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**HISTORICAL DEMOGRAPHIC POSITION OF JAMMU  
& KASHMIR**

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# Historical Demographic Position of Jammu & Kashmir

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**Abstract – In this very article I am not concerned here not with the historical demography or with the demo graphical history. We are concerned here, more with the hard facts than historical developments. From the thirteenth or fourteenth century, there were tribal invasions over Kashmir, from the Mongols, Afghans, and Turks. These people had nothing in common with the local population. In spite of this is how, the Kashmiri society, especially from the valley is made of different tribes, and as such, a heterogeneous society. This aspect cannot be lost sight of, while dealing with the subject.**

**Keywords: Region, Community, sovereignty, Population, Dominion, Communal, Integration etc.**

## INTRODUCTION

It was only in the regime of Asoka, and Akbar Vikramaditya that the sovereign Indian Empire of India exercised loose sovereignty over Kashmir. There is no doubt that culturally, Kashmir has been closure to India than any other country including Pakistan. For a perceptible major period in history, Kashmir has been ruled by Hindu and Buddhist dynasties. On the other hand, for a very short period in history, it was ruled by Muslim kings, or other Muslim tribes. A glimpse in history would show that this State has sharp demographical or tribal regions. The northern region of Latah, having the largest area has been very thinly populated, and the population mainly consists of Buddhists. The middle region consists of the valley. This region has a majority of Muslim population. The southern region consists of Jammu, which has predominantly Hindu population. The majority of population, there, consists of Dogmas. Thus, community-wise also the three divisions differed. Justice Gajendragadkar, the former Chief Justice of India who headed the Commission constituted by Jawaharlal Nehru for studying the demography of different regions in Jammu and Kashmir, in the mid-fifties of the last century has aptly described these divisions in the following words "Jammu, Kashmir and Latah is not a homogeneous State in the sense that Maharashtra, Gujarat and Punjab is. The people of Jammu have their roots in the Kanga district of Himachal Pradesh, and have more in common with the people of Punjab, than with those in Kashmir valley. On the other hand, even the Muslims of Rajauri and Murmur have more in common with the Jammu Hindus than the Kashmiri Muslims. The difference between the Ladakh is and Kashmir is much wider than that between the Assamese and the Nags. So, the State of

Jammu and Kashmir was the heterogeneous State in which racial groups had been brought together by force of arms by one strong Ruler Gulag Singh. It was possible in the days of kings and emperors to keep such diverse people together as one political entity. But the inclination has always been for the different parts to break away as soon as the central authority became weak. In a democracy, however, the question has to be decided by the people-by the exercise of their free will."

It is not necessary to go into the ancient or medieval history of Jammu and Kashmir. But it is enough to point out that at least from the first quarter of the nineteenth century, the State was ruled by the Sikh warrior Maharaja Ramjet Singh. It was ruled by the Dora family of Rajput descent at least since the middle of last century as a result of annexation, conquerance or treaty. The reign of the Dora dynasty became firm after the treaty of Lahore in 1846. Even politically, it became one sovereign entity since 1846 and it continued to be so till 1947, when the British transferred power in the subcontinent to two dominions-India and Pakistan.

Maharaja Hair Singh was the last ruler, when the power came to be transferred. Like all other princely states, Kashmir was also a State under the suzerainty of the crown. Like all other princely states, the paramount power was vested in the British crown. Like all other princely states, the paramount was to lapse on the transfer of power to either of the dominion. And likewise, the State was to become the sovereign state. It was left to Maharaja Hair Singh to conclude with either of the dominions, the treaty to define the further relations of the State with the new dominion. The only difference between Kashmir and

