

CONQUEST OF JAMMU AND KASHMIR AND EARLY EVOLUTION OF LEGISLATIVE SPHERE

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ABSTRACT

On 26 October, 1947 Maharaja Hari Singh signed Instrument of Accession with India. This document was in standard form and similar to those as signed by other erstwhile 554 princely states of India. Many allege that Kashmir was sold by the British unethically to Gulab Singh under the 'Treaty of Amritsar'. The present paper throws light over the transfer of the state to the Dogra kings with an objective perspective.

Keywords: Decrees, Gulab Singh, Hari Singh, Ranjit Singh, Sheikh Abdullah.

INTRODUCTION

Gulab Singh was born on 18th October 1792, in a Jamwal clan of Rajputs. His father, Kishore Singh was a distant relative of Raja of Jammu, Jit Singh. Gulab Singh entered the service of Maharaja Ranjit Singh of Punjab in 1812, having served under the Qiladar of Munjala, and Sultan Khan of Bhimbar.¹ He was invested with command over Jammu by Maharaja Ranjit Singh, at Akhnoor, on 4th May, 1822. Gulab Singh was Chief Minister of Punjab in 1846.² He was also granted the titles of *Dilawarul-Mulk* and *Fath Jang*, by Emperor Bahadur Shah II and *Rajrajeshwar* by the Sikh Durbar.³

THE ADVENT OF SIKH RULE

Ranjit Singh, the mighty Sikh ruler came to power in Jammu and Kashmir in 1819. He was the last formidable foe of the British. On 15 July 1819, the victorious Sikh army entered Srinagar. The commanders of the victorious army were personally ordered by the Sikh ruler that they should take special care for the safety and the security of the inhabitants of Kashmir and also ensure that no harm or injury be caused to any individual. Contrary to the victorious forces of the previous rulers, the Sikh forces on entering the city of Srinagar did not harm any civilian, spoil their honour nor loot the property of the wealthy shopkeepers. This was a new experience for the Kashmiris, as previously their property was looted and their honour spoiled on every occasion at the hand of the invading Afghan forces.⁴

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BENEVOLENCE OF MAHARAJA RANJIT SINGH.

The conquest of Kashmir was a significant addition to the Sikh kingdom of Raja Ranjit Singh due to the strategic position of the Kashmir valley which could give protection to the kingdom of Punjab from the north. In 1822, Maharaja Ranjit Singh visited Purmandal and Jammu, even making lavish offerings at Purmandal to the Hindu temples and persons connected with their up-keep. He also took a holy bath at Purmandal. In Jammu, he donated money to the keepers of the most beautiful garden in Jammu, the Garden of Muglani Begum. He also visited a Thakurdwara in Mubarak Mandi, the palace of the Dogra rulers, a Dharamshala in Panjtirthi and a Muslim Fakir named Ali Shah. His respect and his generous offerings to the Hindu and Muslim people and their sacred places, and the fact that he assigned Jagirs for their maintenance and to support free kitchens, settled the minds and worries of the local people who had long suffered under previous invading armies⁵.

He along with the members of the royal family, used to take part alike in Hindu, Muslim and Sikh religious festivals. It is said that the Maharaja, on a few occasions, was even present at Id-ul-Fitr and during Muharram. As such, all the communities looked upon him not only as their well-wisher and protector but as one of themselves. Another reason for the great popularity he enjoyed, was that after conquering new territories, he didn't replace the vanquished rulers, whether Hindus, Muslims or Sikhs, with the disgrace; dishonor; and public contempt that other conquering rulers had exhibited, rather the Maharaja granted them jagirs and considerable provisions for their maintenance. The public welfare and secular attitude of Maharaja Ranjit Singh towards his subjects, irrespective of caste and creed, resulted in a communal harmony among all the religious communities.

THE DISTINGUISHED SERVICE RENDERED BY GULAB SINGH.

The Maharaja ruled Kashmir through his Nazims (Governors) and revenue farmers. However, many of the Governors (whose tenure of office was about two years) were either recalled for mal-administration or for non-fulfillment of their engagements. Gulab Singh and his brothers were in service of the Sikh Maharaja and were bestowed with the principalities of Jammu, the territories of Chamber, Chibal including Poonch and Jamnagar area respectively, for their loyal and distinguished service record. When Ranjit Singh died in 1839 and the first Sikh War against the British was lost in 1842, the East India Company demanded a payment of a forfeit amount. The Sikh power could not afford this and in alternative would be required to surrender all the territory from the Beas River to the Indus to the British Colonial rulers.⁶

GULAB SINGH - THE MEDIATOR.

