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## Maharaja Hari Singh's Dilemma over Accession of Kashmir and Reaction of Pakistan

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**ABSTRACT:** The problem of troop reinforcement was considered, and Mountbatten urged that it would be dangerous to send troops unless Maharaja had signed the instrument of accession. There was a lot of debate on the question of the request of Hari Singh. Lord Mountbatten considered that it would be the height of folly to send troops into a neutral State, where we had no right to send them since Pakistan could do exactly the same thing, which could only result in a clash of armed forces and in war. The paper is about accession in Kashmir and the role played by the MAHARAJA. The paper will also throw light on the coming of Frontier Raids and Economic blockade and its impact on Kashmir. The paper will also throw light on the freedom before accession and the reaction of Pakistan after accession.

**KEYWORDS:** Standstill Agreement, Frontier Raids and Economic Blockade, Freedom before Accession, Tribal Invasion etc.

**INTRODUCTION:** On 20 February 1947, the British Prime Minister, Lord Clement Attlee made a statement in the British Parliament by announcing 'His Majesty's, Government wish that it was their definite intention to take the necessary steps to effect the 'transfer of power' into the responsible Indian hands by a date not later than June 1948. They made it very clear about their desire that wished to hand over its responsibility to the authorities established by a constitution approved by all political parties in India in accordance with the Cabinet Mission Plan. The main objective of the Government was to obtain a Unitary Government for British India and the Indian States if possible within the British Commonwealth, in accordance with the Cabinet Mission plan. Simultaneously, with this Statement, it was announced that the British Prime Minister, Lord Clement Attlee, submitted his intention to the King for inviting Rear Admiral Viscount Lord Mountbatten of Burma to succeed Field Marshal Lord Wavell as Viceroy. He was trusted with the task of a peaceful transferring of the administration from the British Government to the Government of a united India or the two Government of India and Pakistan. Lord Mountbatten came to Delhi on 22 March 1947. On 24 March 1947, and he was sworn as a Governor-General and Crown Representative. He was the thirty-fourth and last Governor-General of British India. He immediately realized that given the current ideological differences between the Indian National Congress and the Muslim League, it was not possible together to create a common Government. Thus, he declared that he would proceed on the basis of two separate Governments. On June 3, 1947, the British Government confirming the decision of Lord Mountbatten published a plan for the partition of India into two Dominions i.e. India and Pakistan. In this regard, the Indian Independence Bill was introduced in the British Parliament on the 10 July 1947, and later, it was passed as

the Indian Independence Act of 1947. The bill received the Royal Consent on 18 July 1947. The Government of India Act, 1935, as modified and adapted was brought into operation by the India (provisional constitution) order, 1947, as prepared by the Governor-General on 14 August 1947.

### **1 Standstill Agreement**

The sands were running out fast, and fearing a breakdown of the communication system through Pakistan and the rich export trade with India, the Maharaja sought from both the Dominions a Standstill Agreement to come into effect on 15 August 1947.

The history of the standstill agreement is contained in the telegrams exchanged between the Prime Minister of Jammu and Kashmir, on the one hand, and the Prime Minister of Pakistan on the other hand. There was a similar series of telegrams between the responsible Minister in New Delhi and the Prime Minister of Jammu and Kashmir.

As a result of the telegrams that passed between the Prime Minister of Pakistan and the Prime Minister of Kashmir, standstill agreement was arrived at “with regard to her (State’s) communications, supplies and post office and telegraphic arrangements”.