other States was that the other states (except Hyderabad and Junagadh) took whatever decisions they had to take regarding the merger, in good time. Another point of difference between Jammu and Kashmir, and the other states was that it had its peculiarity as far as the two guidelines as laid down by the paramount power was concerned (viz. its geographical contiguity with the dominion, with which it wanted to merge, and the population complexity). Unlike Hyderabad, it was geographically contiguous to both the dominions-India as well as Pakistan. But its other characteristic was peculiar, in that, it was different from Hyderabad and Junagadh. The rulers of both these states were Muslims, but their population was predominantly Hindu. In the case of Kashmir, it was otherwise-its ruler was Hindu, but the population was predominantly Muslim. This made all the difference. Though Jinnah did not like to apply the two nation's theory for the merger of princely states, and he wanted the rulers to be the sole arbiter, irrespective of the complexion of the population, he thought that the merger of Kashmir with Pakistan would be legitimate, as the Muslims were the separate nation. However, the British Government had already taken a firm stand that the final merger would depend upon the will of the people, and not the will of the ruler alone.

Thus with the transfer of power to the dominions, the State of Jammu and Kashmir had three options before it-(I) the integration with the dominion of India; (ii) integration with the dominion of Pakistan; and (iii) to remain an independent sovereign State. The Maharaja had to opt for one out of these three. And as a natural expectation, his option was to be in the best interest of the State and its subject. It may be stated that the Maharaja did not exercise any option till the date of transfer of power. As a matter of fact, by not opting, the Maharaja was taking a great risk not for himself personally, but for the whole State. Because till the paramount was in vogue, the whole responsibility of the defense of the State as well of the Maharaja himself from the external aggression or internal disturbances rested with the paramount power, and it had the ability to defend the State. But with the lapse of paramount, the paramount power ceased to carry on any responsibility of such sort. The British government had already declared its policy to that end, in unambiguous terms, and had also advised the princely states to enter into treaties with the new dominions, during the intervening period. In fact, the State of Jammu and Kashmir was more vulnerable to external aggression and internal disturbances, than any other Indian State. Three factors added to its vulnerability: (I) its strategic geographical situation; (ii) the population complexity; and (iii) internal political situation.

The State was geographically strategically situated. The borders of Afghanistan, Soviet Union and China touched the western, northern and eastern borders of the State. With the episode of the Dalai Lama, the eastern border of the State became devoid of the buffer, as Tibet was completely swallowed by China.

With the commencement of cold war, at the end of the fifth decade of last century, the Soviet Union and China considered Kashmir as the most strategic area for countering any design of the U.S.A. In fact, the Russians had virtually taken possession of Sinkiang in Chinese Turkestan in or about 1935. The Government of India, therefore, took administration of Gigit subdivision on sixty years lease, and took the responsibility of administration and defense of that area. For twelve years from 1935 (excluding the period of World War II), the Gigit subdivision was administered by the British Assistant Political Agent of the Indian Political Service. Gigit Scouts, commanded by the British Officers, who were specifically chosen for a responsible and somewhat delicate job, had also been built up, it was a very professional, disciplined and well trained military outfit. When the plan was announced on the 3rd of June, the political department retroceded the area to the Maharaja. It was accepted by him with jubilation.

As regards the population complexion, the report of Gajendragadkar Committee has been reproduced in details. On comparison of the three regions, and the component population therein, he came to the conclusion that the society was most heterogenic. He also opined that the society could be controlled and held together only by a very strong ruler or emperor, by force and as soon as the central power became weak, it could not be held together. With the weakening of the ruler, in consequence of the lapse of paramount and because of the withdrawal of the defence cover, the position of the ruler was bound to weaken further.

The political situation in the State was far from satisfactory. The young and energetic Sheikh Abdullah, after graduating from the Aligarh University had returned back to the valley. As an educated man in the uneducated masses, he commanded the respect from the Muslim masses. He formed a political outfit called Muslim conference. It took deep roots into the masses. The main plank of the Muslim conference was hatred, antagonism and ill will towards the ruler in general and the Dora community in particular. His politics was mainly of confrontation and not of cooperation. The result was that Sheikh Abdullah was imprisoned by the Maharaja many a times. In fact, at the time when the power was to be transferred to the dominions, he was in the jail. Pundit Nehru, as leader of the national congress, was attracted by the movement of Sheikh Abdullah in the State of Jammu and Kashmir. He was more impressed by the economic policies of Sheikh Abdullah, particularly regarding the land reforms. But he did not like the Sheikh involved in the communal activities, under the banner of Muslim Conference. Therefore, he asked the Sheikh to alter the name of his political outfit, which the Sheikh agreed to. The erstwhile Muslim conference came to be baptized as National Conference. But there was something common in Nehru and Sheikh Abdullah. Nehru also did not like the institution of rulers, because to him,

the rulers' class symbolized the repression and exploitation of the subject. Nehru had, therefore, full sympathy for the Sheikh's anti ruler plank.

