

THE ANGLO-CONGRESS PLAN AND GENESIS OF THE KASHMIR ISSUE

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The Indian Independence Act of 1947 provided that the British India would be divided into two dominions i.e. India and Pakistan. The principle of the partition was that the contiguous Hindu majority areas would be included in India and Muslim majority areas in Pakistan. About the future of the British princely states, the Independence Act provided for complete withdrawal of paramountcy upon them. It also terminated all the treaties and agreements which had existed between the British Government and the Indian States.¹ Thus the states were legally independent—not bound to join India or Pakistan. However, the Indian National Congress and the Muslim League took divergent stands on the issue. The Muslim League had no objection to the princely states becoming independent or joining India or Pakistan at their will. To justify the Muslim League point of view Quaid-i-Azam in a statement on 30 July, 1947 declared:

The legal position is that with the lapse of paramountcy on the transfer of power by the British... all Indian states would automatically regain their full sovereign and independent status. Therefore, they are free to join either of the two dominions or to remain independent. The Muslim League recognises the right of each state to choose its destiny.²

The response of the Indian National Congress to the above option was, however, different. It accepted that the states could join either India or Pakistan but rejected their independent status. It claimed that as successor to the British Government it had become the responsibility of India to defend and protect those states which would fail to accede to either dominion.³ Pandit Jawaharlal Nehru, while maintaining the Congress point of view, declared that the recognition of any independent state by any country of the world would be considered as an unfriendly act.⁴

Due to the continuous pressure of the Indian National Congress, the British Government retreated from its original stand, and stressed upon the states to join either of the two dominions. It refused to accept their independent status. Addressing the House of Lords, Lord Listowel, the Secretary of State for India, informed the rulers of the states that the British Government did not recognize any state as a separate international entity.⁵ Lord Mountbatten, the viceroy of India, also advised them to join either India or Pakistan keeping in view their geographical and communal settings.⁶ In view of the above standpoint of the British Government, the states had no choice but to join either India or Pakistan. Consequently, all the princely states, except a few,⁷ acceded either to India or Pakistan. Among the latter category, the State of Jammu and Kashmir emerged as a disputed state in the subcontinent, in spite of the fact that Kashmir should clearly have acceded to Pakistan.

A number of reasons can be deduced, the most important being the following. First, the Jammu and Kashmir State was geographically contiguous to Pakistan. Its only access to the outside world lay through the Jhelum Valley road which ran through Pakistan *via* Rawalpindi. The only rail link connecting the state to the outside world ran through Sialkot in Pakistan. Secondly, Kashmir's economy was directly linked with Pakistan. All necessities of life such as salt, sugar and petrol etc., were imported from Pakistan. Above all Pakistan was a lucrative market for the State's vast timber resource. It was marketed and sold in Pakistan. Fresh fruit and vegetables also found their way to Pakistan. Moreover, Kashmir's woollen goods and carpets registered largest sale in Pakistan. Lastly, the State of Jammu and Kashmir was a predominantly Muslim majority area. According to the census of 1941, the Muslims constituted 77.11 percent of the total population, Hindus, Sikhs and Buddhists constituted 20.12 percent, 1.64 percent and 1.0 percent of the total population, respectively.⁸

As far as Pakistan is concerned, its claim for Kashmir is motivated both by its ideological and security considerations. Since Pakistan itself came into being on the basis of the Two-Nation theory, the struggle for Kashmir was considered a "test case" for the validity of this conception.⁹ The letter "K" in the world "Pakistan" is a significant reference to Kashmir. Therefore, Kashmir's accession to Pakistan was a logical corollary without which

Pakistan would remain incomplete.¹⁰

Pakistan was of course aware that any hostile power in Kashmir could be a source of permanent threat to her security. Pakistan's main railway line and grand trunk road runs from Lahore to Rawalpindi and then on to Peshawar. These are the two main strategic communication systems. The border of Kashmir runs parallel to this communication line. If Kashmir acceded to India, the whole of Pakistan's communication line could be held under constant threat, endangering the very survival of the country. This sense of insecurity was voiced by Liaquat Ali Khan, the then Prime Minister of Pakistan, during the summer of 1947. He said:—