On the same date (12 August 1947) an identical telegram was sent to the Government of India stating that the “Jammu and Kashmir Government would welcome standstill agreements with the Union of India on all matters on which these exist at the present moment with outgoing British Indian Government. It is suggested that the existing arrangements should continue pending settlement of details and formal execution of fresh agreements.” These arrangements according to the Treaty of Amritsar of 1846, comprised the use of Indian forces if there was internal rebellion or invasion by a foreign Government

### **2 Frontier Raids and Economic Blockade**

Only a few days after Pakistan accepted the Standstill Agreement, there started border raids from Pakistan. A British officer Major General Scott submitted his first report, to the Jammu and Kashmir government on the border raids from Pakistan. There were more armed raids into state territory by Pakistan nationals and soldiers on 13th, 17th, 18th and 28th September 1947. On 3rd October 1947, Jammu and Kashmir Government protested to Pakistan against hundreds of armed people from Muree hills in Pakistan operating in Poonch. Meanwhile, Pakistan began an economic blockade of the state. Supplies of food, petrol and other essential commodities to Jammu and Kashmir were cut off. Communication was tempered and free transit of people was hindered.

In such circumstances, Mehr Chand Mahajan was appointed Prime Minister of Jammu and Kashmir state. On 13th October 1947, Pakistan sent a protest note to Jammu and Kashmir alleging that the soldiers of the Pakistan Army, who had been on leave to their homes in Poonch reported that the Muslim population in the area was being terrorised by non-Muslim bands. They alleged that the Muslim villages were being looted and burnt. The Government of Jammu and Kashmir was requested to maintain law and order in the Poonch area and report the measure taken to the government of Pakistan. As a matter of fact, these false accusations by Pakistan were the pretext for their plan of invading Jammu and Kashmir.

### **3 Freedom before Accession**

Meanwhile in response to pressure coming from Congress leadership including Gandhi and to neutralise aggressive postures of pro-Pakistan Muslim Conference. Sheikh Mohammad Abdullah was released on September 29, 1947, after he tendered an unqualified apology to Maharaja in his letter of September 26, 1947. The release of Sheikh Mohammad Abdullah was followed by the release of other leaders and workers of National Conference. Sheikh Mohammad Abdullah re-organized its volunteer corps to look after the lives, honour and property of the people as he had apprehensions of the tribal raid. The National Conference opposed any unilateral act of accession by Maharaja Hari Singh as was made explicit by Sheikh Mohammad Abdullah on his release from the prison on September 29, 1947. He said:

“If the State’s accession with India and Pakistan is done from upper chambers without the consent of the 40 lakh people of Jammu and Kashmir, I shall raise a revolt, we will all have to launch another struggle.”

He addressed a public meeting in Srinagar. He reiterated that the main demand of the Kashmiris was ‘Freedom before Accession’. He, however, emphatically added: “How can Muslim League or Mr Jinnah tell us that we should accede to Pakistan?” They have always opposed us in every struggle. Even in our present struggle ‘Quit Kashmir’, he (Mr Jinnah) carried on propaganda against us and went on saying that there was no struggle of any kind in the state. He even termed us ‘Goondas’.

### **4 Tribal Invasion**

Meanwhile, the Pakistani forces intensified their incursions into the state and by 22nd October 1947 infiltrations and raids were transformed into a full-scale military invasion of the state of Jammu and Kashmir. On 22nd October 1947, a large force of armed raiders entered Muzaffarabad in 300 Lorries and began looting and burning. The invaders were armed with modern weapons, including Bren guns, stun guns, grenades, heavy mortars, anti-tank rifles and land mines aided by an unlimited supply of ammunition. They were led by Pakistani commander Major General Akbar Khan, under the title of General Tariq and other Pakistani officers fully conversant with modern strategy and warfare.

In this context, Mr Batra the Deputy Prime Minister of Jammu and Kashmir stated in New Delhi on 20th October, that over 7000 Afridis, soldiers of Pakistan Army on leave and armed with modern weapons had entered Jammu and Kashmir in about 100 trucks. On 22nd October the invaders resorted to ‘Arson murder and looting’ of non-Muslims. The raiders captured Garbi and Domel and arrived at the gates of Muzaffarabad. These raiders included Afridis, Wazirs, Mahsuds, Swathis and soldiers of Pakistan army ‘on leave’ and were led by some regular Pakistan officers who were acquainted with Kashmir. The raiders tore down ‘the Jhelum valley’ road and killed the civil population-Hindus and Muslims alike.

