the Maharaja to release Sheikh Abdullah and other political detenus and hold an election. This included refusing to countenance Kashmir's accession to India until the Maharaja held such a free election, or had, at the very least, brought the Sheikh into his government as a prelude to holding it. Nehru felt reasonably confident that an election would bring the Sheikh to power and that, given his opposition to the creation of Pakistan, his strongly professed secularism, and his personal friendship with Nehru, Abdullah would prefer to join India rather than Pakistan, but he was fully prepared to accept his decision if it went the other way. Patel, by contrast, was more legalistic in his approach. He was less determined to secure Kashmir's accession than Nehru, but was also far less bothered with ascertaining the wishes of the people first, once the Maharaja had made up his mind.

iv) There is conclusive evidence that, far from anyone in India having plotted to seize Kashmir, it was the Maharaja who first decided, on his own, some time in September, that he had no option but to accede to India, and Nehru who rebuffed him. The main reason why he had delayed so long (and continued to delay till he changed the history of the entire subcontinent) was his aversion to both Nehru and Sheikh Abdullah. Hari Singh knew that an election would bring the National Conference to power. This would mean the end of his rule over Kashmir. One can challenge the wisdom of the Maharaja's desire to accede to India without getting at least one of the major political movements in the state behind him. One may even question, as the CRO did, the wisdom of India's decision to accept accession from a state where three-quarters of the population were Muslims without first ascertaining the wishes of the people—which is precisely the point that Pandit

Nehru kept making both before and after Kashmir actually acceded to India. But one cannot challenge, under the Indian Independence Act, the Maharaja's right to accede to the dominion of his choice. This remained Patel's consistent position, both before and after the accession.

v) Lastly, far from there being any evidence that Mountbatten or the British colluded with India in hatching a conspiracy to deny Kashmir to Pakistan, there is conclusive evidence that Britain wanted Kashmir to be a part of Pakistan all along. The reason lies imbedded in Britain's strategic goals after the Second World War. The way these shaped its policy towards South Asia after the Transfer of Power, and consequently, its reaction to the Accession will be taken up in chapters 6, 7 and 8.

Was there an Anglo-Indian Conspiracy?

The most unambiguous and most frequently quoted evidence of India's hands-off attitude to Kashmir, is the assurance Mountbatten gave to the Maharaja, during his visit to the state, that the newly-created States Department in Delhi would not consider it an unfriendly act if the Maharaja decided to accede to Pakistan.

Mountbatten tackled the question of Kashmir's future status for the first time when he went to Kashmir for a short holiday from 18 to 23 June, two weeks after announcing the Partition plan. During his visit, he was unable to pin his host, the Maharaja, down to a formal talk about the future of the state, but had several discussions with him, especially during their long car rides, at which he discussed the subject informally with him.[2] He reported the gist of these talks to the Maharaja's Prime Minister, Kak, with whom he also had separate discussions, and gave a full account of the two sets of talks to Pandit Nehru when he came back to Delhi.[3] Mountbatten urged Hari Singh and his Prime Minister, Pandit Ramchandra Kak, not to make any declaration of

[2] Alan Campbell-Johnson: *Mission with Mountbatten*. p. 120. Campbell-Johnson, Mountbatten's press secretary, recorded in his diary that 'the only conversations that took place (between Mountbatten and the Maharaja) were during their various car drives together.

[3] H. V. Hodson: *The Great Divide*. 1969. OUP. Pakistan reprint 1985. pp. 441–443.

Independence, but to find out, in one way or another, the will of the people of Kashmir as soon as possible and to announce their decision by 14th August... *He told them that the newly created States Department (under V. P. Menon) was prepared to give an assurance that if Kashmir went to Pakistan this would not be regarded as an unfriendly act by the Government of India* (emphasis added).

Mountbatten had wanted to repeat all this at a formal meeting in front of his staff, and with official note-keeping, but after fixing the meeting for the last day of the Viceroy's visit, Hari Singh called it off, pleading colic![4]

[4] Alan Campbell-Johnson: *Mission with Mountbatten*. Robert Hale Ltd. 1952. P. 120. Karan Singh, son of Maharaja Hari Singh, who was 16 at the time, also remembers Mountbatten bringing an assurance from the Indian leaders to this effect. See *Autobiography* 1931–67. Oxford University Press New Delhi, 1989. p. 48

Lamb, however, makes the extraordinary suggestion that the conversations with Hari Singh that Mountbatten reported to Kak most probably never took place, and therefore that Mountbatten was probably lying both to Kak and Nehru. He apparently either did not see, or chose not to attach any importance to a letter written by Sardar Patel to the Maharaja on 3 July. Sardar Patel says: 'I was greatly disappointed when His Excellency the Viceroy returned without having a full and frank discussion with you on that fatal (fateful) Sunday, when you had colic...' This certainly does not suggest that no discussions whatever took place.

Building upon his belief that Mountbatten only talked to Kak, Lamb attaches a special meaning to the Viceroy's conversations with him, to wit, that these were intended to put pressure on the Maharaja to accede to India. As proof of this, Lamb contrasts Mountbatten's weak assertion that Jinnah would protect the Maharaja from the presssures put on him by the Congress, with his use of the word 'inevitable' when referring to the considerate treatment he would receive from the Hindustan assembly. Apart from the fact that this is a record of a conversation about another conversation, and can hardly therefore be considered a precise account of what was actually said, Lamb's determination to overlook the obvious explanation is inexplicable, namely, that Mountbatten could speak more confidently for Nehru, Patel and V. P. Menon, who were all members of his interim government, than he could for Jinnah who was not. Lamb's bias is equally apparent in the way he has chosen to ignore the more significant part of Mountbatten's talks with Kak. Mountbatten's note continues as follows: 'It was not for him... (Mountbatten)... to suggest which Constituent Assembly they should join, but clearly Kashmir should work this out for themselves *on the basis of the best advantage to the ruler and his people and in consideration of the factors of geography and the probable attitude of the Congress and the Muslim League respectively to Kashmir*'(emphasis added).

Mountbatten's notes are not the only evidence that the Indian government had no designs on Kashmir other than Nehru's obsession with getting the Sheikh released and somehow pressurising the Maharaja into holding an election. In his final report on Kashmir, Gen. Scott wrote that 'there was no evidence of any specific activity by the Government of India to persuade Kashmir to join India'. He however noted that the Maharaja's household, consisting of the Maharani, her brother, Thakur Nachint Chand, and his astrologer, were busy persuading him to do so.[5]

The UK High Commission in Karachi also admitted, albeit grudgingly, that there was no direct evidence of this kind. In a telegram to London dated the 7th of October, referring to India's insistence on a referendum in Junagadh, the High Commissioner commented that this (the Junagadh referendum) was a test tube case for Hyderabad, 'although every argument gained in these two cases works against the Government of India in respect of Kashmir. This does not embarrass their diligent efforts to secure the accession of Kashmir'. However, presumably on a pointed query from London, the High Commissioner sent a later correction to the above telegram stating that his allegation (about

'Given that 77 per cent of the state of Jammu and Kashmir was Muslim, and the only all-weather road out of the Valley in 1947 ran through Muzaffarabad to Rawalpindi, the additional reference to geography can far more directly be interpreted as a subtle hint to the Maharaja that he should consider joining Pakistan, than the convoluted meaning that Lamb has sought to give to two words in the later part of the same note. This interpretation is, if anything, reinforced by Mountbatten's assurance that the Indian States Department would not consider his accession to Pakistan as an unfriendly act. In fact, as will be shown later, if Mountbatten was indeed gently hinting that the state should accede to Pakistan, he would have been doing no more than his duty. As Sir Alan Campbell Johnson told the author on September 23, 1994, there was a settled belief in the India Office in London, shared by the British staff of Mountbatten in New Delhi, that Kashmir should go to Pakistan not only because it had a majority of Muslims, but also because in some deep way Pakistan would not be complete without Kashmir.

[5]Scott's last despatch, sent from Karachi. *op. cit.* Scott was right about the first two but wrong about the third. Till very late in the day, the astrologer encouraged Hari Singh to try and remain independent, saying that he saw (in the stars!) Gulab Singh's flag fluttering over all the land from Lahore to Ladakh. This was confirmed in conversation with the author by Dr Karan Singh.

Kashmir) was based on *talk* (emphasis in original), and that there was no direct evidence to support it.[6]

Lastly, in a letter to the Defence minister Sardar Baldev Singh, written on September 13, 1947, while asking for the release of Col. Kashmir Singh Katoch from the Indian Army for secondment to the Kashmir State forces, Sardar Patel suggests: 'It would be best therefore, to lend his services for a period of three years on the condition that if the State decides to join the other Dominion, Col. Katoch will revert to the Indian Dominion'. A formality perhaps but one that nevertheless reinforces the supposition that India would not try to block Kashmir's accession to Pakistan if Majaraja decided upon it.[7]

Patel's correspondence and files in the India Office Records Library do not therefore furnish any reason to alter Hodon's judgment of 1969, that:

> From these records it is abundantly clear, first, that the advice the Maharaja received was not to hurry but to consider the will of his people in deciding which new Dominion to join; secondly, that not only the viceroy but also Pandit Nehru and Sardar Patel openly accepted the possibility that Kashmir might accede to Pakistan; thirdly that the Viceroy went to great lengths to prevent even an appearance of undue political pressure on Kashmir from the Congress; and finally that Pandit Nehru's personal emotions were deeply engaged, though at this stage they were more concerned with the fate of Sheikh Abdullah and the rights of the people than with the accession of the State.[8]

Patel's Links with Hari Singh

The Indian *government* was not trying to persuade the Maharaja to accede to India, but this did not mean that the Congress *party* was indifferent to the issue. In this respect there was a dichotomy between party and government in what was soon to be the Indian Dominion, that mirrored the dichotomy that emerged in Pakistan after August 15. However, the organisation of the Congress and the Muslim League, their relationship with their respective governments, the degree of determination to acquire Kashmir, and consequently, the methods that

[6] Both the telegrams comparing Kashmir to Hyderabad, and the corrections were sent from Karachi on October 7. IORL/P&S/13/1845b.

[7] Durga Das (ed.): *Sardar Patel's Correspondence*-1945-50. doc. 39. p. 37. Navjivan Publishing House Ahmedabad. India.

[8] Hodson: *op. cit.* p. 443.

the two political parties were prepared to use, were very different. As far back as February 14, 1947, Webb reported to the Viceroy that the Congress high command was showing a continuing interest in Kashmir.[9] In June, after returning from Kashmir, Mountbatten had to 'lecture his prime minister severely' to prevent him from haring off to Kashmir again to meet Abdullah. However, it was not till July 3, that the Congress party established formal contact with the Maharaja. This was done by Patel in the letter cited above. In this, Patel wrote:

> Rai Bahadur Gopal Das, (a prominent Hindu of Lahore) saw me today and conveyed to me the substance of your conversation with him. I am sorry to find that there is considerable misapprehension in your mind about the Congress. Allow me to assure Your Highness that the Congress is not only not your enemy *as you happen to believe* (emphasis added) but there are in the Congress many strong supporters of your State.

After a reference to Nehru's arrest by the Kashmir government in June, 1946, when he tried to enter Kashmir to meet Sheikh Abdullah who had been sentenced to three years' imprisonment for starting a 'Quit Kashmir' movement against the Maharaja and Dogra Rule,[10] Patel continued:

> Having had no personal contact, my correspondence has been with your prime minister since the arrest of Sheikh Abdullah and my efforts have been to persuade him to have a different approach to the problem, which in the long run would be in the interest of the State. It is unfortunate that none of the Congress leaders has got any contact with Your Highness.[11]

Patel went on to assure him that the Congress had no intention of interfering in Kashmir's domestic affairs, and then made his pitch:

> I wish to assure you that the interest of Kashmir lies in joining the Indian Union and its Constituent Assembly without any delay.[12]

[9] Webb's fortnightly letter to the Crown Representative, for 1–14 Feb. 1947. *op. cit.*

[10] *Op. cit.* pp. 233–7. This movement had no communal purpose or foundation. Its only goal was to recapture, for the National Conference, the political ground that it had lost after 1943 by co-operating with the Maharaja. Abdullah decided that the best way to do this was to mount a highly populist campaign against the Maharaja in the state. As Copland has shown, citing contemporary accounts, the move succeeded.

[11] *Ibid.*

[12] *Ibid.*

The letter is important because it shows that the Maharaja thought the Congress was his enemy. Since there is no record of what Seth Gopal Das told Patel, we can only surmise what led Hari Singh to this conclusion. An obvious cause would be Nehru's championship of Abdullah. But 'enemy' is a very strong word. It therefore probably reflects the Maharaja's increasing awareness of his weakness and isolation, and the growing danger to his kingdom from Pakistan. Nor, after having seen what had happened in Hazara and the NWFP, could he have been left with any illusion about the nature of the threat. His isolation arose directly out of his estrangement with Nehru, whom he had stopped from entering Kashmir, virtually at gunpoint, in June 1946. It had prevented not only Nehru but other Indian leaders from having any contact with Hari Singh, till Patel broke the ice. Patel wanted Kashmir to join the Indian Union, and also strongly urged the Maharaja to mend his fences with Abdullah, but unlike Nehru, for Patel this was not a precondition for accession to India.

When did Hari Singh decide to opt for India?

Patel's letter was followed by detailed discussions between the Maharaja and Rai Bahadur Gopal Das in which the Hari Singh promised to declare a general amnesty and get rid of his prime minister Ramchandra Kak, who was believed, to lean towards independence or accession to Pakistan.[13] However, all this became possible because by the beginning of July, the Maharaja had veered around to the view that if he could not remain independent he would prefer to accede to India rather than Pakistan.

Scott's assessment was entirely accurate when he said that the deciding factor was the pressure on Hari Singh from his family. This pressure must have begun as far back as March or April, for at the end of the latter month, Hari Singh allowed the Maharani to journey to Lahore to

[13] Patel's corespondence vol. 1 no. 36, enclosure. *op. cit.* In his last report, Scott says that Kak believed that Kashmir should stay independent, but have closer relations with Pakistan. In fairness to Kak, this was not necessarily a reflection of pro-Pakistan sentiment. It probably reflected a realistic assessment that the Maharaja had only two options: release Abdullah, accede to India and resign himself to becoming a figurehead, or keep Abdullah in jail, accede to Pakistan and retain his internal powers for some time longer. Since neither was palatable trying to remain independent was the only course left open to him.

meet Justice Mehr Chand Mahajan of the East Punjab High Court to sound him out about the possibility of becoming the Dewan of Kashmir, in place of Ram Chandra Kak who, as Webb too had reported to the Viceroy, preferred independence with close ties to Pakistan.[14] The two met at Faletti's hotel in Lahore on May 1. During their conversations, she offered him the post of prime minister, and asked him to come to Kashmir for an interview with the Maharaja.[15] Mahajan, however, was non-committal on that occasion but accepted the invitation when it was renewed at the end of August.[16]

The letter from Patel and his conversations with Dewan Gopal Das, strengthened Hari Singh's resolve. He created a scene with Kak in full durbar, forced him to resign on or around the 16th of August and placed him under house arrest soon afterwards.[17] (Kak however came back into the Maharaja's service within a few weeks but not as prime minister, as a letter from him to Patel written on October 1, reveals.)[18]

But Hari Singh remained unwilling to take the next logical step, which was to free Abdullah, and establish a working relationship with him. Thus the general amnesty was not announced and Sheikh Abdullah remained in jail till September 29.

Since Mahajan had, in the meantime, been made a member of the Punjab Boundary Commission, Hari Singh appointed Gen. Janak Singh Katoch whom Karan Singh describes as an old family retainer, as caretaker prime minister. On August 25, ten days after the Boundary Commission

[14] This meeting is recalled by Mahajan in his book, but Mahajan does not say precisely why, or for that matter how, he met the Maharani in Lahore. The information that she had gone down specially to recruit Mahajan for the Premiership was given to the author by Dr Karan Singh, who had accompanied his mother to Lahore, knew the purpose of the visit, and was present at the meeting. Conversations with the author, October, 1994.

[15] Mahajan: *op. cit.* p. 123.

[16] Mahajan does not say what exactly their conversation in May was about, but Dr Karan Singh, the son of Maharaja Hari Singh, who accompanied his mother to Lahore to meet Mahajan remembers it vividly. 'He was being difficult and asking for all sorts of assurances, till I could not stand it any longer, 'Is our kingdom so small that we have to plead with him to become its prime minister', I asked my mother' in Dogri. Dr. Karan Singh described this to the author during an interview on October 10, 1994.

[17] Karan Singh: *op. cit.*

[18] See Patel's Correspondence, vol. 1.

was dissolved, the Maharani again wrote to Mahajan asking him to visit Srinagar, and this time Mahajan accepted. Braving floods and bad roads he arrived in Srinagar on September 13. By then the Maharaja had taken the next important step in building a lifeline to India: he had asked for the services of Col. Kashmir Singh Katoch, of the Indian Army, on secondment to head the Kashmir state forces. Kashmir Singh was Gen. Janak Singh's son. The very first task that the Maharaja entrusted to Mahajan was to persuade Delhi to accept Kashmir's accession, without insisting on a referendum or any other internal administrative reform designed to bring Sheikh Abdullah into the government. What happened in Delhi is best stated in his own words:

> I also met Pandit Jawahar Lal Nehru, the Prime Minister of India, and I told him the terms on which the Maharaja wanted me to negotiate with India. The Maharaja was willing to accede to India and also to introduce necessary reforms in the administration of the State. He, however, wanted the question of administrative reforms to be taken up later on. Panditji wanted an immediate change in the administration of the state and he felt somewhat annoyed when I conveyed to him the Maharaja's views. Pandit Nehru also asked me to see that Sheikh Abdullah was set free.[19]

Mahajan reported his conversation to the Maharaja, but Hari Singh stuck to his guns. In Lahore, Mahajan received a letter from the Maharaja telling him:

[19] Mahajan: *op. cit.* p. 126. Lamb's contention that the Maharaja began to look for a new prime minister in late August or early September and that Mehr Chand Mahajan was Patel's nominee, who had extensive discussions with Patel and Nehru before coming to Kashmir, and therefore was in fact India's man in Srinagar, is inexplicably far off the mark. Mahajan went to Kashmir first after receiving the Maharani's summons. It was Hari Singh who asked him to talk to the Indian leaders while in Delhi. From Mahajan's description, he was to sound out the Indian leaders' reactions to the possibility of Kashmir's accession to India (*Looking Back*: p. 126). Only then did Mahajan go to Delhi. If Mahajan's record of events is accurate, then it completely demolishes Lamb's contention that there was some kind of conspiracy between Patel, Mahajan, Nehru and possibly Mountbatten to secure Kashmir's accession to India. For it was the Maharaja who took the decision and asked Mahajan to execute it on the best possible terms for him. Lamb's failure to record this part of what Mahajan has to say can only mean that he does not believe him, i.e. he chooses to believe only those parts of what Mahajan has written that suit him.

'The one thing that is vital from the point of view of the immediate necessity of the State is the ability of the Government to choose its own time for the orientation and association of the people for their own betterment, security of life and property and full development. You should be able to convince the persons concerned about this aspect of the case before you arrive here. A visit to Delhi will, of course, be necessary.[20]

Despite Nehru's rebuff, the Maharaja continued to try and meet his terms halfway. Immediately after receiving Mahajan's news, he set about making a rapprochement with Sheikh Abdullah. While he still insisted that internal reforms should follow accession, he did his best to remove the main obstacle to Nehru's acceptance of his accession. He sent his brother-in-law, the household Minister, Thakur Nachint Chand, to see Abdullah in the bungalow to which he had been moved from jail, to patch up his differences with the Maharaja. Abdullah's letter to the Maharaja, written on September 26 is of great significance because it sought to reassure the Maharaja that his personal anti-Dogra campaign was now a thing of the past, and that freedom for his party to operate politically in the state would not automatically lead to a revival of demands for the Maharaja's abdication.

'In spite of what has happened in the past,' the Sheikh wrote, 'I assure your Highness that myself and my party have never harboured any sentiments of disloyalty towards your Highness' person, throne or dynasty. The development of this beautiful country and the betterment of its people is our common interest and I assure your Highness the fullest and loyal support of myself and my organization'.[21]

The Maharaja then sent a trusted aide, Thakur Harnam Singh Pathania, down to Delhi with Abdullah's letter on September 28 or 29, and Nachint Chand wrote to Mahajan to tell him what had been done to meet Nehru's demands.[22]

Sheikh Abdullah was released on September 29, probably the very day that Pathania set out for Delhi. A few days later he flew down to Delhi. It is difficult to overestimate the importance of Mahajan's matter-of-fact statement of the mission that the Maharaja gave him. It shows

[20] *Ibid.*
[21] Karan Singh, *op. cit.* p. 82.
[22] Mahajan: *op. cit.* p. 127.

that far from there having been a conspiracy between Patel, Batra, Nehru and Mountbatten, to bring Kashmir into India, it was the Maharaja who made up his mind to accede first, and Nehru who remained the main stumbling block to accession, with his insistence that the Maharaja must first get the backing of the majority of the people, through Sheikh Abdullah. Had Nehru been more accommodating, as Patel clearly wanted to be, Kashmir would have acceded to India well before the raiders invaded the State. The accession would have been incontestable not only on legal grounds, which were never in doubt, but what is more important, because it would demonstrably not have been made under duress. This is precisely what Jinnah was insisting upon in the case of Junagadh at the very same moment. As a CRO note cited later shows, the British were also of the same opinion, because they continued to regard Junagadh as part of Pakistan after it had been 'liberated' by India.

India did not enter into a conspiracy with Batra, Mahajan and other underlings of the Maharaja for the simple reason that India did not need to. The real bone of contention between the two governments was entirely different and persisted to the point where, as Mahajan's account of his conversation with Nehru on the morning of October 26 shows, Nehru was prepared to lose the Valley and Srinagar to the raiders and take it back later, if this was necessary to force the Maharaja to take Abdullah into the government.[23] There is not the least possibility the Mahajan cooked up this conversation because there is an abundance of supporting evidence that the Maharaja had made up his mind to join India. At about the same time that Mahajan was meeting Patel and Nehru in Delhi (between 19 and 21), Scott was deciding to leave the Kashmir government's service on the grounds that 'the Maharaja had more or less made up his mind to accede to India'. As Scott reported from Karachi, the Maharaja's chief of police, a Mr Powell, also resigned at the same time, citing the same reason. In preparation for this the 'Household' had begun to issue orders to the police behind Powell's back.[24] In his last report Scott gave a detailed description of the various straws in the wind that had made him draw this conclusion: the release of Sheikh Abdullah, and his immediate departure for Delhi, the return of Ghulam Nabi Bakshi, a National Conference leader, who had been

[23] Mahajan: *op. cit.* p. 151.
[24] Gen. Scott's last report: *op. cit.*

externed, and the imprisonment of one or two Muslim Conference leaders'.

Nor were the Maharaja's intentions unknown in Karachi. In the first week of September, Scott received a query from the Pakistan Army headquarters that took him by surprise. Pak army HQ wanted to know whether 'in view of the impending political changes', Scott needed any assistance in moving British families out of Kashmir. When Scott saw the Maharaja on the 9th, the latter denied that any political change was in the offing. The only impending change that could have made Pak Army HQ ask whether Scott needed help in evacuating British civilians was Kashmir's accession to India, because it was a settled belief among the British in India at the time that all Muslims would automatically want to go to Pakistan, and therefore that accession to India would set off widespread turmoil and violence in Kashmir.

On September 26, the *Pakistan Times*, whose owner was, as mentioned earlier, a prominent member of the Muslim League, published a report on its front page, datelined Srinagar, saying that 'Kashmir has decided to join the Indian Union'. Its Srinagar correspondent said that the decision had been taken two weeks earlier. The report, which appeared highly speculative at the time, was almost entirely accurate. It placed the Maharaja's decision a day or so before Mahajan's arrival in Srinagar.

Although the source of the information was not given, it was probably Jinnah's secretary, Khursheed Hussain, who knew the Valley well and had been in Srinagar monitoring political developments since the beginning of July. A native of Gilgit, he had been active in student politics in the state and had a large network of contacts. By October 7, as the UK High Commission in Pakistan reported, the Maharaja's impending accession to India was bazaar gossip in Pakistan. It was certainly known to the Pakistan government.

Patel's correspondence shows that after Mahajan's visit to Delhi, relations between the two governments developed rapidly. Kashmir asked for essential supplies of salt, foodgrains, and petrol and kerosene, all of which had been held up by Pakistan despite its standstill agreement with Kashmir. Kashmir also asked for communications equipment for the airport, and for secret communications between Kashmir and the Indian government, for Bailey bridging equipment to replace bridges blown up by the insurgents and their Pakistani associates in Poonch, and for a speedy improvement of the road from Jammu to Srinagar via

Kathua.[25] These are exchanges of letters between Patel and Mahajan, Batra and the Maharaja on the despatch of various supplies. The correspondence shows that both Patel in the home ministry and Baldev Singh in defence were keen to ensure that the Maharaja got everything he needed to withstand the threat from across the border. On October 7 Patel wrote to Baldev Singh asking that supplies of arms should be sent immediately. He also urged that the question of military assistance must come up before the defence council. But in the final analysis, when the raiders invaded the state, other than an improvement of the radio and telephone link, and perhaps some supplies of cloth, salt, petrol and a few other essentials, no military material had actually reached Srinagar. On October 21, Batra wrote to Patel in somewhat plaintive terms, that while Katoch had arrived, no ammunition had arrived and there was 'no probable date' for its doing so. He also mentioned that he had asked for aviation spirit but had received no intimation as to whether it would be supplied.[26]

It is the failure of the Indian government to send up suffcient military supplies in time that accounts for Mahajan's truculence during his meeting with Nehru on October 26, in Delhi, and his insistence that he would not leave for Jammu until he had heard that the Indian troops had actually arrived in Srinagar.[27] Mahajan obviously felt, and as it turned out, with good reason, that the Indian government was long on promises but short on performance.[28]

[25] *Op. cit.* Documents 39, 43, 46, 47, 48, 52, 61, 62.

[26] *Ibid. doc.* 62.

[27] For which he apologized handsomely afterwards.

[28] The real reason, as was revealed by Gen. Lockhart at the 8th meeting of the defence committee of the Cabinet on October 25 was that although both Sardar Patel and the Defence Minister, Sardar Baldev Singh, had passed orders more than 10 days earlier for the arms to be shipped to Kashmir, the Army had not obeyed the orders. The reason was an objection from the Supreme Headquarters(SHQ), i.e. from FM Sir Claude Auchinlech. SHQ objected that to supply arms to a state that had not yet acceded to either dominion needed the permission of the Joint Defence Council (of India and Pakistan). Patel pointed out at the meeting with some asperity that although the item discussed was labelled 'supplies to such states, the minutes themselves made it clear that the embargo was meant to apply only to Hyderabad. Mountbatten also expressed some surprise that although he was the head of the Joint Defence Council and had been in Delhi all along, no one from SHQ had sought a clarification from him. The SHQ also made the excuse that the arms were scattered

Why Hari Singh chose India

The Maharaja had the unquestionable legal right to accede to either Dominion, but was he morally justified in choosing India? The fact that 77 per cent of the state's population was Muslim also predisposed the rest of the world, and especially the British government which felt a responsibility for seeing the Partition through, to holding the same opinion. All these governments, including Delhi, would have been justified in taking this position if the Maharaja had been hustled into the accession by the invasion from Pakistan. But if the Maharaja had definitely decided to accede to India five to six weeks before the tribal invasion began, and was only being prevented from doing so by Nehru's obduracy, then the grounds on which he made his decision need to be evaluated afresh. If these are not entirely selfish, capricious or irresponsible, then the accession cannot be questioned, irrespective of how the issue was subsequently handled by India's representatives at the United Nations Organization. For to question Hari Singh's right on any other grounds is to call into question the very basis of Partition—the Indian Independece Act. It is therefore necessary to examine Hari Singh's motives more closely.

Maharaja Hari Singh has left no account of his life or of the historic moments that preceded and followed Indian Independence. As a result, the case that was built up against him by contemporary scholars and historians, has gone by default. Hodson, who had the most unrestricted access to Mountbatten's papers, and therefore to the view from Government House, of the momentous events of the epoch, felt no hesitation in jumping to the conclusion that Hari Singh had had no better reasons for wanting to accede to India than the Nawab of Junagadh had had for wanting to accede to Pakistan:

> The Maharaja, Sir Hari Singh, was an evasive vacillating man who not only failed to make up his mind about accession to India or Pakistan but did his best to avoid the pressure to decide which Lord Mountbatten was trying to exert upon him. Had he acceded to Pakistan, India could only have accepted

in depots all over the country and all available planes had been diverted to the repatriation of refugees. There may have been more to this 'omission' than meets the eye. That is discussed later.

> the decision, painful as it would be, not the least to Pandit Nehru. ...But to the Maharaja that course was utterly repellent. *To submit as a Hindu monarch to Muslim supremacy was a forbidding personal destiny; and he rationalized and reinforced his personal repugnance by the argument that 'Pakistan was a one-community theocratic state, whereas Kashmir nominally enjoyed a secular equality among religions'*... . The Maharaja may well have really believed in this argument, for despots have always been apt to regard their absolutism as impartial and paternal and sectional divisions among their people as hostile to good order (emphasis added).[29]

We have already seen that Kashmiri Islam, i.e. the Sufi-Sunni variant practised in the Valley, was indeed syncretic and very different from the Deobandi variant dominant in ideology of Pakistan. We have also seen that the undisputed leader of the people of the Valley, 90 per cent of whom were Muslims, was Sheikh Abdullah, who was determined to keep Kashmir within India. And we have seen that Kashmir contained a plethora of ethnic groups in which at least four different antagonistic brands of Islam could be differentiated in addition to Hindus, Sikhs and Buddhists. Hodson's dismissal of Kashmiri secularism is therefore more than a shade superficial.[30]

This initially British, but by now almost universal, assessment of Hari Singh differs sharply from the assessment of him that existed before the Partition of India. Here is what an acute and outspoken observer who knew him well had to say. The observer was the Viceroy of India, Lord Wavell. In his fortnightly report to the Secretary of State for India, Lord Pethick-Lawrence, dated October 16, 1945, Wavell described Hari Singh in the following terms:

> I have had a pleasant stay of just under a week in Kashmir. I like the Maharaja *who is one of the shrewdest of the princes*—well informed, aware of the world, and with liberal ideas—for an Indian prince. His Maharani is an attractive and enterprising lady with a great deal of character who has done some valuable war work.

[29] Hodson, H. V.: *The Great Divide*. Oxford University Press, Karachi. p. 444.

[30] The only writer on the Kashmir conflict who did not dismiss the Maharaja as an idle dawdler and had an intuitive understanding of the Maharaja's dilemma was Sisir Gupta. See his *Kashmir: A Study in Indo-Pakistani Relations*. Asia Publishing House, New Delhi. 1965. p. 93.

But the Maharaja is energetic only in fits and starts. I think he has the right ideas about his state and his duties but is not prepared to work really hard or put himself out in support of them.

Also he suffers from a dislike of personal contact and is disinclined to see people...Nor does he show himself enough to his subjects, among whom he enjoys considerable prestige and influence (emphasis added).[31]

Wavell's appraisal of Hari Singh is the key to understanding his actions, and his inaction in the weeks that preceded the attack on Kashmir. Hari Singh was not indecisive: he genuinely did not know what he should do, for the dilemma he faced was very real. Prior to July-August, 1947, he was unable to make up his mind, not so much because he was indolent or weak, but because although Mountbatten had categorically ruled out the continuation of Paramountcy, a tug-of-war between the Congress and the Muslim League had made the possibility of remaining independent very real.[32]

He was being pushed powerfully in two opposite directions. He was drawn to India by his own religion and antecedents, but was being impelled towards Pakistan not only by the preponderance of Muslims in the state, and its close geographical and economic links with that dominion, but by everything that was important to him personally—power, status and prestige. While the Congress was insisting that the princely states must merge with one or other of the successor governments, the Muslim League had professed, initially, that it was willing to respect their sovereignty if they decided to remain independent.[33] This made its subsequent offer to respect his internal sovereignty if he acceded to Pakistan all the more attractive. Within Kashmir, the Maharaja's position was equally unenviable. He was at loggerheads with the National Conference, whose secular and pluralistic outlook he shared, because it demanded his virtual abdication. But he was being supported by the Muslim Conference, with which he had nothing in common, but whose

[31] Wavell's fortnightly reports to the SOS India. British library, OIOC.

[32] Described in detail by V. P. Menon in his book: *The Integration of the Indian States*. For a brief and succinct account of the way this affected Kashmir see Sisir Gupta: *op. cit.* pp. 90–4.

[33] Liaquat Ali Khan, in a statement published in *Dawn* on April 22, 1947, specifically gave the princes the right to enter into arrangements with either Dominion, in case India was partitioned, or to stay independent. Quoted by Hodson, *op. cit.* p. 361.

members were promising him their undying loyalty if he chose to remain independent.[34]

But when Mountbatten made it clear, after announcing the Partition Plan on June 3, 1947, that the British government would retain no links with the princely states and that they would have to make their own arrangements with one or the other Dominion, the Maharaja was deluged with offers of total loyalty from the Mir of Hunza,the Mehtar of Chitral and other local rulers if only he would accede to Pakistan. The leaders of the Muslim Conference also urged Maharaja Hari Singh to accede to Pakistan and assured him that they would ensure that he continued to enjoy complete internal autonomy if he did so.[35] On the other side, largely because of Pandit Nehru's personal commitment of Sheikh Abdullah, all that the Maharaja received from India was silence about accession and a barrage of advice on democratising his regime. Carrots were not the only inducements offered to the Maharaja by those within and outside his State who favoured joining Pakistan. As has been mentioned above, in February 1947, the Pir of Manki Sharif threatened an invasion by Pathan tribesmen to ensure that Kashmir came to Pakistan when the British left. In August, immediately after independence, Jinnah, now Governor-General of Pakistan, tried three times to come to Srinagar on a personal visit for reasons of health. The Maharaja, who remembered Jinnah's 1944 visit only too well, suspected that no visit by him would remain 'personal' for long, and politely demurred.[36] Pakistan then imposed an economic blockade on Kashmir. This prompted the Maharaja's prime minister to send several telegrams to Karachi.[37]

The cajoling telegrams from the chieftains of Dir, Hunza and Chitral also turned into threats. Major Cranston, a former member of the political

[34] On 12 April, 1947, Chaudhuri Hamidullah of the Muslim Conference declared in the State Assembly that if Kashmir became an independent state, he and his party were ready to offer their lives in His Highness' cause, and full support for his continuing internal autonomy, if he chose Pakistan. Hari Singh cannot therefore be blamed for considering independence to be the best way out of his dilemma. Report by W. F. Webb, Resident in Srinagar to the Viceroy for 1–15 April, 1947, *op. cit.*

[35] Mahajan: *op. cit.* p. 130.

[36] For a detailed description of visit, see Copland, *op. cit.*

[37] Pakistan insisted that it had not imposed any such blockade, but the UK High Commission reported that the deputy commissioner of Rawalpindi had shown a lot of 'local initiative' in stopping supplies destined for Kashmir. It did not occur to the High Commissioner to ask who was giving the DC his orders.

service, who had stayed behind on the staff of the British High Commission, visited Srinagar from October 10–14 to make preliminary arrangements in case it became necessary to evacuate Britons living in Kashmir, reported on his return from Srinagar that the Mehtar of Chitral and the Nawab of Dir had formally warned the Maharaja that if he acceded to the Indian Union they would invade his state. Quoting what sounded very much like Muslim Conference sources, Cranston also reported that 25,000 tribesmen from Hazara, 15,000 from Chitral and 10,000 from Hunza were poised to invade Kashmir if the Maharaja acceded to India.[38]

The Maharaja must have heard the gossip too. Mahajan records that when he took over he heard that tribesmen were being massed for an invasion of Kashmir aimed at seizing Srinagar before the festival of Eid which fell on October 26. When he told the Maharaja he found that Hari Singh already knew of it. In fact Patel's correspondence suggests that both the Indian and the Kashmir governments knew that an invasion was imminent from at least the end of September.[39] Finally, on October 15, Jinnah's emissary, a Major Shah, told Mahajan, the newly appointed Dewan (prime minister) that Kashmir's failure to decide immediately to accede to Pakistan could have serious consequences.

Under such a combination of pressures, threats and promises from one Dominion and silence, then harangues on the virtues of democracy, and finally impatient, even short tempered rebuffs from the other, a much stronger man than Hari Singh could have been forgiven for taking the line of least resistance and acceding to Pakistan. Through Mountbatten, and later Lord Ismay, the Indian government had already informed him that it would not hold such a decision against him, and all his privileges as a ruler would be respected at least for the foreseeable future. What is more, he could have left the arch enemy of his entire dynasty, Abdullah, to be dealt with by the Pakistan government as it was even then dealing with Dr Khan Sahib's Khudai Khidmatgar

[38] Report sent from UK High Commission, Karachi , round about 18 Oct. 1947. IORL. L/P&S/13/1845b. Pencil numbered pages 538–540. Cranston was almost certainly a British intelligence agent. He is the man who chased V. P. Menon to Palam airport on October 26, in order to get onto the plane with him when he was going to Jammu to get the Instrument of Accession signed, and consequently the first man to get to know that Menon had not in fact gone to Jammu on the 26th.

[39] Patel's Correspondence, vol 1, documents 55 and 56.

government in the North West Frontier Province. His prime minister, Kak, was urging him to do precisely that. If he did not want to live under Muslim rule, as Hodson suggests, he could personally have chosen to stay in Kashmir, India or Britain, or all three. Why then did he resist so stubbornly? Why did his resolve not to join Pakistan harden steadily until even Pandit Nehru's last peremptory demand in September failed to put him off. Mahajan mentions that when he reported his conversation with Major Shah to the Maharaja, he said that he was now of the view that Kashmir should not accede to Pakistan.

The probable explanation is that while Hari Singh was impelled in one direction by what he heard, he was pushed in the other by what he saw. The evidence that there was virtually complete communal harmony in Kashmir state not just in the Kashmir Valley, but also in Muzaffarabad, before infiltrators from adjoining Punjab began to stir the pot in October, has already been presented earlier. As communal violence flared all over north India in 1946, the Maharaja could hardly have failed to sense the immense threat that it posed to Kashmir. In August 1946, Jinnah and the Muslim League launched their 'Direct Action' programme to force the Congresss and the British to concede Pakistan. On August 16, the Prime Minister of Bengal, Husain Suhrawardy, marched down the streets of Calcutta, at the head of a procession to commemorate Direct Action Day, and unleashed an orgy of killing in Calcutta that took 20,000 lives in three days. The killing spread to Assam and Bihar, as terrified refugees from Calcutta recounted horrifying stories of the atrocities that were committed. The month-long Dussehra holidays in Bengal began less than four weeks after the riots had been brought under control. Every year at this time Bengalis would fan out to various parts of the country. This year their numbers would have been much smaller than normal, but a few would have come to Kashmir and brought their tales of horror and woe.[40]

In the spring and summer of 1947 the communal madness gradually spread across the whole of northern India. In January 1947, riots suddenly

[40] The author, although only 8 at the time, heard an account of the senseless killing when an aunt who lived in Calcutta arrived as a semi-refugee in Delhi to stay with his parents and gave graphic accounts of what she had witnessed and heard. She and her husband lived in a predominantly Muslim area and had been given shelter in their home by their Muslim landlord. Her husband, who was a doctor in the army, stayed on in Calcutta.

broke out between Muslims and non-Muslims in Punjab. The ensuing intense propaganda against the Unionist government for being soft on infidels, brought it down on March 2. Six days later, the Congress Working Committee accepted the bitter truth that after these riots, which had claimed hundreds of lives (mainly Muslims in Amritsar, and Hindus and Sikhs in Multan and elsewhere), there was no hope of exorcising communal animosity. The only way to restore peace in the province, therefore, was to partition it into a Muslim and a non-Muslim majority province. It therefore asked for the partition of Punjab as a way of restoring peace, despite the fact that by doing so it lent some more legitimacy to the Muslim League's demand for Pakistan.[41] The Maharaja could not therefore be blamed for fearing that Kashmir might go the same way.

Hodson has dismissed the Maharaja's protestations to Lord Ismay that he wanted to shield his state from communal polarization, with contempt.[42] But if Hari Singh's sudden concern for the common weal needs to be taken with a pinch of salt, his reasons of state for wanting to nip communalism in the bud cannot. Two-fifths of his state forces and the majority of his police were Muslims. The chief of staff—the second in command—of the State forces was a Muslim. The chief of police in Jammu was a Muslim. The entire administration was interlarded with not only Hindus and Muslims but the latter included Sunnis, Shias, Muslims from the Valley, and Muslims from the plains. The communal virus would not only cause riots among the people, but would paralyse his administration completely and render him helpless. All through the closing months of 1946 and the opening ones of 1947 he saw growing unease among his people and signs of incipient communal tension in Jammu and along the fringes of Poonch and Muzaffarabad. He saw the first communal stabbing in Jammu and the recovery of knives in September 1946, a month after the direct action programme was

[41] Incredible as it may seem, Alistair Lamb traces the Partition of India to the Congress Working Committee's decision. He seems not to see that the Congress was concerned with restoring peace and was not conceding Partition. Even more strangely, he does not ascribe any role to the Muslim League's decision to demand a separate nation, in 1940, or the not-so-covert support that this idea got from the British from that time onwards. See Lamb: *Birth of a Tragedy*, pp. 16–18.

[42] Hodson *op. cit.* p. 444.

launched by the Muslim League. And he knew, as did the British Resident, W. F. Webb, that the Muslim Conference had established direct links with the Muslim League; that Leaguers had been invited from Pakistan to restructure the Muslim Conference, were busy trying to forge an alliance between the three factions of the Conference, and were setting up military training camps for the formation of paramilitary units on the lines of the Muslim League National Guards. He must have also known, as Webb did, that when the Muslim League called for Direct Action in British India to force the British and the Congress to concede the demand for Pakistan, the Secretary-General of the Muslim Conference, Agha Shaukat Ali, had tried to start it in Kashmir too, but did not find much support for the idea within the Muslim Conference rank-and-file.[43]

However, what undoubtedly made him decide not to accede to Pakistan, but to remain independent for as long as possible, and to accede to India as the second-best alternative, was the fate of the Hindus and Sikhs next door in the frontier region. For in the NWFP, he saw a mirror image of Kashmir, and therefore of its possible fate. Here was a state that was 93 per cent Muslim, but where the majority community was split between the pro-India, anti-Partition Frontier Congress (Khudai Khidmatgars) and the Muslim League.[44] In February 1946, the *Khudai Khidmatgars*, who were allied to the Indian National Congress, had won an absolute majority of the seats in the NWFP Legislative Assembly.