Kashmir is very important, is vital to Pakistan; to India it is what you might call a luxury; with us it is a vital necessity of our survival. Kashmir ... is like a cap on the head of Pakistan. If I allow India to have this cap on our head, then I am always at the mercy of India. The very position ... the strategic position of Kashmir is such that without it Pakistan cannot defend itself against an unscrupulous government that might come to India. The sacrifices of millions will have been in vain.¹¹

Conversely, the Indian National Congress was determined to bring Kashmir into the Indian Union, and for a number of their own reasons. The most important reason was that India aspired to emerge as a regional power in Asia. This can be supported by various writings and statements of its prominent leaders. Advancing their line of argument, for instance, M. Gopal asserts that Kashmir "is India's only window to the Central Asian Republics of USSR in the north, China on the east and Afghanistan on the west".¹² To achieve these objectives the Congress leaders thus did not hesitate to woo the British and indeed there was sufficient evidence to suggest that the British readily responded to their entreaties. The result was the Anglo-Congress understanding on the subject. This was borne out by many historical facts.

To begin with, the very fact that the territory of Jammu and Kashmir was handed over to a feudal chief by the British Crown through a sale deed in 1846 suggested in clear, unambiguous terms that the British were keen to establish Hindu rule instead of Muslim rule in such a strategic area like Kashmir.¹³ The British went one step further in the Radcliffe Award. According to the provisions of the partition plan, it was decided that the Punjab would be partitioned. For this purpose the Boundary Commission was set up and Sir Cyril Radcliffe, a British lawyer, was appointed as its Chairman.¹⁴ The Boundary Commission was instructed to demarcate the boundaries of the two parts of the Punjab by ascertaining

the contiguous majority areas of Muslims and non-Muslims. It was decided that until the report of the Boundary Commission was finalized the provisional boundaries indicated in the Appendix to the Partition plan would be duly recognized.¹⁵ The Appendix indicated that the district of Gurdaspur having Muslim majority was provisionally included in Pakistan. But when the Radcliffe Award was announced, Gurdaspur district was handed over to India. This award provided India a gateway to Jammu and Kashmir, and it enabled the Maharaja to arrange the State's accession to India.

There is ample evidence to show that the Radcliffe Award through which Gurdaspur was handed over to India was preplanned. On 4 June, 1947, some three weeks before the formation of the Boundary Commission, Lord Mountbatten categorically stated in a press conference that the ultimate boundaries would not necessarily be based on the earlier provisional settlement. To justify his statement, he added, "In the district of Gurdaspur ... the population is 50.4 percent Muslims ... and 49.6 percent non-Muslims. With a difference of 0.8 percent ... it is unlikely that the Boundary Commission will throw the whole district into the Muslim majority areas".¹⁶ One fails to understand Mountbatten's logic of rejecting the idea of handing over the district of Gurdaspur to Pakistan, merely because the margin of Muslim majority was small. If Gurdaspur could not be handed over to Pakistan just because Muslims were in small majority, then how could Mountbatten justify its handing over to India in view of the fact that Hindus were in minority in this district? But then it was understandable given the understanding between the two parties, as argued above.