### **5 Accession:**

In such circumstances, Maharaja Hari Singh made a desperate appeal for help to the Government of India on 24th October 1947. Meanwhile Field Marshal Auchinleck, the Supreme Commander, also informed the Government of India about the march of the raiders and their probable intentions. So, on the morning of 25th October 1947, a meeting of the Defence Committee was held under the Chairmanship

of Lord Mountbatten. The Committee considered the most immediate necessity was to rush in arms and ammunition already requested by the Kashmir Government. The problem of troop reinforcement was considered, and Mountbatten urged that it would be dangerous to send troops unless Maharaja had signed the instrument of accession. There was a lot of debate on the question of the request of Hari Singh. Lord Mountbatten considered that it would be the height of folly to send troops into a neutral State, where we had no right to send them since Pakistan could do exactly the same thing, which could only result in a clash of armed forces and in war.

Finally, a decision was taken by the Defence Committee to send three men to Srinagar; V.P. Menon, Colonel Sam Manekshaw and an air force officer were dispatched to Kashmir in order to get the acceptance of Hari Singh, whether he is interested in acceding to India, and make a study of military situation in Srinagar. When V.P. Menon arrived at Kashmir, he found Maharaja in a state of horror. Menon reported that Maharaja was unnerved and his morale was in shambles. He was completely frightened by the invasion and was eager to escape from Srinagar. The defeat of State Army had shattered his dream of Independence to pieces. He believed that Kashmir was lost. V.P. Menon helped Hari Singh to escape from Srinagar to Jammu along with his family and valuable possessions. After gathering the valuable information in the early morning of 26th October 1947 V.P. Menon accompanied by Prime Minister Mehr Chand Mahajan went to Delhi to discuss the question of accession and military aid. V. P. Menon on his arrival at Delhi reported to the Defence Committee the supreme necessity of saving Jammu and Kashmir from the raiders. Sheikh Abdullah was already in Delhi by 25th October 1947.

Mehr Chand Mahajan apprised the Prime Minister and Deputy Prime Minister of the serious and dangerous situation in the state. He requested for early despatch of Indian Army to rescue rapidly worsening situation in Jammu and Kashmir. Carrying Maharaja's brief message to accept all the terms of the Government of India, he told the Prime Minister Nehru, "Give army, take accession and give whatever power you want to the popular party, but the army must fly to Srinagar this evening, otherwise I will go and negotiate terms with Jinnah." In reaction to this Prime Minister Jawahar Lal Nehru flew into a rage and gave an exhibition of his temper and told Mehr Chand Mahajan to get out. Just as Mehr Chand Mahajan was getting up, Sheikh Abdullah who was staying in the Prime Minister's house and overhearing the talks sent a slip of paper to the Prime Minister. The Prime Minister read it and said that what Mehr Chand Mahajan was saying was also the view of Sheikh Abdullah and his attitude completely changed.

So, Mehr Chand Mahajan felt grateful to Sheikh Abdullah for this help at a most crucial time. The Defence Committee thereupon decided to send troops by air the next day and to accept the accession if it was offered. V.P. Menon, accompanied by Mehr Chand Mahajan flew to Jammu and informed the Maharaja about the Defence Committee's decision. The Maharaja was prepared to accede to India at once. He drafted a letter to the Governor-General Lord Mountbatten, in which he expressed the distressing conditions of his state and reiterated the request for Military help and the Instrument of Accession signed by Maharaja Hari Singh on 26th October 1947 was attached for acceptance by Governor-General.

Maharaja Hari Singh on October 26, 1947, wrote to Lord Mountbatten:

“With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally, they cannot send the help asked for me, without my State acceding to India. I have accordingly decided to do so and I attach the Instrument of accession for acceptance by your Government.”