[43] Webb's report for Dec. 6–31, 1946. *op. cit.*

[44] As Sir Olaf Caroe reported in his fortnightly letter to the Viceroy on March 9, 1946, in the February elections of a total of 347, 532 Muslim votes, the Muslim League had polled 145,510 votes while the Khudai Khidmatgars had polled 143, 571. IORL MSS Eur F 203/1. The latter won because of the way the vote was distributed, and because it had the minority's votes: Eligibility to vote was based upon a property qualification. This meant that only seven per cent of the population could vote, and this was proportionately concentrated in the urban areas. Since the Muslim League's support was concentrated in the urban propertied classes, this meant that in a general election, where constituencies were demarcated according to the total population, the Khudai Khidmatgars would win. But by the same token, in a plebiscite or referendum the Muslim League would have fared a great deal better and could even win. Caroe's analysis almost certainly became the foundation for the British policy of somehow forcing a referendum on the NWFP before independence. See Chapter 7.

For Pakistan to be a viable nation it was necessary that this government be dislodged and the League gain ascendancy in the NWFP.[45]

The stratagem that the League adopted was to launch a year-long campaign to communalize the attitudes of the people of the Frontier provinces and the adjoining tribal agencies. This consisted of telling the Pathans that the Congress government was a creature of the Hindus, and an agent for securing Hindu domination of the NWFP, and of spreading the word that 'since the Hindus were not *ahl-e-kitaab* (a religion of the book, i.e. Islam, Christianity or Judaism) the *Khudai Khidmatgar's* support of the Congress during the freedom struggle was tantamount to cooperating with infidels or kafirs.[46]

The way in which this propaganda was fanned before Pandit Nehru's visit to the NWFP in October 1946 has already been described. What followed was a systematic campaign of murder, arson and abduction, aimed at Hindus and Sikhs in the frontier region.[47]

The aim was to drive the Hindus and Sikhs away and possibly to provoke retaliatory violence. An important element in the communalization process was greed. The Hindus and Sikhs of the region were

[45] Wali Khan writes: Having lost the election in both provinces (Punjab and NWFP) they had no legal or democratic right. So they had to resort to illegal means...the real problem was the Frontier; because even among the Muslim members the majority were Khudai Khidmatgar (the Frontier Congress). *op. cit.* p. 107.

In a review article on Hodson's book, written in 1969 or 1970, Sir Olaf Caroe, who was Governor of the NWFP from early 1946 to June 1947, throughout these strife-ridden months, wrote: 'But perhaps the most telling point of all this narrative is that the fate of the June 3 'Menon' Partition plan, accepted by the Congress, League and the Sikhs, as the basis of the transfer of power, hung on a resolution of the North West Frontier problem. This was because under the Khan brothers, this strategic, wholly Muslim region owed allegiance not to Jinnah but to Nehru and the Congress...'Even this solution (a 'moth-eaten Pakistan') had a snag. So long as the Khan brothers ruled the Frontier, Jinnah could not claim leadership of Muslim India, and it was impossible for even a moth-eaten Pakistan to emerge. It followed that all Congress efforts were to preserve and all League efforts to upset the Khan brothers in Peshawar'. (*'Storms that still blow strong.'* Paper published in a compilation, *The End of British India.* Pp. 59–66. Original publication unknown. Offprint available in the Caroe papers. IORL MSS Eur F 203/1).

[46] Wali Khan *ibid.* p. 174. This remark is attributed to Sir George Cunningham, but was used by the League in 1946.

[47] Transfer of Power documents, vol. ix. no. 527–8, and numerous other references to the killings and abductions that took place.

mainly traders and financiers who had amassed large properties and quantities of wealth. In Rawalpindi, alone, as a result of the violence, over 2,000 Hindus were killed. But perhaps the worst atrocities took place in Hazara district, a Muslim League stronghold where the party had won eight out of nine seats in the 1946 election. From November 1946 to January 1947 refugess poured into Kashmir from Hazara till 2,500 were being looked after by the state at Muzaffarabad.

From the Maharani, who took the relief work into her own hands, Hari Singh no doubt received first hand accounts of what the refugees had suffered. All through the spring and summer of 1947, refugees poured into and through Jammu, and Muzaffarabad. So Hari Singh had a very close glimpse of what forming a state on the basis of religion meant for the minorities.[48]

To break the back of the Frontier Congress, the League played the communal card, and to do that they attacked the Hindu and Sikh communities in order to drive them out and reduce the government's followers, and to raise the banner of Islam. Hari Singh was acutely aware that in Kashmir too, the Muslim community was split. A sizeable part, probably the majority, supported the National Conference, and was against merging with Pakistan. It did not take much political acumen to realize that to weaken the National Conference, the Muslim Conference would have to play the same communal card that the League had played in the NWFP. The fate of the 23 per cent of the state's population which was Hindu, Buddhist or Sikh had already been foreshadowed by Punjab and the NWFP. To make matters worse still, the supporters of the National Conference and the Muslim Conference were geographically separated, with the former being concentrated in Kashmir Valley, while the latter were in Muzaffarabad, Poonch, Gilgit and, most troublingly, in Jammu,where they were in a minority and themselves surrounded by potentially hostile Dogras and Sikhs. Any deepening of the communal rift would unleash a bloodbath in Kashmir that would make the one in the NWFP look pale by comparison.[49] Thus when the Maharaja saw

[48] Hari Singh had a close friend and adviser in Srinagar, a Pathan whom everyone called 'Bhaijan Effendi'. This gentleman kept him in close touch with developments in the NWFP (Karan Singh's memories *op. cit.*).

[49] The composition of the 'raiders' in the Kashmir war showed that his fears were justified. About half of those who fought the Indian army in 1947 and 1948 in Muzaffarbad and Poonch were local Muslims, most of whom had been in the British

the Muslim Conference busily modelling itself on the Muslim League, and rapidly deepening its ties with that party, he undoubtedly concluded that his worst fears were slowly coming true. He cannot therefore be blamed for deciding that his best course was to do as little as possible to disturb the uneasy balance in the state, and wait for the storm to pass. That is why he tried to sign a standstill agreement with both the Dominions.

Hari Singh did not need an indecisive nature to do nothing. This was the only course open to a ruler who was militarily weak. But Pakistan did not give him the breathing space he craved. Within days of independence it became apparent that Pakistan had no intention of honouring its commitments under the Standstill Agreement. He was subjected to an economic blockade, and then to a rising crescendo of threats. From the end of August, Pakistani nationals began to enter the state and preach revolt and accession to Pakistan in the name of Islam. The Sattis and Sudhans of Poonch, whom his state forces had disarmed, suddenly 'found' themselves new, modern rifles; Hazara tribesmen appeared in Poonch, and Muslims from across the border began to raid Hindu villages in Jammu, kill the men, burn the homes and abduct the women. Reprisal raids across the border into Pakistan began, and Muslims began to be killed in Jammu. Everything that Hari Singh had feared was coming to pass.

Therefore, by the end of August, he decided upon the second-best option that he had mapped for himself in April. Kak had been pushed out a few days earlier so the way was open to start building links with India on the one hand, and to pave the way for an alliance with the National Conference on the other. On September 10, Sheikh Abdullah was moved from jail into comfortable house arrest. On September 28, the Maharaja sent Sheikh Abdullah's letter of rapprochement to Nehru as a token of his good intentions, and on the 29th he set Sheikh Abdullah free to fly to Delhi a few days later. Far from being a weakling and a dilettante who could not make up his mind and was thrown 'into a humiliating and craven despair, in which his paralysis of decision was broken only by prompt action by the Indian government', Hari Singh

Indian army. See Chapter 2. ff 50. Only in Kashmir Valley, which was home to the majority of the population of the state were all the raiders 'foreign'.

played the only game that was open to a weak ruler when confronted by immeasurably more powerful forces over which he had no control. He first lay low, doing as little as possible, and waited for the storm to blow over. When that did not happen, he adopted a course of action that he believed would minimize the damage—he repaired his bridges with the main political force in the state and opted for the Dominion that promised to be secular, federal and multi-ethnic. There could have been no more responsible response to the crisis he faced.

4

When was the Instrument of Accession Signed?

Notwithstanding the Maharaja's every effort to comply with Nehru's demands, Nehru continued to insist that the Maharaja should democratize his regime first before acceding to India. This, and not the Maharaja's supposed indecision, is what ensured that the Instrument of Accession was signed only after the raiders had actually invaded Kashmir. But were Indian troops inducted into the Valley before the Instrument of Accession was signed, as Pakistani writers have recently begun to insist. More particularly, was it signed on October 26 as V. P. Menon has written in his book, or was it signed in the afternoon of October 27?

Before attempting to answer this question it is necessary to answer another: does the precise date and time of the signing of the Instrument really matter? Given that the Maharaja clearly intended to accede to India, and that the timing was, in the end, dictated not by him but by Nehru, is the precise time when he signed the document of any significance? The probable answer is that it does not. After August 15, till he acceded to one dominion or the other, Hari Singh was a sovereign monarch who had an unquestionable right to ask for help in repelling an invasion of his state by marauding tribesmen. (He did, in fact, ask the British to intercede on his behalf but was rebuffed).

Lamb, however, has attached a different significance to the date of entry. If Indian troops entered Kashmir before accession they did so to defend the rights of the Maharaja. By that token Pakistani irregulars entered Kashmir to defend his subjects right to revolt against him.[1] This would put the Indian intervention on the same moral footing as

[1] See Chapter 8.

Pakistan's, and vitiate India's claim that it entered Kashmir to defend its own territory.

For more than four decades after Independence, no one seriously doubted that the Instrument of Accession signed by Maharaja Hari Singh had been signed well before Indian troops actually entered Kashmir to repel the raiders. Virtually everyone accepted the version of events published by V. P. Menon in his book, *The Integration of the Indian States.* Menon's version of events was as follows:

'Soon after the meeting of the defence committee (in the morning of October 26), I flew to Jammu accompanied by Mahajan. On arrival at the Palace, I found it in a state of utter turmoil, with valuable articles strewn all over the place. The Maharaja was asleep; he had left Srinagar the previous evening and had been driving all night. I woke him up and told him of what had taken place at the defence committee meeting. He was ready to accede at once. He then composed a letter to the governor-general describing the pitiable plight of the state and reiterating his request for military help. He further informed the governor-general that it was his intention to set up an interim government at once and to ask Sheikh Abdullah to carry the responsibilities in this emergency with Mehr Chand Mahajan, his Prime Minister. ... He concluded by saying that if the state was to be saved, immediate assistance must be available at Srinagar. He also signed the Instrument of Accession. ... With the Instrument of Accession and the Maharaja's letter, I flew back at once to Delhi. Sardar (Patel) was waiting at the aerodrome and we both went straight to a meeting of the defence committee which was arranged for that evening.'[2]

Hodson, who had access to Mountbatten's papers, also confirmed that there had been a second meeting of the Indian cabinet on 26th evening at which the Instrument was handed over to Mountbatten.[3] While he may have relied on Menon to describe what happened on the evening of the 26th, it would seem that he did not find anything in Mountbatten's papers to cast doubt on his version of events.

Doubts began to surface, however, in the 'eighties, and in recent years a serious controversy has developed over the precise date and time when

[2] V. P. Menon: *The Integration of the Indian States.* Orient Longman (India). 1985 edn. pp. 399–400.

[3] H. V. Hodson: *The Great Divide; Britain-India-Pakistan.* Oxford University Press, Karachi, 1993. p. 455.

the Maharaja of Kashmir signed the Instrument of Accession, or indeed whether he ever signed it. The doubts have been raised most forcefully by Alastair Lamb in his two books.[4] In his 1991 book Lamb gave two different, and not entirely compatible reasons, for concluding that Indian troops entered Kashmir before the Instrument of Accession was signed. The first was a remark by Gen L. P. Sen, the overall commander of the 1947–49 Kashmir operations, that when the Indian troops arrived in Srinagar on October 27, they found the Patiala state forces already there. According to Lamb, they came initially to Jammu and then around October 27, to Srinagar. It was the arrival of these troops, he suggests, that made the rebels in Poonch ask for help from the Pathan tribesmen. The second was his belief that V. P. Menon did not go to Jammu to get the Instrument of Accession signed on the 26th, but on the 27th. In his 1991 book, this was a speculation. In his 1994 book, it was a categorical assertion. According to him, V. P. Menon had intended to go to Jammu on the 26th but actually went to get the Maharaja's signature on the Instrument only on the 27th morning.[5] Since he did not leave Delhi till after 9.00 am, he could not have obtained the Maharaja's signature till after Indian troops had landed in Srinagar.

In his 1991 book, Lamb relied upon an observation made by Mehr Chand Mahajan, the last prime minister of princely Kashmir, in his autobiography, *Looking Back*. He wrote that he set off for Jammu with V. P. Menon, on the morning of October 27 only after he had ascertained from Srinagar airport that the Indian troops had landed. Since the troops landed in Srinagar at 9.00 a.m. this means that unless V. P. Menon had made a separate trip to Jammu on October 26, and got the Maharaja's signature on the Instrument, it must have been signed on the 27th, after the troops landed in Kashmir. Mahajan does not say that when they went to Jammu on the 27th, they carried the Instrument of Accession, but only refers to some formal documents. However, in his second book, *Birth of a Tragedy*, Lamb who had, in the meantime, gained access to some despatches from the British High Commission in

[4] *Op. cit.*

[5] Lamb: *Birth of a Tragedy*. p. 96. In subsequent speeches and articles, he has gone a step further and speculated that the Instrument might not have been signed by the Maharaja at all, and might have been concocted in its entirety by V. P. Menon. However, since he has not provided any evidence to substantiate this speculation, it can be safely left out of consideration.

New Delhi, categorically stated that V. P. Menon did not go to Jammu on the 26th, and therefore that the entire passage in his book, *'The Integration of the Indian States'*, in which he describes this visit, is a concoction.[6]

The presence of the Patiala troops at the airport is truly mystifying. As Lamb says, not only is there no trace of them in any records; not only did no British officer in the Indian Army know about them, but the files of correspondence between the British High Commission in New Delhi and London, which apparently Lamb had not seen, contained no reference to them either. Gen. Sen was not in the first batch of troops to land in Kashmir, so what he has to say is based on hearsay or at best second-hand sources. On the other hand, the first person account of Major E. H. B. Ferris, who was in the first aeroplane to land in Srinagar makes no mention of any Patiala troops either:

'At last the plane settled. We jumped out of the Dakota and for a moment we wondered what it was all about. Was it training or was it the real thing? It was not until we heard the sound of small arms and machine gun fire and saw one or two of our men wounded by bullets that ricocheted that we realised that we had run into it. We did not even have time to look around us before we were assembled together, jointly briefed and launched straight into battle'.[7]

The complete absence of any reference to them even in the correspondence of Sardar Patel only adds to the mystery. For, on October 17, the very day when these troops are supposed to have arrived in Srinagar, the Deputy Prime Minister, R. L. Batra wrote a long and plaintive letter to Patel complaining that nothing that the Indian government had promised had arrived, neither ammunition, nor aviation spirit, nor Bailey bridging equipment, nor wireless sets nor extra flights to move Kashmir's produce to the plains.[8] Is it possible that while complaining about such a total lack of support, he would have omitted to mention so important a reinforcement? When, only a week later, Mahajan is so effusive in expressing his thanks for the despatch of Sikh

[6] Lamb: *Birth of a Tragedy*. p. 96. In this book, Lamb did not identify the location of the despatches but contented himself with saying that his conclusion was based upon documents in the India Office Library.

[7] Maurice Cohen: *Thunder over Kashmir*. Orient Longman, 1955, p. 4.

[8] Patel's Correspondence, *op. cit.* doc. 6.

infantry,[9] could Batra have been so churlish? And, put on the defensive by his letter, would Patel not have reminded him that the Patiala troops had been sent? One is obliged to conclude that it was not only the British officers in the Indian Army who knew nothing about the Patiala troops. Even the home minister of India and the deputy prime minister of Kashmir did not have an inkling of their arrival. Other than the possibility that there was no Patiala infantry, the only other explanation is that Batra did not consider them worth mentioning because they had been in the state, and very probably in Srinagar itself, for many days before October 27—so many days in fact that Batra took their presence for granted, and was treating them as part of the Kashmir state forces.

The only explanation that would fit this—and it is more a conjecture than an explanation—is that in July, when the Maharaja of Patiala visited Hari Singh, the latter obtained from him a promise to send troops to guard Jammu, so that he could concentrate his forces closer to the border and within Kashmir itself.[10] These troops may have come to the state before August 15, when Patiala too was nominally autonomous. When the Maharaja obtained intelligence reports that Pathan tribesmen were gathering in the north directly opposite Kashmir, he may have ordered the Patiala troops to move to Srinagar. The troop movement may have been completed in the beginning of October, and not on the 27th. That would explain why no one in the Army headquarters in Delhi had any inkling of it.

If this reconstruction is correct then even if Patiala troops were in Kashmir before October 26, India did not send them. The Maharaja of Patiala would have sent them in his capacity as an independent prince. Even if he stretched his mandate and sent them after August 15, it would still have been as a private individual sending his private army to defend the legitimate authority in Kashmir, for the Patiala troops had not been formally inducted into the Indian Army in September 1947.

This still leaves one question to be answered: when Indian troops landed in Srinagar on the morning of October 27, had the Instrument of Accession been signed? Or was it signed, as Lamb maintained, a few hours later.[11] The short answer is that while the bulk of the available

[9] *Ibid.* doc. 7.

[10] Lamb, *op. cit.* p. 131.

[11] Lamb's contention acquires plausibility because there is a studied vagueness in various Indian accounts about precisely when the Maharaja signed the Instrument. It, or at least a letter of Accession, is supposed to have been signed by the Maharaja on no less than three separate dates, and at four different times: In his memoirs, Mehr Chand Mahajan wrote that Ram Lal Batra, the Deputy Prime Minister, carried a Letter of Accession with him when he flew down to Delhi on October 24. However, in an appendix to the same book, describing his involvement with Kashmir's accession to India, Mahajan changed the date to the 25th, and claimed that V. P. Menon brought the Instrument of Accession back with him on the 26th after his visit to Srinagar on the 25th night. V. P. Menon, however, has stated categorically that he took the Instrument of Accession to Jammu for the Maharaja to sign on the 26th morning and that the Maharaja signed it some time during the middle of the day or in the early afternoon. However, the White Paper on Kashmir, issued by the Indian government in March 1948, says that the Maharaja signed the Instrument of Accession in Jammu, late at night on the 26th! These conflicting accounts could not fail to create the impression that the Indian government had something to hide.

evidence suggests that the Instrument was actually signed not in Jammu but in Srinagar in the late night of October 25 or at the very latest in the first hours of October 26, i.e. well before the Indian troops arrived in Srinagar on the 27th, since no independent witness was actually in the room where V. P. Menon met the Maharaja on that fateful night, we may never be absolutely sure.

A close examination of the documents now available to the public in the United Kingdom reveals that both the Indian and Pakistani versions of the signature of the Instrument of Accession are wrong. But they also expose a tale of Byzantine intrigue in the Indian government over something that should not have become an issue at all. These documents reveal, beyond a doubt that Menon did *not* return to Jammu on the 26th afternoon, and that *there was no second meeting of the defence committee of the Indian cabinet on the evening of the 26th of October.*[12] They therefore suggest *prima facie* that Menon may indeed have been taking the Instrument of Accession and a draft of the letter the Indian government wanted the Maharaja to write, to Jammu when he flew there with Mahajan on the 27th morning. There are, however, two important pieces of evidence to the contrary. These suggest that the Maharaja signed the Instrument of Accession, but not the offer to induct Abdullah into his government, in Srinagar late on the night of October 25th. V. P. Menon secretly took a copy of the Instrument of Accession

[12] At least no formal meeting, although some of its members might have met to review the situation that arose when Menon did not go to Jammu.

to Srinagar on October 25th, got the Maharaja to sign it, brought it down with him on the 26th morning and gave it to Mountbatten at the start of the defence committee meeting. What is more, they also open up the possibility that not just Patel but also Mountbatten was a party to this deception and that their goal was to circumvent the objections of Nehru who was adamant that India should not accept the Maharaja's accession till he had first committed himself in writing to inducting Sheikh Abdullah into the government.

The first of the two pieces of evidence is a statement, made by Mahajan without elaboration in an appendix to his autobiography, that the Instrument of Accession was signed in Srinagar on the 25th. The second is the statement given to the author by Field Marshal Manekshaw (then Lt. Col.) stating categorically not only that the Maharaja had signed the agreement in Srinagar on October 25, but also that Menon had gone up with the determination to persuade the Maharaja to do so.[13]

Since Mahajan does not attempt to explain how he arrived at his conclusion, his statement is of limited value. What gives it credibility despite this is his painstaking accuracy in the rest of his book. For instance, it is to his statement that V. P. Menon went with him to Jammu on the 27th and not the 26th, that Lamb owes his insight that there was more to Kashmir's accession to India than met the eye.

Nonetheless, it is Manekshaw's detailed description of his trip to Srinagar on October 25 with V. P. Menon, that provides the bulk of the evidence. Manekshaw was one of the two officers who accompanied V. P. Menon to Srinagar on the 25th of October, the other being a Wing Commander Dewan of the Royal Indian Air Force. Manekshaw, whose full statement was recorded by the author on December 18, 1994, (given in appendix 1 to this book), was serving at the time in the Directorate of Military Planning. On the 25th, Sir Roy Bucher, the British Chief of the Indian Army Staff, looked into his room and told him to be ready to accompany V. P. Menon immediately to Srinagar. In Srinagar, where they reached in the early evening, V. P. and he went first to see Mahajan who, Manekshaw confirms,was in a highly agitated state. After getting an extensive briefing from him on the situation in the state, and in the Maharaja's forces, Menon and Manekshaw proceeded to the palace. There was bedlam in the palace. Cars were drawn up in

[13] See Appendix 1 at end of book for the full text of the interview.

the courtyard, goods of all description were in various stages of being packed, and the Maharaja was in a nearly demented state of mind. Manekshaw was present when Menon advised the Maharaja to accede immediately to the Indian Union, and told him repeatedly that if he did not do so, India would not be able to send troops to Kashmir. Manekshaw was not physically present at the moment when the Maharaja signed the instrument, for he was meeting various officers of the state forces who had been summoned to meet him in order to give him an appreciation of the military situation. However, he remembers Menon coming out of the Maharaja's rooms to tell him, 'Sam, we have got it'. He was also present at the Defence Committee meeting the next morning and saw Menon hand over the Instrument of Accession to Mountbatten.[14]

The importance of Manekshaw's account of what happened cannot be overestimated, for it demolishes all the theories that have been spun around the date and timing of the accession so far. However, the documents that have become available since 1994–95 have made it even more important to establish his credibility, for they further increase the pivotal importance of his evidence. In 1995, Manekshaw's account seemed only to reinforce other circumstantial evidence which showed that the Instrument of Accession was handed over to the defence committee of the cabinet on the 26th evening. The only question that needed to be answered was, 'if Menon did not go to Jammu on the

[14] Manekshaw's integrity is too well known for his account to be questioned. However, for the record, it is necessary to relate the circumstances in which the author found out that he was the army officer who had accompanied Menon to Srinagar (the extant record of that time does not give any names). As far as the author was able to assess, the Field Marshall, who was 83 in 1994, lived in Coorg, 2500 km from Delhi, and had not had anything to do with the Indian government for years and was unaware of the controversy that surrounded the date on which the Instrument of Accession was signed. The author happened to mention this controversy to his daughter, Maja Daruvala, who was then working with the Ford Foundation in Delhi, over lunch one day early in November, 1994. Maja's immediate response was 'but of course it was signed. It was signed late in the night in Srinagar'. When I asked her on what basis she was able to say this, she said, 'I heard my father talk about it many times, when we were children'. When I asked her how he knew, she said, 'because he was there when it was signed'. I asked her to telephone her father in Coorg and confirm this, and also to get as many details as possible. She telephoned me the next morning to say that she had done so. I then telephoned Field Marshall Manekshaw

26th afternoon, then when did he obtain the Instrument of Accession?' Manekshaw's account provided the answer.

The papers that have become available since then show, however, that there was no defence committee meeting on the evening of the 26th. Manekshaw's account therefore becomes the sole evidence that the Instrument was signed in Srinagar on the 25th night. It is therefore imperative to re-examine every aspect of its credibility.

The first question is 'Was he really there?' This question arises because there is no mention of him in any of the seven most important books that have dealt at length with the Kashmir dispute—those of V. P. Menon, Joseph Korbel, Sisir Gupta, H. V. Hodson and Alastair Lamb (three books).[15] The minutes of the Defence Committee of the cabinet, leave no room to doubt that he was indeed the army officer who accompanied Menon. The minutes of its ninth meeting, held at 11.00 am on October 26 state:

> Lieutenant Colonel Manekshaw said that he had accompanied Mr Menon to Srinagar and discussed the situation with the Kashmir general staff. It appeared that minor attacks on the Poonch area had started in early October, probably with the idea of withdrawing the Kashmir state forces' reserves and forcing these to deploy. (Then follows a description of the main attack by the raiders that has been reproduced by Hodson and others) .... Lieutenant Colonel Manekshaw stated that in the Poonch and Mirpur sectors, many small detachments of the state forces, probably of the strength of one weak battalion were surrounded and had asked for supplies to be dropped to them by air.[16]

Manekshaw was therefore with Menon during the crucial visit. But does he remember clearly what happened on that fateful evening? Several persons who read the first edition of this book have raised this question. They have pointed out that he was 83 when he gave the interview to the author and was being asked to remember events that occurred almost 50

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and asked him if I could come down to interview him. He said that there was no need as he planned to visit his daughter in Delhi in December. I recorded an interview with him on December 18, in the Oberoi Hotel, New Delhi. Chance thus played an important part in my unravelling the mystery surrounding the Accession.

[15] *Op. cit.* Korbel's book is *Danger in Kashmir*. Princeton University Press, Princeton N. J. 1954. Lamb's third book (actually his first) is *Crisis in Kashmir*. Routledge and Kegan Paul. 1966.

[16] Mountbatten Papers at the British Library, Oriental and India Office Collection. MSS Eur F 200/246.

years earlier. As evidence that his memory could not be trusted they have pointed to his insistence that the Indian troops were despatched to Kashmir on the 26th and not, as all know, on the 27th (*see appendix I*). On being questioned closely he was very insistent that this had in fact been the case, and concluded: 'No, they were sent in the same day. And I think you will be able to verify that from air force records because we didn't have all that many aircraft...'. The minutes of the defence committee of the cabinet once more vindicate the accuracy of his memory. Those for the 25th record that 'Mr Nehru reported that communications with Kashmir had not been restored yet. *The Committee decided that wireless telegraphy equipment, operators and engineers should be flown to Jammu at the earliest possible moment' (emphasis added).* The committee then 'directed the secretary, ministry of communications, to do so'.[17] It is more than likely that these were the people who flew into Kashmir state on the 26th.

Apart from Mahajan's remark, proof, albeit indirect, that the Instrument of Accession was signed in Srinagar on the 25th, as Manekshaw claimed, comes from an altogether different and unexpected source. In his book *Danger in Kashmir*, Joseph Korbel quotes a passage from Alan Campbell Johnson's *Mission with Mountbatten* in which the latter describes how the Instrument was signed in Srinagar on the 25th night:

> Nothing much is known about the conversation between Mr Menon and the Maharaja. Campbell Johnson recorded only that the information which V. P. Menon brought back to the defence committee the next day (October 26) was certainly disturbing. He reported that he found the Maharaja unnerved by the rush of events.... Later in the day, on the strong advice of V. P., the Maharaja left Srinagar with his wife and son. V. P. had impressed upon him that as the raiders had already reached Baramulla it would be foolhardy for His Highness to stay on in the capital. *The Maharaja also signed a Letter of Accession which V. P. was able to present to the defence committee.*[18]

However, the minutes of the defence committee meeting on the 26th contain no reference to any such letter of accession. On the contrary, the minutes read as follows:

> Mr Menon said that he had, after seeing the Maharaja, returned to the prime minister and put forward to him the suggestion *(while making it clear that he*

[17] *Ibid.* 8th meeting, October 25, 1947.

[18] Campbell-Johnson; *op. cit.* p. 224. Quoted by Korbel, *op. cit.* p. 80.

had not the full authority to carry it out) that Kashmir should immediately accede to India, and that an interim government should then be formed (emphasis added).[19]

So what made it possible for Campbell-Johnson to state so categorically that the Maharaja signed a Letter of Accession for V. P. Menon to bring down with him? The only possible answer is that he learned this from Mountbatten himself. Far from being unreliable, Manekshaw's memory once more resolves an enigma. It shows that V. P. Menon did bring what Manekshaw believed was the Instrument of Accession to the committee meeting, and gave it not to the committee but to Mountbatten personally.

But this only deepens the mystery. If Menon brought the signed Letter of Accession with him when he returned from Srinagar, why did he conceal this fact, to the point of lying, in a book written more than eight years later? What is still more mysterious, why did Mountbatten not tell the defence committee that he had received this letter/Instrument? Why, for that matter, did Mountbatten also not make any mention of it in his letter of 7th November to the King, and instead go out of his way to underline the Maharaja's indecision?[20] Lastly, if the letter of Accession had already been obtained, then what was Menon trying to take back with him to Jammu on the late afternoon of October 26?

The answer to all these questions is to be found in the sharp difference of opinion that existed between Pandit Nehru and Sardar Patel on the way that Kashmir should be handled: Till the very end, when the tribesmen were on the brink of entering Srinagar, Pandit Nehru was

[19] Mountbatten Papers *op. cit.* minutes of the 9th meeting of the defence committee of the cabinet. 11.00 AM October 26, 1947.

[20] In para 25 of his report, Mountbatten said: 'No definite decisions were reached at this defence committee meeting on whether the Accession of Kashmir, if offered, would be accepted; nor on whether Indian forces would be sent there. But it was agreed that V. P. Menon ... should fly to Srinagar straightaway to discuss the questions of accession and armed assistance. He was also to impress upon the Maharaja the necessity of making every effort to get his people on his side, and for this purpose, it was suggested that he should form a ministry under Sheikh Abdullah...'.

V. P. Menon returned early the following morning and reported on his visit at a further defence committee meeting... . He said that the former (the Maharaja) had gone to pieces completely and had been able to come to no decision on the three matters which he had been sent up to discuss' (arms, accession, Abdullah).

against accepting the Maharaja's accession if he did not first give an explicit commitment to bring Sheikh Abdullah into the government. Patel, on the other hand, was. As a result, throughout the three-month period before the invasion of Kashmir by the tribesmen, the Indian government followed a two-track policy towards Kashmir, in which the right hand very often did not know what the left was doing.

Every facet of the strange, often inexplicable behaviour of the Indian government - the lack of any communication whatever between the Congress and the Maharaja before the beginning of July, the cautious approach by Patel, the Indian government's inexplicable reluctance, in the light of Patel's overtures, to sign a standstill agreement with the Maharaja after Independence, and Nehru's brusque rejection of the Maharaja's offer of accession via Mahajan in September—all this see-sawing becomes comprehensible when one sees it as the product of the differences of approach towards Kashmir that existed within the Congress leadership. These were differences not over whether, but on what terms, Kashmir should accede to India. An examination of these differences makes it possible to reconstruct and make sense of the events of the four crucial days, from October 24 to 27, that forged the mould in which Indo-Pak relations were set for the rest of the twentieth century.

Mahajan has reported in his memoirs that he and the Maharaja flew back from Jammu to Srinagar on October 23 to be met with news that conveyed the full gravity of the tribesmen's invasion. The first thing the Maharaja did was to send the Chief of the State Forces to take charge of the Uri-Baramulla road personally.[21] He and Mahajan then decided to ask India for help. On the 24th, according to him, the Maharaja sent the deputy prime minister, Ram Lal Batra, to Delhi with a Letter of Accession and letters addressed to Pandit Jawahar Lal Nehru and Sardar Patel.[22] The first of the mysteries surrounding the Accession is, what happened to this letter and what were its contents? In his book, *Kashmir: A Disputed Legacy*, Alastair Lamb accepted Mahajan's statement about the letter, but said that since no mention was made of it in the Defence Committee meeting on the 25th, Batra did not hand it over to the Indian government. He does not, however, hazard a guess as to why Batra should not

[21] Karan Singh, *op. cit.* p. 56.

[22] Mahajan: *op. cit.* p. 150. Alan Campbell-Johnson: *Mission with Mountbatten*, p. 224.

have done so. But Lamb seems not to have actually seen the minutes of the defence committee meeting, for on the 25th, Nehru very clearly says that he received a request for arms from Kashmir. The minutes record:

> The Prime Minister drew attention to the fact that for the last few weeks, Kashmir had been continually requesting arms and ammunition from India. In fact, the Prime Minister of Kashmir had visited Delhi, with a request that this supply should be expedited *only a week previously* (emphasis added).[23]

Whomever Nehru may have seen, it was not the prime minister of Kashmir and it was not a week before the October 25 meeting, i.e., around October 18. A week previously, Mahajan was in Srinagar. What is more, he never came to Delhi in October at all. Mahajan took over as prime minister of Kashmir on October 15. During the next three days, he gave a widely reproduced press conference, and met Jinnah's emissary, one Major Shah. On the 19th, he and the Maharaja left for the border regions of Jammu and Poonch to try and stop the communal violence through their personal intercession. They did not return to Srinagar till October 23 after they received news that the Pakistan-supported raiders had invaded the state.

So who was Nehru referring to? Was he even telling the truth? The only person of prime ministerial status to visit Delhi from Kashmir was the deputy prime minister, Ram Lal Batra, and he had done so not on October 18th but 24th. The only reconstruction that fits the known facts is that Mahajan's account is accurate. Ram Lal Batra did come down to Delhi with a letter containing a request from the Maharaja, and that it was not simply, or only, for arms (after having failed to receive promised arms for over five weeks the Maharaja could not have entertained much hope of getting a sudden rush of military aid in a single day) but also contained an offer of immediate accession.[24] What it did not contain

[23] Minutes of the 8th meeting of the defence committee of the Indian cabinet. Saturday, October 25, 1947 at 11.00 AM. Mountbatten Papers MSS Eur F/ 200–241. India Office Collection. British Library.

[24] The letter, somewhat mysteriously surfaced on May when Andrew Whitehead of the BBC, who was doing a Radio programme on the tribesmen's invasion of Baramulla in 1947, received a photocopy as a pdf file on e-mail. The circumstances in which it surfaced made its authenticity questionable. But it tallies exactly with a photocopy of the original letter now in the possession of Ram Lal Batra's grandson Kunal Batra.

was the explicit promise that Nehru was intent upon securing, over which he and the Maharaja had been sparring since the middle of September, that Hari Singh would immediately induct Abdullah into the cabinet. Nehru rightly reasoned that if Abdullah and the National Conference did not join the Maharaja in resisting the raiders, the Kashmir case would be no different from that of Junagadh. He would not therefore be able to endorse the Maharaja's right to choose his dominion, when he was doing the exact opposite in Junagadh.

There can be little doubt that the response that Batra received from Nehru was not what he had expected, and left him highly disturbed. There is no direct evidence of this, but after getting to Delhi, Batra had telephoned A. C. B. Symon, the British Deputy High Commissioner and said that he would like to call on him that evening. He did not however turn up, and did not telephone to make his excuses. The next afternoon, he dropped in to see Symon unannounced, on the pretext that he wanted to discuss the evacuation of British civilians from Kashmir Valley.[25] He did not offer any apologies then either. Nor did he give any explanation for his lapse. This suggests that whatever held him up, it was not something trivial or something he felt he could discuss with the British. Nehru too, for once held his peace. When he met Mountbatten at a dinner he was hosting for the Foreign Minister of Siam, he told the Governor-General about the large-scale invasion of tribesmen, but made no mention of any letter of Accession.[26] Nehru was therefore playing a delicate balancing game. He had received an offer of accession in writing for the first time, but was not satisfied with its contents. He therefore drew out the Maharaja's agony to force him to make a firm commitment, in the offer itself, that he would bring Abdullah into his cabinet. He did not confide in Mountbatten or Patel the dangerous game he was playing. What he therefore did at the defence committee meeting was to oppose accepting an offer of accession from the Maharaja straightaway, insisting that the 'Kashmir government could save the situation (only through) complete cooperation with those forces in Kashmir that were prepared to cooperate with it' and insist that India

[25] Despatch from A.C. B. Symon to the CRO, dated October 28, sent by diplomatic bag. IOR L/P&S/13/1845b.

[26] Hodson *op. cit.* p. 445.

should prepare to send military help while Menon went to Srinagar to persuade the Maharaja to induct the National Conference.[27]

However, Mountbatten, who did not know of the letter Batra had brought with him, was appalled by the possibility of an open war between the two dominions that the despatch of Indian troops without securing the prior accession of Kashmir would raise. According to the minutes, he therefore

> suggested that the situation in Kashmir should be considered in relation to Junagadh. One possible solution might be that Kashmir might now temporarily accede to India and that India should afford it assistance towards the restoration of law and order. But if this was done it would have to be subject to the proviso that the will of the people on the accession question should be ascertained as soon as the law and order situation was generally restored.[28]

But, as Hodson noted from his perusal of the minutes,[29] the Indian cabinet at this stage had very mixed feelings about accepting the accession straightaway. Nehru summed these up when he said that 'intervention after accession might lead to greater difficulties'. He clearly meant acceptance of accession without first explicitly promising to induct the National Conference into the government would put Abdullah's back up.

In the afternoon of October 25, therefore, V. P. Menon flew up to Srinagar with two officers, one from the Indian Army and one from the Air Force, to assess the military situation and persuade the Maharaja to commit himself in writing to inducting Abdullah. The officers were Squadron Leader Dewan of the Royal Indian Air Force, and Lt Col S. F. H. J. Manekshaw of the Directorate of Military Planning. On arriving in Srinagar, Dewan stayed at the airport to assess its capability to receive an Indian airlift, while Menon and Manekshaw went directly to Mahajan's house. Mahajan asked Menon whether India was sending help, and on getting an evasive reply, lost his cool (Menon described him as having become obsessed with local issues). Mahajan reminded him that 'we had sent our deputy prime minister with a letter of

[27] Defence committee minutes, October 25. Appendix IV.

[28] *Ibid.*

[29] *Op. cit.* p. 449.

accession'.[30] Menon apparently did not deny this but told him that without his presence in Delhi, even military aid was not a certainty.

After Mahajan agreed to accompany him to Delhi, Menon, accompanied by Manekshaw and possibly Mahajan,[31] went to the palace where Menon no doubt delivered a similar message to the Maharaja. Manekshaw's account and Campbell-Johnson's casual observation in his book indicate that the Maharaja agreed to Nehru's condition after some more arm-twisting by Menon.[32] This was done in private while Manekshaw discussed the military situation with the officers of the State forces in an anteroom. However, the lateness of the hour, the chaos that reigned in the palace when Menon arrived, the Maharaja's unnerved state, and the need to get the Maharaja on his way to Jammu as soon as possible must have effectively prevented Menon from obtaining the long and lucid explanatory letter containing the offer to induct Abdullah that Nehru wanted (and the Maharaja eventually wrote to Mountbatten) to accompany his offer of accession.[33] Menon must therefore have contented himself with getting the Maharaja's signature on the Instrument of Accession and decided to return to Jammu the next day with the draft of the Maharaja's accompanying letter for him to sign.

When Menon, Manekshaw and Mahajan arrived in Delhi the next morning, while Mahajan headed for Nehru's house, Manekshaw and Menon went to their respective homes for a bath and breakfast, and met once more before the defence committee meeting at 11.00 A.M. There, Manekshaw claims, Menon handed over the signed Instrument of Accession to the Governor-General.[34]

Once the defence committee had decided to accept Kashmir's offer of accession, the need to draft this letter and get it approved by Nehru and possibly Patel explains why, although the defence committee meeting

[30] Mahajan: *Looking Back* (*op. cit*). p. 150.

[31] Mahajan says he accompanied the two to the Palace, but Manekshaw does not mention it in his interview with the author. See fn. below.

[32] *See Appendix 1*: Interview with Field Marshall Sam Manekshaw.

[33] In the days before computers and electric typewriters drafting, typing, retyping and touching up such long letter would have taken two to three hours and would have needed a private secretary. It is most unlikely that one would have been available at the palace at that precise time, when the Maharaja was preparing to escape to Jammu.

[34] Symon's despatch. *op. cit.*

ended around 12.30 at the latest, Menon could not leave for Palam till 3.30.[35] But once he had been forced to return from Palam, he was stuck with an Instrument of Accession dated October 26, that he was not supposed to have. To conceal his, and Patel's duplicity from Nehru, he had no option but to pretend that he had indeed gone to Jammu that afternoon.

That Nehru was no part of this fall-back plan, is apparent from Mahajan's account of what happened when he went to Delhi with Menon on the 26th morning. On arriving at Palam at 8.00 A.M. he went straight to Nehru's house. Mahajan, who had accompanied Menon and Manekshaw to the palace, but had not been with the Maharaja during his discussions with Menon, apparently did not know that the Instrument of Accession had been signed. So he pressed Nehru to accept the accession on any terms just so long as India sent troops to Kashmir's aid. Nehru, however, was still not inclined to agree. He said that it was not easy to move troops at such short notice. According to Mahajan, he said that even if Srinagar was taken by the tribesmen, India was strong enough to retake it. That is when Mahajan lost his temper and threatened to go to Lahore to see Jinnah.[36]

Abdullah's account of Nehru's encounter with Mahajan tallies closely with Mahajan's, except that he states that Mahajan came carrying the Instrument of Accession with him. It is possible that since he was sitting in an adjoining bedroom he may have misinterpreted Mahajan's statement. 'Take the accession and give whatever power you desire to the popular party', as an indication that Mahajan was actually handing over a letter or document to Nehru. But if one rules out this explanation

[35] See Appendix 1 for full text of Manekshaw's statement and subsequent interview.