Lord Mountbatten was conscious of all these situations. Soon after taking charge as Viceroy, he visited the State for four days on the invitation of the Maharaja. It may be recalled that the Maharaja and Lord Mountbatten were great and intimate friends. He, therefore, took this opportunity to explain to the Maharaja the real position, and tender such advice to him, as was in the best interest of the Maharaja, as well as the State of Jammu and Kashmir. He advised the Maharaja that independence of the State was not a feasible proposition, and it would not be recognized as a dominion by the British Government. He advised that so long as he made up his mind to accede to either dominion before 15th of August 1947, there would be no trouble, as the new dominion would take the full responsibility of its protection. He went so far, as to tell the Maharaja, that if he acceded to Pakistan, India would not take it amiss, and that he had a firm assurance on this from the Sadler. He said that in view of the complexion of the population, the ascertainment of the wishes of the people would be particularly important.

In spite of the advice, the Maharaja did not take any decision before the due date. His inaction may be due to overconfidence or misreading or misjudging the situation. The overconfidence may be attributed to the fact that soon after the declaration of 3rd January, the Assistant Political Agent was recalled and the British Government retro cedes the Gogot subdivision to the Maharaja, along with the well trained, well-disciplined and professional outfit of Gogot scouts. This added to his strength. In addition, during the World War II, the princely states had built up their own armed forces, and that also added to his confidence. But these forces were too inadequate to protect the State, particularly in comparison to the forces that the bordering States had.

All these factors were important, and the Maharaja had to take decision, one way or the other. He had seen the aftereffects of the partition of India. Thousands and lakes were killed at the places where they were living for generations. Their forefathers had settled there, and they had earned their livelihood there, and made prospects for the posterity. But all these proved to be momentary. The communal mania blinded the vision. The women, children and old men were not spared while crossing the border, to find a safer place. The railways were transporting dead bodies across the border. Many were uprooted from their places. All these horrors were witnessed by the Maharaja, with open eyes. In fact, thousands of refugees from Punjab had come to Kashmir as refugees. They were merely allowed to stay there. But they were not given any rights.

It cannot be said that the Maharaja was oblivious to all these happenings. It cannot even be imagined that he would never face such situation in Kashmir. He knew that the Muslim Conference led by Sheikh Abdullah was already carrying a vicious tirade against him, relentlessly. It would be too bold to make a statement that he did not know that the main tirade was carried by the Sheikh not only against him, but against the Dora community as a whole. He also knew pretty well that Mohammed Ali Jinnah was mainly relying on the two nations' theory, and he had succeeded in getting India partitioned on the communal lines. He was conscious of the fact that the majority of the population in his State was Muslim, and Jinnah had an eye on his State. As a shrewd statesman, he could have easily imagined that Pakistan would not allow Kashmir to survive peacefully and quietly.

There was, therefore, no reason for the Maharaja to remain passive, in spite of the honest advice tendered by Lord Mountbatten. After all, we are merely imagining as to what was in the mind of the Maharaja. This too, can be done on the rational basis. But this rational basis fails in this case. It was simply a wonder as to why the Maharaja did not take the prompt steps within the time frame, which was declared by the British Government in pretty advance. Other States did take the requisite steps. But the Maharaja did not.