Maharaja further informed Lord Mountbatten in his letter of October 26, 1947, about his intention to set up an interim Government in which S. M. Abdullah was to work as an emergency officer with Prime Minister of the Government. The document was received and forwarded by Maharaja through V.P. Menon who had come from Delhi on October 26, 1947, and returned on the same day.

“I may also inform your Excellency’s Government that it is my intention at once to set up an Interim Government and to ask Sheikh Abdullah to carry the responsibilities in the emergency with my Prime Minister.”

On the return of V.P. Menon, the instrument of accession was signed by S. M. Abdullah on behalf of National Conference who was present in Delhi at the residence of Pandit Jawaharlal Nehru. The premier of State, Mehar Chand Mahajan was also present on the occasion and signed the document of accession. Accepting the instrument of accession, Mountbatten in his letter of October 27, 1947, replied to the Maharaja that:

“In consistence with their policy that in case of any state where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government’s wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of States accession should be settled by a reference to the people and we shall accept their verdict.”

By the instrument of accession, Maharaja handed over the three subjects Defence, Foreign affairs and Communication to the Government of India while it remained autonomous in all other respects. This was also confirmed by Prime Minister Pandit Jawaharlal Nehru who in his November 2, 1947 Radio broadcast reaffirmed:

“We have decided that the fate of Kashmir is ultimate to be decided by the people. That pledge we have given and the Maharaja had supported it, not only to the people of Jammu but also to the world. We will not and cannot back out of it. We are prepared when peace and law have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just refer to the people and we shall accept their verdict.”

This was further assured by Pandit Nehru in a historic meeting held at Lal Chowk, Srinagar on 12th November 1947, where he reiterated the pledge to the people that their verdict about the future would be final even if it goes against India. Sheikh Mohammad Abdullah left for State on 27th October 1947 and was made Chief Emergency Officer by the Maharaja at Jammu while other leaders of the National Conference became administrators and emergency officers of different areas and zones. The Government functioned under the Constitution Act of 1939, wherein reserve powers were retained by Maharaja while emergency powers were transferred to emergency administration.

## 6 Pakistan's Reaction To Accession

After Jammu and Kashmir State acceded to India the first task which Nehru did was to telegraph the Prime Minister Liaqat Ali Khan of Pakistan outlining the steps the Government of India has taken to meet the threat of the raiders from Pakistan. And he also informed Prime Minister of United Kingdom. He communicated to the Prime Minister of Pakistan:-

The Government of India had no desire to intervene in the affairs of Kashmir after the raiders have been driven away. In regard to accession also it has been made clear that this is subject to reference to people of the state and their decision. The government of India have no desire to impose any decision and will abide by people's wishes. But these cannot be ascertained till peace and law and order prevail. Protection of Kashmir from armed raids thus becomes the first objective and in this, we trust we shall have your cooperation.

The Indian telegram of 28 October hoped that Pakistan would co-operate in ousting the raiders from Kashmir and to create conditions under which alone the commitment of a reference to the people could be carried out. The reply from Pakistan dated 30th October stated that the responsibility for what was happening was entirely India's and "your recent action of sending troops to Kashmir on the pretext of accession has made thing infinitely worse". It alleged that there was a well-laid plan to ask for Indian troops which could hardly have been unilateral "and this was formed independently of this raid and was pre-arranged". This became the cause of dispute between India and Pakistan. To India, a state which had acceded to, was being invaded and massacred by raiders from another country and new India thought first to clear the soil of the invaders and next bring a reference to the people of the Issue of accession. To Pakistan, a state which it hoped was about to accede to her and where popular outbursts were taking place had now acceded to India and future had become a fait accompli, unless the same way could be revised to keep the issue open. Whereas India was charging Pakistan of army raid, Pakistan was charging India of forcing Kashmir to accede to India. No other alternative could be found by both the Government than to decide to have talks on this issue.

