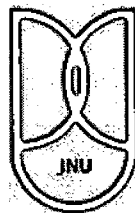


**COMMUNITY, STATE AND HISTORY: THE UPRISING OF
1931 AND THE EMERGING DISCOURSE OF RIGHTS IN
KASHMIR**

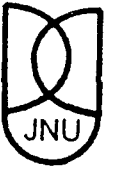
**Dissertation submitted to Jawaharlal Nehru University in partial
fulfillment of the requirements for the award of the degree of
Master of Philosophy**

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2008



DECLARATION

I declare that this dissertation entitled “**Community, State and History: The Uprising of 1931 and the Emerging Discourse of Rights in Kashmir**”, is my own work, and has not been submitted to any other University for the award of any other degree.

Mohd Idrees Kanth

It is hereby recommended that this dissertation be placed before the examiners for evaluation.

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Your history gets in the way of my memory.

[Agha Shahid Ali]

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Introduction

Red and warm, red and warm!

My blood is red and warm!

My youth the force of a storm!

What a joy to fight, O! for my countries liberation!

To chase out the frost and make the garden bloom!

My spurs are the unforgotten tears of yesterday.

I have a new fire, a new determination.

That's why—that's why

My blood is red and warm.¹

The histories and accounts of modern Kashmir as written by its own people have generally tended to give expression to the continued suppression of the local community by the 'outsiders' over many centuries.² Most of these accounts are woven around how the Mughals, the Afghans, the Sikhs, the Dogras, and the Indian state have occupied Kashmir at various points in its history and perpetrated violence over its people. In such narratives, the 'people' have usually remained undifferentiated, and the internal forms of hierarchy and its impact on the social structure have not been studied. It is this attribution of violence as being exogenous that has sustained the communitarian narrative. In the post 1989 period this consciousness became more pronounced and witnessed a surge in indigenous writing and an unprecedented interest in things native.

Yet in recent times we have seen an emerging scholarship on Kashmir which has approached the subject in a more professional manner and focused on questions which hitherto have received little attention. The present study is an attempt in that direction.

¹ Dina Nath Nadim, "Iraada" (Determination) in Trilokinath Raina [ed.] *An Anthology of Modern Kashmiri Verse [1930 - 1960]*, Poona: Sangam Press, 1972

² See G.A.Wani, *Kashmir History and Politics, 1846- 1994: Annotated Bibliography*, Srinagar, 1995

The study was conceived on the assumption that the ‘events of 1931’ in Kashmir offer favourable comparisons with those of 1989 and beyond — a period I have lived as historical reality. Even when these two events are separated in time and discounting their obvious specificities, what comes out common is a conscious effort on the part of the people to rediscover themselves through engaging with their Past. It is through this engagement that words like culture, tradition, heritage etc, become part of the everyday lexicon, and there is a marked shift towards the ‘indigenous’. In the 1930s, as Trilokinath Raina notes, there was a growing emphasis on Kashmiri language and it was freed from heavy Persian influence. The poet Mehjoor persuaded Abdul Ahad Azad in 1935 to switch over from Urdu to the neglected mother tongue. He also found a kindred spirit in Mirza Ghulam Hasan Beg Arif, who established the *Bazme Adab* in 1940.³ Raina further observes that ‘it is significant that all the major poets of the modern age gave up their devotion to Urdu and Persian and started writing in Kashmiri in the 1940s.’⁴ In post 1989 Kashmir we notice a somewhat similar drift. In fact with the enlargement of the public sphere it is more evident. There is a popular campaign to preserve the Kashmiri language, culture and heritage. Almost every single day the local newspapers carry write ups on Kashmir’s history and the need to document it.