The D day arrived and passed off. Five hundred and sixty Indian States exercised their options and purchased peace for their respective States. Along with the peace, they also earned a lot of goodwill from the Indian people. Only the States of Junagadh, Hyderabad and Jammu and Kashmir remained outside the Indian Union. The first two took a conscious decision to remain outside, the third went by default. The Rulers of the first two States, however, had to repent for their conscious (?) decision within a short time. They had to face an unprecedented revolt from their subject, in which the sovereignty was washed away. The Anwar of Junagadh fled to Pakistan, and never returned to India. The Nizam of Hyderabad had to eat back its own words, and had to be content with the Rajpramukhship-a favor for delayed wisdom.

The Maharaja however, purchased a pleasure of becoming a sovereign independent Emperor with the stroke of midnight intervening 14th and 15th August 1947. But the events that followed proved that this pleasure was momentary. The accession, even temporary, would have earned a defense cover for the protection of the State from external aggression and internal disturbances. But he, by his inaction, discounted this cover. On the other hand, the Maharaja and the State of Jammu and Kashmir became the prey of external aggression and internal disturbances; it was within the easy reach of the cruel

paws of Pakistan. And Pakistan did it within a month after the transfer of power. How?

### Role of Sardar Patel in Integration of Indian States

After the verdict about the interpretation of the concept of paramount, the leaders in British India and also in the Indian States started in furtherance in their objective which was to be achieved before the expiry of the midnight intervening between 14th and 15th August 1947. At the other end, the British Government also started taking steps, for completion of the legalities and technicalities, on their part. In 1940, Mohommed Ali Jinnah took a firm stand that Hindus and Muslims formed two separate nations; that both must share the governance of their common mother land. Three months after, in the Lahore Session of the Muslim League, he declared that the Muslim nation must have a separate independent State of Pakistan. The birth of a new State, thus, was heralded in 1940. The baptism ceremony was, however, prolonged by seven years. On 3rd June 1947, Lord Mountbatten declared that His Majesty's government would relinquish the power to two governments India and Pakistan. On the basis of Dominion Status, as per schedule, already announced, the date of transfer of power was 15th August 1947. Two nations' theory got an upper hand over secularism. As a result, Gandhi failed, but not Gandhi's. Jinnah succeeded, but not the two nations' theory, as has been proved by the cessation of East Bengal from the consolidated State of Pakistan.

The Indian Independence Bill came to be passed by the British Parliament. Main provisions regarding the Princely States were contained in clause 7. For better appreciation of the controversy, it would be beneficial to reproduce these provisions, for ready reference:

- (a) His Majesty's government in United Kingdom shall have no responsibility as regards the peace and good governance of any of the territories which immediately before that day, were included in India.
- (b) The Suzerainty of His Majesty over the Indian States shall cease, and the functions hereto (?) before exercisable by Him with respect to the Indian States, and any powers, authority or jurisdiction hereto before exercisable by Him in the Indian States, being functions, powers, authority or jurisdiction incidental to or flowing from that suzerainty, shall cease to be exercised.
- (c) Any authority, powers or jurisdiction, which at the date of passing this Act, have become exercisable, by his Majesty in the tribal areas, by grant, usage, sufferance or otherwise, shall lapse. At the insistence of Mr. Jinnah, sub-clause 3 came to be added to this clause. It reads as follows:

- (d) Without prejudice to the generality of the provision of sub-sec. 3 of this section, nothing in this clause shall be construed as preventing the accession of Indian States to either of the dominions.

This clause, thus, carries into effect the philosophy behind the concept of paramount, as interpreted by the British government. To meet this challenge, the Constituent Assembly had already, by a resolution, appointed a Negotiating Committee to negotiate with the similar body constituted by the Princes' chamber. The point which worried the Prince, was not whether the federation would enable them to contribute to the benefit of India as a whole, but whether their own position would be better and safer inside the federation than outside it. In effect, their attitude could be briefly summed up thus:

Wearer being given the opportunity of entering the federation from which, when once we are in, there is no escape. Nor, since the ultimate interpreter of the federal Constitution is the federal Court, can the Government of India, or anyone else predict the course of future events or anticipate the use which federation would make of its own powers. We owe it, therefore, to ourselves and to our successors to safeguard to the utmost our own position inside the federation. That is the light in which you must regard the limitations which we proposed, and if they seem unduly numerous and too widely drawn, remember that we have good reason for making them so.