[36] Mahajan: *op. cit.* p. 152. He apologised for this loss of temper in a letter to Patel the next day. (Patel's correspondence, vol. 1. No. 70). Lamb again misreads the Maharaja's reluctance to hand over power to Sheikh Abdullah for a reluctance even at this late stage to accede to India. 'Mahajan,' Lamb says, 'begged for help, but, it would seem, without promising accession, and certainly without committing the state to constitutional reforms' (p. 135). What Mahajan actually reported that he said was: 'Take the accession *and give whatever power you desire to the popular party.* The army must fly to Srinagar this evening or else I will go to Lahore and negotiate with Mr. Jinnah' (emphasis added). As in the case of the letter brought down by Batra, Lamb thought the Maharaja was baulking at accession when for more than six weeks he had been baulking at handing over power to Sheikh Abdullah'.

the only other one that fits is that some time between that fateful day and the time when he wrote his autobiography, Abdullah too came to know that the Maharaja had signed the accession on the 26th in Srinagar. He, therefore, assumed that Mahajan had brought it down with him.

One last mystery remains to be cleared. Manekshaw claims that Menon handed over 'the (accession) thing' to Mountbatten at the start of or just before the meeting of the defence committee on the 26th morning. If what he handed over was indeed the instrument, then why did Mountbatten keep it a secret? Was he too part of the conspiracy to obtain the Maharaja's signature on the instrument even if he could not or would not immediately execute the commitment to induct Abdullah as Nehru required him to. Far fetched though it sounds, the possibility cannot be ruled out. Mountbatten had a clear mandate from Attlee to keep the armies of the two dominions united so that they could continue to safeguard British interests in the region if the need arose.[37] Throughout the defence committee meeting on the 25th, therefore, and in the tense week that followed, his main preoccupation was to ensure that India did not send its army into Kashmir under circumstances that provoked Pakistan to do so too and thus precipitate war between the two dominions. He knew that the only way Pakistan could be restrained was if Kashmir acceded to India and the accession was accepted even if only temporarily till peace was restored and the will of the people ascertained. The events that took place at Government House in Lahore, on the night of October 27 after Jinnah came to know that Kashmir had acceded to India showed how prescient he had been.[38] Thus Mountbatten had almost as strong a reason as Patel for not wishing to take any risks with the accession.

If he was in the know, he would have had the same reasons for hiding the fact from Nehru as Menon did. Nehru was, after all, the Prime Minister, and Mountbatten was now only the constitutional head of state. But why did he hide it from the King, in the fortnightly letters that, thanks to a dispensation he had secured from Nehru, he was not obliged to show to anyone in the Indian government?[39]

[37] See Attlee's letter of instructions to Mountbatten upon his appointment. Hodson: *op. cit.*

[38] See Chapter 7.

[39] Transfer of Power Documents vol. XII: Mountbatten's letter to the King of August 16, 1947.

The answer to this riddle could be that Mountbatten's letter was secret only from the Indian and not the British government. He knew that in London it would be circulated to the Prime Minister's office and the Commonwealth Relations Office. Between October 27, when he accepted Kashmir's accession, and November 7 when he wrote to the King, Mountbatten realized that in his anxiety to prevent a war between the two dominions, he had inadvertently upset deeply laid plans of the British government to ensure that Kashmir went to Pakistan and not India. On October 31 he had got his Secretary, Lord Ismay, to write to the Secretary of State for Commonwealth Relations, Philip Noel-Baker, explaining the precise circumstances in which he had proposed accepting the accession of Kashmir. The response Ismay received on November 2, which was obviously intended for Mountbatten, was an outright rejection of his analysis of what had happened in Kashmir, a blanket assertion of the veracity of the Pakistani version of what had happened, and a coldly furious denunciation of Mountbatten's role in facilitating Kashmir's accession to India.[40]

> Put thus on his guard, Mountbatten's letter to the King acquired a distinctly defensive tone. In his letter he began his description of what had happened in Kashmir as follows: 'The conflict is nominally between India and some tribesmen from the North West Frontier. To what extent Pakistan has already contributed to it is debatable; to what extent it will, in future, partake in it is unpredictable. All my efforts during these last hectic days may yet be brought to naught. If this happens, and open war results, *I shall be clear, in my conscience, that I have done all I could to stop it.*'[41]

Contrast this to what Ismay wrote (no doubt on his behalf) to Noel-Baker, the Secretary of State for Commonwealth Relations, on the 31st of October: 'I feel it only right to let you know that there are reports in this country that this aggression was arranged by the Pakistan government ... it is difficult to see how the Pakistan government could have been unaware of the movement of such a large scale motorized transport through Pakistan territory...'.[42]

To this, Noel Baker had replied: '... the Indian government made a dangerous and provocative mistake in our view in accepting even

[40] For a more detailed description of the contents of the two letters, see Chapter 7.
[41] Mountbatten: *op. cit.* para 17.
[42] For a fuller account of the contents of the letter, see Chapter 7.

provisionally the accession of Kashmir to India. There was no need to do this. Military help could certainly have been sent ... without accession of the state'. When Mountbatten read this, as he undoubtedly did, he must have seen not just the gulf in perceptions between British officials in Delhi and London, but just how seriously he had dislocated long-matured British plans for the region.

Mountbatten remains defensive throughout his letter. A page later he goes on to say: '... I wish to refute categorically charges which have been made against my government of having made efforts to induce Kashmir to accede to India.'[43] Mountbatten felt compelled to defend himself against this charge despite the fact that ever since June both future dominions had done a great deal of inducing. Jinnah, for instance, had done his best to induce Jodhpur to join Pakistan despite its large Hindu majority, on the grounds that it was contiguous to Pakistan. And at the precise time when Mountbatten was having to defend himself against accusations of heading a government that had offered inducements to Kashmir to join India, Jinnah was offering every conceivable inducement to the Nizam of Hyderabad to accede to Pakistan despite his state being 400 miles inside India with a 90 per cent Hindu population.

The statement that most clearly reveals Mountbatten's frame of mind however is the following one: 'It will be seen that the Maharaja, in his letter, also declared his intention of forming an Interim Government under Sheikh Abdullah. This he did. And India's chances of retaining Kashmir in the ultimate plebiscite have, of course, been improved thereby, *though I still think that a country with so large a Muslim population will finally vote for Pakistan*'[44] (emphasis added).

In a factual report about the happenings of the *previous* fortnight why did Mountbatten have to make this prediction about an event in the fairly distant *future*? The most plausible explanation is that London was now holding him responsible for frustrating its plans and he was trying to minimise the significance of the damage that he had inadvertently done. His entire letter was a self-justification. His message throughout was: 'My primary concern was to prevent war between the two dominions. The accession of Kashmir to India is only temporary,

[43] *Ibid.* para 22.
[44] *Ibid.* para 30.

and despite the induction of Abdullah, the plebiscite will go in favour of Pakistan on religious grounds. So British interests have at worst been only temporarily compromised'.

By contrast, at the defence committee meeting on October 25th, Mountbatten had shown no such defensiveness. On the contrary he had accused Pakistan of instigating Junagadh's accession in order to create a situation in which it could trade Junagadh for Kashmir. He suggested that Pakistan could be played at its own game by accepting Kashmir's accession temporarily and holding a plebiscite later to ascertain the will of the people. By doing this, India would force Pakistan to accept a plebiscite in Junagadh too. With the vastly popular Sheikh Abdullah at the helm of the Kashmir government, India stood a good chance of winning both.[45]

By November 7, Mountbatten knew that he was under severe fire in London for having allowed Kashmir to fall into Delhi's clutches. Thus even if he had known about, or been a party to Patel's plan, he was hardly likely to have broadcast the fact to his critics. That Mountbatten was capable of telling the truth but not the whole truth, becomes apparent from an omission in his letter to the King that, had it become known earlier, might have changed the entire future history of the Indian subcontinent.[46] At its ninth meeting on October 26th, while authorizing the airlifting of troops to Kashmir, the defence committee of the Indian cabinet 'agreed that when the accession was accepted, this should be subject to the proviso that a plebiscite would be held in Kashmir when the law and order situation allowed it. *The Governor-General suggested that this plebiscite should be on three questions—to join India—to join Pakistan—or to remain independent.... The Prime Minister said that the Government of India would not mind Kashmir remaining an independent country under India's sphere of influence.*[47]

Why did Mountbatten not report such an important initiative to London in his letter to the King, especially when it had come from him? In theory it is possible that he was persuaded by Nehru or Patel to forget it, and he complied. But this would have been extremely uncharacteristic of him and would have defeated the entire purpose of writing privately

[45] *Op. cit.*
[46] In 1947, the term 'South Asia' had still to be invented.
[47] *Op. cit.* para. 5 of typed minutes.

to the King. The more likely reason is that by then he knew that Britain did not want even an independent Kashmir, let alone one within India's sphere of influence. For, even an independent Kashmir could easily have become a sanctuary for Pathans loyal to the Khan brothers who had opposed the NWFP's merger with Pakistan. What London wanted was for Kashmir to belong to Pakistan. As Grafftey-Smith had urged, time and again from Karachi, only that would deny dissident Pathans a sanctuary from where to wage a struggle for secession from Pakistan.[48] Once he had been made aware of this, Mountbatten was not going to stick his neck out further than he had to.

[48] The reasons for this are dealt with at greater length in Chapters 6 and 7.

5

The Gurdaspur Award

Pakistan's lasting grudge against Britain stems from what has come to be known as the Gurdaspur award. The detailed account of the circumstances in which Kashmir acceded to the Indian Union shows that it resulted from Maharaja Hari Singh's inability to remain independent; his aversion to acceding to Pakistan, (which grew markedly stronger as he witnessed the consequences of the Muslim League's 'Direct Action' programme on communal relations in different parts of British India); and the series of overlapping conspiracies hatched by Pakistan to annex Kashmir. However, the Pathan invasion might never have taken place if Britain had not first given Kashmir a viable land connection to India, by awarding three tehsils of Gurdaspur district. These tehsils contained the Hindu majority township of Pathankot, which was the rail head for Kashmir's land link to India. Pakistan feels aggrieved because the Radcliffe Commission did this, although it knew that, according to the 1941 census, Gurdaspur district had a small Muslim majority. This gave Kashmir a contiguity with the Indian heartland that, before August 15, 1947, had existed only in a cartographic sense. It was inevitable, therefore, that Pakistan would condemn the Gurdaspur award and describe it as a premeditated fraud perpetrated by the British in collusion with the Congress, on the soon-to-be-born dominion of Pakistan, with the express purpose of making it possible for Kashmir to accede to India.

But the Gurdaspur award was given by the Punjab Boundary Commission, headed by Sir Cyril Radcliffe. The commission was independent, and every effort was made to ensure this. What is more, when it became apparent that the Muslim, Hindu and Sikh commissioners would support the petitions put forward by the Muslim League, the Congress and the Akalis, Sir Cyril decided to disregard their advice and

determine the awards by himself. So to show that the Gurdaspur award was rigged one had, in effect, to show that Sir Cyril was influenced, to the point of being overborne, into departing from the guiding principle that contiguous Muslim majority areas in Punjab should go to Pakistan, while the non-Muslim ones went to India. Only someone with enormous ascendancy and political influence could have done that. That person could only have been Mountbatten, the Viceroy of India, acting either on his own, or, as Lamb suggests[1] at the behest of the British government. Lamb's method of showing that Mountbatten had indeed influenced Sir Cyril to the point where he departed from the basic terms of reference of the Punjab Boundary Commission, and gave Muslim majority areas to India, was to show that Mountbatten had done precisely that to ensure that the Ferozepur and Zira tehsils of Punjab also came to India despite having a Muslim majority. If he could do that in one area why, Lamb invites the reader to ask, could he not do that in another?

Such argument by inference is weak at the best of times. It is particularly so now. Even a cursory reading of the submissions to the commission would show that the reasons that prompted Sir Cyril to award the Ferozepur and Zira tehsils of Ferozepur district to India had nothing in common with the reasons why he awarded three tehsils in Gurdaspur to India. Despite this, Lamb's allegation needs to be examined in detail. For the allegation against Mountbatten on the Ferozepur and Zira tehsils shares one feature in common with the allegation that he engineered Kashmir's accession to India two-and-a-half months later—both were supposedly products of his susceptibility to advice received from Pandit Jawaharlal Nehru.

The origin of the charge against Mountbatten, easily the most serious slur on his integrity that he ever suffered, lies in the actions of Sir Francis Mudie, the first Governor of post-Partition West Punjab and, as his actions on the night of October 27, 1947, were to show, a committed supporter of Kashmir's accession, to Pakistan. Mudie, a former Governor of the United Provinces, who was renowned in the Civil Service for his visceral dislike of the Congress party,[2] turned over to Jinnah some documents that had been left behind in his safe by the last Governor of

[1] In his 1991 book, *Kashmir, A Disputed Legacy*. This allegation is soft-pedalled but not withdrawn in his 1994 book, *Birth of a Tragedy*.

[2] Sir Alan Campbell-Johnson, in conversations with the author, September, 1994.

United Punjab, Sir Evan Jenkins. These contained a map and some notes that showed that the proposed boundary between India and Pakistan placed Ferozepur and Zira tehsils in Pakistan. Yet, when the boundary commission's award was made public, these tehsils were a part of India. It turned out that a draft of the Punjab award was ready on August 8, and was communicated to Jenkins by George Abell, private secretary to the Viceroy, in the form of a line on a map. That line showed that the salient consisting of Ferozepur and Zira tehsils of Ferozepur district was to be included in Pakistan while the three tehsils in Gurdaspur were to be part of India. Jenkins later recorded that on the 10th or 11th, to his surprise, he received a secraphone message from the viceroy's house saying, 'eliminate salient'.[3]

Jenkins is believed to have inadvertently left the papers behind for his successor to find, but the truth was a little different. On the night that the secraphone message arrived, Mudie was staying with Jenkins in Lahore, so Jenkins discussed the probable law and order fallout of the boundary demarcation with him. When Jenkins was relinquishing charge a few days later, his private secretary, who was burning all the secret papers of the old regime asked him what he should do with the message and map from Abell. Since Mudie had already seen it and knew of its contents, Jenkins asked him to leave it for his successor, in the expectation that Mudie would respect the instructions that had been given to all governors that the papers of the old regime should be destroyed.[4] Mudie did not do so, and handed them over, instead, to Jinnah, They were made public in a slashing attack on Mountbatten, by Sir Mohammed Zafrullah Khan at the UNO in January 1948.

In his 1991 book, Lamb quotes a conversation between Radcliffe and his commissioners overheard by some unnamed person, in which the former is reported to have said that the award of Ferozepur and Zira initially, one presumes, to Pakistan, was a compensation for awarding the three tehsils of Gurdaspur to India. This was reported by someone else to Nehru who reported it to Mountbatten. Lamb sees in this an attempt by Nehru to influence Mountbatten to influence Radcliffe, not to award these two tehsils to Pakistan.'[5]

[3] Lamb *op.cit.* pp.112-13.

[4] Jenkins' letter to Mountbatten, IOR/L/P&J/10/119.

[5] Lamb *op.cit.* p.113: Mountbatten, Lamb believes, did not forward Nehru's memorandum to Sir Cyril, but did in fact intervene to get the award changed at the last minute.

Despite the passage of nearly half a century, the controversy over Abell's letter to Jenkins, and the map that accompanied it, has still not died down. A close examination of the correspondence on this subject, suggests that contrary to his own protestations at the time, Mountbatten may have advised Sir Cyril to 'eliminate the salient'. But it is more than likely that it was Sir Cyril who decided to consult Mountbatten and not the other way about, and that in the end, the award was Sir Cyril's and Sir Cyril's alone.[6] Abell's letter was designed to give early warning to the Punjab government so that it could make arrangements to maintain law and order in areas most immediately affected by the award. Abell had sent the information in response to a request from Jenkins' private secretary, Abbott. He had obtained the rough alignment from Christopher Beaumont, private secretary to Radcliffe, and sent it on to Jenkins' secretary. Such communications were common, and were usually carried on 'at staff level'. Jenkins apparently forgot that he was asking for information about an international border, and not about an internal problem of a province of which he was the governor.[7] While in the changed circumstances, Jenkins' request may have been improper, it is difficult to infer from it that there was a conspiracy to defraud Pakistan. The more straightforward explanation is that Beaumont gave Abell an idea of where the boundary might run, but with the warning that it was not final. When Radcliffe made a change Beaumont felt necessary to communicate that to Abell. Lord Radcliffe himself told Dr Kirpal Singh, a distinguished scholar, in 1964 that he had drawn several lines to determine the boundary, and that one of these had been communicated to Lahore, but that it was not the final one.[8]

The intention all along was to maintain law and order, by no means a dishonourable one. That this was indeed Jenkins' overriding concern becomes apparent from his exposition of the problem that the Punjab administration would face immediately after Partition. Writing to Mountbatten on April 7, 1948, in response to a letter from him dated

[6] TP documents, vol. xii no. 377, ff.

[7] India Office Records:OR/L/PFJ/119, Document no. 236

[8] Dr. Kirpal Singh: *Select Documents on Partition of Punjab—1947.* National Bookshop, Chandni Chowk Delhi. 1991. Page xxvi.

March 19, 1948, Jenkins explained: 'If the award did not follow district boundaries, it would inevitably leave certain areas 'in the air', severed from their old districts and not yet absorbed by their new ones'. Jenkins asked for 'such advance information as could be given to me of the award so that the civil and military authorities could, if necessary, redistribute their forces.[9] In a letter to Lord Ismay on April 2, 1948, Mountbatten wrote that Abell had written to Jenkins' secretary without his knowledge. But this was apparently not true and is another example of the defensiveness that overtook him when he got to know that he had unwittingly upset a particularly delicately loaded British applecart, for in his letter to Mountbatten, written five days later, Jenkins wrote: 'Abell says the question of giving me (Jenkins) advance information was raised several times at your morning meetings and that you approved the information be given.[10]

More doubts have been raised about Mountbatten's truthfulness by a testamentary deposition made by Christopher Beaumont, in September 1989 with the Warden of All Souls, stating categorically that Mountbatten had indeed influenced Sir Cyril into eliminating the salient.[11] According to Beaumont, Abell must have shown Mountbatten the map or told him where the line was proposed to run (Abell confirmed this to Jenkins). Mountbatten became very agitated and 'had to be strenuously dissuaded from trying to persuade Radcliffe to alter his Punjab line'[12] Beaumont says that on the 11th, or thereabouts, Radcliffe was invited to lunch by Lord Ismay, a lunch from which he was pointedly excluded (Beaumont claimed that this was the very first time that such a thing had happened). That night the boundary was changed and the salient was eliminated. Beaumont therefore drew the conclusion that Mountbatten had made Lord Ismay arrange the lunch in order to give him an opportunity of talking privately to Sir Cyril.

[9] Letter to Mountbatten, April 7, 1948. IOR/L/P&J/10/119.

[10] *Ibid.*

[11] Beaumont first wanted it released only after his death but changed his mind in 1992. A story was published in the *Telegraph* (London) giving the gist of his revelations, and the document itself was deposited in the India Office Records Library. The text is given in Appendix 1

[12] Beaumont quoted an entry in the diary of John Christie, dated August 11, which he apparently had seen, to this effect. Christie was an assistant private secretary to the Viceroy.

Beaumont is probably right in his surmise that the Boundary award was discused at that lunch, but Beaumont had no way of knowing whether the lunch had been arranged at Mountbatten's initiative or Radcliffe's. While the entry in Christie's diary suggests the former, Lord Radcliffe's own statement to the Secretary of State for Commonwealth Relations, Arthur Henderson, in 1948, suggests that it was he who took the initiative and he who made the final changes. When Zafrullah made his allegation, Henderson reported to Attlee in reply to a query from the prime minister: 'He (Radcliffe) showed the first draft of the proposed award to the authorities in Delhi, and that, on further consideration, he made the award in terms that departed from the first draft'.[13]

Radcliffe would have been well within his rights to consult someone whom he could trust, and who, he knew, was not caught up in the passions that were convulsing the subcontinent. While sheer lack of time made the Commission decide not to hear individual petitions, nothing in its terms of reference prevented Radcliffe from asking for comments or reactions from someone of the eminence and experience of Mountbatten—someone, moreover, who would have to live with the consequences of his award. He may have felt this to be specially necessary, because Punjab was a powder keg, and in his opinion, none of his commissioners had remained objective. When the fate of millions depended on his decision, it would have been folly, and indeed criminally irresponsible for Radcliffe to make a virtue out of ignorance. If Mountbatten told a lie when he denied having any knowledge of Abell's transmittal of the provisional award to Jenkins in his letter to Ismay in April, 1948, he probably did so to prevent any more doubts from being cast on the impartiality of the Award.

There would have been no need to say any more about Beaumont's letter had it not been for two factors: firstly, Beaumont says not only that Mountbatten influenced the award, but that Nehru influenced Mountbatten into pressurising Radcliffe. A perusal of the testament shows that while he may have had some grounds for inferring the former, he had none for inferring the latter. Beaumont makes a bold accusation that only Indian secretary to the Commission, one V. D. Iyer, was

[13] IOR/L/P&J/119. Quoted by Latif Ahmed Sherwani in *The Partition of India and Mountbatten*. Council for Pakistan Studies. Karachi, 1986. p.178. Also quoted by A. G. Noorani in a letter to Beaumont, dated April 9, 1992.

regularly supplying Nehru with information on the deliberations of the commission. The proof of this, according to him, was to be found at the viceregal meeting on August 12th, when Nehru voiced alarm at the prospect of the Chittagong Hill Tracts going to Pakistan. 'The only way that Nehru could have known ... was that Iyer told him'. It is distasteful to read a retired judge condemning a 'native' who is now dead and cannot defend himself, on what cannot even be called circumstantial evidence. Beaumont's 'facts', from which he draws this inference, are completely wrong. It was Sardar Patel and not Nehru who raised a shindig about the possibility of the Chittagong Hill Tracts going to Pakistan, and he did so in a letter on August 13. Patel said specifically that he had met a deputation from the area who had expressed their grave fear that this area was to be included in Pakistan.[14] If Nehru raised this issue on that or even the previous day, the obvious inference is that the delegation had met him too.

So far as the Gurdaspur award was concerned, in the same breath as he condemns Nehru and Mountbatten, not to mention the unoffending Iyer, Beaumont states that 'No change, as has been subsequently rumoured, was made in the northern (Gurdaspur) part of the line; nor in the Bengal line'. Beaumont's letter thus gives the *coup de grace* to Pakistan's charge of fraud for the purposes of giving Kashmir the option of acceding to India.

There were a number of very good reasons for the inclusion of the three tehsils in India. Firstly, as Jenkins' letter to Mountbatten, and for that matter, his request for advance information shows, far from there having been a general belief in the British administration that the border would follow the boundaries of districts, there was widespread recognition that it would often depart from them. Mountbatten had made this clear at a press conference on June 4, when he announced the Partition Plan.

Nor was he saying this off the cuff. The terms of reference of the boundary commission had stated it would 'demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors'. When he saw this, Mountbatten sent a query to the Secretary of State for India, Lord Listowell, asking what

[14] Hodson, *op. cit.* p. 350

'other factors' might mean. Listowell, who had succeeded Pethick Lawrence as Secretary of State for India, replied that these were entirely for the Punjab Boundary Commissioners to decide. However, he said, 'other factors must include the location of Sikh shrines.[15] This looks very much like a directive to the Radcliffe Commission. Sir Cyril certainly paid heed to it, but not unduly at Pakistan's cost. The reason why the three tehsils in Gurdaspur were never intended for Pakistan was that had they had been made part of west Punjab, Amritsar, the Sikh holy city, would have been completely surrounded by Pakistan.[16] The memorandum submitted by the Muslim League admitted this *in its para* 16, but pointed out that two tehsils in Gurgaon district with Muslim majorities, Nuh and Ferozepur Jhirka, would be left behind in East Punjab so the one offset the other. The commission obviously did not think Nuh and Ferozepur Jhirka were of an importance commensurate with Amritsar!

Radcliffe was giving Nankana Sahib in Sheikhupura district, the birthplace of Guru Nanak and the second holiest shrine of the Sikhs to Pakistan as well as Lahore, which contained Gurudwara Shahidganj, and four other important shrines related to Gurus Arjun Dev and Ram Das. He could hardly have cut Amritsar off too. If that was not to happen, Gurdaspur was the obvious choice, for it contained two other important shrines, Dera Baba Nanak and Sri Gobindpur. This, more than anything else, probably made the Boundary Commission decide from the outset that these tehsils must come to eastern Punjab. It was therefore the Sikh factor and not some conspiracy to grab Kashmir, that led to the Gurdaspur award. In any case, the principle of giving contiguous Muslim and non-Muslim areas to the respective dominions was not always followed scrupulously. The Chittagong Hill Tracts had a small Muslim population, but was given nonetheless to Pakistan because 'the whole economic life of the people depended upon East Bengal'. The great majority of the population moreover, the Governor of Bengal, explained in an advice to the Viceroy, were tribals. So while they were not Muslims they were not Hindus either.[17] The Bengal Governor's 'advice to the viceroy' raises some interesting questions. It obviously was meant for

[15] TP Documents, *op. cit.* vol. xi, no, 415.
[16] Kirpal Singh. *op. cit.* p. xiv.
[17] Hodson. *op. cit.* p. 350

the Radcliffe Commission. So British governors were allowed to advise and 'influence' the Commission. Then why not the Viceroy? Secondly, and perhaps not coincidentally, the Governor's attempt to distinguish between different kinds of non-Muslims, happens to fall exactly in line with the submission to the Punjab Boundary Commission by the Muslim League. In enumerating the population of the province, the League differentiated between Muslims, Hindus and Christians, on the ground that while the last were not Muslims, they were not Hindus either. This argument, which overlooked the fact that only the Muslims had asked for a separate nation, seems to have made some dent, nevertheless, in Radcliffe's thinking.

The proof of the pudding however lies in the eating. The Chittagong Hill Tracts have stuck, like a bone, first in Pakistan's throat and then in Bangladesh's ever since. So much for the sagacity of British governors.

6

Britain and the Kashmir Question–I

Pakistan's accusation that Mountbatten and the British government conspired to ensure that Kashmir went to India, rests on the assumption that the British had strategic interests in Asia that they would need to safeguard even after leaving India, and that in their considered judgement India would be a much more reliable and effective guardian of these interests than Pakistan. In his book, *Kashmir, A Disputed Legacy*, Lamb identified the strategic purpose to be the monitoring of Soviet activities in Central Asia with a view to checking Soviet expansion in a southerly direction. For this, keeping tabs on Sinkiang was essential, and that could be done only from the northernmost parts of Kashmir, i.e., Gilgit and Hunza. Lamb based his conclusion that the British had conspired with India over Kashmir almost entirely on Mountbatten's decision to retrocede Gilgit and Hunza to the Maharaja of Kashmir in 1947, instead of transferring the 60-year lease of the area signed with Maharaja Hari Singh to Pakistan, which, he believes, would have been in accordance with the principles of Partition laid down in the India Independence Act.[1]

Pakistan first made this accusation before the UN Security Council, in January 1948 when it was defending itself against India's charge of aggression in Kashmir. The charge had no substance even then for, as is shown later, British interests, and the role Britain played in the Kashmir dispute, were the exact opposite of the one Pakistan accused it of playing. No one would deny that in the early thirties, British strategists had a lively interest in keeping a weather eye on Sinkiang. Czarist Russia had

[1] A more detailed description of Lamb's case for believing that there was such a conspiracy is given in Chapter 1.

been swept away by the Bolsheviks a decade and half earlier, and the USSR had the makings of a stronger and more dangerous adversary in Central Asia. Sinkiang, and a narrow strip of Afghanistan, were all that separated the Soviet Union from British India. Sinkiang, then barely under the control of the Chinese government in Beijing, had become a hotbed of Soviet intrigue. Thus, whether or not Sir Olaf Caroe really had vol. xiv of Aitchisons's '*Treaties*' replaced in order to use the threat of entering into bilateral agreements with Sinkiang to soften the Chinese (as they used their agreements with Tibet in 1914) this would certainly have been a useful strategy to adopt.[2]

However, Britain's interest in Sinkiang was a pale shadow of its obsession with Afghanistan. For although Afghanistan by itself was small, weak and of little account, the Afghans were ethnically linked to the Pathans of the tribal area on the Indian side of the Durand Line. And the Pathans were a constant source of worry, for at any one time there were 300,000 or more tribesmen who could pick up the gun and set out to raid the settled areas to the south. The Afghans had the capacity to incite the Pathan tribes, so if Afghanistan came under Soviet influence, the USSR would get a powerful lever with which to destabilise the Indian empire.

This fear was not of recent origin. It originated not in the 1930s but a hundred and thirty years earlier—to be precise, when Napoleon invaded Egypt. Ever since then the overriding British preoccupation was to safeguard the north-western marches into India. Afghanistan came into sharp focus in 1810, when two British officers, Charles Christie and Henry Pottinger, set out from Kalat in Baluchistan to reconnoitre two possible routes that the Russians might use to invade India.[3] From the early 1900s, as the Manchu dynasty fell and a new Chinese army emerged and began to flex its muscles in Tibet, the British also began to take steps to safeguard their northern borders. But, as the Earl of Birkenhead was to say in 1926, this remained a subordinate concern, and disappeared altogether in 1947, when the British left India. After 1947 they perceived their strategic interests in the region very differently after they decided to leave India, from the way they had perceived them at the heyday of their power. Far from being obsessed with China, they became more

[2] Lamb: *op. cit.* p. 74.

[3] This was the beginning of what came to be known as the Great Game. See Peter Hopkirk: *The Great Game: The Struggle for Empire in Central Asia.* Kodansha International, 1994 p. 40.

concerned with preventing the southward expansion of the Soviet Union towards the Persian Gulf, for that would have gravely endangered their vital oil interests in Iran and Iraq, and their possessions in Kuwait and the Trucial States. An equally important concern was the safety of their possessions in the Far East, notably Singapore, Malaya and Hongkong. A united India would have been pivotal for securing both. But once it became clear that Partition could not be avoided, Pakistan and not India became the sheet anchor for British strategic and economic interests in Asia. This was a crucial element in their attitude towards the Muslim League, towards the Khudai Khidmatgars (Servants of God) government of the Khan brothers in the North West Frontier Province, and inevitably, towards, Kashmir.

Lamb's attempt to revive, more than 40 years later, the thesis that British actions in 1947 were guided by fear of pressure on India's Himalayan borders is, therefore, surprising, to say the least. To do so he overlooked the rather obvious fact that the Indian strategic concerns of 1947 were not the same as the British concerns of the early 'Thirties'. Once India was partitioned, the Himalayas ceased to be the country's natural ramparts in the north. With the creation of Pakistan, the enemy, metaphorically speaking, had breached the fortifications and was digging its trenches across the main courtyard. Kashgar, Sinkiang and Lhasa, the names that generations of British strategists at the India Office juggled with, faded rapidly from the Indian consciousness. This may have been one of the reasons why, other than Nehru, very few in the Congress showed any interest in, or indeed enthusiasm for, securing Kashmir's accession. In fact, with the enemy ensconced in the courtyard, the enemy's neighbour became one's friend. This explains, at least partly, Pandit Jawaharlal Nehru's ready acceptance of China's assertion (or reassertion) of sovereignty over Tibet in 1950, and his subsequent friendliness to the Soviet Union.[4]

[4] Lamb's accusation that Caroe's disciples in the Indian Foreign Office carried out a cartographic aggression on Aksai Chin in 1954, because they had Caroe's 1938 example of 'cooking the books' to guide them, needs to be seen against this total lack of motive. Had India not accepted Chinese sovereignty over Tibet so unreservedly in 1950, Aksai Chin might have retained its strategic importance. But once it had done so, the motive to push the border forward in a manner that made China's access to Sinkiang from Tibet difficult, disappeared. It is far more likely that the Indian claim, which undoubtedly did spark off the Sino-Indian conflict of 1962, was based upon

In the 1920s, the British had good reason to fear the Afghans. Afghanistan had never become reconciled to Britain's separation of the belt of land, called the 'Independent Tribal Territories', that fell east of the Durand Line and west of what the British called the 'Administrative Border' of the NWFP. The purpose of this strip of land was to create a buffer zone between Afghanistan and British India. In 1919, Habibulla Khan, the Amir of Afghanistan, had been assassinated and been succeeded by Amanulla Khan. While Habibulla had been friendly to the British and had accepted the Durand Line, Amanulla had other ideas. Taking advantage of a wave of nationalist unrest in India, he sent his troops into the Administered Territories and began to incite the tribes of the area into a holy war against the British. This had led to a third Afghan war, in which the much modernized Afghan army initially achieved a fair measure of success. Only massive reinforcement of the troops on the border and the first ever use of the Air Force in an Afghan war, enabled the British to turn the tables on the Afghans.[5] This experience was still fresh in the minds of the British when the Secretary of State for India, the Earl of Birkenhead, gave a memorable lecture to the 9th meeting of the Imperial Defence Council on October 26, 1926:

New Delhi's reliance on old maps, and a less-than-ready access to all the documents on the issue in the chaotic filing system of that ministry. As for Caroe's disciples in the Indian Political Service, G. S. Bajpai and K. P. S. Menon, the only two who were senior enough to have learned from him, and who were transferred to the Ministry of External Affairs around the time of Independence, had retired by 1954.

Once the altered strategic perceptions of free India are taken into account, the note from the Indian Foreign Office to Attlee, of October 25, giving the Indian government's reasons for sending its troops to Kashmir, which Lamb has cited as proof of India's concern to guard its northern frontiers in the Himalayas, acquires a completely different meaning. Lamb's claim based on the part of the note which read, 'Security of Kashmir, which must depend upon its internal tranquility and the existence of stable government, is vital to the security of India', that 'The state of Jammu and Kashmir was of great importance for the defence of the northern frontier of the Indian subcontinent and that India, unlike Pakistan, was the true defender of that subcontinent from such menaces as the Soviet Union ...' is not sustainable because every Indian security requirement outlined in it would have been fully, indeed better, met if Kashmir had become a stable buffer zone between India and Russia.

[5] Indian Army, General Staff Branch: *The Third Afghan War, 1919: Official Account.* Government of India, Central Publications Branch. Calcutta, 1926.

> In the future the North Eastern Frontier where it marches with China, may also come into prominence, but at present, it causes no anxiety. The potential enemy on the North West Frontier is of course, Afghanistan, acting alone or as the ally or instrument of Bolshevik Russia. The policy initiated by Peter the Great of penetrating to the warm water has not changed with changing forms of government—rather, so far as an advance towards India is concerned, it has received an added incentive from the desire to weaken the great obstacle to the extension of Bolshevik tenets which is represented by the British Commonwealth of Nations. The fanatical and warlike inhabitants on and across the North West Frontier of India form an ideal weapon for the purpose; the simple peasantry of India are a fertile soil for propaganda... We have to 'be prepared to meet Russain aggression towards India in a new and far more dangerous form.... Between the administrative boundary of India and the frontier of Afghanistan, known as the Durand Line, lies a belt of the most difficult country inhabited by tribes that could put into the field some 300,000 first class fighting men, adequately armed. They have always formed the Afghans' most potent weapon against us.....

John Foster Dulles would have been proud to have given this speech. But the most significant part was yet to come:

> Another point requires mention—namely, the new factor introduced by aircraft, bringing in its train the necessity for ... some measure of anti-aircraft protection. At Kabul there is a small Russia-trained Afghan Air Force, not actually formidable on its material side but with great possibilities for harm in its moral effect, on ... the inflammable and fanatical Pathan. Further, the existence of landing grounds in Afghanistan gives to the Russians the power of placing considerable air forces at very short notice within striking distance of the plains of India.[6]

More than anything else, it was this fundamental shift in the art of war that was to determine the fate of the subcontinent for the next 70 years. It led to a revival of the Palmerstonian Forward Policy with a vigour that no one could have predicted. For while with Imperial Russia the British had had diplomatic relations and a host of pressure points, with the Soviet Union they had virtually none.[7] What is more, while

[6] IORL/MSS Eur C/152/2: Correspondence between the Viceroy of India and the Secretary of State for India. Document no. 18.

[7] On May 5, 1926, the viceroy had written to Birkenhead, '...Because London cannot bring pressure to bear on Moscow, British India feels more insecure...' Ibid. Viceroy to SOS for India, doc. no. 15.

Czarist Russia had been a month's hard march away, across a hostile, warlike country, the USSR was a hop, skip and a jump away—a matter of a few hours at most by air. For the next 20 years, both these factors grew steadily stronger. After the war Britain was exhausted but the USSR seemed to have emerged vastly stronger. And the air force was now the lethal spearhead of modern warfare.

When the British made up their minds to leave India, the forward policy lost some of its relevance for Britain as the former global hegemon, but had no relevance for the Western, democratic alliance against Communism, of which it now formed a part. Prime Minister Attlee's letter of instructions to Mountbatten when he sent him to India, made this abundantly clear.[8] After spelling out all that needed to be done in other spheres in the event of a Partition becoming unavoidable, Attlee concluded as follows:

> You should take every opportunity of stressing the importance of ensuring that the transfer of power is effected with full regard to the defence requirements of India. In the first place you will impress upon the Indian leaders the great importance of avoiding any breach in the continuity of the Indian Army and of maintaining the organization of defence on an all-India basis. Secondly, you will point out the need for continued collaboration in the security of the Indian Ocean area .... At a suitable date His Majesty's Government would be ready to send military and other experts to India to assist in discussing the terms of such an agreement.

Attlee's instructions were based on a note on the strategic interests that would have to be safeguarded if power was transferred to the Indians, prepared for the cabinet by the Defence Council of Britain early in 1946. British strategic interests in 'the Indian Ocean and neighbouring areas' would be served, the note said, if the treaty (with the successor government) allowed the British 'to move formations and units, particularly air units into India at short notice'. The note then recommended that the government should attempt to keep some British personnel on in India. Conceding that this was expected, the note however added a warning: 'If the demand for withdrawal were to include all British personnel, including those in the service of the Indian government, the fulfillment of our strategic requirements would be improbable.[9]

[8] Hodson, *op. cit.* appendix 1, p. 546

[9] Transfer of Power Documents, vol viii, no. 254.

Apart from indicating a shift of focus in Britain's strategic priorities, the note also made it clear that the Indian subcontinent would henceforth be important mainly as a base from where to guard its strategic interests. The Labour government believed that leaving behind a strong, united India, friendly to Britain, and willing to allow key British personnel to continue serving in the Indian armed forces, would be the best way to meet this need. But when the Cabinet mission failed, and it became apparent over the next 10 months that India could not be kept united, the British became apprehensive that in a divided India, where the two Dominions were hostile to each other, safeguarding British strategic interests in this way would be far more difficult. In particular, it felt that a Congress government in India might not prove amenable to the idea.

This fear was by no means new. It had been the basis of Wavell's 'breakdown plan', of 1945.[10] Wavell had proposed that if an interim government could not be formed, the British should abandon the Congress-dominated provinces and move British government and personnel to the Muslim-dominated ones in the north-east and north-west of the country. Wavell's plan was based on an implicit premise that was so generally accepted among British civil servants in India, that it seldom needed to be spelt out: if India had to be partitioned, and Britain was looking for a reliable ally on the subcontinent, Pakistan was more likely to meet that need. This belief was itself a product of the symbiotic relationship that had built up between the British government in India and the Muslims over the previous 40 years. During the Twenties and Thirties, as Mahatma Gandhi unveiled a hitherto unknown weapon for fighting State power, 'Satyagraha' or passive resistance, the British came to look upon the Congress as their main adversaries in India. By degrees therefore they came to look upon the Muslim League as their supporters.[11]

[10] Transfer of Power Documents, vol. viii, nos. 286 and 501.

[11] This attitude had a long history, dating from the partition of Bengal on communal lines by Lord Curzon in 1905, through the establishment of communal electorates in the Morley-Minto reforms and in all subsequent Acts that enlarged the area of self-government by the Indians. Communal electorates forced people to think of themselves as Muslims and non-Mulsims rather than as Sunnis or Shias, Brahmins or *Baniyas*, which is how people had habitually thought of themselves. This made the Muslim League's task of mobilising the Muslim population in the name of Islam a good deal easier.

The symbiosis continued even after Labour came to power in Britain in December 1945, and the Muslim League joined the interim government in October 1946. It is reflected in a letter from Lord Pethick Lawrence, Secretary of State for India, to Lord Wavell, the Viceroy, written on November 13, 1946, in which he allays Wavell's fear of a loss of control once elected governments come into the Centre and the provinces. Pethick Lawrence says that while it is true that in the transfer of power, following the formation of an interim government in Delhi, the Viceroy would become almost like a constitutional monarch, he would continue to wield considerable influence on the course of events. 'There is surely no doubt that in several provinces ...the governors do in fact have valuable influence on the ministers ... the same surely applies at the Centre *especially now that the Muslims have come in*'[12] (emphasis added).

Pethick-Lawrence could not have failed to have taken note of a letter written to him by P. J. Griffith, a former ICS officer, who was, at the time of his visit to India towards the end of 1946, the head of the European Association in Bengal and therefore one of the most influential Britishers on the subcontinent. Griffith had urged Pethick Lawrence to 'accept partition as the base' of plans for the Transfer of Power. He went on to assert that the two communities had nothing whatever in common with each other, that India had never been a nation anyway, and that the British were much better off relying on the Muslims.[13]

Wavell's plan had the blessing of the Churchill government, but was initially turned down by the Labour Secretary of State for India, Lord Pethick Lawrence, because it meant implicitly conceding the demand for Pakistan. However, when it became clear that India would have to be partitioned, the British government was left with no option but to fall back on a variant of that plan. That variant required Britain to establish close military links with Pakistan. This would give it the use of the port at Karachi, the all-important airbase at Peshawar, and the port at Chittagong in East Pakistan. That coincided with the incipient American desire to create a *cordon sanitaire* around the Soviet Union, which flowered, after the onset of the Korean war, into the pacts of encirclement signed by the USA in the early Fifties. But the achievement

[12] Transfer of Power Documents, vol. ix, no. 34.

[13] Transfer of Power Documents, vol. viii, no. 248.

of both these goals required bolstering Pakistan and absorbing Kashmir into that Dominion. Pakistan was to be assigned the role of being the eastern sheetanchor of a crescent that stretched from NATO (via Turkey) to the Chinese border in Central Asia. But for Pakistan to play that role, Kashmir had to become a part of Pakistan.[14]

There was however, a major fly in the ointment: The Muslim League did not represent all the Muslims of India. There was a sizable Muslim following for the Congress in the Hindu majority areas—notably the United Provinces, which were the cradle of Muslim separatism—and in Punjab. More importantly, from Britain's point of view, the *Khudai Khidmatgar* (servants of God) party in the North West Frontier Province was opposed to Partition and wanted to stay within a federal India. Finally, there was Sheikh Abdullah's National Conference in Kashmir, another area with an overwhelming Muslim population where the dominant political party preferred merger with a federal or confederal India if the state could not remain independent. Since the NWFP was directly administered by the British they turned their attention to securing its compliance first.