In the present study though, my essential concern has been with the ‘rights discourse’. It is this theme which provides the overarching connection to the chapters in the dissertation. However the progress of the study has not been smooth and was conditioned upon a few factors and they kept defining its course. One very important factor has been accessibility to the archives. The primary sources on the princes and their states are not easily available and the archives of most princely states are not well catalogued and well preserved as colonial ones. In most cases officials in princely states treated the documents they generated during their ministerial tenure as personal property and removed them when they left office. Many princes were equally reluctant to place documents that they

³ Ghulam Ahmad Mahjoor [1885 - 1952] and Abdul Ahad Azad [1903 - 1948] are considered as the greatest poets of Kashmiri language. *Bazme Adab*: ‘Literary Congress’ was formed with the aim of preserving old literary values. It later started publishing a journal, *Gulrez*. Trilokinath Raina, [ed.] *An Anthology of Modern Kashmiri Verse [1930 – 1960]*, pp 5, 11

⁴ Ibid, p 5

deemed personal or politically dangerous in any archive.⁵ As for the princely state of Kashmir, the repositories, both in Delhi and the Valley itself, are either scanty on the material or unwilling to give access to anything relating the subject, owing to 'security concerns'. In Kashmir especially, much of the material is missing from the archives and the information department, and whatever very little is available is unprocessed and in a very bad shape.

Due to these reasons, and also the fact that much of historical writing on the Indian subcontinent has concentrated itself on the provinces, the existing scholarship on the princely states and their relationship with their colonial masters is still very much in its infancy. While appreciating the work of people like Barbara Ramusack, Ian Copland, Dick Kooiman, Steve Ashton, Robin Jeffery and others, it needs to be said that they have offered more generalized perspectives in their approach to the subject, without usually addressing the particular. As for the British policy and intervention in Kashmir in the pre-1947 period is concerned, there is no work of any merit. In fact most of the writing focusing on the period has tended to ignore this very crucial element and represented this history as an engagement of a few prominent Muslim families and the emerging leadership with the Durbar. Unless new scholarship does not make some head way in the direction of exploring this subject, it will miss out on the complexities of the historical milieu of 1846-1947, and perhaps even beyond.

Although in my dissertation I have carved out a chapter on colonial intervention in Kashmir, I have not addressed the subject in a broader sense, but have limited my focus to understanding the intervention in the context of 1931. While there may be nothing novel in my realization that colonial policies in the period: 1920-32, had a significant impact on the Muslim politics in India, my little contribution has been to define this 'intervention' as the result of a complex interplay of colonial state's policy towards the princely Durbar, provincial Muslim leadership and the nationalist movement in India. Through the events of 1931, I have tried to show that colonial intervention in Kashmir

⁵ Barbara Ramusack, *The Indian Princes and Their States*, Cambridge: Cambridge University Press, p 10.

was primarily geared towards securing the interests of the colonial state. Even as this process of intervention did not altogether satisfy the British motives, it nonetheless opened up room for the Kashmiri Muslims to voice their grievances and to lay claim to their rights. My contention is therefore, that colonial intervention impacted the discourse on rights in Kashmir and it needs to be seen from a wider perspective.

I have also tried to explore the approach of the State towards the uprisings, specifically though from the point of view of constructing that uprising. In chapter first of the dissertation I have looked at the narrative strategy of the state in documenting the events of 1931 in Kashmir, and have compared it with that of a local resident's perception of the same. The differences between the two, as will be seen are fundamental. The essential concern of the State is with 'law and order' and consequently the events of 1931 are seen as basically a law and order problem. By denying the event any history and treating it as spontaneous, the State relieves itself of any role in the making of the uprising. This in turn is made to signify that the scope of the uprising is limited and it is not directed against the State, and is being instigated by an external agency. From the state's perspective thus, the happenings of 1931 have to be read either as a communal conflict between the 'two communities' or a clash between two antagonistic groups, while its perceived role is to suppress this unrest and establish order. There is also a central concern with cause.

On the other hand for a local inhabitant, who is a witness to these events and records them in a diary, the occurrences of 1931 connote a totally different experience. He sees the uprising as an emerging consciousness [*baidari*] within the community to claim their rights [*hakuk*]. His narrative highlights an overwhelming involvement and unity among the Muslims in Kashmir in the aftermath of the *Khutba* and *Tauhin* Koran incidents. It is in the face of these incidents and in the process of the emerging rights discourse that the Muslim community is constituted as a more self conscious entity.