The Punjab boundary was in fact the high point of this prior understanding between the British and the Congress causing much anxiety and concern among the League circles. On 9 August, 1947, Liaquat Ali Khan told Choudhri Muhammad Ali, that Quaid-i-Azam Jinnah had received some information regarding the Punjab boundary to the effect that the Muslim majority district of Gurdaspur was being handed over to India. Liaquat Ali Khan of course advised Choudhri Muhammad Ali to meet Lord Ismay. Choudhri Muhammad Ali met Lord Ismay in his office and conveyed Liaquat's message to him. Ismay showed complete ignorance about all this. Choudhri Muhammad Ali, however, reported that there was a map marked by pencil in his (Ismay's) office, which indicated primarily the same

arrangement that had been reported to Jinnah. When Choudhri Muhammad Ali drew Lord Ismay's attention towards the map, "He turned pale and asked who had been fooling with his map".¹⁷ About one week before the Radcliffe Award, Lord Ismay himself admitted in his letter to Liaquat Ali Khan, that there were some sections of public opinion who believed that the "Award will not be Sir Cyril Radcliffe's but the Viceroy's".¹⁸ Commenting on the Radcliffe Award, Justice Muhammad Munir, one of the members of the Boundary Commission, observed: "If the award was judicial, it lacked every attribute of a judicial decision. And if it was political why not to say that India belongs to the British and their Viceroy gave it to who-so-ever he liked".¹⁹

The Anglo-Congress accord did not end with the boundary award. It was but one aspect. The Hindus and British representatives in India continued to work together to mobilize public opinion against the Two Nations theory in Kashmir. During his visit to Kashmir Lord Mountbatten advised the Maharaja to accede to any of the two dominions. He also informed him that whichever dominion he acceded to it would be the responsibility of that dominion to protect the State as a part of its own territory.²⁰ This advice clearly shows the partisan role of Lord Mountbatten, because India and Pakistan were not equally well placed to defend the Kashmir territory. Kashmir had no territorial link with India, and it was impossible for India to take responsibility for Kashmir's defence unless Gurdaspur district was divided in such a way as to provide India with access to Kashmir.

To help reinforce the plan, the Congress leaders also visited Kashmir. Their main strategy was to resolve differences between the Maharaja and the National Conference. They were of the opinion that unless some solution of the conflict between these two was found there was no chance of Kashmir joining India in any future set-up. They believed that if the Maharaja, duly backed by the National Conference, declared Kashmir's accession to the India Union:—

It will become very difficult for Pakistan to invade it officially or unofficially without coming into conflict with India. If however, there is delay in this accession, then Pakistan will go ahead without much fear of consequence especially when the winter isolated Kashmir.²¹

To facilitate the task of improving relations between the Maharaja and the National Conference, Acharya Kripalani, President of

the Indian National Congress and the maharajas of some Indian states, visited Kashmir in the middle of 1947. But as these emissaries failed to achieve their objectives, a leader of Gandhi's stature was especially asked to visit Kashmir in early August 1947. In Srinagar, Gandhi met the Maharaja of Kashmir, the Prime Minister, Pandit Kak and the National Conference leaders. During one of the meetings, some National Conference leaders, assured Gandhi that if Sheikh Muhammad Abdullah, a prominent leader, was released, the National Conference would favour the State's accession to India. Soon after Gandhi's return from Kashmir, Ram Chandra Kak, the Prime Minister of Kashmir, who was an apostle of Independent Kashmir, was forcibly replaced by General Janak Singh and an Indian Lt. Col., Kashmir Singh Kotoch, was appointed as Commander-in-Chief of the State forces. In September, 1947, Sheikh Abdullah and other leaders of his party were released from Jail as an "act of royal clemency". At about the same time the pro-Pakistan Muslim Conference and other political parties, which demanded the State's accession to Pakistan were severely crushed and their leaders were arrested.

Besides other significant steps, Mehr Chand Mahajan, a Judge of the Indian High Court, was relieved of his services for "strategical and tactical reasons" and was appointed as the Prime Minister of Kashmir. This was indeed the final move on the part of the British-Congress leadership to pave the way for Kashmir's accession to India. Mountbatten had laid the constitutional foundation stone of Kashmir's accession to India. Gandhi had come to Kashmir to reinforce it on the political plane and Mahajan was brought in to create disunity and disorganization among the Kashmir Muslims, making the task of Kashmir's accession to India much easier.