This was not an easy task. Elections had just been held in December 1945 and the Khudai Khidmatgars had won 30 out of 50 seats. This

[14] Wali Khan, the son of Khan Abdul Ghaffar Khan of the NWFP, and currently leader of the National Awami Party in Pakistan, has described the contents of correspondence in the India Office Records, in London, which reveal that one wing at least of the Foreign Office in London was fully aware of the strategic problems that were likely to arise after the Second World War ended, and was advocating the creation of Pakistan to complete an Islamic shield to contain Soviet expansion in the future. They wanted to use Islam as a military crescent which stretched from Turkey to the Chinese border, and which could be strung around the neck of the USSR, *Facts are Facts: The Untold Story of India's Partition*, Vikas Publishing House New Delhi. 1987. p. 56.

Lamb's supposition that the British thought that, after Partition, India would be the safer bet for maintaining a point of vantage in Central Asia, is thus not only not backed by a single piece of documentary evidence, but goes against the grain of pre-war realpolitik and the compulsions of the emerging Cold War. The events of the subsequent 45 years, during which Pakistan became a signatory of the Baghdad pact, willingly allowed the CIA to use the Peshawar airbase for its U2 espionage flights, and eventually gave its full support to the US attempt to dislodge the Soviet Union from Afghanistan, in exchange for military and economic aid, have proved this over and over again.

number contained several Hindus and Sikhs who, being on balance much better off, enjoyed 24 per cent reservation of seats under the property qualification for voting in spite of making up only seven per cent of the population. However, even among the 38 Muslim non-reserved seats, the Muslim League won 17 while the Khan brothers won 19 (two went to Independents). The problem the British faced was two-fold. First, they had somehow to delegitimize the results of these elections, and get another reference to the people. Caroe did this with consummate ease. All through 1946 the NWFP had been racked by civil strife deliberately started by the Muslim League. Not only did the League cadres court arrest, but when offered their freedom pointedly refused to be let out of jail. Caroe on the one hand denied Dr Khan Sahib the use of the army to restore order on the grounds that this would provoke a civil war, and on the other used the civil unrest as an excuse for insisting that there must be another election before the frontier could be allowed to choose which dominion to join.

There remained the nagging problem, however, of the disproportionate reservation of seats for the Hindus and Sikhs. So long as 12 seats out of 50 were reserved for non-Muslims, the Muslim League's chances of winning were slim. Caroe also provided the solution to this 'problem', perhaps inadvertently. In this fortnightly letter to the Viceroy on March 9, 1946, Caroe had reported that of a total of 347,532 Muslim votes, the Muslim League had polled 145,510 votes while the Khudai Khidmatgars had polled 143,571. Thus, if there had been a referendum instead of an election, the Muslim League would have won.

For the rest of 1946 and the first months of 1947 the Muslim League persisted with its communal sensitisation plan, and the Khan Sahib government put more and more of them in jail. When Mountbatten arrived in India, Caroe immediately began insisting that Section 93 must first be imposed upon the state and a new election held to determine the wishes of the people. In a somewhat unorthodox move, Mountbatten called the NWFP Chief Secretary, Lt Col. De La Fargue, and asked for his opinion. De La Fargue said that in a clean election held under Governor's rule, the Khudai Khidmatgars would win again. He also said that Caroe was biased against the Khan Sahib government and the Congress and should be replaced. For this, latter historians like Hodson have villified him and accused him of having notoriously poor

judgement.[15] But contrary to what Hodson wrote, Mountbatten obviously did not share this dismissive assessment, for he did not persist with the free election idea. Instead, from that moment onwards, Mountbatten devoted his very considerable skills to persuading all concerned to opt for a plebiscite. Mountbatten's diplomacy and charm proved invaluable in this. After having pressed the Khan brothers relentlessly to accept another election, he proposed, as a concession, that they accept a referendum instead. A relieved Khan Sahib jumped at it.

He then went to Jinnah, who initially opposed the idea stoutly, till Mountbatten reminded him that a referendum would not remove the property qualification for voting, (from which the Muslim League gained because its support was mostly urban and better off than the Pathans of the rural areas) but would remove the 24 per cent reservation for non-Muslims![16]

[15] *Op. cit.* pp. 282–3.

[16] Even after all this, and after the Khudai Khidmatgars issued a call to boycott the referendum, the Muslim League won by just one per cent. De La Fargue's assessment had been entirely accurate.

7

Britain and the Kashmir Question–II

The Wavell Plan went into cold storage when the Labour Party withdrew from the wartime coalition government in Britain, and on July 26, formed a government of its own under Clement Attlee. Labour parliamentarians did not feel an instinctive distaste for the Congress, Mahatma Gandhi and Pandit Nehru. Nor did they share the paternalistic affinity for 'the Moslems' (i.e. Jinnah and the Muslim League) of Churchill and the Conservatives. As head of the India League, V. K. Krishna Menon had cultivated the left-wing of the Labour Party assiduously over almost two decades, and had developed close ties with many of its leaders. The Labour government made its reluctance to preside over a partition of India plan within weeks of coming to power. In September it declared that His Majesty's Government intended to convene, as soon as possible, a constitution-making body. The announcement laid bare the deep divisions between the Congress and the Muslim League, and the acute differences of opinion among the princely states. To iron these out, Attlee sent Sir Stafford Cripps to India in the summer of 1946.

When the Cripps Mission failed, Partition became a certainty, and the princes were denied the right to retain a direct relationship with the Crown after Independence, the British government was once more forced to ask itself how best it could safeguard its own strategic interests in the altered context. That was when the India Office went back to the strategic vision that had prompted Wavell to formulate his Breakdown Plan. This was to use what would soon become West Pakistan, notably Peshawar and Karachi, as military underpinning of its interests in Iran, Iraq, and the Persian Gulf, and Chittagong, as the northernmost of the chain of

naval bases that stretched down the Malay peninsula to Singapore and protected Malaya and the Johore Straits.

A close examination of the India Office files in the British Library shows that once Pakistan became a certainty, the initiative in formulating policy towards the two dominions, and therefore, towards Kashmir, passed from the politicians in the Labour government to the bureaucrats at the India Office. These officials (who later belonged to the Commonwealth Relations Office, into which the India Office was merged after Independence) not only expected, but wanted Kashmir to accede to Pakistan. It was they who drafted the letter to Nehru in which Attlee sought to persuade him not to accept the Maharaja's accession even when the raiders were a bare 17 miles from Srinagar. When Kashmir did accede to India, it was they who did all they could to keep the door open for the decision to be reversed. The powerful, almost unreasoning support for Pakistan within the CRO also lay behind Britain's subsequent and, to Nehru, inexplicable stand on the Accession in the UN Security Council, which caused great hurt to him and poisoned Indo-British relations in the Fifties and Sixties.

Initially, British officials, whether in Srinagar, Delhi or London, felt that they had little to do. The principles that Mountbatten had urged the princely states to follow in his speech to the Chamber of Princes on July 17,[1] required them to bear in mind geographical contiguity, economic interdependence and the composition of their population, when deciding which dominion to accede to. On all three counts, Kashmir seemed slated to go to Pakistan. In Kashmir, the consensus view within the small circle of British officials working for the Maharaja was almost certainly reflected by Ramchandra Kak, who advised the Maharaja to try and stay independent, but if this proved unacceptable to the British, advised him, on the grounds of contiguity and economic interdependence, to accede to Pakistan.[2]

[1] Hodson: *op. cit.* pp. 373–4

[2] Scott: last report *op. cit.* It is also mentioned by Patel in his correspondence with the Maharaja. *Patel's Correspondence.* Ed. Durga Das. *op. cit.* vol., No. 36 enclosures. Just how convinced London at any rate was that Kashmir had no option but to accede to Pakistan is revealed by a notation by Sir P. J. Patrick on the margin of a summary of General Scott's report that was circulated within the CRO's political department between the 16th and 22nd of October. '...I am told that Mr Kak is

Scott, W. F. Webb, the British resident in Kashmir state, and Powell, the British Chief of Police, were openly in favour of Kashmir's accession to Pakistan and quietly worked to push the Maharaja towards it.[3] As the date of the Transfer of Power approached and the Maharaja kept his own counsel, Scott and the others actively dissuaded him from releasing Sheikh Abdullah from jail, despite pleas by both Sardar Patel and Mountbatten to Hari Singh in June and July 1947, and by Ismay in August, that he should do so in order to hold an election, or at the very least to bring some popular representation into his government before he decided which dominion to join.[4] Nehru was convinced that the instructions to dissuade Hari Singh from releasing Abdullah came from the political department in Delhi, which was headed by Sir Conrad Corfield. He said as much during the 8th meeting of the defence committee of the Indian Cabinet, on October 25, when the Indian

bringing his (English) wife to this country shortly. I have no doubt that he will call and talk to us about developments in Kashmir'. Speaking of the new team of Katoch, 'Chand'—possibly Mahajan—and Batra he wrote,'H. H. never supports his ministers but keeps them as long as they are useful. He is quite capable of double crossing the present lot if he sees advantage in joining Pakistan, as he will be dependent on the latter for transit of goods to the state and the treaty rights to import goods free of duty which is being continued under the standstill agreement ... will hardly hold good if he joins India. *I think it most improbable that he will do so*'. Patrick made this notation on October 22, i.e. some hours after the raiders had invaded Kashmir. Document no. Pol 1401/47. L/P&S/13/1845b.

[3] Scott's last report is perhaps the most valuable single source of information about what was happening in Kashmir in the six weeks that followed Indian independence. In this report, written in Karachi as he waited to catch the boat back to England, Scott wrote that the Maharaja had offered him an extension of his contract but that he had declined because by early September he had come to know that Hari Singh intended to accede to India. Since Gen. Scott did not wish to serve under a Congress government, his was an honourable course of action. His report is therefore as free from bias as any could be.

[4] Hodson: *op. cit.* p. 383. The minutes of the defence committee recorded: The governor-general stated that he had, when Crown Representative, consistently advised the Maharaja and the ex-prime minister of Kashmir that they should take steps to ascertain the will of the people as to which dominion that State should accede; .... Colonel Webb, the British Resident of Kashmir, had repeated this advice on many occasions .... The Governor-General pointed out that it had also, before the transfer of power, been his policy to suggest to the Maharaja of Kashmir that Sheikh Abdullah should be released from prison. (Minutes of the 8th meeting) *loc. cit.*

government first began to wrestle with how to assist Kashmir in repelling the raiders. According to Nehru,

> the inability of the Maharaja of Kashmir to reach any decision had been largely influenced by the policy of the political department under Lord Wavell. He added that, to the last, Major General Scott and others had persistently advised the Maharaja not to release Sheikh Abdullah.[5]

Nehru could have misread the motives of the political department. As Hodson has noted, Sir Conrad was working very hard to band the princely states together into a separate union that could then make a pitch for independence or a continued association with the British Crown.[6] This had made the department an adversary of the various democratic movements that had sprung up in the States, all of which were associated, via the States' Peoples' Conference, with the Congress party. But Nehru did not misread the profound anti-Congress, and therefore anti-India bias that drove the political department. For, as Sir Conrad well knew, around 500 of the 565 princely states were geographically contiguous and, economically utterly dependent on areas that was to become India.[7] Given Kashmir's strategic importance to both the British and to Pakistan, it is difficult to separate the many motives that impelled the political department to oppose Abdullah's release.[8]

[5] *Ibid.*

[6] *Op. cit.* p. 359

[7] A small indication of Corfield's bias surfaced later. When Ram Lal Batra, the Deputy Prime Minister of Kashmir, met Symon, the British Deputy High Commissioner, on October 25, he mentioned that when he had been the Dewan of Suket, a small princely state in the Himalayan foothills of Punjab, he had met Sir Conrad Corfield, who had spoken highly of his work. The CRO files contain a note that CC had denied ever meeting Batra. CC did not leave open the possibility that while he might not have remembered a few kind words he said to the Prime Minister of an insignificant state, the latter might have engraved them upon his heart. Instead, he clearly implied that Batra was trying to inflate his own importance by taking CCs name (in vain). In short, that Batra could not be trusted. This effectively devalued the very detailed account that Batra had given of the events that preceded the invasion of Kashmir, and especially his rebuttal of the accusation made by Pakistan that the state troops had been indulging in the ethnic cleansing of Muslims in the border areas. IORL/P&S/13/1845b.

[8] *Ibid.* The Sheikh's determination not to join Pakistan was recognised even by the raiders, who swept into the Valley in October chanting slogans that included 'down with Skeikh Abdullah'.

The bias is also detectable in the behaviour of the British officers in the Supreme Headquarters of the Joint Military Command. When Gen. Lockhart, the Commander-in-Chief of the Indian Army, informed the defence committee of the cabinet on the 25th morning that he had been informed the previous day by Pakistani Army Headquarters that 5,000 tribesmen, coming in from the west had seized Muzaffarabad and Domel on October 22 and were about to attack Kohala, it touched off a spate of mutual recrimination among the ministers present over India's complete failure to supply any of the arms that Kashmir had asked, for and New Delhi had promised, during the previous eight weeks. Nehru asked why these had not been shipped when Kashmir had been 'continually requesting arms and equipment from India'. Patel, the Deputy Prime minister responded that he had asked the defence minister, Sardar Baldev Singh, to arrange for the supply of these arms on a 'top priority' basis ten days earlier. Baldev Singh had instructed the headquaters, Indian Army, to release the supplies. Indian Army Headquarters had asked Supreme Headquarters (joint military command) to let it know 'immediately' where the arms were available and what could be spared, only to be told that the arms were in depots all over India and that there were none in Delhi.

However, Gen. Lockhart also implied that SHQ had not been prepared to release the arms for despatch to Kashmir. According to him 'there had been an element of doubt as to whether the arms could be supplied because it had been thought that the Joint Defence Council (for the two dominions) had laid down that arms should not be given without its own permission to states that had not acceded to either dominion'.[9] This decision was taken by the SHQ on its own despite the fact, as Patel pointed out with some asperity, that although the agenda item before the Joint Defence Council had referred to 'states that had acceded to neither dominion', the minutes of the meeting made it clear that the interdiction applied only to Hyderabad. What is more, as Mountbatten pointed out, although he was the Chairman of the Council, he had not been consulted either. It is difficult not to suspect that something more than an excess of caution had been at work. When the decision was finally taken to supply the arms, it took the army only a day to gather them from the various depots and ship them to Kashmir.[10]

[9] *Op. cit.* Mountbatten Papers, British Library India Office Collection. MSS Eur F 200–246.

[10] *Ibid.*

British reactions to the development of the Kashmir crisis reinforce this conclusion. Nothing that happened in Kashmir came wholly as a surprise to the Commonwealth Relations Office in Britain. As far back as February 1947, W. F. Webb, the British Resident in Srinagar, had reported the threats of the Pir of Manki Sharif. In September, Gen. Scott had confirmed that Pakistan had imposed an economic blockade on Kashmir. 'Whatever may be the policy of the Pakistan government, Rawalpindi is turning on the heat. No sugar or petrol are reaching Kashmir' he wrote.[11] Scott went on to refute categorically the Pakistani contention that Mohammedan drivers were refusing to drive to Srinagar because they were being attacked by Sikhs on the road. He called these reports 'unfounded'. Scott had also reported that the threat to Kashmir came not from inside, but from the fanatical tribesmen of Hazara and the Black Mountain, Lastly, around the 15th of October, the Commonwealth Relations Office also received a report sent via Karachi by Major W. P. Cranston, formerly of the Indian Political Service, but attached after Independence to the UK High Commission in India, that several thousand tribesmen from Hunza, Dir and Chitral were poised to invade Kashmir, if the Maharaja acceded to India. The Mirs of Hunza and the Mehtars of Chitral had formally informed the Maharaja of their intentions. In fact the most unambiguous proof that the CRO already knew of these threats was a notation on the file on October 25, referring to Cranston's report, which reads: 'A recent first-hand account of conditions in this area has been provided by Major Cranston in his report, *but it does not add much to our previous knowledge* (emphasis added).[12] The Commonwealth Relations Office in London also had a fairly good idea, from the despatches of Scott and the UK High Commissioner in Pakistan, Sir Lawrence Grafftey-Smith, that the Maharaja might have made up his mind to accede to India sometime in early September, that this had been reported in the *Pakistan Times* on the 27th, and was the talk of Karachi by October 8.

Once the Partition Plan had been announced, officials at the India Office in London could hardly have failed to appreciate how important it was for Kashmir not to fall into India's hands or remain within India's sphere of influence. If Pakistan was to remain politically viable and serve

[11] Scott's report. *Loc cit.*

[12] Notations on the above file by R. F. C. Rumbold.

as a sheet anchor for Britain's strategic interests in the Middle East, and Southeast Asia, Kashmir had to serve as a buffer between the NWFP and India. If Kashmir became a part of India, the Khudai Khidmatgars would gain a safe haven from which to foment rebellion in the NWFP and raise the demand for an independent Pakhtoonistan.

The officials, at what was now the CRO, would therefore have had to be blind not to anticipate that Pakistan might resort to more drastic methods to acquire Kashmir, if threats and an economic blockade did not work.[13] So when the Maharaja of Kashmir got his new Prime Minister, Mehr Chand Mahajan, to send a desperate telegram to Attlee, on October 15, informing him of the blockade on supplies that Pakistan had imposed; of the increasing virulence of Pakistan Radio and press; of their open threats of invasion and incitements to Pakistani nationals to invade Kashmir; of the distribution of modern firearms by the Pakistan government to its nationals along the Kashmir border; of raids by armed gangs into Kashmir all along the border from Gurdaspur to Gilgit[14] and of what he termed (correctly, we now know) an invasion in Poonch, and begged the British Foreign Office to send a telegram to Liaquat Ali Khan advising the Pakistan government to behave fairly with Kashmir, they could not have failed to realise that Pakistan was getting ready to pounce on Kashmir. Despite this, the Commonwealth Relations Office advised Attlee to ignore Maharaja Hari Singh's telegram. A laconic notation on the file reads, '*for obvious reasons*, it is impossible to comply with this request' (emphasis added).[15]

The reason was anything but obvious: As an independent state, Kashmir had every right to ask another powerful state with which it had enjoyed a relationship of dependence for over a 100 years, to use its good offices to avert a threat to its very existence. The only 'obvious reason' for ignoring such a desperate plea was the existence of a tacit understanding in the British government that it would turn a blind eye

[13] Another revealing notation, by Rumbold on the CRO digest of Scott's report, reads: 'I see that Pakistan has given Kashmir a straight warning that the burning of Muslim villages in Poonch must stop. *Pakistan is doubtless increasing the heat on Kashmir.*' This notation was made on October 16, a week before the raiders entered Kashmir. It suggests that Rumbold knew, or guessed that this accusation was meant to justify impending action to force Kashmir to accede to Pakistan. Pol 1401/47 in L/P&S/13/1845b.

[14] IORL/P&S/13/1845b.

[15] Notation by Rumbold. *Ibid.*

towards developments in Kashmir, so long as these were taking it towards Pakistan. The Maharaja's telegram was therefore batted about from desk to desk between the CRO and the Prime Minister's Office till it was buried on the 28th, with the comment, 'In view of Kashmir's accession to India, I should be inclined to send no reply.[16]

Another curious omission that strengthens the supposition that the CRO at least, if not as yet the Prime Minister's Office, was only too willing to turn a blind eye to what was happening in Kashmir so long as things were going Pakistan's way, is its failure to obtain either confirmation or rebuttal of even one of the issues raised by Mahajan in his October 15 telegram, from its High Commission in Karachi. Mahajan's telegram should at least have alerted the CRO that some kind of assault by Pathan tribesmen, actively backed by Pakistan, might be imminent, especially as threats of such an assault had been reported ever since February. But even this threat and the potential it contained for a war in the subcontinent, failed to elicit a query from the CRO to its High Commission in Pakistan. The omission is all the more difficult to understand when only a week earlier it had asked for clarifications when Karachi reported rumours that rebel government had been formed at Muzaffarabad, and a few days earlier when there was a strong rumour that the Maharaja had decided to accede to India. The CRO's insouciance also contrasts oddly with deluge of telegrams that poured into High Commission in Delhi asking for more and more information, when it became apparent that India might send troops to Kashmir, with or without securing prior accession of the State.[17] The only explanation is that London already knew about the imminent invasion and the preparations being made for it in Pakistan.

During the buildup to the invasion, the CRO was more concerned with giving justifications for Pakistan's actions and Britain's compliance with them, than with seeking to avert a possible conflict that would jeopardize the strategic plan that had been spelt out in Attlee's letter of instructions to Mountbatten. A notation, probably by Rumbold, dated October 25, 1947, is particularly revealing:

> *The Times* reports today that Moslems from Pakistan have entered Kashmir and cut the road from Rawalpindi to Srinagar. The position however is quite

[16] *Ibid.*

[17] *Ibid.*

different from that obtaining in regard to Junagadh because threats to Junagadh come from the Indian government and Indian Armed Forces, whereas Pakistan has not deployed any of their Armed Forces against Kashmir.

Moreover Junagdh is part of Pakistan, whereas Kashmir has acceded to neither dominion. Consequently although there may be a case for urging moderation on the Government of India in regard to Junagadh, I doubt whether there is a case for our intervening with the Government of Pakistan in regard to Kashmir on the lines suggested by the Prime Minister of Kashmir (emphasis added).[18]

The sophistry behind this exoneration of Pakistan from involvement in the Pathan invasion of Kashmir does not need to be underlined. The raiders had to pass through large swathes of Pakistani territory to get to Kashmir. Not only did the Pakistan government not try to stop them, which it could have done easily by blowing up one or two bridges on the roads from the NWFP into Kashmir, but it did not inform the Kashmir government either, let alone the government of India.[19] Petrol was rationed, yet they came in scores of trucks. Add to this the fact that Gen. Messervy, the Commander-in-Chief of the Pakistan Army, had already informed Mountbatten, and therefore most certainly London, that one of his officers had happened upon a meeting being held by the Deputy Commissioner of Rawalpindi with a number of Pathan tribal chiefs, planning the invasion of Kashmir,[20] and Rumbold's faith in the word of the Pakistan government becomes hard to swallow.[21]

[18] IOR L/P&S/13/1845b.

[19] Hodson: *op. cit.* p. 447.

[20] *Ibid.*

[21] But the note reveals a far more significant use of double standards. Almost the entire population of Junagadh was Hindu. Junagadh also was not contiguous to Pakistan—a consideration to which Mountbatten had attached even more importance during his July 25 meeting with the princes than the composition of the population. Unlike Kashmir, there was no political party in the state, much less a political party composed mainly of Hindus, that was advocating a merger with Pakistan. So the Nawab's decision to accede to Pakistan was based purely on his personal desire to belong to a Muslim nation, and antipathy to merging with a 'Hindu' one. In terms of the underlying principle of Partition, it could therefore be considered perverse. Despite this, Rumbold felt no hesitation in saying unambiguously that Junagadh had become a part of Pakistan. The CRO at least, if not the whole of the British government, therefore had no qualms in considering the Nawab's decision to accede to Pakistan as final.

On the 25th, Nehru sent a telegram to Attlee informing him of the grave situation that had developed in Kashmir because of the invasion by the tribesmen; that they were now only a few miles from Srinagar, and that the Maharaja had asked for help.[22] The telegram was clearly intended to forewarn Attlee that India intended to take some action, but had not decided quite what that would be. Attlee's telegram in reply was interesting: despite Nehru's cogent description of the danger that Srinagar faced, he urged Nehru not to send troops to Kashmir.[23]

On the 27th, Nehru sent him another telegram informing him of Kashmir's accession to India, the train of events that had led to it and India's decision to send in troops. The telegram, sent purely (and perhaps gratuitously) as an act of courtesy, described the circumstances in which India had decided to accept Kashmir's accession: The Maharaja it said, 'appealed for help and offered accession'....The appeal also came from 'the largest popular organization, the National Conference'.....'thus we were approached not only by the state authorities but also on behalf of the people of the state...We decided at first not to send any troops to Kashmir but to supply arms for which a demand had come to us some time ago. But later developments made it clear that unless we sent troops immediately, complete disaster would overtake Kashmir with terrible consequences all over India'....'In case the raiders reached Srinagar, this would have had very far-reaching consequences over the communal situation all over India.[24]

Attlee's reply to Nehru's telegram must have felt like a douche of icy water. Para 2 of the telegram read; 'I do not think it would be helpful if I were to comment on the action which your government has taken'. He cabled: 'The immediate and grave problem ...(is) to prevent Kashmir becoming the cause of a break between the dominions themselves. This cannot but be a matter of concern to me and my government.... I can

By Contrast, in the case of Kashmir where a quarter of the population, living in two-thirds of the state, was non-Muslim, and where there was a sharp division within the Muslim community itself about which dominion to join, Britain did not recognise the finality of the state's accession to India. Kashmir became, and has remained, for more than half a century in London's view, a 'disputed territory'.

[22] IORL/P&S/13/1845b.

[23] *Ibid.* pencil-numbered pages 517, 518, 519 and 520.

[24] *Ibid.* Telegram sent en claire by the UK high Commission in India at 05.30 a.m. 28 October, 1947.

only urge again that you and Prime Minister of Pakistan ... try to concert plans...(b) for the final solution of the problem of its ultimate relationship to Pakistan and India, including the vexed question of how to ascertain the will of the people in a state like Kashmir'.[25]

Attlee's telegram made it clear that Nehru's explanation for accepting the accession had cut no ice with him. Attlee did not approve either of the accession or of Nehru's having disregarded his earlier admonition not to send troops to Kashmir. There was not a word of sympathy for Kashmir, not a word of understanding, let alone praise, for what India had done. By the same token, there was not a breath of criticism, explicit or implied, of Pakistan's role in facilitating the invasion. As for the accession, the telegram leaves one in no doubt that even had the Indian government not given the assurance that it was subject to ratification by the people, the British Prime Minister would not have regarded the accession as final. This telegram marked the end of the post-Independence honeymoon between Britain and India. Nehru's communications with Attlee from that point on were frigidly polite.

V. P. Menon minced no words in saying as much to the British Deputy High Commissioner, A.C.B. Symon, on October 30 (the High Commissioner, Sir Terence Shone, was away from Delhi during these crucial days). The telegram that went to London after that meeting says it all.

> Symon and Shattock had further long talk with V. P. Menon this evening. Mr Attlee's latest message had invoked strong criticism and resentment from ministers, particularly as regards Para 2... .
>
> Menon, according to Symon, had gone on to point out that Nehru had not been obliged to communicate any decision or explain his government's rationale to the British government and that his telegram had been an act of courtesy and no more.

Nothing Symon or Shattock could say would budge Menon on this. Menon said HMG had better knowledge than anyone of what raiding tribesmen could do if left unchecked and pointed out that before August 15 effective and immediate action would have been taken by the paramount power in similar circumstances. He pointed out that the Governor General had been consulted at every stage and ....(asked) what

[25] *Ibid.* Sent to Nehru via U.K. High Commission the same day.

other action the Government of India could have taken to meet the situation which left them with only two alternatives... either to give assistance... or let Kashmir be taken over by raiders with the probability that Pakistan would recognize the resulting Muslim provisional government and thus ensure hegemony over the state....

'It was impossible for the raiders', Menon went on, 'to have organized themselves and passed through Pakistan territory without the knowledge and acquiescence of the Pakistani authorities. There was not a shred of evidence that the latter had taken any action to prevent the raiders from entering Kashmir'. Moreover, it was known to the government that the Pakistani government were holding a brigade at Abbotabad, that Jinnah actually gave the order for it to be moved and that this was frustrated by the Supreme Commander's visit to Lahore. 'In the light of all this', the telegram concluded, 'Menon feels strongly that India deserves better from HMG and this view is held by the ministers...'[26]

During his earlier talks with Symon on October 26th, after he failed to go to Jammu, Menon had told him that India knew Pakistan was behind the raiders; that Pakistan had planned to celebrate Bakr-Id, the great Muslim festival, in Srinagar on October 26; that Pakistan had already created a provisional government that was on its way to take over, and, most ominous of all, that it had a brigade in readiness to move from Abbotabad on the straight road to Uri and the Valley, which could be in Srinagar in a few hours if ordered to move. Menon went on

[26] Menon thus put his finger on the key element of hypocrisy that gave the British game plan away. In 1946, when the Muslim League had begun its direct action in the NWFP, stoking communal animosity and creating conditions of anarchy in which the governor could justifiably claim that the government had broken down and declare Governor's rule under section 93 of the India Act, 1935, Dr Khan Sahib, the Prime Minister of NWFP had accused the Governor, Sir Olaf Caroe, of not providing him with enough forces because he did not want the situation controlled. Caroe rejected this demand asking Khan Sahib how far a government could go in suppressing a popular movement against it, but to Khan Sahib's retort that appeasing those who created disorder would only fan it further, Caroe had no answer (T of P docs., vol X no. 117). Mountbatten evidently agreed with Khan Sahib because three days later he warned Abdur Rab Nishtar, the leader of the Muslim League in the NWFP, that 'if you cannot control the Muslim League in the NWFP, then I will have to provide additional forces to the prime minister (T of P docs. No. 186, p. 348). In Kashmir too, a policy of masterly inactivity by India would have suited the British down to the ground, for it would have delivered Kashmir to Pakistan.

to tell Symon that the Maharaja had proposed accession to the Indian union. V. P. had surmised that India would take the line that there was no basis for discussing the future of Kashmir with Pakistan until the raiders had been driven out of the state. The Pakistan government could assist in this. Otherwise it would be necessary to take adequate measures to prevent further incursions.

As subsequent revelations which have already been described in earlier sections of this book, showed, every word of Menon's account to Symon was true. But nothing that Menon had said cut any ice with London. Kashmir's accession to India did not only upset all British strategic calculations for the area, but released an animosity towards India in the CRO that had till then been held in check. Menon knew that a deputy commissioner designate for Kashmir was on his way up to Srinagar from Abbotabad, and was already with the raiders inside Kashmir territory. In a letter to Patel dated October 27, Mountbatten conveyed the following information:

> General Rees spoke to a demobilized British officer who three days ago motored from Srinagar to Abbotabad. He was held up at gunpoint by an advancing Lashkar of tribesmen who robbed him and also robbed and shot a retired British officer travelling with him. .... The British officer gained the impression that the movement was very definitely organized; that there were ex-INA officers involved; that a staff for controlling Srinagar (e.g. deputy commissioner designate, etc.) was en route to Srinagar; that the Muslim League is involved. The M. T. (motorized transport) used were civilian buses and petrol is very short.....[27]

Since the information had come from Gen. Messervy, the British presumably knew it too, both in Karachi and London.

Gen. Messervy had, in any case, strong suspicions by now of what the Pakistanis were up to and had strongly advised Liaquat Ali against any such covert adventure in Kashmir. Shortly before the invasion, Sir George Cunningham, the Governor of the North West Frontier Province, telephoned Messervy to ask him what the Pakistan government's policy was. Clearly, whatever was happening in the tribal agency areas was happening behind his back. With his own suspicions, Messervy had, on some pretext, sent an officer to the house of the Commissioner of

[27] Durga Das (ed.) *Patel's Correspondence, op. cit.*, vol. 1., no. 69, page 68

Rawalpindi from where, it was rumoured, the operations in Kashmir were being directed. The officer found the Commissioner presiding over a meeting of tribal Pathan leaders, including one Badshah Gul.[28] This deputy commissioner was the same one who, the British High Commission in Karachi admitted to London, had actively prevented the supplies of essential goods purchased by the Kashmir government from going beyond Rawalpindi, thereby in effect imposing a blockade on the State. However, he was no mere local official. The British Colonel who wrote from captivity in Abbotabad to Captain Stringer in London, said that the New DC was high up in the Muslim League, and that his predecessor had been removed to make way for him.[29] It is clear from all this that the DC in Rawalpindi was the nodal point of Pakistan's Kashmir operation so far as putting pressure on Srinagar, co-ordinating the movements of, and ensuring supplies of petrol and other goods in short supply to the raiders, was concerned.

Despite this and any other information that Britain might independently have had, the CRO flatly refused to entertain the notion that Pakistan had instigated the tribal invasion of Kashmir.

The presence of a brigade in Abbotabad and another at Sialkot intended for Kashmir was confirmed by Jinnah himself when he ordered Gen. Gracey, the Pakistan Commander-in-Chief, on the 27th night, that these be sent into Kashmir. Coming on top of the reports of Webb, Scott, Cranston and Messervy from Pakistan, and the telegrams of Mahajan, Nehru, and Symon from Delhi, the CRO should by now have been at least as disturbed as Messervy and Sir George Cunningham were in Pakistan. But as the noting on Symon's despatch by Rumbold shows, the CRO was immune to persuasion. Rumbold dismissed Menon's assertion that a brigade was being kept in Abbotabad to back up the tribesmen's invasion, if necessary, with observation: 'We know that Pakistan have too few troops to deal with the tribesmen, so how could they have a spare brigade? The obvious answer was that Pakistan was not using its troops to deal with the tribes'.

On Menon's remark that it was the Maharaja who had proposed accession, the British already had a host of information from Pakistan suggesting that he might have made up his mind as far back as the middle

[28] Hodson: *op. cit.* p. 447, footnote.

[29] Indian White Paper on Kashmir. March 1948. *Loc. cit.*

of September. Thus, this could hardly have come as a surprise, but Rumbold insisted on disregarding all of that and viewing this as an accession made under duress by a Maharaja whom India left with no other choice. The following remark by him on the file makes this amply clear, for he wrote: 'Or had Menon made it clear that accession was the price of help'?

Finally, on Menon's remark that there could be no discussion of the future till raiders had first been repelled, and Pakistan could help if it wished, Rumbold has the following comment: 'These conditions are probably impossible of fulfillment, and are probably meant to be so'. In short, according to the CRO's perception, the tribesmen invaded Kashmir against Pakistan's wishes, but Pakistan could not be expected to help in pushing them out!

On the 28th, Noel-Baker sent the British Prime Minister a note containing the CRO's preliminary assessment of the situation in Kashmir. It said the Indian government was certianly forced into a difficult situation ... but at best their action was needlessly provocative in:

> (a) choosing Sikh troops to send; b) accepting accession to India even if only provisionally, which was obviously unnecessary at this stage; c) welcoming a *Congress-minded* Prime Minister for Kashmir (emphasis added).

As regards future relations between the two dominions, 'I fear this Kashmir episode is likely to prove even more disastrous than the recent events in Punjab and Delhi.'[30]

There is a suppressed fury in this assessment that no bland official language can hide. India's action was 'at best' needlessly provocative. In short, other worse interpretations were possible, the obvious one being that India had not been forced into accepting, but had engineered, the accession with utter disregard for the underlying principles of Partition and its future relations with Pakistan. As we shall see, that is exactly what London led the world to believe.

The fury was visible in all of London's reactions in the following days. What was common to all of them was anger at having somehow been caught napping; of plans having gone awry because of a failure to foresee all the possible options before the main players, and consequently

[30] Note to PM from SOS for CR, October 28, 1947. IORL/P&S/13/1845b.

a frantic thrashing around for explanations that would shift the blame onto someone else. Thus, in its haste to accuse India of being needlessly provocative, the CRO overlooked the fact that the first Sikhs had been sent to not Jammu, Poonch or Muzaffarabad, where there had been bloodshed and an inflow of refugees,[31] but to Kashmir Valley where there had been no violence, where the Muslims practised a very different, syncretic form of Sufi Islam, and to which no refugees had come.

Typical of this haste and anger also was the CRO's eager acceptance of the theory propounded by Grafftey-Smith from Karachi. On October 27, in a covering note sent with copies of Kashmir's correspondence with Pakistan, Grafftey-Smith put the blame for the raiders' invasion of Kashmir not on Karachi but on the government of Kashmir. The Governor-General's specific invitation to the Prime Minister of Kashmir (on October 18) to visit Karachi for the purpose of amicable discussion of existing differences might however have created a new situation had the authorities in Kashmir been willing to respond.[32] In that despatch, Sir Lawrence Grafftey-Smith also categorically rejected the Maharaja's accusation that Pakistan had imposed an economic blockade on Kashmir. All that he was prepared to concede was that 'there is doubtless much truth in this (Pakistan's claim that drivers were refusing to go to Srinagar), but the local authorities at Rawalpindi certainly reinforced the blockade imposed by circumstances'.

But London had another source deep in the Pakistan government, and exceptionally close to Jinnah, whose word, in all probability, counted even more with the CRO than did that of the High Commissioner in Karachi. This was Sir Francis Mudie, the Governor of Punjab. On October 29, Mudie sent a telegram directly to the Commonwealth Relations Office, London, via the UK High Commission in Pakistan. In it he categorically denied that Pakistan had imposed an economic blockade of Kashmir, thus reinforcing what Grafftey-Smith had said two days earlier, and dismissed *all* of the Kashmir government's allegations, contained in its several telegrams to the Pakistan Government, on this score (emphasis added). He also denied that Hindu and Sikh refugees from Pakistan were being massacred as they made their way to

[31] And where the Muslims were ethnically Punjabi and practised the Sunni Islam of the north Indian plains.

[32] IORL/P&S/13/1845b.

Jammu, en route to India, and claimed the exact opposite: that Kashmir State troops were massacring Muslims. He alleged that state troops had massacred Muslims in Poonch on or around October 2nd and 3rd, that women and children were being killed and villages burnt; that there was a massacre of Muslims in Jammu, that automatic weapons and mortars had been used by the state forces. Mudie reported that a Brigadier of the Kashmir state forces had told his Pakistani counterpart that his orders were to drive out Muslims from a three-mile belt along the border. Mudie claimed that armed mobs had carried out raids across the border and that in one village in Pakistan, more than 17,000 bodies of Muslims had been counted. He also said that there were 100,000 refugees in West Punjab from Jammu. (All this, he claimed, began within three days of Gen. Scott handing over charge of the state forces, at a time when he was writing that all was peaceful in Kashmir).

Mudie strongly resented the Kashmir government's threat, as he saw it, to 'call in assistance from outside, the only object of which could be to suppress Muslims to enable Kashmir to accede to India by a *coup d'etat*'.[33] On the contrary, he accused the Kashmir government of having hatched a deep-seated conspiracy from the start to accede to India against the wishes of the people. Mudie concluded with absolute certitude, 'Kashmir's action (acceding to India) cannot be based on the action of the Pathans'.

Mudie's telegram to the CRO in London was, to say the least, a 'somewhat irregular' communication.[34] The fact that he had sent the same telegram to Jinnah shows the special relationship that existed between Karachi and the Commonwealth Relations Office. The fact that Mudie did not feel inhibited from sending a telegram directly to the Secretary of State for Commonwealth Relations, showed that he considered himself to be a servant not only of the Government of Pakistan, but also of his own country and government. What is more, judging from the notations on the file, no one at the CRO thought that

[33] Telegram sent on October 19, from the UK High Commission Karachi, 03.10 A.M.

[34] The words are Lord Ismay's, when he referred to a telegram he sent from the British High Commission to London on October 31, explaining the circumstances of the Accession. Ismay at least knew that as the Chief of Staff to the Governor General of India, he should not normally be communicating directly with London.

Mudie was overstepping the bounds of propriety. Mudie was their man in a difficult state at a critical time.

That, needless to say, made his assessment of what was happening very special, and accounts to some extent for the way in which Mudie's version of events in Punjab and Kashmir was accepted uncritically by the CRO. Just how uncritically was revealed when a British Foreign Office spokesman used the term '*coup d'etat*' to describe India's acquisition of Kashmir.[35] One day after Mudie sent the telegram to London, Liaquat Ali, in an extremely threatening letter to Mahajan, the Prime Minister of Jammu and Kashmir, accused Kashmir of killing Muslims in order to execute a *coup d'etat* against the people of Kashmir.[36] One phrase thus echoed in three secretariats! It is easy therefore to see where the 'other' *worse* interpretation of India's actions came from.

Grafftey-Smith's and Mudie's letters reveal the passion with which British officers in Pakistan sided with the Pakistan government and the eagerness with which their counterparts in London accepted what they had to say. For only a day after he had dismissed the blockage of supplies to Kashmir as the action of 'local authorities in Rawalpindi', Grafftey-Smith gave precise details of who these were, and they were anything but local.

> The Pak government deny any intention of an embargo but the fact remains that the DC Rawalpindi has prevented the passage of petrol and other essential supplies into Kashmir for the past six or seven weeks. This official, whose name is Abdul Haq, aided and abetted by his brother Ikramul Haq, ICS, an official of the Pak Ministry of Defence, appears to be conducting a private war of his own against Kashmir. *Mudie informed me that he intended to take action...*[37] (emphasis added).

Grafftey-Smith was 'at best' unutterably naive. *Ikramul Haq was an ICS officer.* Grafftey-Smith could hardly have stayed in Pakistan a week without becoming aware of the pivotal nation-building role that Jinnah

But Sir Francis had no such inhibitions, and what is more, London did not expect him to have them.

[35] Telegram sent to London from UK High Commission Karachi, October 30. *Loc. cit.* This provoked a strong protest from India which was communicated to the UK High Commision in Delhi by V. P. Menon.

[36] IORL/P&S/13/1845b.

[37] *Ibid.* Telegram of 28th.

had assigned to the handful of Muslim officers of the ICS who opted for Pakistan. Erland Jansson[38], whom Wali Khan quotes at length, describes how Jinnah personally recruited key ICS officials like Iskander Mirza, who later became the first President of Pakistan. In Pakistan, where the Muslim League had none of the power and prestige that the Congress enjoyed in India, the ICS and a handful of army officers was indeed the steel frame of the new nation. The idea that a single officer of this elite cadre could carry on a private 'jihad' against another state for six or seven weeks, without the knowledge and approval of his superiors is absurd.

Ikramul Haq, moreover, was an official of the *ministry of defence* and not of civil supplies. Grafftey-Smith may not have grasped the significance of this fact before October 22 but how could he not have done so on October 28?

As for Mudie, he felt no qualms in telling London vigorously that the Pakistan government had not blocked supplies to Kashmir and that all of the Kashmir government's allegations were baseless, a bare 24 hours after Grafftey-Smith had reported what the Haq brothers were up to.