Gulab Singh stepped in as a mediator between the British and the Lahore Durbar. He asked that he be allowed to pay the forfeit instead, on the condition that the British agree to have no claim over the territory. The British wanted the territories of Lahaul,

Kulu and some other areas of strategic significance including Chamba, which they withheld, by making a concession of Rupees 25 lakh to the forfeit amount of 1 crore rupees. The British decided to retain the territories of Lahore (which came under the control of Maharaja Ranjit Singh in 1809) and all the territory between the Beas and Sutlej rivers. They considered these territories profitable from the revenue point of view. However the areas of the largely hilly country, coming within Jammu and Kashmir State were relatively unprofitable, because it was for the most part unproductive and very little revenue accrued to the ruler. Maharaja Gulab Singh depleted his own treasury of 75 lakhs rupees (Nanakshahi), in order to prevent the largest single State of Bharatvarsh from coming under direct British control.

HISTORIC 'TREATY OF AMRITSAR' AND CORONATION OF GULAB SINGH.

By signing the Treaty of Amritsar in 1846, the British agreed to have no claim over all the hill country between the Indus and Ravi river, on payment of 75 lakh rupees (Nanakshahi); with a proviso that Gulab Singh agree to present annually to the British Government one horse, twelve shawl goats of approved breed and three pairs of Kashmir shawls, as a token of acknowledgement of British supremacy. They thus declared Gulab Singh the independent ruler of Jammu and Kashmir⁷.

MAHARAJA HARI SINGH'S LOVE OF JUSTICE.

In 1947, the area of the State of J&K was approximately 82,000 square miles and it held a population of just over four million. For over a hundred years the State of J&K had been ruled by the dynasty of Maharaja Hari Singh's ancestors.⁸

After accession of J&K to India, Maharaja Hari Singh of J&K was accused by Pakistan of persecuting and harassing Muslims – when ironically the population of Muslims in the State just kept increasing and flourishing during the reign of his family. The Maharaja specifically instructed his ministers that there were to be no taxes imposed on any person just because he belonged to a particular community. Thus, contrary to the malicious statements of those who tried to defame the Maharaja and overthrow his rule (by instigating his Muslim subjects against him), there was not a single Muslim-specific tax imposed. The reports of Webb and Scott, which articulated the list of all taxes imposed, bears witness to this truth.⁹

His army consisted of 35% Muslims and the Police force in Jammu alone comprised 50% Muslims. There was a sizeable number of Muslims among the officers of his civil administration as well. Yet rather foolishly and intriguingly, Pakistan and some Kashmiri politicians maliciously accused the State Army and Police, comprising many Muslims, of discriminating against Muslims. Their claims were not perceived as anything but ludicrous. Till this day no person in India or Pakistan has been able to cite a single decree passed by the Maharaja that was discriminative against Muslims.¹⁰

Seen from the perspective of law enforcement, Jammu and Kashmir was a shining light

among the other Princely States in India, since it had the distinction of being the first State in India to have many landmark reformative legislations passed during the reign of Maharaja Hari Singh from 1925 to 1947.

As opposed to the Afghan, Mughal and Sikh rulers of the past, Raja Hari Singh made a clear distinction between his private property including jewelry and state property. He left family jewelry, shawls, carpets and regalia worth crores of rupees, with the state treasury (Toshakhana). He never harassed the population for his personal ends. He believed in a secular regime. He gave his State the distinction of having the first legislative Assembly of popular representatives (in 1934) among all the Princely States in India. This Legislative Assembly was known as the Praja Sabha. The Praja Sabha was given the right to nominate a panel of six, out of which, he would choose two persons to join the Council of Ministers. Two such persons, Mirza Afzal Beig and Wazir Ganga Ram who secured the highest votes among the Muslims and Hindu candidates, were appointed Ministers. The Praja Sabha constituted on the 17th of October, 1934, consisted of 42 nominated and 37 elected members and was authorized to make provisions for the association of the people with this legislative body.