The independence struggle in other areas of Kashmir was launched on 23 August, 1947, demanding Kashmir's accession to Pakistan.²² Meetings and processions against the Maharaja were organized all over the State by the Kashmiri Muslims. The Maharaja, of course, reacted violently and imposed martial law in the State.²³ But the freedom fighters were not cowed down by such acts of terrorism. On 27 August, 1947, they, under the leadership of Sardar Abdul Qayyum Khan, were in complete revolt. Ex-servicemen joined these freedom fighters and within weeks the whole of the Poonch district, except Poonch city, was controlled by the freedom fighters. Similarly, the people of Mirpur district revolted

and succeeded in liberating Mirpur, Kotli, Bhimber and Dadyal. These freedom fighters were later on joined by the tribesmen from the N.W.F.P. on the call of Major Khurshid Anwar.²⁴ Backed by these tribesmen, the Azad forces attacked the Maharaja's forces posted in Muzaffarabad and by 22 October, 1947, the whole of Muzaffarabad was conquered by the freedom fighters.²⁵ After the liberation of Poonch, Mirpur and Muzaffarabad the freedom fighters established the Azad Jammu and Kashmir Government. The Maharaja fled from his capital and requested for military aid from India obviously according to pre-arranged plans. The Indian defence Council met under the Presidentship of Lord Mountbatten on 26 October, 1947, and did not hesitate to send military help to the Maharaja. In the early hours of 27 October, 1947 the first batch of Indian troops was flown to Kashmir. According to Mahajan "at about 9 a.m. I got a message from Srinager, that troops had landed there and had gone into action."²⁶ All these steps were taken before any formal declaration of Kashmir's accession to India. The action by India was an act of naked aggression against Kashmir which was technically an independent entity, and whose people were in clear revolt against their imposed ruler. This was in spite of the fact that the treaty of Amritsar had become invalid and ineffective, and the Dogra Raj had already come to an end. The Dogra Maharaja had fled from the capital and independent revolutionary Government had already taken over in the liberated area.

But the Indian Government, under the inspiration and guidance of the Congress, persisted in their efforts to annex Kashmir. Under the guise of military help to the Maharaja, V.P. Menon, the then Secretary of the States Department of India, flew to Jammu with an instrument of accession, and met the Maharaja in the late hours of 27 October, 1947. The Maharaja readily signed the instrument of accession. Menon flew back to Delhi and presented the instrument of accession to Lord Mountbatten. Mountbatten readily accepted the State's accession to India. But given the impact of the struggle of the freedom fighters, he could not help agreeing to the idea that after the establishment of law and order in Kashmir the question of accession should be settled by a reference to the people themselves. During these fateful days the attitude of the British officers in Pakistan army was far from satisfactory. When the news of the Indian military intervention reached Pakistan, Quaid-i-Azam Jinnah, at once ordered his British Acting Commander-in-Chief, General

Gracy, to move two Battalions to Kashmir. Instead of obeying the constitutional orders of the Governor General of Pakistan, Gracy approached Field Martial Auchinleck, the Supreme Commander of Indian and Pakistani forces for guidance. Auchinleck came to Lahore and met the Quaid. He not only refused to concede Quaid-i-Azam's powers to move troops but also threatened the Quaid that if he insisted on moving the army to Kashmir, the British officers would be withdrawn from the Pakistan Army.²⁷

Thus the Anglo-Congress Plan which gained momentum on the eve of Partition achieved its ultimate goal through the unlawful accession of Kashmir to the Indian Union. After accession Lord Mountbatten, the main architect of the Plan, rationalized his achievement on an ironic note. In a letter to His Majesty, the King Emperor he wrote "the accession would fully regularize the position and reduce the risk of an armed clash with Pakistan forces to a minimum". He was further elated to note "how lucky it was that this accession was accepted".²⁸ Little did he realize that his so-called achievement was destined to produce exactly the opposite result in no time pushing Pakistan and India first into border clashes in 1948 and subsequently into a full-fledged war on the issue in 1965, barely two decades after, and a continuous state of tension ever since.