In the third chapter I have tried to locate the justifications on which the Muslim and Pandit communities base their claims to rights. The Muslim petitioners employ a moral

discourse and further evoke a constitution to demand their rights, while Pandits seek rights on the grounds of being a minority. I have also ventured to show that in legitimizing specific claims the Past is called upon as a reference to endorse rights in the Present and traditions and histories are invented to further substantiate these claims. In this process past attains to a singularity [homogeneity]. While this should not be treated as axiomatic, a community's claim to rights is generally linked up with the notion of a singular past. Conversely it is through this idea that a community survives and the discourse on rights is sustained. So one can say that community, rights claims and the conception of singular past are interlinked. In many ways as mentioned earlier, the indigenous narratives on Kashmir are a manifestation of this phenomenon.

The crucial involvement of the state in the furtherance of rights has to be equally considered. The Dogra state in trying to maintain its legitimacy and under pressure from the colonial government had to take on a posture of neutrality and give consideration to the claims of the Muslim community. On the other hand it is significant to recognize that the agenda of the 1931 uprising was restricted in its scope, and consequently the idea of freedom from Dogra rule emerged over time and may be seen as a continuation of the rights discourse in the 1920s and 30s.

In the present study I have utilized *Tarikh-Kashmir ki Roznama Diary*, compiled by Noor Mohammad, a book shop owner in downtown Srinagar who was a personal witness to the events of 1931. The value of diary as a source material needs to be emphasized here. Few historical texts seem as familiar or as compelling to read as the diaries. Fresh and intimate, they bring us close to the diarist and show us how people in the past shared many of our hopes, worries and common sense. Yet they also fascinate us by revealing differences between times past and our own time. These differences in turn point to historical changes and continuities in self, social relations, work, and values.

Compared to many other kinds of written sources, diaries seem at first to be strikingly private kinds of writing giving us the past from an individual's point of view, but they generally follow certain widespread public cultural conventions of expression. Diaries

play with the tension between concealing and revealing, between 'telling all' and speaking obliquely or keeping silent. The Diarists cannot foresee the outcome of events; their choice of what to record and what to emphasize, therefore is, based on more immediate concerns than those of the autobiographer, who from a retrospective perspective, structures a conscious, often unified narrative of his/her life which can be affected as much by his present interests as by events in the past.

Besides Noor Mohammad's diary I have also made use of some of the petitions and memorials submitted by the Pandit and Muslim communities to the authorities after the incidents of July 13. These petitions are in themselves a reflection of changes taking place in Kashmir around the 1930s and the reaction to these changes on the part of the two communities and their evolving relationship with the state. The petition's role as a completely public offering of expression makes it a very valuable historical text. Its publicity compels the petition's language to be utterly embedded in the forms of civility, and thus almost completely lacking in a candor that privacy might bring. That is, in a sense these sources can be read as perfectly biased historical documents, understandable only within the realm of their temporal and social context.

Every petition is an interaction of the identity of the petitioner and the authority being petitioned. The substance of the appeal or claim indicates the relationship between the petitioner and authority that is being assumed. But more fundamentally, petitions not only recognize and appeal to authority; they are implicit descriptions of the moral worlds in which particular claims are sensible and legitimate. Frequently, petitioners seek inclusion of themselves or marginal others in existing moral worlds, but petition can also be the opportunity for the presentation of a transcendental moral order, in which identities and authorities shift into new relations and take on new forms.

Finally to sum up, the present study upholds that the rights discourse in Kashmir in the early 1930s needs to be seen as an outcome of a complex interaction involving the communities [specifically the Muslim community], the princely state and the government of India. The incident of 13 July and the events proceeding and following it spurred this

interaction even further, allowing for space wherein the Muslim community could stake its claim for rights.