Grafftey-Smith's revelation raises another perplexing question. Abdul Haq was the same DC of Rawalpindi whom an officer of Gen. Messervy, the Pak Army C-in-C, had surprised in early October planning the invasion of Kashmir with Badshah Gul and a number of other Pathan tribal leaders. Messervy told Mountbatten about this when the latter visited Lahore on October 30, but presumably he also informed the Pakistan government and Auchinleck's Supreme Headquarters in Delhi. So how was it that neither of these considered it necessary to inform the Indian government, or even Mountbatten? In the light of what it was up to, Pakistan's omission is understandable. But why did the SHQ keep Delhi in the dark? This was the same SHQ that could not find the arms to send to Kashmir and chose to make a dubious interpretation of the minutes of the Joint Defence Council without consulting its Chairman, Mountbatten, to justify its continuing failure! The answer is that it too was part of the plot.

Just how close Mudie had come to Jinnah was revealed when, late at night on October 27, Jinnah ordered General Gracey, the Commander of the Pakistan Army, to invade Kashmir with two brigades from

[38] Erland Jansson, *op. cit.*

Abbotabad and Sialkot. Knowing that this order would meet with resistance, Jinnah asked Mudie, who was with him, to telephone General Gracy and convey the order. When General Gracey said that he could not obey the order without consulting the Supreme Commander, Field Marshall Sir Claude Auchinleck, Mudie used language, according to Gracey, 'of undiplomatic tone and imperiousness.[39]' It was fortunate that Sir Claude was in Lahore at the time, and backed Gracey fully. Otherwise, Mudie might well have managed to force Gracey to accept Jinnah's order. Had that happened, India would have immediately counter-attacked Pakistan at Lahore. Britain would have been obliged to withdraw its officers from the armed forces of both dominions, and the Partition would have been undone in the bloodiest possible way.

Mudie's closeness to Jinnah is revealed once again by the telegram of October 29 mentioned earlier. Even a superficial comparison with Pakistan's October 30 statement rejecting the Accession of Kashmir to India shows that not only the ideas it contained, but also their sequence and even their wording, were taken very largely from that telegram. It must be remembered that Jinnah was not in Karachi on those days, but in Lahore. Mudie too was in Lahore. It is therefore a fairly safe bet that Jinnah asked Mudie to draft the October 30 statement. But a day before Pakistan's statement was released, Mudie had sent the same information to London as his appreciation of the situation, an appreciation that, as we have seen, London chose to accept uncritically. The close resemblance between Mudie's telegram and Pakistan's statement should have alerted London that he was no longer the most unbiased of observers. But there is not a word anywhere in the notations on the file to suggest that London had any such qualms.

The marked partisanship displayed by virtually all British officers who were in India and Pakistan at the time of Independence is understandable. It was the Congress that was driving the British out of India. But even more pertinently, it was the Congress that had issued a call to boycott the war effort, and abandoned Britain in her hour of need. By contrast, it was the Muslim League that had backed the war effort to the hilt. The British therefore owed them all the help they could offer to give Pakistan a good start as a nation. But the CRO's blatant partisanship was based on other, colder calculations. These were

[39] Hodson: *op. cit.*, p.457.

spelt out in the telegram sent by Grafftey-Smith from Karachi at 1.15 P.M. on October 29, 1947. The key portions of the telegram read as follows:

> The Indian government's acceptance of the Accession of Kashmir to the Dominion of India is the heaviest blow yet sustained by Pakistan in her struggle for existence. Strategically, the frontier of Pakistan which must be considered as requiring defence is very greatly extended. Government of India gains access to the North West Frontier and tribal areas where infinite mischief can be made with 'Pathanistan' and other slogans, and the Pakistan government's hopes of reducing their very heavy defence budget by friendly accommodation with tribal elements as between Muslim and Muslim disappear with this direct contact between Delhi and the tribes.
>
> Afghanistan policy will almost certainly change for the worse; and disturbances and disorder in Gilgit and the North West Frontier zone generally may well, as suggested in my telegram no. 108 of October 6th, excite Russian interest. Pakistan government's view is that Kashmir developments have created a new international situation to which HMG and the US government cannot without danger, remain indifferent... (emphasis added).[40]

So there it was again: the three-quarter century old fear of the Russian bear across the Pamirs and the Hindu Kush, but now with a modern air force and bombs for teeth. What is more, as para 2 of the telegram showed, this was not an argument suddenly dredged up to give respectability to a judgment made on emotional grounds. Grafftey-Smith's reference to a telegram of October 6, in which he has raised the same argument concerning Russia, and the dangers that would arise were Kashmir to accede to India shows that this was already very much on the British government's mind. Para 3 suggests moreover that if it had not already been the subject of discussions between the UK Foreign Office and the US State Department, it became one shortly afterwards.[41]

[40] Telegram to the Secretary of State for Commonwealth Relations, October 29, 1947. 1.15 p.m. IORL/P&S/13/1845b.

[41] As is described in detail in the next chapter, the evolution of Pakistan's relations with the US and the NATO alliance, in the next 42 years is foreshadowed in this pregnant paragraph. When the Security Council began to favour a neutral administration in Kashmir in preparation for a plebiscite, Grafftey-Smith told Mountbatten that he now bitterly regretted going to the UN. The report of the Governor-General to the King reads as follows: Pandit Nehru said that he was shocked to find that power politics and not ethics were ruling the United Nations Organization and was convinced that ..(it).. was being completely run by the Americans, and that Senator Warren Austin, the American representative, had made no bones of his sympathy for the Pakistan case. He considered that the UNO did not intend to deal with the issue on its merits... He said that he thought that Mr Noel-Baker.. had been nearly as hostile to India as Senator Warren Austin ... simultaneously an impression started gaining ground in India that the only two members of the Security Council who were likely to look with sympathy on her case were USSR and Ukraine. '(Hodson, *op. cit.* pp. 469-70).

With a credulity that was almost child-like, Grafftey-Smith went on to add that Jinnah had done his utmost to stop the tribes from embarking on murder and mayhem in Punjab. He also categorically denied in his telegram that Pakistan had instigated the tribal invasion. He said, on the contrary, that 'Sir George Cunningham (the governor of NWFP, and an old frontier hand) has brought very strong pressure to bear to stop more tribesmen following 'the original gang'. But the accession, and the use of Sikh troops, has evidently undone this because a greatly increased number of tribesmen are now reported to be in Kashmir.[42]

In the light of what we know was actually going on, Sir Lawrence emerges from this and other despatches as almost pathologically anxious to believe whatever the Government of Pakistan told him. But the CRO was no less anxious to do so. The notation on this file, again by Rumbold, reads: 'This is the first time I have seen it stated that Mr Jinnah prevented the tribes from moving in on the Punjab (?) situation. But Sir Grafftey-Smith states the fact categorically in this telegram and there is no reason to question it.[43]

The British government also swallowed the Pakistani fiction, dutifully relayed by Grafftey-Smith, that Pakistan had not only not sent in the tribals but, through Sir George Cunningham, done its best to prevent them from going into Kashmir. What Sir George had actually felt at the time was narrated to Sir Olaf Caroe by Iskander Mirza in a letter written in 1968. The most revealing portion of the letter reads as follows:

> The unhappy and dishonorable occurrences in late 1946 and early 1947 in connection with your tenure as governor of the NWFP bring back some very unhappy memories. There was no doubt in my mind that Lord Mountbatten was no friend of yours and he was guided more by Nehru than by anybody

[42] *Ibid.*

[43] *Ibid.*

else, and Nehru firmly believed that all the incidents in Malakand, Razmak and Khyber during his visit as Minister of External Affairs were created by officers of the political service and you were governor at the time.... I told the Nawabzada Liaquat Ali Khan of your great qualities and after the referendum urged that you should go back as governor and that the Muslim League was honour bound to insist on this. But believe me there was no honour, then or later...

Sir George Cunningham's return was a great surprise.... But what did the politicians do to Sir George? *Behind his back they pushed tribesmen into Kashmir.* Sir George was about to resign in late 1947 and I had to beg him not to do so.... I don't think you should feel sorry. Knowing you as I do you could not have stuck all the dishonourable intrigues so very rampant since the very inception of Pakistan (emphasis added)...[44]

When Mountbatten, out of an earnest desire to prevent all-out war between the dominions, provisionally accepted the accession of Kashmir to India, he upset a deeply laid strategic design of considerable importance to London, and soon also to Washington. That is what earned him the ire of the Civil Service in London and brought down a spate of criticism on his head. Noel-Baker's policy note to Attlee was about as direct a criticism of the Governor-General that any member of the British cabinet could have made. While Sir Francis Mudie and Sir Lawrence Grafftey-Smith were 'their men' in Pakistan, Mountbatten had ceased to be one, and had gone over to 'other side'. Latter day criticism of Mountbatten by British historians, as an inexperienced, publicity-hungry outsider who, in his naivete, hurried the transfer of power, allowed Punjab and Bengal to be partitioned, and upset a carefully laden strategic applecart, all stem from this great rift. But the note of October 28 was only the beginning. In the next few days, this rift widened rapidly.

Lord Mountbatten must have become aware that the CRO considered his initiative to have been ill-advised, but did not as yet know what lay behind this judgment. He therefore still believed that it was possible to get the CRO to change its assessment. He was also concerned that the attitude adopted by the British government, which had already been reflected in a statement by Noel Baker in the House of Commons, would fuel Pakistan's determination to resist any move to restore peace, except

[44] Letter from Iskander Mirza to Sir Olaf Caroe, written on September 26, 1968, from his flat in London.

on its terms, and might still precipitate a full-scale war. Unwilling, as Governor General of an independent country, to communicate directly with the British government at the ministerial level, he adopted the stratagem of getting Lord Ismay to send a telegram to Noel-Baker. The contents of this telegram and the CRO's response show how wide the gulf between the former viceroy and the peddlers of realpolitik in London had become. Lord Ismay began by saying that, 'the Kashmir situation is fraught with such far reaching possibilities as to justify this somewhat irregular telegram'. He then went on to a make a most unusual request:

'I was myself shocked on return here last Tuesday to learn that Indian troops had been despatched to Kashmir, but after hearing the full story I am convinced that there was no option despite the grave political and military risks involved'.

Describing how one after the other efforts made by Mountbatten to get the two prime ministers together to work out a way of restoring peace were sabotaged by statements emanating from the Pakistan government, i.e., Jinnah, or Liaquat Ali, Ismay suggested that the time had come for Attlee to send a telegram to Liaquat Ali to administer a shock to him in much the same way as his telegram to Nehru of October 30 had administered a severe jolt to Nehru. '*It seems only right*', he said, '*to administer an even stronger jolt to Liaquat as being the prime minister of what I am convinced is, in this matter, the guilty state*' (emphasis added).' Ismay therefore suggested that Attlee should send Liaquat Ali a telegram on the following lines:

I feel it only right to let you know that there are reports in this country that this aggression was arranged by the Pakistan government. We do not believe that for a moment but it is difficult to see how the Pakistan government could have been unaware of the movement of such a considerable body of tribesmen in motor transport through Pakistan territory....

Pakistan, Ismay pointed out, controlled the raiders' lines of communication. 'It would be a very simple matter for them to put an immediate end to the fighting'. This, Ismay said, was exactly what Jinnah had told Lord Mountbatten when the latter met him in Lahore on November 1, 1947. Jinnah's statement, as reported jointly by Mountbatten and Ismay, was, 'he said that all he had to do was to give an order to come out and if they did not comply, he would send large forces along their line of communications'.[45]

[45] Note on a discussion with Jinnah in the presence of Lord Ismay at Government House, Lahore, November 1, 1947. The text of this note has been reproduced in full

Ismay warned the CRO that the Secretary of State's statement in the House of Commons on October 30 'may cancel the Lahore meeting, or cause an explosion in the 'Indian cabinet...' You should know,' he concluded, 'that when Nehru fell ill, Mountbatten rang up Jinnah and urged him to come to Delhi for a meeting. Jinnah absolutely refused on the ground that he was too busy. Mountbatten has not divulged this uncooperative attitude to his ministers, which would definitely have stopped them from agreeing that Nehru should go to Lahore'.[46]

The UK High Commissioner also sent a cable the same day strongly endorsing what Ismay had written, saying that he had been about to draft a cable on the same lines. 'Whatever the jockeying over Hyderabad, Junagadh and Kashmir by the two dominions, Pakistan has been guilty of conniving in the actual use of force in the case of Kashmir'.

Noel-Baker's reply to Ismay repeated many of the points in the note he had prepared for Attlee, but in such a peremptory tone that the animosity towards Mountbatten could not have been more apparent:

> I had better give you our view of the situation as it appears to us in London. We are also satisfied that Jinnah has been feeble or unwise in acquiescing to or tolerating the activities of the tribesmen or more probably in not stopping his people from pursuing such a policy, but *we cannot believe that Jinnah planned or designed what in fact has happened* (emphasis as is added).
>
> The Kashmir situation now gravely menaces the future stability of the whole of Pakistan and we are sure that Jinnah understands this... We appreciate the strength of the Indian government's position so far as concerns their despatch of troops to Kashmir in the light of developments since our first message, and it is no doubt true that if Srinagar was looted by the tribes the general effect on the communal situation might be very grave.
>
> Nevertheless, the Indian government made a dangerous and provocative mistake in our view in accepting even provisionally the accession of Kashmir to India. There was no need to do this. Military help could certainly have been sent... without accession of the state.

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or part frequently. It is taken here from *Sardar Patel's Correspondence*. Vol. 1. encl. to doc. 72., pp. 73–81. The para quoted appears on p. 79.

[46] Telegram to SOS, CRO from Lord Ismay. 31/10/1947. IOR L/P&S/13/1845b. Mountbatten tried twice to arrange meetings between Nehru and Liaquat and Jinnah, but apart from the fact that both Nehru and Liaquat fell ill at just this time, the Pak communique of October 30 and Liaquat's radio address of November made these impossible.

One wonders whether there is another example of anyone in as high a position as Mountbatten, being rebuked as soundly as this. Unfortunately, the humiliation of Mountbatten did not stop there. Noel-Baker accused India 'of not keeping alive the spirit of co-operation with Pakistan by informing Jinnah of what they were about to do and explaining that it was not intended to produce a *fait accompli* as regards Kashmir's future.' 'You will see from the above', Noel-Baker concluded, 'that we cannot send a message to Jinnah on the lines you suggest'.[47]

This was followed by a formal reply to Ismay, sent from London at 7.00 P.M. the same day, which ran as follows.

> PM's view is as follows: It is difficult for us in London to assess the exact position or to pass judgement on the degree of culpability of particular governments since we get conflicting reports. The prime minister is therefore unwilling to send a message to Jinnah which in effect charges him with the major responsibility.

A few days later, the British government set out its considered position on the Kashmir dispute in a telegram sent to both high commissions, a position that, in essence, has not changed to this day:

1. Kashmir should have acceded to Pakistan. This was the natural course for it to have followed.
2. The Kashmir government failed to pursue the proposal for discussions with the Government of Pakistan. Either the Maharaja of Kashmir or his Prime Minister should have come down.
3. There was no evidence for the Government of India's allegation that the Pakistan government organised the incursion of the tribesmen. Indeed, they brought strong political pressure to bear on the tribes not to enter Kashmir. The evidence for this was the telegram from Grafftey-Smith that has already been quoted above.
4. Pakistan had not recognized the provisional government set up by the Moslem Conference although India had openly given facilities to the provisional government of Junagadh, set up at Rajkot.
5. But the Government of Pakistan had been most unwise in not taking physical steps to prevent the tribesmen from crossing their territory,

[47] Personal telegram sent to Ismay, care of the UK High Commission in India, on 31 October.

and the tribesmen had connivance from local Pakistan authorities in obtaining artillery and transport.

6. Jinnah's abortive attempt to enter Kashmir was clearly a grave error but was apparently not premeditated.
7. The Government of India made provocative mistakes in accepting even provisionally the accession of Kashmir to India. Military help could have been sent without accepting the accession of the State.
8. India was also wrong not to let Pakistan know of what it intended to do.
9. Lastly, India was tactless, to say the least, to have sent in Sikh troops.
10. Sikh slaughter of Moslems in Punjab and Delhi, and attacks by Kashmir state troops on Moslem villages gave them (the tribesmen) specific direction for their outbreak.

It has already been shown above, and in various preceding chapters, that the eight points pertaining to facts (numbers 3 to 10) were not only wrong but based upon excessive credulity, and even a measure of willful self-deceit by officials in London and Pakistan.

First, even if Grafftey-Smith did not understand the significance of an ICS official from the Ministry of Defence being the mastermind behind the blockade of supplies to Kashmir, and his brother, the DC of Rawalpindi, being the co-ordinator of the Pathan invasion, the CRO in London simply had to know what it meant. Had it not turned a Nelson's eye to the invasion it would have admitted that there was official involvement; that given the seniority of the persons involved it was unlikely to have been a purely private venture, and left open the possibility that only some elements in the Pakistani government, possibly excluding Jinnah, might have been involved. The gap between this and what the government actually said measures the degree to which bias, complicity or strategic interests coloured London's appreciation.

Second, point no. 5 of the appreciation goes beyond bias into complicity. In post-World War Pakistan even petrol was rationed, distributed only by the government. That was what Abdul Haq had been spotted arranging the supply of, to Badshah Gul and other Pathan leaders. But where could local (civilian) authorities have obtained artillery? The Pathans admittedly all had rifles, but the British had taken extremely good care to ensure that they never laid their hands on anything heavier. There is only one answer: the artillery could only have been obtained

from the Pakistan army. That was the significance of putting the operation into the hands of an official of the Pakistan Ministry of Defence.

Third, how could London have been so sure that Jinnah's attempt to enter Kashmir was not premeditated? Jinnah had tried to go to Srinagar the previous summer and was refused entry by the Maharaja, so he knew perfectly well that he could only go in as the head of the Pakistan army. That was what two brigades had been held ready for at Sialkot and Abbotabad. Those, in fact, were the brigades that Gen. Gracie refused to send into Kashmir on the night of October 27 despite Jinnah's explicit orders. London admits that this attempt to send in the army was a grave error. But given the amount of time it takes for a brigade to be readied for war, Jinnah's action had to be premeditated. The CRO should therefore have at least suspected that he had intended to go in with Pakistani troops 'to restore order' once the raiders had captured the whole of Kashmir Valley. All he did when he heard that India had accepted Kashmir's accession was to try to push ahead the timetable. This interpretation has the merit of explaining why Gracie and, for that matter, Auchinleck at Supreme Headquarters of the Joint Command, did not feel it necessary to report to the Indian army command or the Indian government that these two brigades were being readied for going into Kashmir. Gracie simply could not have been kept in the dark that two whole brigades in his command had received orders to standby for going to Kashmir and had been moved to convenient jumping-off points for the purpose. But he did not feel obliged to convey the information to Delhi because his strict instructions (and those of Auchinleck and Lockhart) were only to avoid any action that would lead to war between the two dominions. He must therefore have been assured that they would be sent in only to restore order and protect the local population, if or when the need arose. Thus only when the timetable was accelerated and the foe turned out to be the Indian army did Gracie find it necessary to speak up.

This interpretation, which is the only one that can explain Gracie's and Auchinleck's omission, castes an even worse light on London's prevarication. For unless Gracie and Auchinleck were also keeping the British armed forces and the War Office in the dark, at the time when it was saying that Jinnah's 'error' was unpremeditated, *London already knew that two brigades had been readied to go into Pakistan and had*

not objected. Thus, it too must have been assured that they would go in only to restore order after a Pathan invasion.

The CRO's attempts to shift the blame for the tribesmen's invasion of Kashmir on the Maharaja and on India look faintly absurd when seen against subsequent revelations about the depth of Pakistan's involvement in the Pathan invasion-especially the accounts of Gen. Akbar Khan and Iskander Mirza in his letter to Sir Olaf Caroe.[48] The least it revealed was a childlike willingness to believe everything that Grafftey-Smith and Mudie told them, and an equally childlike willingness on the part of those two worthies to believe anything that Liaquat and Jinnah told them.

But, as we have seen earlier, the British government was not as naive as the position paper makes it sound. The 'appreciation' was a document with a wide if restricted circulation. Not only was it sent to all departments in London but to all of its 60-odd missions and embassies abroad and to friendly governments like that of the USA. Its purpose was to give its ambassadors and high commissioners the line they should take in their discussions with the governments to which they were accredited, and to give friendly governments, particularly on the Security Council, an appreciation of the true situation in Kashmir. Its purpose was not to judge but to persuade. It was thus a political and strategic and not a judicial document. We shall see in the next chapter how the British government used this 'appreciation', and its presumption of 'superior' knowledge of the affairs of the sub-continent, to discredit India's case on Kashmir in the United Nations.

[48] Appendix 2.

8

Britain and the Kashmir Question–III

Had India not taken the Kashmir dispute to the UN, by the end of November 1947, this final chapter of the story of Indian Independence would have been all but closed. Kashmir had acceded to India in a manner that complied fully with the terms of the India Independence Act. A government composed, to all purposes, of the National Conference, Kashmir's largest Muslim political party, was in power and Sheikh Abdullah was the *de facto* Prime Minister of Kashmir. No one seriously doubted that the National Conference had the overwhelming support of the Muslim population of the valley although, as the composition of the raiders showed, this was not the case in rural Poonch and Muzaffarabad. The Indian army had regained control of the Kashmir valley. At the 17th meeting of the defence committee of the India cabinet on November 28, Prime Minister Nehru asked the army not to stop at Uri but recapture Kohala and Domel, on the borders of Pakistani West Punjab. Gen. Lockhart however demurred, saying that this would stretch out the army's line of communications and make them hard to defend, especially in winter.[1]

For the Accession to be complete, however, it had to be ratified by the people. The Indian government was therefore committed to determining their wishes once the raiders had been driven out and peace restored. Nehru had, on his own, said that it would be by means of a plebiscite under international auspices. But no one had till then questioned India's right to determine when peace was restored and to hold the plebiscite.

[1] *Loc. cit.*

No outside power had claimed a right to dictate to India just how that plebiscite would be held. Above all, no one had suggested that the fighting must stop *before* the raiders had been driven out. Much as the British government was incensed by the Accession, and the way it had upset its strategic plans, neither it, nor anyone else, had challenged its legality.

The minutes of the 9th meeting of the defence committee on October 26 make abundantly clear what the Indian government had in mind. First, it intended holding the plebiscite as soon as the raiders had been pushed out. Believing that they had only unruly tribesmen to deal with (albeit stiffened by an injection of demobilized war veterans, and officered by a handful of Pakistani officers allegedly on leave), the government initially believed that it could complete this before the end of the year. After Lockhart's warning, the timetable was pushed back to spring of 1948. The minutes, and in particular Mountbatten's interjections, leave no room to doubt that he fully expected to be in India long enough to oversee the plebiscite. He in fact saw this as the fitting conclusion to his labours. Since Mountbatten had decided to leave in May 1948, this meant that he expected the plebiscite to be completed before then.

Second, when the government took the decision to accept Kashmir's accession, there was no mention of the plebiscite being held under any but Indian auspices. Not only was this an internal matter, but the minutes make it clear that even the thought of cooking the results to give a predetermined result, had not arisen. India had been under no compulsion to give any such assurance, for Mountbatten, who was its main proponent, was only a constitutional Head of State, who could advise but not execute. He was, moreover, participating in the defence committee's meetings as an invitee.[2] Had it been India's intention from the beginning to hold on to Kashmir at any cost, Patel and Menon would have made strenuous efforts to woo the Maharaja instead of ignoring him.[3] Nehru would not have gone out of his way to snub him. The cabinet too would never have allowed Menon to draft a letter for the Maharaja to sign, that made the accession conditional.

The most unambiguous evidence of India's sincerity of purpose was Nehru's ready acceptance of Mountbatten's suggestion that the plebiscite

[2] It is not clear what prompted Nehru to invite him to chair the Defence Committee.

[3] Hodson: *op. cit.*, p. 383.

could contain not two but three options—the third being independence under India's sphere of influence. This was not a display of generosity. Nor did it reflect a lack of interest in retaining Kashmir within India. It reflected Nehru's unshakable confidence that, with Sheikh Abdullah and the National Conference in power, the valley, which accounted for more than half of the population of Kashmir state, would endorse the Accession in spite of being overwhelmingly Muslim in composition. With Hindu Jammu and Buddhist Ladakh also siding with India, the result was a foregone conclusion.[4] Jinnah apparently felt the same apprehension. That could account for his pessimism and depression when he met Mountbatten on November 1.[5]

The Muslim Conference's only hope of swaying the people towards union with Pakistan, as Grafftey-Smith had correctly reported from Karachi, lay in creating a strong upsurge of communal passion in the Valley. To prevent this, both Nehru and Abdullah wanted a very quick plebiscite. That automatically meant a plebiscite with the existing electoral rolls and on the basis of those present and voting. The one thing that Nehru and Abdullah could not afford was a long delay that would give the Muslim Conference time to fan communal discord in the way that the Muslim League had done in the NWFP to undermine the government of Dr Khan Sahib.

With the benefit of hindsight, one can surmise how the Kashmir story might have ended if India had not gone to the UN with a complaint of aggression against Pakistan on December 31, 1947. By mid-February, 1948, as Mountbatten reported to Attlee, the Indian army was in an 'impregnable position' in Kashmir.[6] Anticipating a thrust down the Jhelum to clear the remaining tribesmen from that region of Kashmir, Pakistan would have sent in its regular troops to assist and replace the

[4] Pandit Nehru's spontaneous offer of a plebiscite under international auspices, in his radio broadcast of November 2, needs to be understood against this background. He did not regard this as a fresh commitment, but simply as an extension of the government's existing commitment to hold a fair and free referendum. International auspices did not mean a prior Indian withdrawal. At most, it meant an international, possibly UN, presence in Kashmir at the time of the referendum to reassure all concerned of its fairness.

[5] Governor General's report to the King, Nov. 7, 1947. Also reported extensively by Hodson and others.

[6] Letter to Attlee forwarded by UK High Commission on February 24, by Tel no, 459 Pinnel Files, OIOC, British Library, L/P & S/13/1948.

raiders and local insurgents. That is what it in fact did.[7] To relieve pressure on their troops in the Jhelum Valley, Pakistan might also have opened a second front in Baltistan and pushed towards Leh. Pakistan would not have been able to resist the temptation because the terrain in Baltistan (now divided into Indian Kargil and Pakistani Skardu) favoured them, with gentle slopes to the northwest, and short, sharp escarpments to the southeast of the mountain ridges. That too came to pass. By the end of the year the two countries would have been exhausted and a *de facto* partition of Kashmir would have taken place. India would then either have withdrawn its offer of a plebiscite on the grounds that Pakistan remained in control of a part of Kashmir, or held a plebiscite in the Indian part alone. Had it done the latter, under a popular government headed by Sheikh Abdullah this truncated state would have confirmed its accession to India. The legal case would have ended there and the cease-fire line, wherever it ran, would have become the *de facto* international frontier. It would have been a *de facto* and not a *de jure* border because India would have justifiably retained its legal claim to the parts that Pakistan continued to occupy.

Instead, for the next 50 years, it was India, not Pakistan, that found itself on the defensive with its claim to Kashmir under constant scrutiny. All this happened because Nehru agreed to Mountbatten's suggestion to take the Kashmir dispute to the UN. Indians regard this as the single biggest blunder Nehru made during his prime ministership. By December 1947 the Indian army had gained the upper hand over the raiders in Kashmir. Pakistan had not yet sent in its army, but even if it did, India had much the greater staying power in a war. Nehru's decision to take the dispute to the Security Council must rank among the very few examples in history of a country that had the upper hand in a conflict foregoing it in favour of third party mediation.

But at that time Nehru had seemingly good reasons to go to the UN, and he did not have any good reason not to trust its objectivity and fairness. He knew that Pakistan had planned the raiders' incursion into Kashmir. He no doubt believed that a quick ruling by the Security Council upholding India's sovereignty and asking Pakistan to withdraw tribesmen and irregular forces would dissuade it from escalating the conflict any further. What he should have, but did not, foresee was the

[7] See later.

way in which Britain would, in pursuit of its larger strategic objectives, and possibly out of a rankling anger at having been forced out of India, seize the opportunity Nehru provided to undermine the legitimacy of the Accession and create conditions in which a fresh reference to the people could be made under conditions more favourable to Pakistan. Nehru, who had championed the cause of the Khan brothers government in the NWFP so passionately with Wavell and Mountbatten, should at least have suspected that if India gave them an opening, the British would spare no effort to repeat in Kashmir under the auspices of the UN what they had so successfully done in the North West Frontier Province a year earlier, while they were still rulers of India.

There is an ingrained belief in India to this day that India all but lost her case before the Security Council because the US deliberately subordinated its consideration of the merits of the Kashmir case to the dictates of the emerging Cold War with the Soviet Union. In his letter to Attlee dated February 11, 1948, Mountbatten reported that India attributed the UK's unfriendly stand at the UN to 'British support for American power politics'.[8] The Belgian Ambassador to India, the Prince de Ligne, also told Nehru that the US stance on Kashmir was determined 'less on the merits of the dispute than by US global interests in the light of the tensions with the Soviets'. Nehru also told the permanent undersecretary to the Commonwealth Relations Office, Gordon-Walker, that 'the motives of the United States were to get military and economic concessions in Pakistan'.[9] A close examination of British documents of the period shows, however, that this was a misapprehension on Nehru's part, based to some extent on his excessive trust in the British sense of fair play and his personal liking for and trust in Mountbatten. While Cold War considerations did come to dominate the US-India-Pakistan relationship, this happened after the Communist revolution in China and the start of the Korean war had brought the war against communism to Asia. In January to August 1948, the US did indeed not have a personal axe to grind. Its position on the Kashmir issue was, however, shaped with great finesse by the British Foreign, and Commonwealth Relations offices.

[8] Cited fully later.

[9] Dennis Kux: *op. cit.*, p. 61.

The proposal to take the matter to the UN undoubtedly came from Mountbatten. But the circumstances that made him do so are not clear. Even less clear are the circumstances that led Nehru to accept the idea. The only plausible explanation is that at the end of December, although the Valley was under Indian control, the situation was fluid in the rest of the state. As the minutes of the Defence committee of the cabinet bear ample witness, Nehru knew perfectly well that Pakistan was behind the incursions and was not likely to vacate Kashmir without a fight. He may have thought that taking Pakistan to the UN as an aggressor was the best way to forestall the injection of the Pakistani army into Kashmir.[10] At any rate on December 31, India went to the Security Council under Article 35 of the Charter alleging that Pakistan was giving aid to tribesmen from the North West Frontier to invade what by then was clearly Indian territory.

This gave Britain the opening that it had been looking for. On the very same day that India approached the Security Council, in fact within a matter of hours, the UK Commonwealth Relations Office sent the following telegram to its High Commissions in Canada, Australia, New Zealand, South Africa, and India and Pakistan.

> This is an unparaphrased version of a secret cypher message and the text must first be paraphrased if it is essential to communicate it to persons *outside the British and United States services*[11] (emphasis added).

It then went on to state in the most unambiguous terms that the conflict in Kashmir was not, as India claimed, with tribesmen and others incited and armed by Pakistan but with local insurgents who had rebelled against the Maharajah when he acceded to India, whom the Indian army was attempting to crush.

Apart from its dogged determination to foist an interpretation that it was fully aware was false, this telegram is significant because it reveals

[10] Mountbatten confirmed this indirectly in a letter to Attlee on February 11, in which he said: 'The burden of Nehru's complaint was that India had appealed to the Security Council so that emergency action could be taken to put out the spark that was likely to set fire to the powder barrel.' British High Commission telegram no. 331 of 11 Feb 1948. L/P&S/13/1938.

[11] CRO telegram Z–141 to above named missions, December 31, 1947. L/P&S/13/1938.

how quickly Britain had succeeded in forging a special relationship with the US on the Kashmir question.

Just why Britain was doing this becomes apparent from the contents of a telegram sent by the CRO to its missions in the Commonwealth countries 12 days later:

> *We must be particularly careful to avoid giving Pakistan the impression that we are siding with India against her. In view of the Palestine situation this would carry the risk of aligning the whole of Islam against us* (emphasis added).[12]

There it was. Under American pressure the British were pulling out of Palestine without making any attempt to prevent the inflow of illegal Jewish immigrants who had been interned during the war in Cyprus, and without attempting to put down Zionist attacks and defend the rights of the Palestinians.[13] But all of its vital interests, including investments in the oil industry, were in Islamic, mostly Arab countries–Iran, Iraq, Kuwait and the Trucial States. Supporting Pakistan against India was a quick and cost free way of dividing the Muslim world, and thus protecting these vital interests. Significantly, there was not a single word in this crucial explanation about the Soviet Union or communism. That was a goad it would use in the future to make a sceptical US administration fall in line.

The telegram then outlined four proposals that the CRO wanted its missions to campaign for. These were to set up a UN Commission on India and Pakistan; to get India and Pakistan to agree to the establishment of a 'fair and impartial administration and a fair process for determining the will of the people'; to set up a UN Council of Administration for Kashmir; and, most important, to get both sides to reduce or partly withdraw their forces and *replace Muslim invaders by Pakistani troops* (emphasis added). This meant that the Maharaja would be deposed, Sheikh Abdullah's government would be toppled, India's advance would

[12] CRO telegram of January 12, 13:14 hrs. L/P&S/13/1938.

[13] That there was such pressure is reflected in another telegram from the UK Foreign Office to the UK embassy in Washington sent on May 26. One sentence in it reads as follows: 'We feel that the disagreement over Palestine makes it the more important to maintain the fullest confidence over Kashmir...' FO to Washington tel no. 5697, May 26 1947. L/P&S/13/1947.

be stopped and its troops strength substantially reduced, and Pakistani troops would enter Kashmir legally under the mantle of the UN. The last of course was what made it imperative for the UK to insist that Pakistan had not sent the tribesmen; that they had gone into Kashmir on their own to stop a pogrom against the Muslims and aid a revolt against the Maharaja, and that it had done its best to stop them.

The telegram then went on to add:

> These proposals are similar to those made by Pakistan Prime Minister in public statement on 16 November. This will make it more difficult to secure agreement to them by the Government of India but United Kingdom consider nevertheless that they are the right solution.[14]

The strategy that Britain adopted at the UN was to get the Security Council to simply ignore India's complaint of aggression and go straight to the terms of a plebiscite. A strategy directive sent on January 5 to all of its 65 missions reads as follows:

The Government of India have on December 31st appealed to the Security Council under Article 35 of the Charter on the subject of aid given by Pakistan to the tribesmen who have invaded Kashmir and claiming that such assistance is act of aggression against India in view of Kashmir's accession to India.

1. Both India and Pakistan have publicly committed ultimately to a plebiscite in Kashmir under international auspices to determine whether Kashmir should join India or Pakistan. *Consequently the point at issue is how to stop the fighting and bring about conditions under which a fair plebiscite can be held rather than an arbitration between India and Pakistan* (emphasis added).
2. The UK delegation has been instructed to support any action which will be likely to bring about the conditions mentioned in Para (2) *such as the appointment of a small party of neutral representatives rather than the usual procedure, when Article 35 is invoked, namely, calling upon the two parties to seek solution by peaceful means,* since we see no hope of their reaching agreement by themselves (emphasis added).[15]

[14] *Ibid.*

[15] Telegram of January 5, 1948. L/P&S/13/1948.

This strategy paper is extremely revealing. Article 35 of the UN Charter requires the UN Security Council to recommend 'appropriate procedures or methods of adjustment' under the general rubric of the pacific settlement of disputes. In India's view, since it was already committed to holding a plebiscite under international auspices once the state had been cleared of raiders, the main issue—the one which had made it approach the Security Council—was Pakistan's aggression. The plebiscite could not be held till this was cleared. The Security Council *had* to pronounce on this. It *could*, if it wished, also recommend guidelines for the holding of the plebiscite.

Para 2 of the strategy paper showed that Britain was intent upon taking a different line. It wanted the Security Council to *ignore* the first issue and go *directly* to the second issue. How a dispute arose didn't matter; only its resolution did. What it sought to gloss over was the fact that a finding on the first was necessary to determine the frame of reference for the second. If the Security Council upheld the legality of the accession, as it was bound to, it would be compelled to ask Pakistan to secure the withdrawal of its nationals. If it confessed that it was unable to do so, that would leave India with the untrammelled right to force them out by whatever means was available. In either case, the plebiscite that would follow would be held on the basis of an Indian commitment, on Indian territory. That would automatically set limits to what the Security Council could recommend, for it could not suggest any procedure that questioned India's sovereignty.

Going directly to the second point would evade the issue of sovereignty, and allow the Security Council to treat the two countries as equal parties in the dispute. This would mean that the Security Council attached no legal significance to the fact that Kashmir had acceded to India. At least as far as Kashmir was concerned, the Instrument of Accession would lose its legality. Since this was manifestly impossible, the British position was not just wrong but perverse.

In the next few weeks London showed just how far it could carry its campaign. On January 4, the UK Foreign Office sent a telegram *en clair* to all UK embassies and missions to brief its ambassadors on the facts of the Kashmir dispute. As was to have been expected, it hewed very closely to the 'appreciation' of the Commonwealth Relations Office of October 31. Beginning with the somewhat erroneous information that the

population of the state was 80 per cent Muslim (against the actual figure of 77 per cent), its key paragraphs read as follows:

2. Anticipated negotiations for Kashmir's accession to Pakistan ...were not expedited by the Pakistan government, and in the meanwhile the Maharaja dismissed his pro-Pakistan prime minister and British Officers and during October rumours spread that he was awaiting his moment to accede to India.
3. Fighting broke out between Hindu state troops and Moslem inhabitants and Moslem units of state troops deserted. Local Pakistan officials *reacted* by stopping movement of petrol, sugar and other supplies to Kashmir and a 'Free Kashmir' government was set up in Muzaffarabad. At the end of October some 2,000 tribesmen from the North West Frontier Province entered Kashmir and joined by locals and Moslem state troops soon threatened Srinagar. The Maharaja appealed to the Government of India and the GOI accordingly accepted the Maharaja's accession subject to the proviso that ....

The provisos were, of course that 'when the raiders were driven out' there would be a plebiscite; and Kashmir would place administration in the hands of Sheikh Abdullah, whom the note described as 'a Moslem who had long worked in co-operation with the Congress party against the Maharaja' (emphasis added)[16].

The entire position paper was a masterpiece of misdirection. Kak could only at a stretch be described as pro-Pakistan, for it was he who mediated the rapprochement between the Maharaja and Sheikh Abdullah. The British in Kashmir could however have reported him as being so because he had a British wife who might have shared some of their antipathy to India.

The Maharaja also did not dismiss his British officers. As Scott had already reported, the Maharaja had offered him and the Chief of Police an extension of their contracts, but they had both preferred to resign because they had come to know that he intended to accede to India. Since they both resigned at the end of September, they knew of his decision well before that. Thus the position paper's statement that

[16] Telegram *en clair* to UK missions and embassies, January 4, 1948. British Library. OIOC L/P&S/13/1948.

rumours went around in October about his decision, is also a deliberate falsehood.

The officials who stopped supply of essentials to Kashmir were not 'local'. A deputy commissioner is a central government official. A defence ministry official is not only a central government official but is likely to be at the heart of policy-making. No one knew that better than the British who created the system.

Finally, supplies were cut off in late August and not October. The Maharaja complained to Patel of Pakistan's action on September 2.[17] And Grafftey-Smith had reported to London that 'the fact remains that the DC of Rawalpindi has prevented supplies into Kashmir for the last six or seven weeks' in mid-October.[18]

The briefing paper that the British government sent to its ambassadors and high commissioners was thus a deliberate concoction of lies. Its sole purpose was to rebut India's case that Pakistan had planned the invasion of Kashmir, and to show that the Pathan tribesmen had gone into Kashmir on their own to save the lives of the Maharaja's Muslim subjects who had revolted when they found out that he intended to accede to India. This would largely invalidate India's complaint of aggression. Diplomacy frequently demands that one lie for one's country. But the truly disreputable feature of this paper was that the British Foreign Office (or the CRO if it prepared the draft) had chosen to lie to its own ambassadors. It knew that they would be more convincing to others only if they believed what they were saying.

What use the British missions put this to is made clear by a telegram sent by the UK embassy in Washington to the Foreign Office on January 5:[19]

> We have been maintaining daily contact with the State Department on this matter and *since they themselves admitted that they were short of background information, have shown them freely the useful material which you have*

[17] See Chapter 2.

[18] L/P&S/13/1845b. Cited already.

[19] It is not clear whether this paper was shown to the State Department or used as a background paper for briefing it. But it seems likely that the entire paper was passed on to it. Writing in 1991–92, Dennis Kux described the origins of the Kashmir dispute as follows:

'The Hindu ruler of Kashmir, an unpopular despot, hesitated. *Before the British relinquished power he took a preliminary step toward Pakistan but failed to complete*

prepared and informed them of the development of your thought. In this way we have, I think, been able to help them in the briefing of the United States delegation in New York and *to exercise some influence over the formulation of their policy.*

They have now prepared a paper for the guidance of their delegation ... *seems to be satisfactory as far as it goes.* It stresses that the United States delegation's aim will be to prepare the way for an eventual plebiscite. United States delegation are told that while the United States government (*who share our views as to the importance of the matter*) are anxious to help, the US delegation should if possible avoid taking too open a lead or assuming sole responsibility for proposing a comprehensive settlement. US delegation are advised to maintain close contact with the UK delegation and to examine with them the possibility of asking some other delegations such as the Canadian, to play a more leading conciliatory role.

State Department expressed general agreement with yourtel under reference but commented that both avoidance of investigation into the past (Para 3) and establishment of 'neutral' administration [Para 4(3)] might in practice prove difficult at attainment; the former because the Pakistani delegation was likely to drag up past issues and the latter because of the difficulty of finding anyone other than British subjects with the requisite knowledge and experience for the job.

It would not be an exaggeration to say that these few days decided the relationship of the US with India for the next 50 years—vestiges of which linger till the present day. The seeds of the Cold War had already been sown with the abrupt termination of US lend-lease military and economic aid to the Soviet Union after victory in Europe and the Soviet Union's creation of a *cordon sanitaire* of communist regimes in Eastern Europe. The US had become first puzzled and then concerned not so much by India's determination to stay uninvolved in the gathering power struggle, but the sneaking sympathy that Nehru and Krishna Menon displayed towards the Soviet Union and India's consequent refusal to judge the Soviet Union's actions. This had already led to one outburst by John Foster Dulles in January 1947, then Republican Party adviser to the US delegation to the UN, in which he criticized communist

the act of accession.' (*Estranged Democracies* Sage Publications. p. 59). Since we know that the Maharaja never came close to considering accession to Pakistan and never began any negotiations with Pakistan, this piece of misdirection could only have come from a British source.

influence in the then interim Indian government. After the visit of Raymond Hare, a senior career diplomat, to British India in the spring of 1947 during which he had a number of unsatisfactory talks with Gandhi and Nehru, the perplexity in Washington had deepened.[20] Hare's talks with Jinnah differed markedly from his talks with Gandhi. Jinnah forthrightly asked for US economic aid to Pakistan and other Muslim countries to bolster their fight against communism.[21] The ground was therefore ready for the US to start looking for an alternative to India as a bastion of the free world in the region.