ILLUSTRIOUS CREDENTIALS OF MAHARAJA SIR HARI SINGH

He was one of the distinguished rulers in India to possess excellent credentials. By the time he was 20 years old, he was Commander-in-Chief of the Jammu and Kashmir State Forces. He proved himself to his subjects, to be extremely loyal and patriotic. He was a reformer and a nationalist. He was a member of the Imperial War Council during the World War II and an outstanding General. He is famous for his historic proclamation, "*Justice is my religion and merit alone will be considered deciding factor for all types of employments and caste, creed, religion or sex will receive no consideration.*"¹¹ That was the reason why his administration and system of justice is to this day, accepted by impartial observers as being one of the best in the history of the State.

MAHARAJA'S OPPOSITION TO THE BRITISH RAJ

He was the greatest lover of freedom. He asserted that freedom from the British Raj was the inalienable right of the people of India and that too at the Round Table Conference on 12th November, 1930 in London, when he was speaking as the representative of the Princely States of India. He irked the British terribly when he refused to hoist the English flag on all prominent buildings in Jammu and Kashmir. He insisted on unfurling only the State flag of his kingdom.¹² He insisted on minimum interference from the British in his administration.

He abolished forced labour, beggary and child marriage. He modernized the agricultural sector by passing the decree of the Agriculturist's Relief Act that allowed a debtor to bring his creditors in a Court of Law for the settlement. Agriculturist's Relief Act freed the peasants and rural workers from the torture of money lenders and creditors.

MAHARAJA'S DECREES AS PRELUDE TO EVOLUTION OF LEGISLATIVE SPHERE IN J&K

During his rule, a multitude of other landmark decrees were passed. In fact, these were the enactment of laws in practice. A few are recounted below.¹³

- *'The Land Alienation Act'*, which forbade the transfer of agricultural land to the non-agriculturists.
- Agriculturists were granted proprietary ownership rights and immunity from the taxes or levies of Nazrana and Malikana.
- Rural population and peasants without land of their own were allowed and in fact encouraged to dwell on the Khalsa land, and thereafter given ownership rights to those lands.
- The provision of loans for the improvement of agricultural lands, livestock and rural economy with easy procedures and installments was ushered in by his administration.
- The period of the land settlement was increased to forty years.
- He introduced *'The Right of Prior Purchase Act'*, which pre-empted the rights of the rural population in the context of agricultural land sale and purchase.
- The activities of the Agriculture Department, which were initially restricted to Kashmir only, were progressively extended to Jammu and other regions in the North of his State which was the largest single State in India in terms of area.
- The Department of Rural Development was established in 1937, which effectually assured that the *panchayats* were associated with the implementation of plans for rural development. These *panchayats* were previously only engaged in resolving conflicts of the villagers. They now had a welfare function as well. He was deeply inclined towards the welfare of his people particularly the Muslims and initiated plenty of social upliftment measures for them.
- *'The Kahcharai Act'* was a landmark step that removed the discriminative application of the Kahcharai tax. It also granted exemption to the owners of livestock in respect of particular animals of a given number and age. For the improvement of livestock, a large number of bulls of Sindhi and Dhani breeds were distributed among certain peasants on a quantified need basis.
- He made timber available on concessional rates to the people living in the periphery of forests.
- Development in trade and industry sectors got new focuses and numerous taxes were abolished.
- Knowing the employment generated by industrialization, he started manufacturing units of matchboxes, tents, carpets, woodworks, crafts, tannery goods, silk yarn, food etc.
- He was deeply influenced by the Gandhian philosophy of Swadeshi goods being preferred to imported ones and encouraged the purchasing of local products from the local enterprises.