The background to this can be found in the resolution passed by the Chamber of Princes in their meeting held on 29-1-47. The resolution stressed different points. According to them:

- (i) The entry of States into the Union of India would be on no other basis than that of negotiation, and the final decision should rest with each State. The States' participation in the Constitutional discussions implied no commitment with regard to their ultimate decision which could only be taken after consideration of the complete Constitution.
- (ii) The States would retain all subjects and powers other than those ceded by them to the Union. Paramountcy would terminate at the close of the interim period, and would not be transferred to or inherited by the new Government of India. All the original rights surrendered by the States to the paramount power would return to the States. The proposed Union of India would therefore, exercise only such functions in relation to the States in regard to the Union subjects as are assigned or delegated by them to the Union. Every State would continue to retain its sovereignty and all rights and powers except to the extent of those expressly delegated by it. There could be no question being vested



and inherent or implied in the Union in respect of the States; unless specifically agreed to by them.

- (iii) The Constitution of each State, its territorial integrity, and the succession of its reigning dynasty in accordance with the custom, law and usage of the State, should not be interfered with by the Union or any unit thereof, nor should the existing boundaries of the State be altered except by its free consent and approval.
- (iv) So far as the States were concerned, the Constituent Assembly was authorized only to settle the Union Constitution in accordance with the Cabinet Mission plan, and is not authorized to deal with the question bearing on the internal administration or the Constitution of the State or group of States.
- (v) His Majesty's Government had made it clear in the parliament that it was for the State to decide freely to come in or not as they chose. Moreover, according to the Cabinet Mission Memorandum dated 12th May 1946, on States' Treaties and Paramountcy, political arrangements between the States on one side and the British Crown and British India on the other side, will be brought to an end after the interim period. The void will have to be filled either by the States entering into a federal relationship with the successor government in British India or failing this, entering into particular political arrangement with it.

The fear, anxiety and the doubts in the minds of the Princes, as depicted in this resolution, has been reproduced in details, so that the readers may appreciate the real cause of anxiety. It is absolutely clear that utmost consideration in their mind was to safeguard their own position and the position of their family, not only present but future also. They were strongly of the opinion that the dynastic rule would continue. They were not worried about the sovereignty and territorial integrity of India as a nation. They were more interested in the creation of hundreds of States within the geographical limits of India, each State or group of States claiming sovereignty. In short, they were not prepared to merge in the national stream. They did not want India to be a strong nation, occupying an important place in the comity of nations of the world. They wanted separate Constitutions for their respective States or the group of States, with the Union, having a separate Constitution. They wanted the Union to exercise only restricted powers and functions related to Defense, Foreign Affairs and Communications. Had they been successful in their Endeavour, India would have been a country,

consisting of hundreds of semi sovereign entities, each claiming a separate and distinct sphere of its activities.

Another purpose in giving these details is to show that the design has achieved hundred per cent success in the case of Jammu and Kashmir. It calls itself the part or constituent of the federal union of India, but has its separate Constitution, separate State flag and more autonomy. Our Constitution treats all the states equally. But the Constitution of Jammu and Kashmir treats that State more equal than other States in the Union. Why and how it has happened will be the points to be discussed in details in the coming pages of this book. Suffice to say at the present is that what other princely states desired to achieve, has been achieved only by the State of Jammu and Kashmir. One may be inclined to say that all other States wisely decided to become part of the national stream, shedding their artificial identity. Kashmir, however, retained its so-called identity, but got deprived of the pleasure of being the part of the national stream. As a result, Sheikh Abdullah, throughout his life, remained a Kashmiri leader, but could not become the Indian leader.

The Indian leadership, however, was bent upon to build up a strong India. Opportunity came in India's way for the first time to build up one strong nation from Kashmir to Kanyakumari and from Gujarat to Assam. Never in the recent history, was India one sovereign nation, of such geographical magnitude. India did see the Asoka Empire, but not of such a magnitude. It did witness the tiny republics spread over the vast territory, but each territory being the sovereign nation.