The way in which the British government manoeuvred a pronounced American tilt towards Pakistan over the Kashmir dispute, sealed Indo-US relations in a mould of mutual antagonism for the next 50 years. In the guise of supplying information on *facts* and *background*, the British fed the Truman administration an *interpretation* of the events that led to the Kashmir war. As we now know, not only was this interpretation incorrect, but as was shown in the previous chapter, the British did this knowingly. The US trusted the British to give it a fair account of the antecedents of the dispute. What it got instead was a concoction designed to exonerate the Pakistan government of every shred of blame for the outbreak of hostilities, and to put all blame on the Maharaja's Hindu troops and the insensitivity of the 'Hindu' Indian government to the feelings of Muslims in Kashmir.

The purpose of this blatant partisanship was to co-opt the Americans into adopting its strategic plan for the region. Britain's keenness to make the US take over its security responsibilities in the Middle East was an extension of its handing over of the hegemon's role to the US in the Balkans later in the same year—a step that led to the enunciation of the Truman Doctrine and the formal start of the Cold War. But while the US had a strong interest in the post-War disposition in Europe, it did not then share Britain's concern for building an anti-Soviet alliance of states across the Middle-East. This was reflected, among other things in, in its less than enthusiastic reception of the British proposal, made in 1947, to create a Middle East Defence Organisation (MEDO). It was only after the Chinese communist revolution and the outbreak of the

[20] Dennis Kux: *Estranged Democracies; India and the United State* 1941–1991. Sage Publications, 1994, pp. 51–55.

[21] *Ibid.*, p. 84.

Korean war that the US State Department began to veer around to the idea.[22]

In New York, the UK delegation showed a similar, unbounded zeal for predetermining the recommendations of the Security Council. At a meeting on January 17, the UK, supported by the US, suggested that the delegations of India and Pakistan should meet under the chairmanship of the President of the Security Council (Van Langenhove of Belgium) and 'under his guidance' find some 'common ground on which the structure of a settlement may be built'. The Indian delegation accepted this suggestion 'with great willingness, with great enthusiasm and with full regard to what is happening in India today.' Little did the Indian delegate, Gopalaswami Ayyangar, know what the British had in mind.

Within two weeks, the British delegation had prepared a draft resolution, not for presentation to the Security Council, but to be handed over to the President of the Security Council 'for his background' as he talked to the delegations of India and Pakistan.[23] The distinctive feature of the UK draft resolution of February 4 was that it placed Pakistan and India on an absolutely even footing in Kashmir. The Maharaja's government including, of course, Sheikh Abdullah, had to be ousted and the administration of the state had to be handed over to a Council of Administration to be set up under the Security Council. Three members of this council had already been chosen under the Security Council resolution of January 20th.

India was to vacate Kashmir Valley and withdraw its troops to the 'predominantly Hindu parts of the State, i.e., to Jammu. Pakistan was to be allowed to bring its own regular troops into Kashmir to station them in the predominantly Muslim parts of the state.

The key clauses of this draft were:

'Srinagar shall be occupied by equal numbers of Indian and Pakistani forces'.

'The UN commander shall be in direct touch with the Council of Administration (which)... shall be set up by the UN Security Council'.

[22] *Ibid.* pp. 84–85. Henry Byroade, US Assistant Secretary of State for the Near East and South Asia, put forward exactly the plan that Wali Khan described later in his book (*Facts are Facts: The Untold Story of India's Partition*). Byroade 'saw an alliance extending from Turkey to Pakistan as forming a natural geographic arc of Muslim state'.

[23] Tel. of February 4, 1948. British Library OIOC/L/P&S/13/1938.

'The headquarters staff (of the UN administration) shall not be Indians or Pakistanis'.

'The military forces (in Jammu and Kashmir) to comprise equal numbers of India and Pakistan forces under a neutral commander appointed by the Security Council.'

Two more clauses were added, after further correspondence with London: that arrangements should be made to facilitate the return of all refugees, and that Sikhs and others who had entered Jammu from India should be made to vacate the state first. The first was obviously fair and was supported by India in the Council, but the second was another blatant effort simultaneously to minimise Pakistan's involvement in the raids on Kashmir, and to equate it and India morally, by claiming that there had been similar incursions by Sikhs into Jammu. This was based on an allegation by Pakistan, possibly supported by Mudie and Grafftey-Smith. No evidence of such a Sikh incursion was offered by Pakistan then, and none has surfaced since.[24]

The key feature of this resolution was that if it was strictly interpreted, it would allow Pakistani troops to be stationed in Kashmir which was a predominantly Muslim area. What would then have happened to Sheikh Abdullah and the National Conference as the valley was 'pacified' in preparation for the plebiscite, does not need to be spelt out. In presenting this draft to the Belgian President of the Security Council, Britain went far beyond the dictates of equity or judicial objectivity. Other members made speeches putting forward their views and the Colombian delegation, acting almost certainly as a surrogate for the US, submitted a memorandum to the Chairman of the Security Council.[25] Britain, however, went a long way further. It did not wait for Van Langenhove to meet the Indian and Pakistani representatives first, come to some

[24] See, for instance, Foreign Office telegram No. 524 of February 7, 1948. It said: 'We think that it (the draft resolution) might be made more acceptable to the Government of Pakistan (if) it *in particular require the government of India to take action as regards Sikhs and Hindus not normally residents in Kashmir similar to that required of Pakistan government as regards Muslim intruders*'. *Loc. cit.* Emphasis added.

[25] Para 2 of UK del. telegram no. 383 of February 7 to the UK Foreign Office. It claims to have taken into account the speeches made by other members of the Council, but to have used 'as much as is acceptable of the memorandum put in by Lopes of Colombia'. L/P&S/13/1938.

preliminary conclusions and perhaps consult it and other delegations afterwards. It look the initiative and tried to influence Van Langenhove's thinking before he met the representatives of India and Pakistan. More specifically it wanted Van Langenhove to put the weight of his presidency behind a proposal to India that it should give to Pakistan voluntarily what Pakistan had been unable to obtain by force of arms, i.e., control of Kashmir Valley.

It did not take Noel Baker long to report the success of his advocacy. On the 7th of February, he reported to London:

> I think the Indian delegation have been greatly impressed by the speeches made by other members of the Council and by the firmness of McNaughton (Canada) and Austin (the USA). In the Council debate no one gave the Indians any support at all. The Chinese delegate, while declaring that the whole plebiscite must be organised and run by the Security Council, expressed doubt about taking over the whole government of the country for the interim period, but agreed that the problem should be discussed in the chairman's negotiations. This was the only crumb of comfort which Ayyangar obtained. As you know, the Russians have been entirely silent and have given McNaughton to understand privately that they will go along with the Council....
>
> Pakistan's case has been greatly helped by Sheikh Abdullah's speech. He convinced the entire Council that he does not really want to end the fighting but wants to crush *the revolt* in Kashmir as a prelude to an election and plebiscite, which he would run himself. *I think he convinced every member of the Council that he is so violently partisan that he would be totally unfit for the task* (emphasis added).
>
> We have therefore some hope that Indian attitude may be better when negotiations are resumed on Monday. If there is no change, McNaughton means to come back quickly to the Council and to secure the endorsement of his proposal.[26]

This telegram shows, firstly just how closely the British, the Americans and the Canadians were working in the Security Council to manoeuvre India into accepting the President of the Council's suggestions without letting India know that this was based on a draft provided by Britain that was simply a consolidation of the proposals made by Pakistan 12 weeks earlier. It also reflects the intense lobbying Britain was doing to convince the remaining members of the Security Council that there had

[26] UK del telegram of FO No. 383 of February 7, 1947. L/P&S?13/1938.

been no invasion, but a revolt in Kashmir. The success of this effort was reflected in Noel-Baker's confident assessment that Sheikh Abdullah had, by refusing to accept a cease fire till the raiders had been cleared from the soil of Kashmir, revealed himself to be an Indian puppet.

Throughout the first six weeks of the Security Council's deliberations, the Indian delegation remained blissfully unaware of the depth of the intrigue that was going on to undermine its position in Kashmir. Products of British education in British schools, universities and inns of law, they had long ago internalized the Britishers' view of themselves and simply did not believe that their famous sense of 'fair play' was a fair weather concept. Although Gopalaswami Ayyangar had grown increasingly disturbed by the sceptical reception his statements were getting in the Council and the ready acceptance of anything that the Pakistan representative had to say, he had no idea why this was happening. He, and for that matter Pandit Nehru and his closest advisers, G. S. Bajpai and K. P. S. Menon (both products of Oxford University, while Nehru was from Harrow and Cambridge), continued to believe that this scepticism was born of ignorance or incomprehension. They therefore continued to place their faith in being reasonable, displaying a spirit of compromise and making a more detailed presentation of facts and evidence.

It was with this in mind that they asked Sheikh Abdullah to address the council on February 5. Their first rude shock came when Abdullah called on Noel Baker on February 7. The accounts of the two regarding what actually happened are so much at variance with each other that one has to decide who was telling the truth by referring to the consistency of their accounts with their other statements. After the meeting, Abdullah reported to Ayyangar (as conveyed by Nehru to Attlee) that in course of the conversation Noel-Baker had said: (i) 'that charges made by India against Pakistan of assistance and encouragement given to the raiders are not, repeat not, true; (ii) that his own sources of information ... had sent similar (assessments) from which he was satisfied that Pakistan government is blameless'.[27]

Nehru's next statements showed that Noel-Baker's views had finally crystallized India's feeling of danger and betrayal:

[27] CRO telegram No. 469 to UK High Commission of India copied to Pakistan. 0100 hrs. February 9, 1947, conveying text of Nehru's message. L/P&S/13/1938.

I confess that these are astonishing statements to make. The least we could have expected from him was that, if he had received such information, he should have discussed it with our delegation in New York. Indeed we should have expected that His Majesty's Government refer the matter to us. That *exparte* conclusions of the kind attributed to Mr Noel-Baker should have been reached appears to us to be wholly inconsistent with the impartiality which we have a right to expect.

Noel-Baker's account, presented by him first and then in a formal communication in the third person by the Secretary of State for Commonwealth Relations, could not have been more different. The key paragraph in the former was:

After a long diatribe by Sheikh Abdullah about Pakistan's treachery I said that my military advisers, including General Scoones, were of the view that whatever Pakistan had tried to do she could not have entirely prevented tribesmen from reaching Kashmir through Swat Valley and the hills. I used no words in any way resembling the statement that Pakistan was not giving assistance to the raiders or that India's allegations were false. As the Sheikh spoke nearly all the time and hardly listened to what I said *his report of the conversation is not likely to be accurate* (emphasis added).

In short, Sheikh Abdullah was a liar. The official report seeks to reinforce this impression but ends by revealing, inadvertently, much more than it intended:

Secretary of State started by making it clear that Kashmir situation was one in which he was quite impartial and that his only concern was to stop the fighting and to introduce measures whereby the people would be given an opportunity to express their views as to their future in a free and fair manner....

Sheikh Abdullah reacted by producing all the arguments that he had presented during his speech of February 5th. He laid particular stress on his own position in Kashmir as the chosen leader of the people in their fight for freedom... He *denied* hotly (i.e., he was accused of turning a blind eye to), and therefore not seeing that the tribesmen came spontaneously to save their Muslim brethren) that there had been any killings in Kashmir before October and laid the whole blame for events on action of Pakistan government. ...His only solution to the problem was that Pakistan government should be called upon to remove the tribesmen. Thereupon Indian troops would suppress local insurgents (he actually used the word 'suppress') and would organize elections for a new representative government which would then organize and run a plebiscite....

(then follows a brief description of a conversation that must have been really unpleasant)...

Since further discussion was producing nothing constructive, the interview was ended by the Secretary of State (the host, not the guest: in short, Sheikh Abdullah was asked to leave). Sheikh Abdullah's parting words were 'we shall hold a plebiscite under conditions laid down by ourselves'.

There is so much obvious anger in this (and doubtless in Abdullah's) report, that one cannot be sure of what to believe. What is clear beyond any shadow of doubt is the root cause of the quarrel that so obviously flared up between the two. Noel-Baker made it clear that he did not accept India's sovereignty over Kashmir; did not accept the Indian version of what happened in Kashmir; and did not accept Sheikh Abdullah's stature as a major political leader of Kashmiri Muslims. What is also clear is that in order to do so, as in all British 'appreciations' and 'position papers' on Kashmir, Noel-Baker continued to hide or misrepresent facts that he already knew. By far the most important is the correctness of Abdullah's statement that till October there had been virtually no violence in the state of Kashmir. The CRO had received Gen. Scott's last report which said exactly the same thing, as far back as the middle of October. Noel Baker's signature is on its digest of Scott's report, dated 16th October.[28] Noel Baker's own statement that he never said Pakistan had not assisted the raiders is the opposite of what he wrote to Lord Ismay in his letter of October 31, 1947, the CRO appreciation of the Kashmir situation of the same date and every other assessment it made. It was the basis of Britain's attempt to equate Pakistan and India before the Security Council. And above all it was the basis of Britain's determination to get a cease fire in Kashmir without first requiring or allowing India to push all the raiders out of Kashmir.

Sheikh Abdullah's report of what Noel Baker told him was therefore consistent with what Britain had been telling everyone else. Noel-Baker's report was not. Attlee was fully aware of this. That is why in his reply to a strong complaint by Mountbatten on the same subject, he attempted to defend Noel-Baker by saying 'The points *mentioned by Sheikh Abdullah played so minor a part in the conversation that they are not*

[28] *Op. cit.* Ch. 7.

mentioned at all in Gen. Scoones' note' (emphasis added). He did not say that Noel-Baker did not say Pakistan was blameless.[29]

Nehru was not the only one who was disturbed by Britain's attitude at the UN. On the 8th of February, Mountbatten wrote to Attlee describing the hurt and anger being felt by India at Britain's stand in the UN. If Noel-Baker did not adopt a more even-handed approach, he warned, India might well be driven out of the Commonwealth, and into the arms of the Russians. Mountbatten's letter triggered immense anger in London. This was reflected in an accusation by Attlee that he was making a 'veiled threat' to Britain on India's behalf. Mountbatten, however stuck to his guns. In a reply to the prime minister dated 11th February, he wrote:

> I reported what I feel might be the outcome of an adverse award given at a time when opinion here is antagonized by what is considered British support for American power politics in contrast to Russain sympathy for India's just claims. ...
>
> I tried to convince him (Nehru) once again that motives of power politics are not influencing the outlook of the majority of members of the Council. But I was not successful. He told me that nearly all the members of the diplomatic corps in Delhi had informed him that they considered that India's case was a good one. Why, then, was such a different line being taken at Lake Success? There must, he thought, be wider considerations that were influencing the viewpoints of the Security Council members there.
>
> He quoted to me particularly the fact that the Belgian Ambassador to India had, on his return from Belgium in the second week of January, indicated to him his belief that good as India's case was, it was likely to meet with grave difficulties because Pakistan would be ready to prostitute herself to America to get a favourable award.

The British Foreign Office was not as optimistic as Noel-Baker. It was fully aware that while the Indian delegation in New York might succumb to pressure, New Delhi was unlikely to do so. Its problem was how to convey this to Noel-Baker without treading on the CRO's turf. It did this with masterly circumlocution. It first suggested ways in which pressure could be built up on Delhi to give its delegation in New York the required instructions:

[29] CRO telegram to UK High Commission in India. Attlee's message to Mountbatten. 7.25 PM, February 10, 1948. L/P&S/13/1938.

> (Since) both delegations are bound by the instructions of their governments, can the Security Council sponsor some action with the governments of India and Pakistan which would persuade them to authorize their delegations to accept a settlement, lines of which commend itself to the council. The two alternatives were prolonged unfavourable publicity in the international media to demonstrate the unreasonableness of (the) uncompromising attitude of either party, or to ask a leading delegate such as Van Langenhove to visit Delhi and Karachi and obtain the necessary assurances.[30]

Only then did it voice its reservations:

> ...it is difficult to believe that scheme proposed by you, whatever may be its merits, ...would not precipitate violent criticism in Delhi such as might well wreck the chances of an agreed settlement in Kashmir.[31]

The British delegation, however, remained unfazed and went about pressing Pakistan's case to the other members of the Security Council with what can only be described as missionary zeal. It so overdid things that on February 16 the Foreign Office cabled Noel Baker: 'The Foreign Secretary is somewhat nervous about the risks of premature disclosure... I hope you will make it abundantly clear that at all events for the present is for background planning and not a set of proposals to which we are committed.'

The British Foreign Office was not the only organization that was disturbed by Noel-Baker's headlong rush. The US State Department too was getting a very different message from some, at least, of the other members of the Council. It finally brought these and its own perceptions to Noel-Baker's attention in a meeting in the office of the US delegation to the UN attended by three representatives from the British delegation[32] and the Belgian permanent representative, in his capacity as chairman of the Security Council.

Despite the fact that the British representatives were bound to minimize the differences that had cropped up, in their report to London, the very first paragraph of the notes underlined the differences. The

[30] Foreign Office's reply to Noel Baker's telegram containing the draft proposal, dated February 6, 1948. L/P&S/13/1938.

[31] *Ibid.*

[32] The British representatives were Sir Cecil Griffiths, Gen. Scoones, Military Adviser to the delegation, and B. R. Curson who took notes of the meeting.

Belgian representative began by indicating that he was urging the parties to proceed by stages in the resolution of the dispute and was contemplating bringing about a cease-fire in Kashmir on lines similar to those adopted in Indonesia. The reference to Indonesia may have been inadvertent, but it shows to what extent the British delegation had succeeded in shaping the chairman of the Security Council's view of the Kashmir dispute. In Indonesia, the cease-fire had been between a colonial power and a freedom movement. In Kashmir, he had clearly assigned the former role to India while reserving the latter for the tribesmen and 'local insurgents'. The US, however, threw cold water on the proposal. Curson's exact words describing this are:

> In discussion it was pointed out that the opposing factions in Kashmir were scattered over the country in such a way that it would be exceedingly difficult to draw any line of demarcation. *Any cease-fire agreement would moreover involve United Nations recognition of the Azad government and would in any event be difficult to enforce in the special circumstances existing in Kashmir* (emphasis added).[33] Given the stress that both Britain and Belgium were putting on an immediate cease-fire, it does not take much to deduce who 'pointed' this out.

The US representative, Noyes, indicated furthermore that Austin, the US representative on the Security Council 'felt doubt' about the UK draft scheme on two points: first its requirement that India should agree to the entry of Pakistani troops into Kashmir which for the time being at any rate was Indian territory, and second 'the desirability of the UN taking over the *whole* of the Kashmir administration for the single purpose of bringing about fair conditions for holding a plebiscite' (emphasis in original).

Noyes went on to say that the United States delegation was fully satisfied that the UK scheme was the ideal way of accomplishing the desired end. But the method proposed would certainly be unpopular with the Government of India, and it was doubtful whether the council would be willing to impose such a decision upon the parties. 'The Soviet Union would possibly veto the plan; the Chinese might similarly not regard it with favour *and in fact it was doubtful whether even seven affirmative votes would be forthcoming*' (emphasis added).

[33] Note of Meeting with United States and Belgian officials at US delegation offices on Monday, February 16, 1948. Drafted by G. F. Curson. L/P&S/13/1939.

Despite its obvious understatement, the note made it clear that the US put forward four objections to the British Plan. The first was that it required UN recognition for the Azad Kashmir government which the US was not prepared to endorse. Second, it considered Kashmir, at least for the time being, to be Indian territory and did not see how the UN could make a recommendation that required India to accept Pakistani troops upon its territory. Third, for the same reason, it did not see how the UN could recommend taking over the whole of the administration of Kashmir, i.e., take it out of the hands of both the Maharaja and Abdullah. Fourth, it knew that several other delegations shared these reservations.

Noyes went on to say that the US wanted concentration of all Indian troops in one or two places where they could be closely controlled and supervised and where they would be unable to interfere with the local populace of Kashmir. Gen. Scoones told Noyes that 'Pakistan will not be able to persuade the tribesmen and the Azad forces to withdraw if its troops were not allowed into the state'. The British representatives also argued against forming a coalition government of the National Conference and the Muslim Conference. Sir Cecil Griffin explained briefly the administrative system that existed in the Indian states and the immense power which could be exercised over a plebiscite by the local revenue officials, schoolmasters, etc. The US after some more discussion agreed that the United Nations should become responsible for certain functions, but Noyes reserved his position on the degree of UN control that would be necessary.[34]

Had the US really been in the driver's seat on the Kashmir issue, as Nehru had persuaded himself, this should have been the end of the British draft resolution. But Noel-Baker's next action shows to what extent he considered himself to be in charge of 'allied' strategy in the UN on this issue. Based on the contents of Mountbatten's February 11th letter and the discussions of the 16th of February he concluded that the person who was influencing Washington in favour of India must be Dr Henry Grady, the US Ambassador in New Delhi. He therefore sent a request to the Foreign Office suggesting that 'Grady should be approached about his reported sympathy with the Indian case at the

[34] *Ibid.*

Security Council over Kashmir.[35] The Foreign Office did not only copy this to its embassies in Brussels, Paris, Washington and Nanking but appended the following revealing message:

> For your own secret and personal information we have good reasons to believe that the Indian Prime Minister is contrasting the attitude of the diplomatic representatives of the member states of the Security Council at New Delhi with the attitudes of these members as revealed at the proceedings at New York. Pandit Nehru considers that at New York the powers have not given India a fair hearing and that her case against Pakistan has been ignored in favour of 'power politics'. ... It is likely that the latter have not in all cases been fully briefed on the attitude adopted by their governments at New York.... My telegram to New York under reference will show you the line which ... you should take with the governments to which you are accredited.[36]

The CRO sent a very similar message to the high commissions in the commonwealth countries that were members of the Security Council:

> As you will have appreciated, some caution will have to be exercised in any approach to the governments you mention if impression is not to be created that we are criticising efficiency of their liaison with their representatives in Delhi.[37]

Nehru was thus correct in his surmise that India was being sacrificed at the altar of power politics in the United Nations. He just did not understand that the high priests were not in Washington but London.

The US government's obvious lack of enthusiasm for Britain's plan did not dampen Noel-Baker's ardour. Informing them that the Security Council had adjourned on February 12th, on February 20th the Foreign Office sent out the following telegram to all missions:

> All members of the Security Council (except Russia and Ukraine who remained silent) agree that only an immediate cessation of hostilities and plebiscite under United Nations authority to ensure impartiality could solve the problem peacefully....

[35] Foreign Office telegram No. 2145 to (UK Embassy) Washington, copied to New York, Paris, Brussels and Nanking (i.e., to all Permanent Members of the Security Council except the USSR). L/P&S/13/1947.

[36] *Ibid.*

[37] CRO telegram 188 to HC in Canada and 133 to HC in Australia. February 25, 1948. L/P&S/13/1947.

Resolution in this sense was drafted by the President (by now it was McNaughton of Canada). This followed the British draft very closely for it required the UN to take over the administration of Kashmir and India and Pakistan to provide military forces to it to create the conditions for a plebiscite. Pakistan was inclined to accept this resolution but India was not.[38]

On February 22nd, the CRO telegraphed its high commissions in Delhi and Karachi:

> The unanimity on all important points which gradually developed among countries with such diverse interests and outlooks as China, Argentina, France, Colombia, Belgium, Syria, United States, Canada and ourselves, (i.e., everyone but the USSR and Ukraine) was very remarkable. This can only be attributed to the fact that they were looking at the matter objectively on its merits. The suggestion in the Indian press that 'power politics' influenced Security Council is nonsense. ...
> In discussion of McNaughton's draft resolution the Indian delegate insisted that
>
> (a) Sheikh Abdullah must set up administration in Kashmir and carry out general election after rebels had been suppressed.
> (b) The government so elected should conduct the plebiscite although UNO advice and observers would be allowed.
> (c) Indian army would continue to occupy Kashmir till the plebiscite was over.
>
> Indian delegation further demanded that Security Council should call on Pakistan to deny any facilities in their territory to intruders and insurgents in Kashmir to enable Indian military forces to restore order. They asked that Pakistan should be instructed to act at once and without anything being agreed about the final plebiscite in Kashmir.
>
> In other words Indian delegations expected Security Council to order Pakistan to hold the ring while the Indian army crushed by military force population of Mirpur, Poonch, Muzaffarabad, and presumably Gilgit. ... it would be impossible for Pakistan to accept such an arrangement without provoking a very serious tribal movement... in any case the subjection of population of predominantly Muslim areas in Kashmir by Indian military forces, under as it were, the authority of the Security Council, is not a solution that world opinion would stomach. Device of general election before plebiscite would not help because general election organized by Sheikh Abdullah would be suspect to Security Council.

[38] FO telegram no. 77 to all missions, dated February 20th.

In well-reasoned paragraphs, Noel-Baker went on to highlight the weaknesses of the Indian proposal:

> ...The Government of India has now changed their position regarding Kashmir. At the end of October they sent troops into the State in order to save Srinagar from the tribesmen and relieve Dogra garrisons. The policy implicit in the case they presented to the Security Council is one of crushing Muslim opposition in the State by force....
>
> Whereas Nehru's broadcast of 2nd November and his telegram to Liaquat of 8th November offered plebiscite conducted by United Nations, Indian proposal (now) is that it should be conducted in effect by Sheikh Abdullah....
>
> Moreover while Government of India's acceptance of Kashmir's accession was described in October as provisional pending a plebiscite, Indian delegation have now claimed that for anyone else to help them 'restore order' in the state or undertake the plebiscite instead of Skeikh Abdullah would be an infringement of Indian or Kashmir sovereignty. *But such tenderness about sovereignty is inconsistent with whole idea of settlement of international disputes with help of United Nations and with Indian practice in Junagadh* (emphasis added).[39]

Noel-Baker went on to describe the Indian demand that the Security Council first concern itself with stopping the fighting and take up the conditions for a plebiscite at a later stage as impracticable. He insisted that the first could not be done without setting conditions that ensured the fairness of the second. He also refuted Indian charges that the Security Council was delaying action that could stop the fighting, for the same reason.

Noel-Baker's appraisal was well reasoned, but only if one started from the assumption that Kashmir's accession to India was a 'fraud' as Pakistan called it, or in some other way, of no legal significance. The change in India's stance which he deplored arose out of Kashmir's Accession. The initial purpose of sending Indian troops was never to protect Srinagar alone, although that had undoubtedly been its first objective. Noel-Baker's appraisal did not answer the basic question that India kept raising: India had brought a complaint of aggression to the Council. Aggression is an infringement of sovereignty. Therefore the first question that the Security Council had to decide was whether India had sovereign rights

[39] Telegram No 634 from CRO to UK high commissions in India and Pakistan, February 23, 1948.

in Kashmir. If Kashmir was a part of India, the Indian government was well within its rights to demand a resolution from the Council asking Pakistan to pull the raiders out and not fan, or assist, any local insurgency. If India did not enjoy sovereignty over Kashmir then, and then only, did the Security Council have the duty to demand an immediate cease-fire from both the parties without asking either one to leave the territory it occupied, and go straight to the conditions for holding a plebiscite.

Noel-Baker conceded in principle that India had at least 'limited sovereignty' over Kashmir, although he did not define what he meant by 'limited'.[40] Other members of the Council went further. But he set even this sovereignty aside in practice and bent every muscle to make other members of the Council do the same. Mountbatten, to whom the British High Commission gave a copy of the CRO's appreciation of the situation at the UN on Attlee's request, minced no words in a letter to Attlee written on February 24th:

> I must once again give my opinion that when a complaint is brought before an independent tribunal, the first thing which should be done is to see that the complaint is dealt with. I do not suggest that it should not be linked with further consequences which may flow from it but at least the complaint must be kept in the forefront of their handling of the affair.
>
> In this case, India's complaint was passed over at the request of Zafrullah Khan, backed by Noel-Baker on 21st January to the extent that the cart was put before the horse, i.e., the plebiscite has become the first issue.[41]

The United States soon made it clear that it was playing no part in this relentless diplomatic offensive. On February 27, it gave to the British delegation an advance copy of its own draft resolution on the Kashmir issue. Its salient points were that it asked the tribal and other intruders and insurgents within the State to stop fighting. It asked Pakistan to 'undertake to use its best endeavours' to stop these elements from continuing to fight and asked it to prevent supplies and other materials from falling into the hands of the above elements. Pakistan was asked to reassure the tribal and other elements that voting would be fair and all

[40] The UK view was expressed in the 16th Feb meeting with US and Belgian representatives. It was L/P&S/13/1939.

[41] Inward telegram to CRO from UK High Commission in India, No. 459 of February 24, 1948.

would vote freely. Concurrently, it asked the Indian government to withdraw its troops to garrisons, but did not require that these should be outside Kashmir. It also asked the Indian government to withdraw Indians not normally resident in Jammu and Kashmir who had entered since August 15. Law and order, according to this draft, was to be maintained by 'locally constituted provisional forces' till an interim government was formed. The interim government would consist of 'responsible elements of the principal political elements'. Finally, Pakistani troops would be allowed to enter the state only if '*both dominions' agreed.*'[42] The US draft resolution therefore conceded India's sovereignty in Kashmir although in a watered down form. Notings on the margins of this file show that the UK was far from happy with the US draft.

The subsequent history of the Kashmir dispute in the Security Council has been extensively documented and lies outside the scope of this book.[43] But it is worth noting that from the first resolution introduced in the Security Council in April, rejected by both India and Pakistan, to the UN Commission on India and Pakistan (UNCIP) resolution of August 13, 1948, which was accepted by both countries, Britain failed to get the USA and other members of the Security Council to ignore the fact of Kashmir's accession to India while laying out the terms and conditions for a plebiscite.[44] What it did succeed in doing was to prevent India from obtaining an endorsement of its original complaint of aggression by Pakistan. This remained the case even after the Security Council came to know that Pakistan had sent its regular army into Kashmir.

[42] Sent by G. F. Curson to the CRO on February 27, 1948. L/P&S/13/1939.

[43] Perhaps the most exhaustive study is by Sisir Gupta: *op. cit.*

[44] The April 28 resolution required the Pakistani nationals to vacate first. Only when the UNCIP was satisfied that this was happening would India begin to withdraw all but a minimum number of troops from 'the forward areas'. The British also failed to gain backing for their attempt to wrest the administration of Kashmir away from India. Only matters pertaining to the conduct of a plebiscite were to be ceded to a plebiscite administrator to be appointed in consultation with the UN Secretary-General. Lastly, Pakistan troops could only be deployed in any area for maintaining law and order, *if India agreed.* The August 13 resolution strengthened all of these basic features. This was because by then Pakistan had admitted to the UNCIP that it had sent its regular army into Kashmir. See later. Gupta: *op. cit.* pp. 166–71 and 179–81.

Escalation of the Kashmir War, and India's Second Mistake

As spring ripened into summer in Kashmir, Britain's complicity with Pakistan deepend into a tacit military effort to prevent India from gaining control of the whole of Kashmir state pending a cease-fire and an agreed resolution of the dispute in the UN Security Council. This took the form of introducing the Pakistan army surreptitiously into Kashmir. Pakistan first publicly admitted that it had done so in the very first interview Sir Muhammad Zafrullah Khan gave to the UNCIP. Zafrullah admitted that three brigades of Pakistani troops had been operating in Kashmir since May, and gave no fewer than eight reasons for this action, which included reinforcing the Azad Kashmir forces and preventing a *fait accompli.* But the most significant one was to prevent India from establishing a link with the movement for Pakhtoonistan.[45] This was exactly the justification that Akbar Khan had given (and would later publicise in his book) for hatching a conspiracy to seize Kashmir by force.

The news came as a bombshell to the Council members,[46] but it should not have. For the British knew about Pakistan's decision to send in her regular army from the day the troops went in. It decided, however, not to let any of the other members of the Security Council into the secret. The exchange of telegrams between Washington and London makes this abundantly clear. Despite the close cooperation that the UK was seeking to establish with the US government, the first query came from the USA. On May 10, the British embassy in Washington sent the following telegram to the UK Foreign Office:

> State Department have received report dated 8 May from US Ambassador at Karachi stating that Military Attache has obtained reliable information that three battalions of the Pakistan army are in Kashmir near Uri, Poonch and Mirpur, respectively. State Department would be glad to know whether you have received similar reports.[47]

[45] Gupta *op. cit.* p. 175. This admission explains the various stratagems that Pakistan used to avoid having to pull out of Kashmir altogether as a precondition to a plebiscite.

[46] Gupta: *op cit.* p. 175, quotes Korbel as having used this word.

[47] L/P&S/13/1947.

The Foreign Office took a full 16 days to confirm what the State Department had found out, but went on to add a revealing piece of advice to the embassy in Washington:

> Our information *now* suggests that the presence of Pakistani troops in Kashmir is indisputable... . The Indians have from various sources (including interrogation of a prisoner from one of the battalions) now become aware of *the presence of one and possibly two battalions* in Kashmir.
>
> We feel that the disagreement over Palestine makes it all the more important to maintain fullest confidence over Kashmir and you should therefore convey to the State Department the information contained in the preceding paragraph emphasising...the need to ...refrain from further recriminations in New York and elsewhere that might only aggravate the attitude of the two parties....[48]

After a lapse of 10 days, the Americans agreed to keep the Pakistani incursion a secret from the UNCIP.[49] But behind this veil of sudden candour the British were still telling the Americans something less than the whole truth, for on July 13, after severe clashes occurred in Kashmir between troops of the regular Pakistani and Indian armies, the Foreign Office officially informed Washington that large numbers of Pakistani troops *were in fact already deployed in Kashmir.* What it told the US State Department was contained in another telegram, sent to the delegation in New York:

> We have learned privately from General Gracey that Pakistan now has over three brigades in Kashmir.[50]

It went on to add

> We have warned Pakistan that attack by aircraft on Indian bases could scarcely fail to precipitate hostilities between her and India and that in that event we would have to enforce the stand down order on British personnel in the armed forces of both Dominions. We have made similar intimation to India'.

[48] FO to Washington. Tel No. 5697 *ibid.*

[49] Telegram from UK delegation in New York to FO No. 1683 of June 7, 1948: 'For the time being and until receipt further information from US representative at Karachi, the United States Government do not propose to pass on to other members of the Kashmir Commission information with regards to present dangerous state of affairs in Kashmir'.

[50] Tel No. 3018. FO to New York. July 13, 1948. *Loc. cit.*

The telegrams reveal the way in which British involvement on Pakistan's side had increased. Gen. Gracey was the same officer who has refused to accept Jinnah's order to send one brigade into Kashmir on October 27, 1947, on the grounds that if he did so it could spark a clash between the two dominions and trigger the stand down order referred to above. Yet six months later, when not one but three brigades, adding up to almost 10,000 men, had entered Kashmir, he and other British officers were still commanding the Pakistan army.

Their presence in very senior positions made it virtually impossible for Britain not to have known that the regular Pakistan army had gone into Kashmir. But Britain chose not to reveal this to the members of the Security Council, and even to the USA, till the US found out on its own and forced it to choose between telling a watered-down version of the truth and a blatant lie. Britain chose the lesser of the two evils because its relations with the USA were already somewhat strained over Palestine.

No matter how it later sought to justify its action before the UNCIP, by sending its regular army into Kashmir Pakistan committed aggression against India. It did this deliberately at a time when it was solemnly telling the world that it had not only not conspired to send the tribesmen to Kashmir, but had, through George Cunningham, Governor of the NWFP, done all it could to dissuade them from going. It had thus committed as blatant an act of aggression as it was, even then, accusing India of having committed in Junagadh.

By not withdrawing its officers from Pakistan when it attacked a sister dominion of the commonwealth, Britain made itself a party to that aggression. That it knew the seriousness of what it was doing is reflected by the fact that it did not inform the US of this development, later did so grudgingly in response to a direct query from Washington, and then successfully urged the US not to let the information go further, at any rate to the members of the UNCIP.

The correspondence between London, Washington and New York reflects the full depth of its apprehensions. From May 26, when London cabled New York that Indians had learned through the interrogation of a prisoner that there were battalions of the regular Pakistan army in

Kashmir,[51] the British government waited with mounting anxiety for an announcement by India of this new turn of events in Kashmir. When New Delhi remained silent, it began to suspect that India was keeping this card up its sleeve to play at a time when it would do the most damage to Pakistan's case. By degrees it convinced itself that India was waiting to explode this bombshell at its first meeting with the UNCIP. When the UNCIP decided not to proceed straight to New Delhi, but to hold its first meeting in Geneva and thereby delay its arrival in India till July, the Foreign Office cabled Washington that it shared the US view that 'while the commission is there one of the parties might think it opportune to spring *some disagreeable surprise*'. Its next sentence made it clear which 'party' it had in mind. 'Mountbatten will be leaving and Indians will be looking to last half of June to spring some disagreeable surprise in Kashmir *or elsewhere*' (emphasis added). The UNCIP, it therefore urged, 'must get to Indian subcontinent not later than the 13th June, before Mountbatten's departure'.[52]

Britain thus feared that India was keeping Pakistan's aggression as an ace up its sleeve to neutralize criticism when it mounted a massive assault to clear Kashmir of all outsiders and crush the local insurgents. However, it did not rule out the possibility that it might use it 'elsewhere'. Since with Gen. Bucher in command of the Indian army Britain could hardly have been unaware that India had no plans to cross the international border into Pakistan, 'elsewhere' could only be the UN.

Britain's anxiety was so acute that it was unable to hide it from the United States. On July 13, possibly at the meeting where the UK embassy in Washington informed the State Department that there were not just a few battalions but three Pakistan brigades in Kashmir, the first question the latter asked was why the Indians were keeping silent about this. The telegram that Sir Oliver Franks sent to the Foreign Office about this meeting is revealing.

> It has been a source of surprise to the State Department for some time that the Indians, who have apparently possessed evidence of the presence of Pakistani regular troops in Kashmir for several weeks, should not have reacted more violently to their discovery. State Department wonders whether you have any indication that the intervening irregular forces have been liquidated leaving regular Indian and Pakistani troops facing each other and *whether this has been contributing to your increasing anxiety* (emphasis added).[53]

[51] FO to Washington. Tel. No. 5697, IL/P&S/13/1947.
[52] FO to Washington. Tel. No. 6106, June 5, 1948. L/P&S/13/1947.

The UK Foreign Office hastened to allay the State Department's fears 'that according to its information a large number of Poonchis and other Kashmiri subjects and fluctuating number of tribesmen estimated at between 6,000 and 20,000 are still fighting against the Indians.' India, it said, was not talking about Pakistan's military presence in Kashmir because 'its own military advance in Kashmir is doubtfully consistent with Security Council Resolution of January 20th. Indian government therefore feels that Pakistan may have a strong reply if they raise the matter'.[54] This interpretation of India's reasons for remaining silent was at best a very long stretch. It was the President of the Security Council in a telegram of January 17, who had asked the two parties to refrain from any acts that aggravated the situation. The January 20 resolution simply set up the UNCIP and defined, in very broad terms, the scope of its enquiries.[55]

No one has ever advanced an explanation for Delhi's silence, let alone a convincing one. What is indubitable is that it was a gift from heaven to Pakistan, and its ally, Britain. For had Delhi taken Pakistan's second and indubitable aggression to the UN in April, when it came to know of it, the Council would have been left with no option but to pronounce upon it first as India had wanted it to do all along. Pakistan's and Britain's efforts to make the Council ignore its complaint of aggression would have failed. In retrospect, that may have been India's second biggest blunder on Kashmir.

[53] Telegram from Sir Oliver Franks No. 3410 of July 13, 1948. *ibid.*
[54] L/P&S/13/1947. Telegram of 13 May.
[55] See Sisir Gupta: *op cit.* pp. 149–50.

9

Myths Exposed, An Enigma Resolved

The preceding analysis of the events that led to the accession of Kashmir to India shows that neither the Indian nor the Pakistani version is wholly correct. But of the two, the Indian version tallies far more closely to the facts revealed by a perusal of the documents of that period. These documents also throw a flood of light on the motives of the people who were the main actors in the drama. They resolve many of the enigmas that surrounded the Accession and cut through the cobweb of myths that has gathered around the event. In the story that emerges there are no heroes and few villains.

1. Hari Singh was weak, indecisive and vacillating

There is a persistent belief that underlies even Indian accounts of the Kashmir story, that the Maharaja, Hari Singh, was weak, indecisive and indolent; and that his troops were an undisciplined rabble, who felt no compunction in killing large numbers of defenceless Muslim civilians, including women and children, but ran helter-skelter before a handful of Pathan tribesmen. Both these myths are just that—myths. Hari Singh may have had many personal failings. But on the matter of Accession, he was undecided rather than indecisive. The reasons why he wanted to keep Kashmir independent cannot be scoffed at. They cannot also be compared with the reasons why the Nizam of Hyderabad wanted to do the same. Hyderabad was ethnically homogeneous (except for a small Marathi-speaking corner in the north-west of the state). Kashmir was an ethnic mishmash that reflected its location as the meeting point of four cultures, Indo-Aryan, Central Asian, Persian and Buddhist.

It was thus possible to generalize about the population of Hyderabad or Junagadh, but one could make no generalizations about the 'people of Kashmir'. The Maharaja wanted to stay independent because he wanted to preserve the precarious internal balance in his heterogeneous kingdom. Since neither Dominion was prepared to tolerate this, he first tried to sit out the turmoil of transition. When he found that he would not be allowed to do that, he opted for the Dominion that seemed more likely to respect the ethnic autonomy of his state.

The documents also refute the universally held belief that the Maharaja had lost all touch with reality, and was unwilling to accede to India even as late as the morning of October 26, and that Pandit Nehru and Patel had to twist Mahajan's arms to make him do so.[1] They show that the Maharaja had made up his mind to accede to India as a second-best option if he could not remain independent, at least as far back as the end of April, when he sent the Maharani, a strong supporter of accession to India, to Lahore to meet Mehr Chand Mahajan. The fact that he dismissed Ram Chandra Kak, whom Patel and V. P. Menon viewed with great distrust, on August 16, the morrow of Indian Independence, and reopened talks with Mahajan days later shows that his resolve had, if anything, hardened. The documents also confirm Mahajan's contention that he came to Delhi from Srinagar in the middle of September with an offer of accession, but that it was rejected by Pandit Nehru.[2]

[1] Lamb: *Kashmir: A Disputed Legacy*, Oxford University Press, Pakistan. pp. 135–36. This belief is the justification for treating the Accession as provisional, and not treating Kashmir's accession on a par with the 560 others that had already been signed.