- His administration established a small silk factory in Jammu, with a production unit in Srinagar, which expanded to four times of its original size. Besides providing employment to a large number of workers in the factory, it brought additional revenue to thousands of rural families who raised silkworm cocoons.
- He opened industrial centers and emporiums in Srinagar in 1941 and later at Jammu, to further promote the trade of Kashmiri products.
- Industrial production was also increased significantly during his reign.
- The health and education sector received top priority.
- He made primary and secondary education free for all in the state¹⁴. Primary education was made compulsory for boys in all the municipal towns in 1930.
- Breakthrough schemes for providing educational loans were introduced.
- He felt deeply for the deserving students who could not afford the loans and therefore he set up a 'Scholarship Selection Board' which granted scholarships to the deserving students for higher and technical education in India and abroad.
- New schools, colleges and learning institutes were established to accommodate increasing number of students and as a welfare measure for the Muslim students; he introduced the option of choosing either Urdu medium of study, or the Devnagri or the Persian scripts.
- He simultaneously set up Prince of Wales College in Jammu and S.P. College in Srinagar for higher education of the youth of the State, besides creating a network of other educational and health Institutions
- He launched a massive campaign against adult illiteracy. It achieved considerable success.
- He increased the number of hospitals and medical dispensaries in the State and made sure that there were enough medical staff composed of well-qualified physicians and nursing staff to manage those hospitals and clinics, etc.
- He considered the importance of proper facilities being provided to expectant mothers and established the first ever Maternity Block in Srinagar.
- He opened the 'Maharaja Gulab Singh Hospital' at Jammu, in 1943.
- The 'Maharaja Hari Singh Hospital', one of the then largest hospitals in the Indian sub-continent, with 320 beds, was inaugurated in Srinagar in 1945.
- He gave the State of Jammu and Kashmir the rare distinction of becoming the first State in India to establish a 'Tuberculosis Department'.
- He engaged a special group of medical professionals with expertise in epidemiology, who was assigned the special task of handling epidemic diseases and plagues, as and when they occurred in various regions of State.
- An 'anti-plague plan' was initiated which achieved outstanding success, not to mention the lives saved by the able and diligent administration of Maharaja Hari Singh.

- In 1935, cholera broke out in Kashmir and 1.5 million injections were administered. This was the highest number of cholera medication administered at that time, in any State in India. It was a mammoth task and would not have been possible but for the steadfast support and provision of State funds which was so aptly organized during the governance of Maharaja Hari Singh.
- He was aware that clean water is highly important in good health. He also realized that water was the contributing factor in being vector in case of contagious diseases. He therefore made great efforts to boost the supply of unpolluted and clean drinking water.
- A special branch was created in the PWD, to resolve this particular concern.
- A tube-well was bored in Jammu. New tanks and wells were constructed. Large grants were provided for the improvement of water-supply in Srinagar and other cities of state. There were significant expansion in the water-supply, fire-protection and electric safety works.
- He initiated modern communication services of telegraph, telephone to all the important cities and towns.
- As an infrastructural reform measure, a 'Flood Control Department' was constituted.
- He was anxious to build roads, bridges, tunnels and hydro-power stations to make available to the people the best technological solutions and living standards.
- He was keen to nurture the beauty of the bountiful kingdom and particularly intensified the glory of the Kashmir Valley. He implemented many plans to further the charm of Srinagar and to develop Pahalgam and Gulmarg as ideal hill stations. He launched a plan for the organized development of the area of Kashmir. His labour of love bore rich fruit. The number of tourists who visited Jammu and Kashmir during 1931-32 was 8,604. It rose to 24,659 during 1936-37.
- He gave a huge impetus to the co-operative movement. The number of cooperative credit societies increased to four thousand. Moreover, a large number of societies for the expansion of holdings, better living, education and marketing of agricultural products were also established by him.
- He revolutionized the financial sector by establishing 'The Jammu and Kashmir Bank' in 1938. Upon his instructions, the Bank took over control of the government treasury. He always believed that the State treasury took precedence over his personal enjoyment. He also wanted to leave as much funds in the State treasury as possible in order to finance his welfare schemes. He lived modestly and expended little, so that his family maintenance would cost the minimum possible.
- Branches of 'The Jammu and Kashmir Bank' were established in Srinagar, Jammu and other cities and towns in the state.
- In 1928, he passed a decree banning child marriage, which was prevalent during those days. Thus, Jammu and Kashmir became one of the earliest princely states of the country to pass such legislation. According to the regulation, the girls were not allowed to marry

before they attain the age of 14 years and boys at the age of 18 years. The violation of this order was declared to be a punishable offense incurring one year's imprisonment or fine up to rupee one thousand or both.