Even the Mohall Empire did not attain that magnitude. Even the Maratha Empire was restricted to Deccan, though its troops marched up to Adak in the North, West Bengal in the East, and Tanjavur in the South, and though its suzerainty extended to different areas. But history had no fortune to see India as a single, united political entity. The leaders were, therefore, not prepared to let this opportunity slip from their hands. The Ministry of States under the stewardship of the Sadder had already started the spade work of integrating the Princely States into proposed Indian Union. But the real momentum was picked up after the Royal declaration in the British Parliament. Herculean efforts were made to ward off the fears, apprehensions and misgivings in the minds of the rulers. As far as their future and the future of their families were concerned, they were assured of the adequate privy purses, not only to themselves and their families and successors. As far as their anxiety about their status was concerned, gubernatorial positions were offered to them, in as much as some of them were made the Rajpramukhs, of the merged States or the group of States. Some of them became the Chief Ministers and Ministers in their respective

States and also the Ministers at the Central level. Adequate Constitutional safeguards were provided so that their present social and financial status may not suffer. The bold and honest persuasive efforts attracted many of the Indian Rulers, to get their States merged into the Indian Union. Before the end of April, the States of Baroda, Bikaner, Cochin, Raipur, Jodhpur, Patiala and Reba joined the Indian Union. Their representatives took their seats in the Constituent Assembly.

With Royal declaration made in the parliament, which was further crystallized in clause 7 of the Independence Act, and in view of the lapse of paramount on the transfer of power, the format of Instrument of Accession was prepared by the Ministry of State. The format was common for all the States, irrespective of their size. Clauses 7 and 8 of the Instrument are important, and it will be proper to reproduce them here. They ran as follows:

- (i) Nothing in this Instrument shall be deemed to commit me (the Ruler) in any way to the acceptance of any future Constitution or to fetter any discretion to enter into any agreement with the Government of India under any such future Constitution.
- (ii) Nothing in this instrument affects the continuity of my sovereignty in or over this State, or saves as provided by or under this instrument, the exercise of any powers, authority or the validity of any law at present in force in the State. From the very outset, Sadder Patel had a clear mental picture of what he had set to achieve, that the medieval autocracies must go; and that the myriad States of varied size must be integrated so as to impart to India cohesive viability, and give its people an efficient and able administration.

What attracted most of the rulers was the honesty and the sincerity of purpose of the iron man. When he assured the Rulers of Constitutional safeguards, there was an opposition to this policy, particularly from the socialist lobby amongst the congress members. The Sadder silenced that opposition in following words:

I have already stated that the privy' purse settlements made by us will reduce the burden of the expenditure on the Rulers to at least one-fourth of the previous figure. Besides, the States have benefitted very considerably from the process of integration in the form of cash balances inherited by them from the Rulers. In order to view the payments guaranteed by us in their correct perspective, we have to remember that they are linked with the most momentous developments affecting the most vital interests of this country. These guarantees form part of the historic settlements which enshrine in them the consummation of the great ideal of geographical, political and economic unification of India-an ideal which for centuries, remained a distant dream, and which

appeared as remote and as difficult of attainment as ever even after the advent of Indian Independence. This approach to the problem was not purely professional.

With the declaration of 3rd of June, there was a race against the time. The States Ministry had also started its spade work long back. But it had to be accelerated as the ultimate date of transfer of power was advanced to 15th August 1947. With the lapse of paramount, each State, irrespective of its size, had a potency of being a sovereign State on the date of transfer of power. This expectation, itself, added tremendously, to the bargaining power of the States, because every State, large or small, was conscious of the fact that in no case, India would afford to keep small sovereign pockets within its geographical limits. On the other hand, Indian leaders took it as a challenge, to accomplish the task of political unification of India, which had remained unaccomplished for centuries. For that, Indian people were prepared to make whatever sacrifice was demanded from them.

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