[2] Mahajan's statement in his book to this effect, and the Maharaja's letter to him in Amritsar after he returned from Delhi and reported his failure (Mahajan: *op. cit.* pp. 125–6) is not the only evidence of this attempt. The report that appeared in the *Pakistan Times* on September 27, stating that the Maharaja had decided to join India; its Srinagar correspondent's assertion that he had done so around the 10th or 11th—two days before Mahajan arrived from Amritsar to be offered the premiership, and the fact that Jinnah's private secretary, K. H. Khurshid—himself a Kashmiri—was in Srinagar at the time, collecting information on his employer's behalf, add up to strong circumstantial evidence not only that what Mahajan wrote in his autobiography was true, but that in the fishbowl of Srinagar politics, it soon became public knowledge. The date of publication of the report suggests that it was sent after Mahajan returned from Delhi to Srinagar. The date he ascribes to the Maharaja's decision is deduced from Mahajan's arrival in Srinagar before he went to Delhi.

The Maharaja's decision to accede to India also accounts for Pakistan's plan to annex Kashmir. The meeting that Akbar Khan attended in Lahore took place around the 15th of September. Interestingly, if the surmise made here (and it is only a surmise) that Khursheed Husain was the source of the news for the Pakistan government is correct, then it was impossible for Jinnah not to have been in the know of it. The likelihood that he knew nothing of the 'black' operation to annex Kashmir dwindles further.[3]

The reports from the British resident in Srinagar show that over and above his personal reluctance to cede his kingdom to a country that had been formed explicitly on the basis of religion, the Maharaja had reasons of state for not wanting to accede to Pakistan. They give reports, fortnight after fortnight, of the arrival of Hindu and Sikh refugees from Hazara, and the fact that these hapless persons were being looked after by the state.

Apart from that, the Maharaja had excellent information from the NWFP, and could see how the communal poison had been injected into the bloodstream of the province to secure the overthrow of the Khan Sahib government.[4] The NWFP's experience and the harrowing

Nehru's cavalier treatment would also account for the touch of animosity in Mahajan's references to him.

[3] In his book, *Danger in Kashmir*, Joseph Korbel has written that Pakistan began to suspect that the Maharaja had decided to accede to India when he fired Kak; asked India for essential supplies; took urgent steps to establish telegraphic communication with Delhi independently of the Pakistan Posts and Telegraphs Department, and when both Kashmir and India began to improve the Pathankot, Kathua, Jammu, Srinagar road on an urgent basis. He specifically cites the *Pakistan Times* report of the 27th of September (date of publication, not despatch) which has been cited earlier by the author. But Korbel's reconstruction does not explain how the *Pakistan Times*' Srinagar correspondent was able to say that the decision on accession was taken around September 11. As Patel's correspondence shows, all the above linkages did get sanctioned, but very little actually got done before the raiders came. Even the first of these moves, the request to release Col. K. S. Katoch, was made by Patel on September 13. This was two days after the Maharaja, according to the *Pakistan Times*, had decided to accede to India. It is therefore unlikely that Pakistan came to this conclusion on the basis of circumstantial evidence alone. Korbel: *Danger in Kashmir*. Princeton University Press. 1954. pp. 59–61.

[4] One of the Maharaja's few friends was a Pathan gentleman whom Dr Karan Singh remembers as Bhaijan Effendi. Bhaijan Effendi tried desperately to see the

tales told by the refugees from Hazara, had convinced him that just as the Muslim League would not tolerate the survival of a secular Muslim government in the NWFP, it would not tolerate a Hindu ruler backed by the secular Muslim population of the Valley, in Kashmir.

2. *The State forces were an indisciplined rabble that committed genocide on Muslims*

As for the Kashmir state forces, far from being an undisciplined rabble, they were battle-hardened troops that had fought side by side with the British in Burma (now Myanmar) through the Second World War. Till September 29, their commander was a decorated British officer. One-third of the troops were Muslims, and until the communal virus was injected into them, remained completely disciplined. The Dogra officers respected and relied upon their Muslim soldiers and swore by them. Some of them paid for their trust in their troops with their lives.[5]

What is more, the Muslims in the State forces did not desert their posts and cross over to the enemy because they were Kashmiris who wanted the State to accede, by hook or by crook, to Pakistan. For neither the Muslim nor the Hindu troops in the employ of the Maharaja were Kashmiris. They deserted because they were Muslims from Punjab, of the same ethnic stock as many of the raiders. What is more, the mere fact that they did so at a strategic bridge into Kashmir in Domel on the night of October 21/22, when the raiders began their march on Kashmir, and not Poonch and Jammu during the preceding three weeks when the Kashmir state forces were allegedly butchering Muslim families along the border, in an attempt to make the Muslim population of the border areas flee to Pakistan, shows first, that the reports of pogroms by the

Maharaja before he left for the NWFP. The Maharaja either was too distracted to do so, or was prevented by his relatives on his wife's side from doing so. Dr Karan Singh is convinced to this day that contrary to what Mahajan suggests in his book, Bhaijan Effendi was trying to warn the Maharaja of the coming storm (Conversations with the author, October 17, 1994).

[5] Col Narain Singh, the commander at Domel, was murdered by his own Muslim troops as they deserted. Mahajan *op. cit.* pp. 132 & 147, while Brigadier Rajinder Singh the chief of the state forces in October, may have met the same fate at Uri. There is a strange reference to his death in Lamb: *Kashmir, 1947: Birth of a Tragedy*. Lamb says that he was ambushed, but 'we do not know by whom'.

state forces were seriously exaggerated, and second, that the desertion was not spontaneous, but the product of a conspiracy.

3. The people of Kashmir rose in revolt against the Maharaja

The third myth that does not stand up to scrutiny is that there was a revolt against the Maharaja sufficiently severe to raise serious doubts about his right to accede to anyone. Till September 29, or a few days later (since Scott could not have left Srinagar the very day he surrendered his command) there was no sign of even a minor rebellion, not even in Poonch. On October 18, the Pakistan government emphatically denied having any confirmation of a provisional government having been set up. Such an announcement was indeed made on October 6, by Mohammed Anwar, but the Pakistan government did not give it any importance.

It is undeniable that later in October, there was communal violence all along the Pakistan-Kashmir border, from Kathua to Bhimber to Mirpur and beyond. It is also undeniable that Kashmir State forces did cross over the border into Pakistan proper on several occasions, and on one occasion went six miles deep to virtually depopulate two villages near Sialkot.[6]

But the violence was almost certainly initiated from the Pakistan side of the border. Akbar Khan's 4,000 rifles began to be distributed in late September or early October. The Maharaja complained to Pakistan that rifles were being licensed to people living along the border in Pakistan, and tribesmen from Hazara appeared in Poonch by early October at the latest. The standard, indeed only, response to such a widespread infiltration is to clear a belt of territory along the border, and treat everyone found in it as potentially hostile thereafter.[7] Most of the Muslims evicted from their homes went across the border.

[6] This was not merely a Pakistan concoction, but attested to by a British officer who went to the site. The alleged body count of over 17,000 corpses may be what he was told—it is unlikely that he personally did the counting, but the fact of casualties in large numbers would be beyond reasonable doubt, if the British officer's report to the UK Deputy High Commission in Lahore was accurate. Telegram from UK Deputy HC in Lahore, November 6, 1947. L/P&S/13/1845b.

[7] This is what the Indian government did in Punjab in 1984 and again in 1989–90. But the Sikh villagers who were moved out did not go to Pakistan. They moved deeper into India, and went out during the day to till the land in the border belt.

Enough has already been written earlier about the hollowness of the CRO's determination to believe that Jinnah and the Pakistan government did not instigate the tribesmen to invade Kashmir. In the light of what we now know, this turns out to be a highly successful piece of disinformation that London, for its own reasons, was suspiciously eager to believe. The assertions of the Indian government, and by Mahajan, that the Kashmir government was well aware of what was being planned by Pakistan, acquire a new weight.

4. Accession under Duress?

If the Maharaja had made up his mind to accede to India in September, then his accession in October was not really under duress. The raiders forced the timetable but not the choice. The dispute that delayed Kashmir's accession to India till after the tribesmen's invasion, was not over accession itself but the terms of accession. There was thus no reason to question his right to accede to the Dominion of his choice, and no reason for treating his accession to India as provisional. At the time when Mountbatten strongly argued in favour of accepting the Accession, but conditionally, he did so partly because he did not know of the Maharaja's strenuous efforts to accede to India five weeks earlier. His overriding concern then was, understandably, to prevent a war between India and Pakistan.[8]

Nehru, on the other hand, knew on October 25 that the Maharaja's offer was not really being made under duress, for he had himself rejected it five weeks earlier. This makes the lack of any reference by him to it during the meeting of the defence committee of the cabinet on October 25 puzzling, to say the least. What makes it still more so is his statement that the Prime Minister of Kashmir had been in Delhi only 10 or so days earlier but only to ask for arms and other assistance. In fact Mahajan was on his way to Srinagar from Amritsar in the middle of October *and had come to Delhi in the middle of September.* It would thus seem that when confronted with the invasion, Nehru did not want to let his colleagues know that he had been actually offered Kashmir's accession five weeks earlier, and *had turned it down.*

[8] See minutes of the Defence committee October 25, and 26. *Loc. cit.*

5. *The enigma of Nehru's behaviour*

The most puzzling feature of the whole Kashmir affair, has always been the behaviour of Nehru. The questions that generations of Indians have asked themselves about Nehru are, why did he agree to making the accession conditional? Why did he refer the dispute to the UNO? Why did he accept the cease-fire when the Indian troops had gained ascendancy, and when Muzaffarabad district, rural Poonch, and perhaps even Gilgit could have been retaken? To these we must now add new questions: why did he reject the Maharaja's offer of accession in September when he himself had said to the Viceroy, Patel and Gandhi, as late as the 29th of July, 1947, that Kashmir meant more to him than anything else? Why did he, for that matter, reject the Maharaja's offer again as late as the middle of September? Why was he prepared to risk Srinagar rather than accept an offer that did not contain an explicit prior commitment to install a popular government under Sheikh Abdullah?

The obvious answer is that Nehru did not want a Muslim majority State to accede to a non-Muslim-majority country if the accession was not backed from the beginning by the main political party in the State and its leader. On the day when raiders invaded Kashmir, Indian troops were entering Junagadh, ostensibly to allow the ruler of a small principality within the State, Mangrol, to accede to India, but in reality to assert the overwhelmingly Hindu population's right to accede to India. What is more, throughout August and September, the Indian government had been engaged in persuading an unwilling Nizam to accept the facts of geography and ethnicity, and accede to India. Nehru did not therefore wish to open himself and the Indian government to the charge of employing double standards.

But this explanation, although perfectly valid, does not do full justice to Nehru's reasoning. Nehru knew and understood Abdullah, with whom he had worked closely in the States Peoples' Conference. He could hardly have failed to sense his powerful self-esteem, a quality that made Abdullah one of the most charismatic leaders of his day, but also notoriously difficult to handle.[9] He understood that the one sure way to alienate

[9]As the notation on the file by P. J. Patrick cited in the previous chapter shows, the British understood the Sheikh's personality too.

Abdullah would be to accept the Maharaja's accession over his head. Even if the Maharaja was sincere in his promise to bring Abdullah into the administration, once Nehru accepted his accession, he would have lost his leverage over the Maharaja, who would in all probability have tried to delay Abdullah's induction for as long as possible. There was therefore a serious risk that during the interregnum, Abdullah would have felt humiliated, identified India with the Maharaja, and turned against both. The problem that Nehru was trying to resolve was not how to make Kashmir accede to India but how to keep its people with India. Everything that Nehru did, especially his willingness to treat the accession as provisional, was geared to this purpose. Indeed, nowhere did Nehru show his qualities of statesmanship more clearly.

In the same way, Nehru's willingness to accept a cease-fire while a third of Kashmir was still in Pakistan's hands, did not reflect a lack of confidence in the capabilities of the Indian army, but an awareness, honed by his own Kashmiri origins, of the vast ethnic and religious differences between the people of Kashmir Valley and the Muslims of Poonch, Mirpur, Muzaffarabad and Gilgit. He knew that the unique culture called 'Kashmiriyat' belonged to the valley alone. This was the source of Sheikh Abdullah's power and influence, for it was to safeguard Kashmiriyat that Abdullah had broken away from the Muslim Conference and formed the National Conference in 1938.

From the information that the army was giving to the defence committee to the cabinet, Nehru also knew that up to half of the irregulars who were fighting the Indian army were locals from Poonch, the Jhelum valley around Muzaffarabad, Gilgit, and adjoining Swat and Hunza. He, and no doubt Sheikh Abdullah, concluded that their willingness to take up arms reflected the desire of the majority of the people of these areas to accede to Pakistan. Nehru therefore had no desire to bring these people into India against their wishes. Once the raiders had been cleared from the valley, the siege of the largely Hindu and Sikh town of Poonch lifted and the road to Buddhist Ladakh cleared at Kargil, Nehru was no longer keen to pursue the war. If Pakistan did clear out of the whole of Kashmir, and a plebiscite could be held soon, so much the better, for with the Sheikh opting for India, there was little likelihood of the State as a whole voting to join Pakistan. But if Pakistan did not vacate 'Azad Kashmir', it would be no great loss for the parts that the cease-fire

would cut away would be those that were not reconciled to union with India.[10]

Nehru's reasons for keeping Hari Singh hanging were therefore sound, but he cannot escape criticism altogether. In September, he had good reasons for not accepting the Maharaja's accession without the latter first bringing Abdullah into the government. But these were simply not strong enough to justify the dangerous game of brinkmanship that he played again in not accepting the Maharaja's accession from 24 to 26 October, or his not consulting his cabinet before taking a decision that was so fraught with risk. By October 24, the Maharaja had released Sheikh Abdullah and mended his fences with him. Abdullah was even then in Delhi, staying at Pandit Nehru's house. The Maharaja had sent Abdullah's letter to him of September 28 down to Nehru through Thakur Harnam Singh Pathania, in his anxiety to prove his good faith. Could it have been that Nehru continued to be difficult in October because he was still afraid of upsetting Abdullah? A moment's reflection shows that this is extremely unlikely. Nehru could not have failed to realize that when the raiders invaded Kashmir, Abdullah lost his power to play one Dominion off against the other, for the raiders were making no secret of the fact that they considered Abdullah to be an Indian stooge and wanted his head.

[10] Nehru had indicated as much when he met Gordon-Walker, Permanent Secretary in the CRO in Delhi. Gordon Walker reported to London that he was convinced that Nehru did not intend to hold a plebiscite. When he raised the possibility of a partition of Kashmir, Nehru had said that he would consider it only after a plebiscite and only if it arose naturally from it. In other words, Nehru expected a plebiscite to go India's way, but if the voting revealed that Kashmir was split on the issue of accession by region, he would not be averse to allowing the regions that had voted for accession to Pakistan to be excised and merged with Pakistan. Nehru obviously expected Kashmir Valley to vote for India and suspected that Muzaffarabad, Poonch and Gilgit would vote for Pakistan. (UK High Commission, telegram from Delhi. No. 472 of February 26, 1948).

Liaquat Ali Khan obviously concurred with Nehru's assessment because when Gordon-Walker asked him the same question he flatly rejected the idea of a partition after a plebiscite (UK High Commission Tel No. 184 of February 21, 1948). Pakistan was prepared to consider a partition only on the basis of Muslim and Hindu majority areas. That meant that Kashmir Valley had to go to Pakistan. Fifty-three years later, in 2001, its position remains the same.

Nehru may have anticipated that accepting the accession could trigger an insurrection in the Muslim parts of Kashmir outside Kashmir Valley, that adjoined Pakistan. A good part of the discussion during the defence committee meeting on October 25 centered on this possibility. But in the end, one is forced to conclude that his hesitation stemmed less from the possible repercussions of the accession within Kashmir and more from his need to maintain consistency in his approaches to Kashmir, Junagadh and Hyderabad. At the meeting of the 25th, Mountbatten took great pains to stress this need, but once again nagging doubts remain. Nehru of all people could hardly have been unaware of the vast differences between Hyderabad and Junagadh on one hand and Kashmir on the other.

6. Why Hari Singh hesitated

If Abdullah's personality was at the core of Nehru's hesitation in October, it was also at the core of the Maharaja's hesitation over acceding to India, once he had decided, for the many reasons cited above, that he did not want to accede to Pakistan.

No other actor in the drama has suffered so much at the hands of contemporary historians as Maharaja Hari Singh. Hodson's contemptuous dismissal of him pales before that of Korbel:

> Through all the mists of uncertainty that shroud the negotiations concerning the future of Kashmir, one fact alone is clear. This is the irresponsible behaviour of the Maharaja. It was this that brought the nation uncommitted, their wishes unascertained, past the fateful day of Partition, August 15, 1947. It was his stubbornness, his coy manoeuvering, including his 'attacks of colic', that brought upon his people unparalleled suffering and pain. In this respect at least, he was a worthy 'son of the Dogras'.[11]

Korbel's remarks reflect how little he understood the gale force of communal winds sweeping India that the Maharaja had to contend with as he tried to steer Kashmir to safety. No one, at least no one outside Kashmir, understood the ethnic heterogeneity of his state better than he did. No one knew better the differences between the 'Moslems' of the Valley, and the 'Moslems' of Jammu, Poonch, Mirpur, Muzaffarabad, and the Punjab plains. And no one learned more quickly the lessons for

[11] Korbel, *op. cit.*, p. 63.

Kashmir in the fate that befell the North West Frontier Province, or understood the dire threat that accession to Pakistan posed not only to the 23 per cent non-Muslim population of his state, but also to Sheikh Abdullah and the 'rishi' Muslims of Kashmir Valley.

This prompted him to try and stay independent. When independence was denied to him he stalled for time, which was all that he could do. His dour refusal to commit himself may have been irresponsible when seen from the viewpoint of India and Pakistan, but was sound statecraft when seen from the point of view of Kashmir. Hoping to ride the communal storm that was sweeping the plains he tried to buy time by entering into a standstill agreement with both India and Pakistan. Pakistan agreed but only as a prelude to accession. When its government realized, after the Maharaja politely prevented Jinnah from coming to Srinagar, that this was not the way Hari Singh was seeing it, it began to apply economic, then political and finally military pressure. By agreeing to help him but not signing the standstill agreement and inventing a 'principle'—no standstill without accession—India too put a small and far more subtle pressure on the Maharaja. These pressures, the gathering tribesmen on his borders, and the armed marauders from Pakistan, told him his time had run out.

The experience of the NWFP next door had already persuaded him that joining Pakistan did not guarantee security for the majority of his people who lived in the Valley, Jammu and Ladakh. As soon as he came to this conclusion, he began to negotiate accession to India. He was thus neither indecisive, nor dilatory. It was Nehru who did not let him accede, did not inform his colleagues about the Maharaja's offer, and thereby helped to create the impression that he was criminally irresponsible and out of touch with reality.[12]

The only issue on which the Maharaja was stubborn was his reluctance to lose power and become a figurehead in the country that his family had ruled (under British paramountcy, admittedly) for over a hundred years. This was the source of his personal animosity to Sheikh Abdullah, for the Sheikh had built his popular movement not just around a demand for democracy, but more specifically around the expulsion of the dogra

[12] Were it not for the Abdullah factor, one would be tempted to say that no one could have had a sweeter revenge for three days' house arrest in Uri, in June 1946, when Nehru insisted on entering Kashmir to see his friend, Sheikh Abdullah.

dynasty. Since Abdullah had personalized the struggle the Maharaja knew from the outset that bringing him out of cold storage and into the government would sign his own political death warrant. His prime minister, Ram Chandra Kak, was even more aware of Abdullah's towering ego than Hari Singh. He no doubt made sure the Maharaja understood that Abdullah was more interested in power than in democracy, and therefore that finding a *modus vivendi* with him, was going to be next to impossible. That is why Hari Singh refused to do what Nehru kept demanding of him till the bitter end. It is interesting that within two days of coming to Kashmir, Mahajan got the same impression.[13] Nehru, however, did not see this, or if he did, chose to live with it. Five years later, when he could no longer avoid seeing it, he threw the Sheikh back in prison.

Who Gained and Who Lost: A Tentative Verdict

When the Kashmir war ended, Pakistan was not only in possession of one-third of a state that had acceded to India, but had achieved its essential purpose in Kashmir. One has only to look at Akbar Khan's description of how vulnerable Pakistan would have been if the whole of Kashmir had gone to India, to realize how far the clandestine operation of September–October, 1947, had succeeded in shoring up its long-term viability as a nation. At the end of the war, Pakistan had pushed the border between it and India back many miles along the entire length of the Lahore-Rawalpindi rail and road link; it had physically separated Indian Kashmir from the NWFP and thereby ensured that it would be able to subjugate the latter. Finally, it had blocked India's capacity to open a second front in the far north to make Lahore indefensible. *Thus by any ordinary yardstick, Pakistan emerged the victor from the struggle.* Despite this, all the scholarly literature, all the newspaper articles, and all the political statements that have emanated from Pakistan over the past half-century are laden with frustration, betrayal and defeat. Pakistan has also not stopped trying, by one means or another, to secure the rest of Kashmir. This has not only led to two more wars between the two countries in 1965 and 1999, but also a protracted low intensity proxy war that has till not ended. In this war, as in all wars, ordinary civilians

[13] Mahajan: *op. cit.*, p. 172.

have become the main victims of bullets, extortion and rape, by both sides.[14]

On the surface India has emerged a loser. Kashmir had not acceded to India under duress for the raiders' invasion had only determined its timing. It had not been offered by a bigoted Hindu ruler who, by his irresponsibility and procrastination, had lost the moral right to govern, but by one who had done his best to preserve communal harmony in his state, sought to gain time for this purpose, and then when that was denied him had made a considered decision in the best interest of his people. India thus had a moral in addition to a legal right to the whole of Kashmir. But a closer look shows that its loss was nominal rather than real. As the composition of the irregulars fighting the Indian army showed, Poonch, the Jhelum valley and the northern areas Gilgit, Dir and Chitral, would have rebelled even if Pakistan had not set the Pathan tribesmen upon Kashmir. By leaving these areas in the hands of Pakistan the crease-fire line therefore spared India the unpleasant task of doing to them what Pakistan did to the *Khudai Khidmatgars* in the NWFP.

But India turned out to be the loser in another, more insidious, way. Its decision to take the Kashmir dispute to the UN, and the skill with which the British manipulated the members of the Security Council to undermine India's complaint of aggression and give priority to Pakistan's complaint of 'accession by fraud and deceit', kept the status of Kashmir undecided for a quarter of a century. This continuous state of unsettlement made Delhi hand over the state to local satraps and look the other way while development grants were siphoned off or distributed among friends and relatives, just so long as these satraps promised to deliver Kashmir to New Delhi. This played no small part in stoking the insurrection that broke out in 1989.

Kashmir at the UN: An Assessment

The Byzantine nature of British intrigue at the UN between December 31, 1947, when India took its complaint to the Security Council, and

[14] By October 31, 2001, by the Kashmir government's records, 29,292 people had been killed in Kashmir. Of them, 4,035 were security forces personnel, and 14,006 were insurgents and terrorists, but 11,241 were civilians killed by terrorists. (Vipul Mudgal: 'Soft State?' *Hindustan Times*, December 16, 2001. In addition, by June 30, 1998, 2,514 Kashmiris had been killed in 'crossfire' between

April, 28, 1948, when the first resolution was tabled formally and rejected, although for opposite reasons, by both India and Pakistan, make it necessary to attempt a summing up of what each of the major actors, Pakistan, India, Britain and the USA tried to do and how far they were successful.

In every public statement as well as in their despatches to British embassies and high commissions, the British Commonwealth and Foreign offices insisted that their only purpose was to help India and Pakistan find a peaceful solution to the Kashmir dispute. But in reality Britain's goal was to undo Kashmir's accession to India and create conditions for a plebiscite in which it believed that Kashmir's Muslim majority would make its accession to Pakistan inevitable. This had been its goal even before India became independent, but Pakistan's bungled attempt to seize Kashmir by force and Hari Singh's accession to India seemed to have thwarted it. India's decision to approach the UN Security Council in an attempt to prevent the widening of the conflict into a general war gave it a second chance.

Britain then mounted a sustained campaign to achieve its goal. It did this by being the very first to brief the American government, and perhaps other members of the Security Council, on the background of the Kashmir dispute. It did this within hours of the formal request to the Council and well before the Indian delegation had even arrived in New York, let alone made its first speech.[15] In the guise of providing them a factual account of what had led to Kashmir's accession to India it provided them with an account that was not only utterly tendentious, but which it knew to be so, (via Gen. Scott's last report and the reports of Cranston, Messervy and others) even while it was feeding it to the USA and other members of the Council.

The key element in its disinformation campaign was an absolute refusal to acknowledge that Pakistan incited the Pathan tribesmen to invade Kashmir, or that it was arming Satti and Sudhan ex-servicemen from the

militants and security forces personnel (Figure provided to the author in Srinagar, on July 7, 1998).

[15] Gopalaswami Ayyangar, former prime minister of Kashmir, and India's delegate to the Security Council made his opening statement on January 15. By then the USA had been apprised of the 'background' of the Kashmir dispute for a full 11 days.

Pakistan side of the Punjab-Poonch border to enter Poonch, attack Hindu and Sikh families in the rural areas, and incite their fellow clansmen to demand accession to Pakistan. Instead Britain sedulously backed the Pakistani version of what had happened, i.e., that there had been a spontaneous revolt in Poonch and elsewhere; that in trying to put it down the Kashmir state troops had killed a large number of Muslims and forced a still larger number to flee their homes and seek refuge in Pakistan; that only a handful of Pathan tribesmen had come to the help of their oppressed co-religionists initially but that the Maharaja's accession to India had infuriated local Muslims who had taken up arms against him.

As we have seen from the minutes of the defence committee of the Indian cabinet, only part of this story bore any relationship to the truth. The examination of the dead and interrogation of captured prisoners had established that by the end of January, up to half of the insurgents were locals from Poonch, Muzaffarabad and Jammu. Without this elaborate fiction Britain could not justify its vigorous advocacy of a peace plan that required the Security Council to ignore India's complaint of aggression and strictures on Pakistan, and move straight to creating the conditions for a plebiscite.

Throughout the meetings of the Security Council, Britain's attitude to the Indian delegation was adversarial. Not only did the British not share the contents of their draft resolution with the Indian delegation—but at no point during the first five weeks did any member of the delegation hold a consultation with a member of the Indian delegation to explore whether the gap between the Indian and Pakistani positions could be narrowed. Not only is there absolutely no reference to any such meeting in the correspondence between London and New York, but the very first time the Indian delegation got wind of Britain's dismissal of its complaint of aggression was when Sheikh Abdullah spoke to Noel-Baker on February 7th.[16]

[16] The truth might not have come out even on that occasion had the Sheikh not made Noel-Baker lose his temper. That the depth of British hostility came as a revelation to the Indian government is apparent from the flurry of angry telegrams from Nehru and Mountbatten to Attlee, that it provoked. Apart from the Belgian Ambassador's cryptic reference to 'power politics', no one had told Nehru in Delhi, or Ayyangar in New York, about the tactical game that the British delegation was playing to undermine India's position in Kashmir.

Instead, Noel Baker recommended a strategy (which he conceded was not the normal one) of setting up a small neutral group from among the members of the Security Council to enquire into the facts of the situation, visit Kashmir, and work with the two countries to find agreed terms for a plebiscite.[17] If the Commission failed, it recommended asking the Security Council to 'recommend such terms of settlement as it considered (may consider) appropriate' under Article 37 of the Charter.[18] The Foreign Office, however, did not accept this recommendation.

Britain was acutely aware that the entry of the Pakistan regular army into Kashmir demolished the image it had worked assidouously to create of Pakistan as an infant nation state beset by difficulties on all fronts, anxious to do the right thing, but incapable of stopping the ever-unruly Pathan tribesmen from doing pretty well as they liked. It also knew that it stood in grave risk of being exposed and discredited for its complicity in Pakistan's second invasion of Kashmir through its regular army. India's inexplicable forbearance saved it from public exposure but a comparison of the August 13 with the April 20 resolutions shows the extent to which opinion in the UNCIP hardened in favour of India's basic demand. This was that Pakistan must first vacate Kashmir before a plebiscite was held, and that this plebiscite would be held under conditions determined by a UN-appointed plebiscite administrator while the state continued to be governed by Sheikh Abdullah.

In India, the August 13 resolution is regarded to this day as a defeat. Various explanations have been put forward for it, ranging from the skill and eloquence of Zafrullah Khan and comparative ineptitude of Gopalaswami Ayyangar, to what the Belgian Ambassador in New Delhi aptly called 'power politics'. But the detailed analysis given in the previous chapter suggests that if anything, the April 20th, and more unequivocally, the August 13th resolution, were victories, albeit qualified ones, for India and defeats for Pakistan. Pakistan reacted to the April 20th resolution

[17] UK Foreign Office telegram to all 65 missions, January 4, 1948, *loc. cit.*

[18] Article 37 of UN Charter. The entire article says that if the two parties to a dispute fail to...settle it (the dispute).... And if the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend...terms for a settlement. Article 37, in short, is coercive although still not under chapter VII of the Charter.

with extreme disappointment and rejected it.[19] It accepted the August 13th resolution with great reluctance because by then the discovery of its regular troops in Kashmir had made its legal position virtually untenable. But it spent the next four months in demanding 'clarifications' and seemingly minor changes designed to improve the chances of obtaining a demonstrably fair plebiscite that India, in another demonstration of its sincerity, readily conceded.

What is more, they were victories obtained in the teeth of the most unrelenting and partisan campaign that the Security Council had witnessed till then or for many years later. It was thus a defeat for Britain as well.

Contrary also to the universal perception in India, it won this victory because the USA was not inclined to side with the UK and ride roughshod over India's sovereignty in Kashmir. The US attitude began to change only after the Chinese revolution, and its invasion of first Tibet and then Korea brought the Cold War into Asia. India had the option of siding with the USA and recognising the danger that Chinese expansionism in Tibet posed to it but it chose not to and accepted Chinese sovereignty over Tibet with almost indecent haste. Since Pakistan had never made any secret of its willingness to side with the USA in its containment of communism, India's ready acceptance of Chinese sovereignty in Tibet left the USA with no option but to make Pakistan *the primary ally of the west in South Asia.*

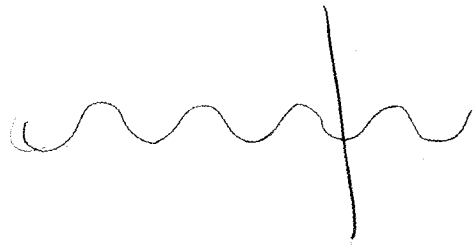
Lastly, Pakistan's perception of defeat in the Security Council strengthens the validity of India's accusation that while it was sincerely committed to holding a plebiscite in Kashmir, it was Pakistan that frustrated it by not vacating 'Azad' Kashmir first. This argument has been dismissed by writers on Kashmir as a fig leaf designed to hide India's decision to resile from its commitment to hold a plebiscite in Kashmir. There can be no doubt that India regretted taking the Kashmir dispute to the UN, and that in 1949 and 1950, as the USA began to side more openly with Britain and Pakistan and to press it to accept an arbitration[20] its commitment to a plebiscite rapidly weakened. But the analysis given in the previous chapter suggests that Pakistan was equally reluctant to

[19] Telegram from UK delegation in New York to British Foreign Office of 30 April 1948. No. 1326 L/PS/13/1946.

[20] Kux: *op. cit.*, p. 62. Gupta: *op. cit.* pp. 194–198.

hold a plebiscite under the terms proposed in both the April and August resolutions. It therefore kept shifting the goal posts to create a new situation in which India would be obliged to either accept a plebiscite while its troops or surrogates remained in military control of a third or more of Kashmir, or to demand a fresh consideration of the altered situation by the UNCIP. An excellent example was its 'replacement' of regular Pakistani troops in Kashmir after the August 1948 resolution with 32 battalions of 'Azad Kashmir' militia which it claimed did not fall within the categories of personnel that the August resolution required it to withdraw from Kashmir.[21]

Pakistan's reasons for refusing to vacate Azad Kashmir even for a UN-administered plebiscite have already been dwelt upon at length. It needed a buffer zone controlled by it, between India and the NWFP, for its survival. With Sheikh Abdullah in power it doubted whether it would get enough votes in the Kashmir Valley to win even in a UN-administered plebiscite. It therefore preferred the *status quo*. That *status quo* prevails till today.



[21] Gupta: *op. cit.*, p. 191–193.

Appendix I

Statement by
FIELD MARSHAL SAM MANEKSHAW

Recorded in Delhi by
Prem Shankar Jha, 18 December 1994

At about 2.30 in the afternoon, General Sir Roy Bucher walked into my room and said, 'Eh, you, go and pick up your toothbrush. You are going to Srinagar with V. P. Menon. The flight will take off at about 4.00 o'clock'. I said, 'why me, sir?'

'Because we are worried about the military situation. V. P. Menon is going there to get the accession from the Maharaja and Mahajan.' I flew in with V. P. Menon in a Dakota. Wing Commander Dewan, who was then Squadron Leader Dewan, was also there. But his job did not have anything to do with assessing the military situation. He was-sent by the Air Force because it was the Air Force which was flying us in.[1]

Since I was in the Directorate of Military Operations, and was responsible for current operations all over India, West Frontier, the Punjab, and elsewhere, I knew what the situation in Kashmir was. I knew that the tribesmen had come in—initially only the tribesmen—supported by the Pakistanis. Fortunately for us, and for Kashmir, they were busy raiding, raping all along. In Baramulla they killed Col D. O. T. Dykes. Dykes and I were of the same seniority. We did our first year's attachment with the Royal Scots in Lahore, way back in 1934–5. Tom went to the Sikh regiment. I went to the Frontier Force regiment. We'd lost contact with each other. He'd become a Lieutenant Colonel. I'd become a full Colonel. Tom and his wife were holidaying in Baramulla when the tribesmen killed them.

[1] A.C.B. Symon, the British Deputy High Commissioner in Delhi, sent a telegram to London on 27 October stating that he believed two army and one air force officer(s) had gone to Srinagar on the 25th to assess requirements' (IORL/P&S/13/1845b), but Manekshaw is quite categorical that there was only him and Squadron Leader Dewan. (Could there have been another separate military mission—unlikely.)

The Maharaja's forces were 50 per cent Muslims and 50 per cent Dogras. The Muslim elements had revolted and joined the Pakistani Forces. This was the broad military situation. The tribesmen were believed to be about 7 to 9 kilometers from Srinagar. I was sent in to get the precise military situation. The Army knew that if we had to send soldiers, we would have to fly them in. Therefore, a few days before, we had made arrangements for aircraft and for soldiers to be ready.

But we couldn't fly them in until the state of Kashmir had acceded to India. From the political side, Sardar Patel and V. P. Menon had been dealing with Mahajan and the Maharaja, and the idea was that V. P. Menon would get the Accession, I would bring back the military appreciation and report to the government. The troops were already at the airport, ready to be flown in. Air Chief Marshall Elmhurst was the Air Chief and he had made arrangements for the aircraft from civil and military sources.

Anyway, we were flown in. We went to Srinagar. We went to the palace. I have never seen such disorganization in my life. The Maharaja was running about from one room to the other. I have never seen so much jewellery in my life—pearl necklaces, ruby things, lying in one room; packing here, there, everywhere. There was a convoy of vehicles. The Maharaja was coming out of one room, and going into another saying, 'Alright, if India doesn't help, I will go and join my troops and fight [it] out'.

I couldn't restrain myself and said, 'That will raise their morale sir'. Eventually I also got the military situation from everybody around us, asking what the hell was happening, and discovered that the tribesmen were about seven or nine kilometers from what was then that horrible little airfield. V. P. Menon was in the meantime discussing with Mahajan and the Maharaja. Eventually the Maharaja signed the accession papers and we flew back in the Dakota late at night. There were no night facilities, and the people who were helping us to fly back, to light the airfield, were Sheikh Abdullah,[2] Kasim Sahib, Sadiq Sahib, Bakshi Ghulam Mohammed, D. P. Dhar with pine torches, and we flew back to Delhi. I can't remember the exact time. It must have been 3 o'clock or 4 o'clock in the morning.[3]

[On arriving at Delhi] the first thing I did was to go and report to Sir Roy Bucher. He said, 'Eh, you, go and shave and clean up. There is a cabinet meeting at 9.00 o'clock.[4] I will pick you up and take you there.

[2] This is probably a lapse of memory, or just an impression. Abdullah was in Delhi at the time.

[3] Manekshaw does not explicitly mention that Mahajan also flew down in the same aircraft, which he undoubtedly did.

[4] According to Mahajan, the defence committee meeting took place at 10.00 a.m.

So I went home, shaved, dressed, etc. and Roy Bucher picked me up, and we went to the cabinet meeting. The cabinet meeting was presided by Mountbatten. There was Jawaharlal Nehru, there was Sardar Patel, there was Sardar Baldev Singh. There were other ministers whom I did not know and did not want to know, because I had nothing to do with them. Sardar Baldev Singh I knew because he was the Minister for Defence, and I knew Sardar Patel, because Patel would insist that V. P. Menon take me with him to the various states. Almost every morning the Sardar would send for V. P., H. M. Patel and myself. While Maniben [Patel's daughter and de facto secretary] would sit cross-legged with a Parker fountain pen taking notes, Patel would say, 'V. P. I want Baroda. Take him with you.' I was the bogeyman. So I got to know the Sardar very well.

At the morning meeting he handed over the [Accession] thing. Mountbatten turned around and said, 'come on Manekji (He called me Manekji instead of Manekshaw), what is the military situation. I gave him the military situation, and told him that unless we flew in troops immediately, we would have lost Srinagar, because going by road would take days, and once the tribesmen got to the airport and Srinagar, we couldn't fly troops in. Everything was ready at the airport.

As usual Nehru talked about the United Nations, Russia, Africa, Godalmighty, everybody, until Sardar Patel lost his temper. He said, 'Jawaharlal, do you want Kashmir, or do you want to give it away'. He [Nehru] said, *'Of course I want Kashmir* [emphasis in original]. Then he [Patel] said 'Please give your orders'. And before he could say any thing Sardar Patel turned to me and said, 'You have got your orders'.

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and not 9.00 a.m. This is what Nehru said in his house, after his altercation with Mahajan was over. It is possible that the meeting was originally scheduled for 9.00 a.m. but delayed by the altercation. Although Manekshaw's account suggests that everything happened before the full defence committee after it had convened, it is also possible, that Bucher did take Menon and Manekshaw to the Viceregal Lodge at 9.00 a.m. and that the Instrument was handed over to Mountbatten then, i.e. before the committee actually convened. That would be the simplest explanation of why, if Hodson's account is accurate, Nehru and other members (probably excluding Patel) did not know that the Instrument had already been obtained. It also explains Alan Campbell-Johnson's note in his diary that a Letter of Accession was given to the defence committee by Menon later on the same day. Mountbatten would then have been a party to the insurance policy strategy of Patel, while leaving Nehru to play his high stakes game of forcing the Maharaja to induct Sheikh Abdulla into his government before he agreed to accept the accession. The point is of considerable importance, but I resisted the temptation to jog Manekshaw's memory for fear of putting words into his mouth. In the interests of posterity, I felt that whatever he said had to be completely spontaneous.

I walked out, and we started flying in troops at about 11 o'clock or 12 o'clock.[5] I think it was the Sikh regiment under Ranjit Rai that was the first lot to be flown in. And then we continued flying troops in. That is all I know about what happened. Then all the fighting took place. I became a Brigadier, and became Director of Military Operations and also if you will see the first signal to be signed ordering the cease-fire on 1 January [1949] had been signed by Colonel Manekshaw on behalf of C-in-C India, General Sir Roy Bucher. That must be lying in the Military Operations Directorate.

Interview by Prem Shankar Jha

PSJ You went in on the afternoon of the 25th. When you got to Srinagar, were you actually present when the Maharaja signed the Instrument of Accession?

M I was in the palace when V. P. Menon, Mahajan, and the Maharaja were discussing the subject. The Maharaja was running from one room to another.... I did not see the Maharaja signing it, nor did I see Mahajan. All I do know is that V. P. Menon turned around and said, 'Sam, we've got the Accession.'

PSJ He said that to you.

M Yes, yes he turned around to me, and so we flew back.

[5]Did the Indian troops take off on the 26th or the 27th? Manekshaw's statement, and insistence that it was the 26th is truly startling, and probably wrong. The weight of evidence that they landed on the 27th morning is simply too heavy. So what was Manekshaw talking about? It is possible that after the defence committee meeting, the orders were given to enplane and fly to Srinagar the same day. But preparations were most certainly not as complete as he assumed they were. On 26 October, at 1.1 5 p.m. Sir Anthony Smith, deputy chief of the Army informed the UK High Commission that 'certain arms and ammunition at Jubbulpore should be held available for immediate movement by air', presumably these were either to be brought to Delhi, or sent directly to Srinagar, This suggests that preparations in this vital area at least were not complete.

A second feature that Field Marshal Manekshaw may have forgotten with the passage of time, is that if the orders were given as soon as the defence committee meeting finished, i.e. around noon or a little later, there would have been at most four hours of daylight (2.00 p.m. to 6.00 p.m.) for the troops to land in Srinagar. The Government had only 4 RIAF and 6 civilian dakotas, capable of carrying at most 30 people per sortie to Srinagar. In short even if they managed two sorties each, no more than 600 soldiers could have been flown in before dark. Allowing for arms and ammunition, perhaps not more than 500. They would then have been left to fend for themselves for a full 14 hours, till reinforcements could be sent in and would therefore have been extremely vulnerable to a night attack. In view of all this it may well have been that although initially it was decided to send troops in immediately, they were sent only the next morning. We know that over a hundred sorties were flown throughout the day on the 27th to ferry troops to Srinagar.

PSJ And you were actually present the next morning when V. P. Menon handed this over during that....

M [Interrupting] I was at the cabinet meeting presided over by Mountbatten when it was handed over ... we'd got the Accession. I can't understand why anyone said that the thing was signed in Jammu, because we never went to Jammu.

PSJ Was it the cabinet meeting, or was it the defence committee of the cabinet?

M No, it was a meeting with Mountbatten presiding, with Vallabhbhai Patel, Baldev Singh....

PSJ Nehru of course.

M There were other ministers too; I can't recall....

PSJ But not all of them?