Qaid-e-Azam Jinnah saw the point and invited Lord Mountbatten and J.L. Nehru to discuss the matter. But strange to say that Nehru fell ill and could not go to Lahore for the talk. Similarly, when Liaqat Ali Khan was invited to have talked in India, he fell sick and could not come. So ultimately the talks were held between Mountbatten and Jinnah on 2 November 1947. Jinnah began by complaining that the accession of Kashmir to India had been brought by violence and that Pakistan would not recognize it. Lord Mountbatten retorted that the violence had come from the tribal invaders and as the Indian troops in Srinagar were being built up, no tribesmen would ever enter Kashmir afterwards. Jinnah immediately suggested that both sides would withdraw at once and simultaneously. When Mountbatten asked him to explain how the tribesmen could be induced to withdraw themselves, Jinnah said, "If you do this, I will call the whole thing off". Jinnah did not relish the idea of having a plebiscite under the United Nations auspices and rejected the proposal for a plebiscite in the State when Sheikh Abdullah was in charge of the Government. But Jinnah pressed for a plebiscite to be held under the joint control and the supervision of the Governors-General of India and

Pakistan. Lord Mountbatten could not agree to the suggestion because of his peculiar constitutional position in the Indian Governmental set-up. In Pakistan, Mr Jinnah was not only the Governor-General with real powers, but he was also the President of the Muslim league, and thus exercised complete political power. In India, Lord Mountbatten was only the constitutional head of the State, whereas the real powers of the Dominion were vested in the Council of Ministers. Thus it was quite natural that Lord Mountbatten could not take any decisions on the spot regarding Jinnah's proposal. The conversations were inconclusive, and Mountbatten returned to Delhi without getting any clue to ease the situation in Kashmir.

On 4th November in a broadcast speech from Lahore the Prime Minister of Pakistan referred to Indian action in Kashmir and alleged India's 'Immoral and illegal ownership' of Kashmir, resulting from the 'infamous' Amritsar Treaty of 1846. Mr Liaqat Ali Khan contended that it was a dishonest rewriting of history to present the rebellion of the enslaved people of Kashmir as an invasion from outside. Just because some outsiders had shown active sympathy with it. From then onwards both the parties drifted apart, while military campaign in Kashmir was going in India's favour. It was under these circumstances that Mountbatten mooted the idea of referring the matter to the United Nations if the negotiations between the countries were to fall ultimately. On 21st November Nehru made a statement in the Constituent Assembly reiterating his promise that the 'people of Kashmir would be given the chance to decide their future under the supervision of an impartial tribunal such as the United Nations Organization.

### **7 Conclusion:**

Maharaja Hari Singh believed that since the dominant political outfit with largest social base is guided by the principals of secular policies of the Indian National Congress, it may not be prudent to take any decision on the basis of religious demography. He, therefore, the Maharaj Hari Singh did not take any decision on the accession of his State. At the critical junction, even the political parties in the State had no consensus on this important issue of accession. A few political parties frequently changed their stands on the issue of accession. Sometimes, they pleaded to Maharaja to remain independent and sometimes to accede to Pakistan. Some leader of the Muslim Conference started issuing confusing and contradictory statements, which further delayed the issue of State accession. However, when Srinagar, the capital of the princely state, nearly fell to the militia which was sent in by Pakistan soon after its independence and flooded into Kashmir, the Maharaja made his ultimate choice, on October 2, 1947, to join India. This delay in accession to India created various doubts in the minds of Pakistan's leaders. They believed that it was a deep-rooted plan to betray the Muslim majority of the State. Hence, they could not accept it. However, to the Government of India the decision of the Maharaja, to accede to India was undisputable and final. The issue of Kashmir was the main factor, which kept the two countries apart till date. Since 1948, it has been lying in the United Nations due to the rivalry between the superpowers and their stakes.

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