NOTES

1. See Section 7 of the *Indian Independence Act 1947*, in Mansergh, *Transfer of Power*, Vol. XII, London, 1983, p. 237.
2. Quaid-i-Azam Jinnah's speech on 30 July, 1947, in Muhammad Rafique Afzal, comp., *Selected Speeches and Statements of the Quaid-i-Azam Muhammad Ali Jinnah 1911-34 and 1947-48*, Lahore, 1976, pp. 415-16.
3. For further details of the Indian stand see *Kashmir and the U.N.*, a pamphlet issued by the Indian Embassy in Netherlands, The Hague, n.d.
4. Nehru's statements on 15 June, 1947, *Hindustan Times*, June 16, 1947.
5. S.M. Burke, *Pakistan's Foreign Policy: An Historical Analysis*, Karachi, 1975, p. 16.
6. Mountbatten's Press Conference of June 4, 1947 in K. Sarwar Hasan, *Documents on the Foreign Relations of Pakistan; The Kashmir Question*, Karachi, 1966, p. 8.
7. Hyderabad State wished to remain independent, whereas Junagadh state acceded to Pakistan. Both the States later on were invaded and captured by India.
8. P.L. Lakhanpal, *Essential Documents and Notes on Kashmir Dispute*, New Delhi, 1958, pp. 18-20.
9. *Facts and Implications*, (Pamphlet) Free Kashmir Centre, New York, 1958, p. 7.
10. *Ibid.* p. 7.

11. Assad Homayan, "Pakistan China Relations upto 1970," unpublished Ph.D. dissertation, George Washington University, 1972, p. 101.
12. M. Gopal, "Consideration of Defence", *Caravan*, New Delhi, February 1950, p. 67.
13. Hardinge to Peele, *HP*, Vol. V, 19 March, 1946, as quoted in Bawa Satinder Singh, "Raja Gulab Singh's Role in the First Anglo Sikh War", *Modern Asian Studies*, Vol. V, Part-I, January 1971, pp. 54-55.
14. Viceroy's Personal Report No. 10,227 June, 1947, Mansergh, *Transfer of Power*, Vol. XI, p. 682.
15. Statement of 3 June, 1947 in *ibid*, p. 91.
16. Mountbatten's Press Conference of 4 June, 1947, *Partition of Punjab, 1947: A Compilation of Official Documents*, Vol. I, Lahore, 1983.
17. Chaudhri Muhammad Ali, *The Emergence of Pakistan*, Lahore, 1967, pp. 218-19.
18. Ismay's letter to Liaquat Ali Khan, 11 August, 1947, *Transfer of Power*, Vol. XII, p. 663.
19. Nazir Hussain, *Chief Justice Muhammad Munir His Life, Writings and Judgements*, Lahore, 1973, p. 56.
20. V.P. Menon, *The Story of the Integration of the Indian States*, New Delhi, 1961, p. 121.
21. Nehru to Patel, 27 September, 1947. Durga Das, *Sardar Patel's Correspondence*, Ahmadabad, 1971.
22. An interview with Sardar Abdul Qayyum Khan, held at Islamabad, on 12 March 1986. Also see, Richard Symonds, *The Making of Pakistan*, London, 1949, p. 157.
23. An interview with Sardar Ibrahim Khan, Ex-President of Azad Jammu and Kashmir Government.
24. Larry Collins and Dominique Lapierrs, *Freedom at Midnight*, New Delhi, 1975 p. 349.
25. An Interview with Sardar Ibrahim Khan.
26. Mehr Chand Mahajan, *Looking Back*, New York, 1963, p. 154.
27. Siser Gupta, *Kashmir A Study in India Pakistan Relations*, New York, 1966, p. 101.
28. Stanley Wolpert, *Jinnah of Pakistan*, Los Angeles, 1986, p. 349.