- He opened all public schools, colleges, and wells to the untouchables in 1931.
- In 1932, he opened the doors of temples to Harijans and ensured that people of all sections of society drew water from the same well. He made concerted efforts to abolish the evil of untouchability.
- In 1940, he proclaimed the recognition and custom of untouchability to be a crime.
- He addressed the issue of woman and child trafficking by passing a decree, declaring that organizing a prostitution business was a punishable crime. Encouraging or assisting in seduction or prostitution of minor girls was also declared a crime and subject to punishment.
- During the Second World War, there was a shortage of resources in the State. Food and other commodities had to be rationed. He ensured that there was an adequate supply of wheat and rice and other grain (which form the staple diet of Indian population) at controlled prices. Basic commodities such as sugar and fuel were also rationed.
- He set up a Price Control Department which was assigned the task of fixing reasonable prices and regulating the circulation of essential goods in such a way as to certify equitable distribution.
- He showed enormous interest in the alleviation of the distress of the poorest population. He established a fund towards this end.
- To eradicate the evil of female infanticide, Maharaja Hari Singh constituted two committees in 1926 and 1929, which recommended many effective measures to be implemented. Notable among these were firstly, educating the people and increasing awareness, and secondly, severe action against those guilty of this heinous crime. He accepted and implemented both the recommendations. Furthermore, he established the '*Dhandevi Memorial Fund*' for the marriage of girls.
- He was terribly vexed by the free and uninhibited sale of tobacco to children. He was the torchbearer in the avenue of prevention of child-smoking by promulgating anti-smoking and anti-tobacco ordinances, applicable to children.
- He regarded the stigmatization of Hindu widows to be unjust. He disposed of that social evil by removing the legal disabilities imposed on the remarriage of Hindu widows. This initiative was the first of its kind undertaken by any ruler in the Indian sub-continent.
- Continuing expansion in the representation of the Kashmiri Muslims in the Civil Services became significant as in April, 1932 there were 3,052 Muslim officials, including 55 gazetted ranks, out of a total strength of 8,683. Their number rose to 5070, including 150 gazetted officials, out of 13,790 in April 1945, giving them about 40% representation in the total strength of the State Civil Services.¹⁵

CONCLUSION

After the Privy Purse was negotiated with the Maharaja Sir Hari Singh, the leader of the interim government (Sheikh Abdullah), who was appointed by the Maharaja himself, blatantly flouted the rules of proper governance by refusing to honour the agreement¹⁶. Moreover Sheikh demanded that the Maharaja not even to stay in his own State. The Maharaja forgivingly left the State upon the persuasion of Sardar Patel. It is ironic that Jinnah demanded that the Muslims should have a separate nation since they might be driven out of India by the Hindus, but when a Muslim was nominated head of the crown State of India by his Hindu Maharaja, that Maharaja was himself driven out of his own State by the same Muslim leadership that he had appointed to govern it.

The Maharaja had offered safe passage to about one lakh Muslim refugees from Pathankot to Sialkot, while the Pakistanis murdered in cold blood over 180 out of 220 Kashmir residents being conveyed to Kohala at the Maharaja's request.¹⁷

A country that forgets her history does so at her own peril. The State of J&K bears witness to the fact that all the false claims impugning the attitude of the Maharaja towards his subjects of any religion, were shameless plots for usurping political power. The fact that the State still remains a Muslim majority state bears witness to the same. Had the Muslims been so ill-treated they would have migrated to Pakistan like all the other 7 million Muslims who left and nearly 7 to 8 million Hindus and Muslims who came to India from Pakistan. Even after the partition of the country, India held more Muslims than Pakistan. Moreover Jinnah sought the accession of Hyderabad, Jodhpur, Jaisalmer, Amarkot and so many others, even though all of these were Hindu majority States. In the case of Amarkot, he succeeded. However, after it became a part of Pakistan, the Hindus who did not leave Amarkot were inexplicably non-existent in the years to come. While, after partition, the population of Muslims in India has just kept flourishing and increasing in number, contrary to prophecies of annihilation of the Muslims made by Jinnah. However, the population of Hindus and other non-Muslims who stayed in Pakistan has dwindled very fast and is not causing any international alarm. Possibly, this stems from the fact that since India is a secular State, it ought to adhere to higher standards of benevolence and tolerance which are qualities not even expected from its theocratic fractional nation of Pakistan.

ENDNOTES

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5. Wikipedia. Accessed on 9th August, 2014, at 20:09.
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12. This practice of hoisting the State Flag was retained by Sheikh Abdullah. The only change was that the Royal State Flag was replaced by the flag of Abdullah's political party.
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