M No, not all. This was in the Viceregal Lodge.

PSJ That was the defence committee. Otherwise there would have been a much larger group. Sir Roy Bucher was there too?

M Yes, yes, Sir Roy took me there.

PSJ Was the Maharaja, in your presence, demurring from signing; was he laying down conditions. Was V. P. Menon saying 'look you've got to bring Abdullah into the Cabinet first.....

M That I honestly can't tell you. All that I can say is that the Maharaja was ... he was not in his full senses. He was running about saying I will fight there. Unless the Indian army comes in my own forces will fight; that sort of rubbish was going on. All that V. P. Menon was telling him was that we cannot send forces in unless the accession takes place. Then he signed it. That is all I can tell you about the actual signing.

PSJ And you were present the next morning when the Instrument was handed over to Mountbatten?

M Yes.

PSJ You have said that the first lot of troops were flown in around noon.

M Around elevenish or something like that.

PSJ Was that on the 26th or the 27th?

M *Immediately* [emphasis in original] after the cabinet meeting. We went to Srinagar I think on the 25th. I can't tell you the dates. We came back on the 26th in the early morning, and the same day we started to fly troops in. And the Pakistanis only came in when we started throwing the tribesmen out. It is only then that the Pakistani regular troops came in. I think it was General Akbar Khan, who was married to Begum Shah Nawaz's daughter; can't remember her name, dammit, I used to know them so well in Lahore. I think he organized the tribesmen coming in.

PSJ What you said about the Sikhs being moved on the 26th, immediately after the Letter of Accession was given, is not known. The story is that the first Indian troops were moved on the 27th—that they left at the crack of dawn, may be even earlier, and that they arrived in Srinagar at 9.00 a.m. General Sen who wrote a book about it, said that they were surprised to find troops of the Patiala regiment [state forces] already there. Did you find, when you went to Srinagar that in fact at some point earlier on, perhaps even before 15 August, the Maharaja of Patiala had agreed to send a battalion of his troops to Kashmir.

M If that had happened, I would have known. No. There were no soldiers of either the Indian or the Patiala forces which had gone in earlier.

PSJ Then is it possible that the troops that Gen. Sen referred to were the ones who had gone in on the 26th?

M No, that was the First Sikh Light In ... Sikh Battalion, that was sent with Ranjit Rai. That was sent on the 26th. The same day we'd had the cabinet committee meeting, the defence committee meeting or whatever. I remember getting out of that meeting and making arrangements. Bogey Sen went in later. Poor old Ranjit was killed. He and I were from the same batch-the first batch at the Indian Military Academy.

PSJ In his book, *The Great Divide*, H. V. Hodson, who wrote it after being given access to Mountbatten's personal papers, doesn't specifically say that the Instrument was presented to the defence committee at its morning meeting. But he does say that after you had given your appreciation of the military situation in the morning, discussion went on about, well, we should send in the troops but should we accept the accession or not. Which implies that the letter of accession had already been given but the cabinet [Committee] was still in two minds about whether it should be accepted, or whether the Maharaja should be told, well, we are sending in troops to support you, but we are not going to accept the accession just now. In the evening, apparently, the decision was taken that we will accept the accession but with the proviso about the reference to the wishes of the people which eventually went into the letter that Mountbatten wrote.

Now is it possible that although you made the arrangements to send the troops, the actual fly in took place on the 27th.

M [Thinks] No they were sent in the same day. And I think you would be able to verify that from airforce records because we didn't have all that many aircraft, and had to get them from the civilian airlines. They had all been got ready.

Appendix II

Letter from
GENERAL ISKANDER MIRZA, Governor-General
and President of Pakistan, 1955–8
to
SIR OLAF CAROE

My dear Sir Olaf,

I got your letter an hour ago and am writing immediately.

In the first place I wish to express my grief and concern at the serious illness of Kitty. I had no knowledge else I would have written earlier. I hope she will be in perfect health very soon. Please give her my high regards and love. Nahich has gone to Paris because of her sister-in-law's illness. I expect her back soon. Taj was with me for two months but he is leaving for Karachi on the 28th.

The unhappy and dishonourable circumstances in late 1946 and early 1947 in connection with your tenure as Governor of N.W.F.P. bring back some very unhappy memories. There was no doubt in my mind that Lord Mountbatten was no friend of yours and he was guided more by Nehru than by anybody else, and Nehru firmly believed that all those incidents in Malakand, Razmak and Khyber during his visit as Minister of External Affairs were created by officers of the Political Service and you were Governor at that time. I tried through the late Sir Girja Shanker Bajpai that Nehru should avoid going to tribal areas as passions were inflamed because of communal riots in Bengal, Bihar and Bombay. But Nehru listened to the Khan Brothers and when incidents did take place, the poor political service was blamed and even I was suspect because I gave that advice to Sir Girja Shanker in all good faith.

Lord Mountbatten wanted to keep Nehru happy and even before you went to Kashmir stories were going round that you had a nervous breakdown and required rest. I told the late Nawabzada Liaquat Ali Khan of your great qualities and after the referendum urged that you should go back as Governor

and that Muslim League was honour bound to insist on this. But believe me there was no honour then and later. No other reason but health was given to sabotage you and I was quite helpless. Lord Mountbatten must have told Lord Ismay that you won't go back.

Sir George Cunningham's return was a great surprise. I learnt later that he was not at all willing to come back as Governor and pressure was put on him by no less a person than His Majesty King George the VI. In 1945 I did tell Mr Jinnah that Sir George was a wonderful man and during the war kept the Frontier quiet. But I don't think this would make Mr Jinnah ask for him.

But what did the politicians do to Sir George. Behind his back they pushed tribesmen into Kashmir. Sir George was about to resign in late 1947 and I had to beg of him not to do so. They got rid of a good friend like Mudie and installed that fanatic Nishtar as Governor. I don't think you should feel sorry. Knowing you as I do, you could not have stuck all those dishonourable intrigues so very rampant since the very inception of Pakistan. Everybody here are enamoured of Ayub but what about the terrible corruption rampant in the country and the example set by Ayub and his family?

I am attempting to write my memoirs and when they take some shape I will ask your advice. My trouble is all my papers have perished and I have to go by memory which is not good now specially for dates. I think when you have some time we can have lunch somewhere and have a long talk. You ask questions and I will answer. Perhaps you might get some satisfactory material.

With love,

Yours ever,

Sd/-

Appendix III

CHRISTOPER BEAUMONT'S TESTIMONY
The Truth of the Partition of the Punjab in August 1947

With the death of Sir George Abell earlier this year (1989) I remain the only one who knows the truth about the 1947 Partition of India and the consequent creation of Pakistan. For the sake of historical truth the facts should be recorded, but certainly not yet published.

My request is, and it can be no more than a request, that the contents of this document are not divulged to any person until

(a) After my death, and to selected persons.
(b) Only by agreements between the Warden of All Souls and a Permanent Under Secretary of the Foreign Office.

On 6 July 1947 Sir Cyril Radcliffe (later Lord Radcliffe) was appointed Joint Chairman of the Boundary Commission.

The next day I was appointed his Private Secretary and on 8 July Rao Sahib V. D. Iyer was appointed Assistant Secretary, a post involving purely clerical duties. The notification of these three appointments appeared in the Gazette of India dated 28 July and is attached to this document.

It was agreed between Mountbatten, Nehru, and Jinnah that Radcliffe should be told that his report, both for the Punjab and Bengal, should be ready by 15 August. Radcliffe objected since it was clearly impossible properly to complete the task in one month nine days. His objection was overruled. Mountbatten, Nehru, and Jinnah must share the blame for this irresponsible decision.

It was a serious mistake to appoint a Hindu (the same would have been true for a Moslem) to the confidential post of an Assistant Secretary to the Boundary Commission. Enmity between the two communities was rising fast. There had already been much bloodshed in the Punjab and Bengal. Iyer had doubtless been a loyal servant of the Raj, but the Raj was disappearing.

An Assistant Secretary to the Commission should have been brought from the UK.

Once the Hindu and Moslem High Court Judges, who were supposed to help Radcliffe draw his lines, had been discarded as useless the only three persons who knew of the progress of the illness were Radcliffe, myself and Iyer. I have not the slightest doubt that Iyer kept Nehru and V. P. Menon informed of progress.

Evidence of this is to be found at the Viceregal meeting on 12 August when Nehru voiced alarm at the prospect of the Chittagong Hill Tracts going to Pakistan–which they were. This was the day before I handed in the Reports at Viceregal Lodge. The only way in which Nehru could have known of the projected allotment of the Chittagong Hill Tracts to Pakistan was that Iyer had told him. Also in his Diary for 11 August John Christie, one of the Assistant Private Secretaries to the Viceroy, wrote as follows: 'H. E. is having to be strenuously dissuaded from trying to persuade Radcliffe to alter his Punjab Line.' This was on a date when H. E. ought not to have known where the line was drawn. Unfortunately I kept no Diary, so I cannot be entirely sure as to dates.

The true facts are these:

Radcliffe had completed the Punjab line. Ferozepore was allotted to Pakistan. Sir Evan Jenkins, the Governor of the Punjab, had asked Sir George Abell to let him know the course of the partition line so that troops could be deployed to those areas which were most under threat of violence from the inevitable dislocation which partition involved. Sir George asked me where the line would be. I told him, and a map showing where the line ran was sent to Sir Evan by Sir George. Sir Evan unfortunately never destroyed this map which, on his departure in mid-August came into the hands of the new Pakistan Government. Hence the suspicion by Pakistan (justified) that the line had been altered by Radcliffe under pressure from Mountbatten, in turn under pressure from Nehru and, almost certainly from Bikaner, whose state could have been very adversely affected if the Canal headworks at Ferozepore had been wholly in the hands of Pakistan. Radcliffe and I were living alone on the Viceregal Estate. After the map with the line had been sent to Sir Evan, probably the night of 11 August, towards midnight, while Radcliffe was working, V. P. Menon—the key figure after Nehru in Indian politics at the time, appeared at the outside door, was let in by the chaprassie, or Police guard on duty and asked me if he could see Radcliffe. I told him politely, that he could not. He said that Mountbatten had sent him. I told him, less politely, that it made no difference. He departed, with good grace. I think he anticipated the rebuff. He was a very able and perceptive person.

The next morning, at breakfast, I told Radcliffe what had happened. He made no comment.

Later that morning, Radcliffe told me that he had been invited to lunch by Lord Ismay (Mountbatten's Private Secretary, imported from England for the purpose of Mountbatten's Vice-Royalty) but he had been asked by Ismay not to bring me with him–the pretext being that there would not be enough room at the table for the extra guest. Having lived for six months in the house occupied by Ismay, I knew this to be untrue. But my suspicions were not aroused, as they should have been. I was leaving India the next week, had many pre-occupations and welcomed the chance to get on with my own affairs. This was the first time, however, that Radcliffe and I had been separated at any sort of function. That evening, the Punjab line was changed—Ferozepore going to India. No change, as has been subsequently rumoured, was made in the northern (Gurdaspur) part of the line; nor in the Bengal line.

So Mountbatten cheated and Radcliffe allowed himself to be overborn,

Grave discredit to both. But there are, in both cases mitigating circumstances, if not excuses.

Mountbatten was overworked and overtired and was doubtless told by Nehru and Menon that to give Ferozepore to Pakistan would result in war between India and Pakistan. Bikaner, I think, but do not know, also played a part. He had been a personal friend of Mountbatten's and the canal headquarters at Ferozepore were of great importance to his state, and Mountbatten liked Nehru and (for good reason) disliked Jinnah.

As to Radcliffe, he was without doubt persuaded by Ismay and Mountbatten at the lunch from which I was so deftly excluded, that Ferozepore was so important that to give it to Pakistan (although there was a Muslim majority in the city) would lead to civil war, or at least something like it.

Radcliffe had only been in India six weeks. He had never previously been East of Gibraltar. He probably did not know that Nehru and Menon were putting pressure on Mountbatten. He yielded, I think to what he thought was overwhelming political expediency. If Sir Evan had destroyed the map, the alteration of the award would probably never have been suspected by the new Pakistan Government.

The episode reflects great discredit to Mountbatten, and Nehru and less on Radcliffe.

20 September 1989

Appendix IV

Secret Eighth Meeting of the Defence Committee
Held at 11 a.m.
on Saturday, the 25th October, 1947

PRESENT.
The Governor General
The Prime Minister
The Deputy Prime Minister
The Minister of Finance
The Minister without Portfolio
The Commander-in-Chief, Indian Army
The Air Marshal Commanding, Royal Indian Air Force
The Flag Officer Commanding, Royal Indian Navy
The Principal Private Secretary to the Prime Minister
The Secretary, Ministry of States
The Secretary, Ministry of Defence
The Secretary, Ministry of Communications
The Financial Adviser (Defence & Supply)
The Joint Secretary, Cabinet
The Conference Secretary to the Governor General
The Items discussed were:

Item 1. Kashmir
Item 2. Junagadh

25th October, 1947.

Government House,
New Delhi.

Item 1. KASHMIR

Reports on the General Situation

General Lockhart said that he had received a telegram the previous day from Headquarters, Pakistan Army, at Rawalpindi, stating that 5,000 tribesmen, coming in from the west, had seized Muzaffarabad and Domel on 22nd October, and that there was danger that they were about to attack Kohala.

The Prime Minister said that he had received information that raids on a big scale had taken place in the Jammu area right up to Poonch. A number of towns and villages had been burnt and occupied by the raiders. Two days previously, tribesmen in motor trucks had come in by the Abbottabad route through Muzaffarabad. The advance guard of this party had reached Uri. It was reported that Muslim troops of the Kashmir Army had joined with the raiders, and that non-Muslim troops had retired before them. Many Hindu and Sikh refugees had been killed; a few had escaped and reached Srinagar. The Prime Minister said that he had asked for the meeting to be called to discuss what action should be taken by India in view of these reports.

Later in the meeting, General Lockhart said that it was rumoured that, according to a Lahore news agency report, the Maharaja and Prime Minister of Kashmir had left Srinagar; and a Provisional Government had been set up there.

Past Policy

The Governor General stated that he had, when Crown Representative, consistently advised the Maharaja and the ex-Prime Minister of Kashmir that they should take steps to ascertain the will of the people of Kashmir as to which Dominion that State should accede; and make a permanent accession one way or the other. He had urged upon them the necessity for making this decision before 15th August. Colonel Webb, the Resident of Kashmir, had repeated this advice on many occasions. The Maharaja was a most indecisive person and had been unable to reach any decision. Had he done so, he would not be in so difficult a position now. He had brought the trouble entirely upon himself. The Governor General pointed out that it had also, before the transfer of power been his policy to suggest to the Maharaja of Kashmir that Sheikh Abdulla should be released from prison.

The Prime Minister gave this view that the inability of the Maharaja of Kashmir to reach any decision had been largely influenced by the policy of the Political Department under Lord Wavell. He added that, to the last, Major General Scott and others had persistently advised the Maharaja not to release Sheikh Abdullah.

The Supply of Arms and Ammunition

The Prime Minister drew attention to the fact that, for the last few weeks, Kashmir had been continually requesting arms and equipment from India. In fact, the Prime Minister of Kashmir had visited Delhi, with a request that this supply should be expedited, only a week previously. The States Department and the Defence Department had both approved these demands; but nothing had happened.

The Deputy Prime Minister stated that he had asked the Defence Minister ten days previously to arrange for the supply of these arms on top priority. He had been informed that certain difficulties had been created by Supreme Headquarters. He had therefore given orders that the arms should be supplied out of India's own share; but still nothing had been sent.

General Lockhart confirmed that the demand for these arms had been placed on Supreme Headquarters, who had been asked to let Headquarters, Indian Army, know immediately what was available and where. The arms were in different depots all over India. There was none in Delhi. General Lockhart stated that there had been an element of doubt as to whether the arms could be supplied because it had been thought that the Joint Defence Council had laid down that arms should not be given without its own permission to States which had acceded to neither Dominion.

Mr Patel stated that this was not in fact the decision which had been reached in the Joint Defence Council. Although the heading of the item concerned had referred to States which acceded to neither Dominion, the minutes themselves made it clear that the decision concerned Hyderabad alone.

The Governor-General said that in future when there was any doubt as to the interpretation of decisions taken by the Joint Defence Council, the Minister of Defence or the Commander-in-Chief should come to see him himself immediately in his capacity of Chairman of that body. If this case had been brought to his notice, he would have given a decision in five minutes. He considered that it was highly unsatisfactory that the process of making these arms available should have taken such a long time.

There was then a discussion of the quickest way of arranging for supplies of arms to be flown to Kashmir. It was decided that, in view of the possible doubt whether it would be correct to use B.O.A.C. aircraft, which had been hired for carrying refugees, for the carriage of arms, it would be better to transfer these B.O.A.C. aircraft to passenger traffic, in place of Dalmia Jain and Air Services of India aircraft, which would fly in the arms.

It was agreed that officers should be made available from Headquarters, Indian Army, that day to fly in the chartered aircraft to collect the arms from the various depots and take them to Kashmir.

Telegraphic Communications with Kashmir

Mr Nehru reported that communications with Kashmir had not been restored yet. The committee agreed that wireless telegraphy equipment, operators and engineers should be flown to Jammu at the earliest possible moment.

Road Communications with Kashmir

On the question of road communications with Srinagar, Mr Patel stated that the road between Pathankot and Jammu was still being worked on. Mr Gopalaswami Ayyangar said that he had been informed that most of the engineers who were supposed to be improving this road were Muslims and had done no work recently, although the Maharaja had sanctioned an expenditure of Rs 10 lakh on the project. It was pointed out that the road between Jammu and Srinagar itself was likely to be snow-bound after about 15th November; but it might be possible to use this if snow ploughs were made available.

Petrol

The Prime Minister recalled that there had been a severe shortage of petrol in Kashmir. Mr Menon said that he understood that petrol was being flown up by air daily. The Governor-General estimated that each aircraft carried only about 440 gallons of petrol. The Deputy Prime Minister drew attention to the fact that there were petrol supplies available at Pathankot and Amritsar.

The Kashmir State Forces

On the question of the strength and composition of the Kashmir State Forces, General Lockhart said that Major General Katoch, a regular officer of the Indian Army, had now taken over command from Major General Scott. Mr Gopalaswami Ayyangar said that there were two Brigadiers in the Kashmir State Forces—one Dogra Rajput and one Muslim. The Prime Minister pointed out that Kashmiri Muslims and Hindus were not entitled to be recruited into the Kashmir Army.

The Future Policy of the Government of India

The Prime Minister then raised the question of the future policy of the Indian government with regard to the recent developments in Kashmir. He pointed out that these developments were taking place very quickly and would prove overwhelming if no action was taken and if policy was allowed to continue to depend upon them. He said that he considered it clear that the regular raids which had been going on into Kashmir territory could not have taken place without 100% assistance of the Pakistan authorities.

In this connection, General Lockhart gave his opinion that tribesmen could infiltrate into Kashmir without the help of the Pakistan Government. The Prime Minister's view was that the trucks and arms which had been made available to 'the raiders must have been provided by or with the assistance of Pakistan'. In fact, he had information to the effect that the invasion had been planned at a conference at Rawalpindi a fortnight previously. He added that he had no doubt that the recent happenings in Junagadh had been intended by the Pakistan Government to act as a screen for these operations against Kashmir.

Mr Gopalaswami Ayyangar pointed out that, in connection with the Pakistan Government's interest in the affair, the Prime Minister of the N.W.F.P. had made a speech the previous day appealing to the people of that province not to infiltrate into Kashmir. The Prime Minister said that this speech was probably intended as an answer to the statement which had been made by the Kashmir Government.

The Minister of Finance gave his view that the present raids were only the first step in a well-thought out plan. He considered that the general attitude of the population was likely to have a great bearing on the situation. The Prime Minister agreed that this was ultimately true, but the population at the moment was in no state to protect itself.

The Prime Minister went on to say that he had no doubt that the only way in which the Kashmir Government could save the situation was complete cooperation with those forces in Kashmir which were ready to cooperate with it. With popular support the situation could be saved. There was a fairly powerful movement which wanted to resist the invasion but was at present unable to function. It was of interest that the slogan of the raiders was reported to be 'Down with the National Conference and Sheikh Abdullah'. Violent efforts had been made to influence Sheikh Abdullah; he had been begged to throw in his lot with Pakistan; but without success. He repeated that he considered the only hope to be that popular forces should now be brought in line with the Government, including a large proportion of Muslims. He pointed out that the National Conference contained a large majority of Muslims. He understood that the Maharaja accepted this position in theory but in practice was still hesitating. It was no good postponing consideration of these matters on account of the crisis.

The Minister of Finance gave his view that, unless Sheikh Abdullah and his following were now brought in on the side of the Kashmir Government, any help which India might be able to afford would be wasted. The Prime Minister agreed that this was fundamentally the position. He repeated that the Maharaja had declared that he wanted to take steps to this end; but in fact had done nothing.

The Governor General said that he considered that it would be difficult for the Maharaja to take advice that he should ascertain the will of his people at the present stage in the midst of a revolution. Order would have to be restored first. The Prime Minister agreed that no form of plebiscite could be held under the present conditions. He went on to say that he considered that it was of little advantage to talk of accession at the present stage, although he agreed that accession dependent upon the will of the people should be a general principle. The first step now necessary was for the Maharaja to ask Sheikh Abdullah to lay down his policy to meet the situation, and for the National Conference to agree to cooperate with the Maharaja. The Deputy Prime Minister drew attention to the possibility of Sheikh Abdullah himself not accepting this position.

The Governor General suggested that the situation in Kashmir should be considered in relation to Junagadh. One possible solution might be that Kashmir might now temporarily accede to India, and that India should afford it assistance towards the restoration of law and order. But if this was done, it would have to be subject to the proviso that the will of the people on the accession question should be ascertained as soon as the law and order situation was generally restored. The Governor General pointed out that, at the present time, Pakistan was getting away with what amounted to a political manoeuvre. Junagadh was valueless to Pakistan. In his consideration, it was only with the future of Kashmir in mind that Pakistan had accepted Junagadh's accession.

Mr Menon said that he agreed that Pakistan linked the Junagadh issue closely with Kashmir. He went on to say that he had no doubt that, unless India came to the help of the Maharaja of Kashmir, the latter would go down. He suggested that India might accept an offer by the Maharaja for immediate accession, and then send direct help. The Maharaja might also be asked to appoint a new Ministry under the leadership of Sheikh Abdullah. The will of the people would be ascertained—and this intention would be declared from the beginning. He considered that the great advantage of accepting the accession of Kashmir was that armed assistance could be sent to the State forthwith.

The Deputy Prime Minister said that he did not consider that there was anything to prevent India sending armed assistance whether or not Kashmir acceded. If a friendly State asked for such help, surely it could be provided. The Prime Minister agreed that there could be no legal objection to sending armed assistance if it was at the request of the State. He considered that, if the accession of Kashmir was accepted at the present time, this would be considered as a manoeuvre. The Pakistan Government would be able to

make very similar objections to India sending armed assistance whether or not accession had taken place.

The Minister of Finance pointed out that, if one side intervened in the affairs of a neighbour, another neighbouring State might object and also intervene. Furthermore, Pakistan might base their case on the grounds that from the territorial and geographical point of view their interest in Kashmir was greater than India's.

The Prime Minister said that he still considered that intervention after accession might lead to greater difficulties. He could see no bar to the provision of protection to a friendly State which had been suddenly attacked.

The Governor-General drew attention to the fact that, if the accession of Kashmir was accepted, it was far more probable that the situation in Junagadh would eventually be restored. If no such step was taken, Junagadh might remain forever a running sore. The only alternative might be to go in there and fight. All, he believed, were agreed that such a course would be disastrous. He suggested that the political manoeuvring carried out by Pakistan could best be dealt with by playing at the same game.

The Prime Minister stated that he considered that it remained a possibility that India would have to take possession of Junagadh by force. He also said that he considered that it would be a perfectly straightforward and honest course to accept the accession of Kashmir. The issue, however, should be looked at purely from the point of view of tactics. It was fully agreed that it was ultimately desirable to abide by the decision of the people. It was also agreed that it was desirable that help should be sent to Kashmir, including armed intervention in the present crisis. The question was whether temporary accession would help the people in general to side with India or whether it would only act as an irritant. There was bound to be propaganda to the effect that the accession was not temporary and tempers might be inflamed.

The Minister of Finance gave his view that a *fait accompli* might well complicate the situation. He put forward the suggestion that the Maharaja of Kashmir should write to the Government of India offering accession and asking for armed assistance; and that the Government of India in its reply should point out that its policy was not to accept accession in doubtful cases unless the will of the people had first been ascertained, but that it would send armed help.

The Deputy Prime Minister pointed out that, if the Government of India declared that it intended to apply to Junagadh and Kashmir, the principle that the will of the people should be ascertained in doubtful cases before accession, this would popularly be linked up with Hyderabad also, and a plebiscite there would be demanded throughout India. The Minister of

Finance pointed out that, even if Pakistan were to agree to the principle of a plebiscite in Hyderabad, it was not in their power to force the Nizam to agree to this.

The Prime Minister said that he saw no advantages in asking Pakistan to declare their policy in this matter. All that was necessary was for the Government of India to make up its own mind.

The Governor-General gave his view that, whatever was done, whatever accession was accepted or not, it would be interpreted as a clever manoeuvre on the part of India to get Kashmir over. He suggested that help should now be afforded to Kashmir to put down the raids but that it should be made clear that accession would not be considered until there was an opportunity to find out the popular will.

The Deputy Prime Minister asked whether it was possible for the Armed Forces of India to render effective assistance to Kashmir. The Governor-General suggested that, so far as the Vale of Srinagar was concerned, most reinforcements to be sent would have to be flown in, although some could be sent by road for the next two or three weeks and after that time a certain amount if arrangements were made to clear the road of snow.

General Lockhart said that he could not confirm this without further examination. He considered it highly probable, however, that troops would be able to be sent to Jammu. 50 Para Brigade was at present in Gurdaspur and might be made available if some other formation could be found to take its place. This might affect the movement of refugees in that area to a certain extent.

Mr Menon suggested that, if there was intervention, it must be effective. He proposed that the troops to be provided by India should take over the Jammu front and that the Maharaja's own troops should be concentrated on the Srinagar front. This suggestion was generally agreed, although it was pointed out by the Prime Minister that help should be sent whether or not it was likely to be fully effective. The Prime Minister also stated that he had received from the Prime Minister of Kashmir an official request for assistance.

The Prime Minister suggested that air forces should be employed for reconnaissance purposes and for a show of force.

The Committee:

(i) directed the Commander-in-Chief, Indian Army, the Air Marshal Commanding, Royal Indian Air Force, and the Secretary, Ministry of Communications together to make arrangements for arms and ammunition to be flown to Srinagar on the highest possible priority; aircraft of Dalmia Jain Airways and the Air Services of India would be used to carry these arms, and B.O.A.C. aircraft might be made available to relieve them on their regular tasks; officers detailed by Headquarters, Indian Army, would go round the various depots in the aircraft, provided with the necessary authority to collect the arms and fly them direct to Srinagar; and there deliver them to the Government of the Maharaja of Kashmir or any provisional government which might have been set up in its place and was not sponsored by Pakistan;

(ii) directed the Secretary, Ministry of Communications, to arrange for wireless telegraphy equipment, operators and engineers to be flown to Jammu at the earliest possible moment, with a view to setting up wireless telegraphic communication between there and Delhi;

(iii) directed the Secretary, Ministry of States, to fly to Srinagar that day, to discuss with the Maharaja of Kashmir the possibilities of:

(a) Kashmir requesting armed assistance from India; such assistance might be concentrated on the Jammu front, and Kashmir State troops moved to the Srinagar front;

(b) cooperation between the Government of Kashmir and the National Conference;

(c) Kashmir requesting India to accept its accession, which would, in all probability, not be accepted until an opportunity had arisen to ascertain the will of the people of Kashmir;

and also, if possible, to discuss these matters with Sheikh Abdullah;

(iv) directed the Chiefs of Staff to examine and prepare plans

(a) for the taking-over by Indian troops of the Jammu front in Kashmir;

(b) for the use of military aircraft in Kashmir, particularly for reconnaissance and 'shows of strength'

(c) for the possibility of flying Indian troops to Srinagar.

Appendix V

Secret Ninth Meeting of the Defence Committee
Held at 11 A.M.
on Sunday, the 26th October, 1947.

PRESENT

The Governor General
The Prime Minister
The Deputy Prime Minister
The Ministry for Defence
The Minister of Finance
The Minister Without Portfolio
The Commander-in-Chief, Indian Army
The Air Marshal Commanding, Royal Indian Air Force
The Flag Officer Commanding, Royal Indian Navy
The Head of the Military Emergency Staff
The Secretary General, Ministry of External Affairs and Commonwealth Relations
The Principal Private Secretary to the Prime Minister
The Secretary, Ministry of States
The Secretary, Ministry of Defence
The Secretary, Ministry of Communications
The Financial Adviser (Defence and Supply)
The Joint Secretary, Cabinet
The General Staff Officer, 1st Grade, Operations, Headquarters, Indian Army
The Conference Secretary to the Governor-General

The item discussed was:
Item 1. Kashmir

26th October, 1947 *Government House*
New Delhi.

Item 1. KASHMIR

Mr Menon's Report on his Visit to Srinagar

Mr Menon said that he had, in accordance with the Committee's direction given the previous day, flown, accompanied by representatives of the Army and Air Force, to Srinagar. On arrival there he had first visited the Prime Minister of Kashmir.

Mr Menon explained that the Kashmir State Forces, consisted of three Brigades of approximately 8,000 men, of whom one-third were Muslims; the latter had gone over with their arms to the side of the invaders. There were four companies of State Forces in Srinagar itself. The total number of raiders was said to be between two and three thousand—all armed to the teeth, and in possession of modern equipment and mortars. The raiders had now reached a place 35 miles from Srinagar and the position was pretty desperate. They were wont to advance along the hills on either side of the road, often out-flanking the detachments of State Forces trying to hold the road.

Mr Menon confirmed the reports which had arrived to the effect that the tribesmen had burnt down Muzaffarabad. Official estimates put the number of casualties there at between 1,500 and 2,000; although a popular estimate put the figure as high as 6–7000. Morale was still high in Srinagar itself and the National Conference gave the impression that it meant to put up a good fight. Panic had not yet started but the Muslim League organization in Srinagar had armed and equipped members ready for action. Mr Menon said that he had a long talk with the Prime Minister of Kashmir, who had been so obsessed with the local situation that he had been unable to look beyond it. The Prime Minister had seemed to want to retire to Jammu and defend that, leaving the population of Srinagar to the mercy of the raiders. He had complained bitterly that there had been so long a delay in the supply of arms from India. He had stated his view that Sheikh Abdullah could not save the situation, but he (Mr Menon) had emphasized the advantages of obtaining the cooperation of Sheikh Abdullah, whose interests in the present crisis, he had pointed out, were identical with those of the Kashmir Government.

Mr Menon went on to say that he had then gone to visit the Maharaja. It could be said that the Maharaja had gone to pieces completely—if not gone off his head. The Maharaja had claimed that Major General Scott was directing from Pakistan the operations against Kashmir. Mr Gopalaswami Ayyangar remarked that he could not believe this.

Mr Menon said that the Maharaja had also claimed that Sheikh Abdullah's cooperation could not save the situation. He (Mr Menon) had, however, impressed upon the Maharaja that such cooperation was his only hope. At one stage the Maharaja had gone so far as to say that he would be prepared to make a present to the Government of India of Kashmir and himself retire to Jammu.

Mr Menon said that he had, after seeing the Maharaja, returned to the Prime Minister and put forward to him the suggestion (while making it clear that he had not full authority to carry it out) that Kashmir should immediately accede to India; and that an Interim Government should then be formed. He had pointed out that it would not be necessary to introduce legislation prior to the formation of this Interim Government; it could function under a convention. The Prime Minister's pet obsession had been how the minority could be saved. He had pointed out to the Prime Minister that if Kashmir acceded, it would be the responsibility of India to assist in this evacuation. He added that he had brought the Prime Minister of Kashmir to Delhi with him that morning.

Reports on the General Situation

The Prime Minister said that he had already seen the Prime Minister of Kashmir that day, and also Sheikh Abdullah, who had come down on a short visit. It was obvious from the accounts that he had received that no proper administration was functioning in Srinagar. The only efforts to control the situation were being made by volunteers of the National Conference, who were unarmed, and for whom the Maharaja would not provide arms.

Lieutenant Colonel Maneckshaw said that he had accompanied Mr Menon to Srinagar and discussed the situation with the Kashmir General Staff. It appeared that minor attacks on the Poonch area had started in early October, probably with the idea of withdrawing the Kashmir State Forces, reserves and forcing these to deploy. The attack from Abbottabad, which had started a few days previously, had been made by about 1,000 tribesmen and 400 Pathans from the North West Frontier Province in 300 lorries. Some of these lorries carried arms and ammunition, presumably for the local population. The Muslim element of the Kashmir Battallion, which had deserted at Muzaffarabad totalled about 200 men, who had then formed the advance guard of the invaders and attacked Uri. Loyal Kashmir troops had blown up the bridge at Uri, but a diversion had since been made. The raiders had come on foot and the previous evening it had appeared probable that the Kashmir detachment on the main road, of about 200 men, would have

to be withdrawn to Baramulla. Local volunteers were also being sent up to Baramulla from Srinagar. The reserve of one squadron of cavalry at Srinagar was not considered adequate even for internal security purposes.

Lieutenant Colonel Maneckshaw stated that in the Poonch and Mirpur sectors, many small detachments of State Forces, probably of the total strength of one weak battalion, were surrounded and had asked for supplies to be dropped to them by air. General Lockhart said that this was being examined.

Military Action

The Prime Minister suggested that two bridges near Muzaffarabad, on the main road down which supplies were being sent to the raiders, should be destroyed. Mr Menon confirmed that the Government of Kashmir had asked for this to be done. They had no explosives to arrange it themselves.

Air Marshal Elmhirst made an examination of the possibility of bombing these bridges. Later in the meeting, however, he reported that this was not practicable, because Tempest aircraft could not use the airfield at Srinagar; and the nearest suitable airfield, at Amritsar, was too far away.

It was accordingly decided that sufficient explosives should be flown to Srinagar to supply a foot party to destroy these bridges.

General Lockhart stated that the Commander of the Kashmir State Forces had asked for a battalion of Indian Infantry to be flown to Srinagar that day. He said that the availability of transport aircraft was likely to be the limiting factor to this operation. He also described the operation as a considerable military risk. The following possible dangers inherent in this course were brought out in the course of discussion:

(a) One battalion would be a small force if there was a general popular uprising in Kashmir.

In connection with this the Prime Minister pointed out that the majority of the population, in Srinagar itself at any rate, were believed to be supporters of the National Conference, which, it was hoped, would cooperate with the Government of Kashmir. In fact it was likely that the great majority of the population of the Srinagar Vale would be friendly although there would be an active unfriendly minority.

(b) It would be a matter of considerable difficulty to keep the battalion supplied once it was flown in.

In connection with this, the Prime Minister stated that the road between Jammu and Srinagar was likely to be open until the end of November, and possibly passable for another three weeks after that. It was also understood that the road from Pathankot to Jammu was passable. It was pointed out

that this road ran, for a certain distance, very close to the Pakistan border. There was a danger of this road being cut not only by regular Pakistan Forces, which would amount to an act of war, but also, more particularly, by irregular armed bands.

(c) The battalion would not be able to take its motor transport with it.

In connection with this the Prime Minister said that he understood a certain amount of transport was available in Srinagar. It was also to be hoped that the unit's own transport would be able to be sent up by road:

(d) The unit which had at present been warned for this operation was the 1st/5th Gurkha Rifles.

The Committee agreed that, despite the fact that Nepal had offered to make available to India its resources and help in any way that might be required, it would be better to use an Indian battalion for the task envisaged. Furthermore, there was a possibility, although this was not considered very likely, that an objection to the use of British officers, of whom there were a number in the 1st/5th Gurkha Rifles, might arise.

Later in the meeting General Lockhart reported that the 1st Battalion of the Sikh Regiment could be made available although it was at the moment in Gurgaon. It was agreed that this unit should be sent if possible.

(e) A large number of aircraft was not readily available.

Air Marshal Elmhirst said that the R.I.A.F. could produce four transport aircraft. The Committee agreed that there would be no objection to the use of civil aircraft for flying soldiers to Srinagar. It was hoped that nine could be made readily available. If they, and the R.I.A.F. aircraft, made two trips the following day, they would be able to fly in almost a complete battalion. The necessary guarantees in connection with the use of the civil aircraft would have to be produced quickly.

(f) The airfield at Srinagar was to the west of the town; and in order to get from it to the Jammu Road it was necessary to pass through Srinagar itself.

After discussion, it was agreed that only the Commander on the spot would alone be able to decide whether, if conditions deteriorated, to hold the airfield or fall back on the road.

(g) All the military and air effort put into Kashmir would have to be diverted from relief work in Punjab.

General Lockhart stated that the consequent effect on the relief work of diverting this effort to Kashmir would not be very serious.

(h) The R.I.A.F. officer who had visited Srinagar the previous day had come back with the opinion that the Srinagar airfield was likely to be in the hands of the raiders in 36 hours.

Mr Menon said that he did not agree with this opinion. The raiders were advancing at about the rate of 6 miles a day and still had 35 miles to do.

After further discussion the Committee came to the view that the military risks involved in sending a battalion by air to Srinagar were worth taking. The Prime Minister pointed out that, apart from the material help that they would bring, the morale of the whole area would rise immensely with their arrival. He said that the object of the unit would be to expel the invaders from Srinagar and from Srinagar Vale as far as possible. The unit would remain under the command of Headquarters, Indian Army, and would help to maintain law and order if the Kashmir Government was unable to do this.

The Prime Minister stated that the Prime Minister of Kashmir had informed him that the despatch of military aid to Jammu was not so urgent as to Srinagar. It was recalled that it had already been agreed that 50 Para Brigade should, if possible, be sent up by road to Jammu. It was suggested that at least one battalion of this Brigade should be sent on to Srinagar; and that a Brigade Headquarters should eventually be set up at Srinagar. Finally, General Lockhart asked to what extent the Kashmir situation was vital to India. The Prime Minister and the Deputy Prime Minister both stated that the future of Kashmir was vital to India's very existence.

Political Action

The Deputy Prime Minister said that he understood that it had been given out over the Pakistan radio the previous evening that Pakistan had already recognized a provisional government in Kashmir. The Minister of Finance said that he did not consider that this could be interpreted as an act of hostility against India. Mr Gopalaswami Ayyangar gave his view that it would be in the nature of an unfriendly act if it had been done in the knowledge that India was going to support the duly constituted authority in Kashmir. Sir G. S. Bajpai pointed out that the provisional government would not become a de jure Government simply on account of Pakistan's recognition. In international law India was in the right in supporting the duly constituted Government.

The Governor-General pointed out that the Pakistan Government had called on the invading tribesmen to withdraw and had officially dissociated itself from the invasion which was taking place. It was agreed that the Prime

Minister should send a telegram to the Prime Minister of Pakistan asking that steps should be taken to stop further infiltration. This request for cooperation would not be so worded as to lead to the possible interpretation that Pakistan was being requested to send armed support to Kashmir.

It was considered that the issue of accession would make little difference to the present situation, although Mr Gopalaswami Ayyangar gave his view that immediate accession might create further opposition.

It was agreed that it was desirable that an interim Government under Sheikh Abdullah should be set up simultaneously with the accession of Kashmir.

The Governor-General asked whether this interim Government might be put in authority over Kashmir itself only and not over Jammu. Mr Menon gave his view that this would lead to a very difficult situation.

It was agreed that when the accession was accepted this should be subject to the proviso that a plebiscite would be held in Kashmir when the law and order situation allowed this. The Governor-General suggested that this plebiscite should be on three questions—to join India—to join Pakistan—or to remain independent. He also suggested that before a plebiscite was held, the future defence of Kashmir might be discussed in the Joint Defence Council. The Prime Minister said that the Government of India would not mind Kashmir remaining an independent country under India's sphere of influence.

The Committee:

(i) directed the Commander-in-Chief, Indian Army, the Air Marshal Commanding, Royal Indian Air Force, and the Secretary, Ministry of Communications, together to arrange for a battalion of infantry (which should be the 1st Battalion, the Sikh Regiment, in preference to the 1st/5th Gurkhas) to be flown in to Srinagar, starting on 27th October; if it was not practicable for them to land at Srinagar, they would land at Jammu; for this purpose all available R.I.A.F. and Civil Air Lines' transport aircraft were to be used, making if possible two sorties a day; (this movement should have priority over the flying-in of arms and ammunition although a proportion of these might be carried);

(ii) directed the Secretary, Ministry of Communications, to arrange for these civil aircraft to be replaced, if possible, in their regular duties by B.O.A.C. aircraft; and to prepare, as a matter of urgency, the necessary financial and other guarantees to the Civil Air Lines providing the aircraft;

(iii) directed the Joint Secretary, Cabinet, to arrange for an Ordinance to be prepared authorizing the requisition of these civil aircraft in case this should become necessary;

(iv) directed the Commander-in-Chief, Indian Army, to carry on with the arrangements for sending 50 Para Brigade to Jammu, although at least a battalion of this Brigade might be sent on by road to Srinagar, where a Brigade Headquarters might be set up; and to examine the possibility of keeping the road from Jammu to Srinagar open, through the winter, with the aid of bulldozers;

(v) directed the Commander-in-Chief, Indian Army to arrange for a supply of explosives to be flown to Srinagar, with a view to the use thereof for blowing two bridges near Muzaffarabad;

(vi) directed the Ministry of States to prepare:
  (a) an Instrument of Accession to India by the Maharaja of Jammu and Kashmir;
  (b) a letter from the Government of India to the Maharaja, stating the temporary acceptance of this Instrument (with a view to assistance being rendered towards the restoration of law and order) but with the proviso that the will of the people of Kashmir on the question of final accession would be ascertained when conditions allowed this;
  (c) a statement on the lines of (b), for issue to the Press;

(vii) directed the Ministry of States to take up with the Maharaja the question of the formation, simultaneously with the signing of the Instrument of Accession, of an Interim Government under Sheikh Abdullah; and to take up with Sheikh Abdullah the question of the issue by him of a statement accepting this, agreeing to the Accession, and endorsing Kashmir's request to India for immediate assistance;

(viii) took note that the Prime Minister would telegraph to the Prime Minister of Pakistan, including the suggestion that Pakistan should take steps to prevent further infiltration into Kashmir.

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