Chapter I

Constructing the Event: Representation of 1931 in Official and Local Narratives

‘The 1931 uprising is a great landmark in the social and political history of Kashmir. This marked the first organized and sustained political mobilization against a system that had pushed almost “entire population” into a position of exclusion and disadvantage in almost all spheres of social, political and economic life.’
[Martyrs Day Special, *Greater Kashmir*, 13th July, 2007]

‘Kashmiri Pandits ...demanded that the day be observed as Black Day by the State. The Pandits claimed that on this day in 1931, frenzied mobs killed Kashmiri Hindus and plundered their houses and places of worship. Various Kashmiri Pandit organizations observed the day as Black Day claiming that after a lull of nearly a century Hindus in the Valley were subjected to the “first” concerted attack on this day.’[‘State Observes Martyrs Day, Pandits want to call it Black day’, *Indian Express*, July 14, 2007]

‘In 1931 a popular uprising arose. Although in the course of the uprising some un-pleasant incidents occurred, but it manifested, without doubt, the evolving consciousness of the “Kashmiri nation” [Qaum]. [Prithvi Nath Koul, ‘Tasveer-i- Kashmir’, Delhi: Zeenat Kitab Ghar, 1949, 118] [Emphasis added]

‘In the wake of the 13th July event it was felt by the committee that the struggle against the Dogra regime should be converted from a secret into an open public struggle. As most of the members of the committee were government employees it was decided to work through an outside person. As Ashai sahib was not willing to take on a public role, it was decided that Sheikh Abdullah would serve as the public face of the freedom struggle.’ [Excerpts from the diary of late Hakim Ghulam Safdar Hamdani, personal witness to the event]

Historically and politically the 13th of July is the most important date in the annals of Kashmir.
[P.N. Bazaz, *Inside Kashmir*, Srinagar: The Kashmir Publishing Company, 1941]

Introduction

The events of 1931 have attained a historical significance in the history of modern Kashmir, and the date 13 July is considered by several scholars to mark the inauguration of the ‘freedom struggle’ waged by Kashmiris against Dogra rule.¹ Reams of paper have

¹ Mridu Rai, *Hindu Rulers, Muslim Subjects*, Delhi: Permanent Black, 2004, p 258

been devoted to the incidents that took place in the princely state of Jammu and Kashmir from April to July 1931.² But as Shahid Amin rightly says ‘when historical significance is attached to an occurrence independent of the event, the facts of the case cease to matter.’³

A very tangible ‘nationalist imagination’ has survived in Kashmir for the last many decades, and post 1989 it has manifested itself in new forms. There is a longing for a past when “Kashmiris” felt that their *qaum* was “*azaad*”. The hold of this imagination on Kashmir’s “past” is such that anything inadequately or improperly “nationalist” is just not seen as history. Every ‘event’ as such has to find its place within this narrative. Outside of this narrative the event loses significance. So to write any histories beyond this boundary is therefore, to “de-familiarize the familiar.”⁴ It is through retelling of these familiar and memorable events that the memory of a shared past is created and the ‘nationalist imagination’ survives.

In Kashmir’s history, the events of 1931 and after satisfy all those qualifications which a ‘nationalist narrative’ demands. In this kind of narrative, the structures and processes that historians’ history seeks to document are pretty much known from the start. The narrative expects an ‘inaugural date’, an uprising and a massacre, a leader, and consequently the emergence of an organized struggle to achieve ‘freedom’ [much like 1857 in Indian history]. So 13 July 1931 satisfies the demand for the ‘inaugural date’, when an uprising took place in which twenty one Kashmiri people were killed. Sheikh Abdullah qualifies for a leader, and Muslim Conference and later National Conference as the organized resistance to claim ‘*azaadi*’ from the Dogra rule.

Initially 13 July was fixed to commemorate the martyrs of 1931 and later on the ‘Kashmir National Conference’ decided to celebrate the day as a ‘national’ festival.⁵ In

² Chitrlekha Zutshi, *Languages of Belonging*, Delhi: Permanent Black, 2004, p 211

³ Shahid Amin, *Event, Metaphor, Memory: Chauri Chaura 1922-1992*, New Delhi: Penguin, 2006, p 7

⁴ *Ibid*, p 238

⁵ P.N. Bazaz, *Inside Kashmir*, Srinagar: The Kashmir Publishing Company, 1941, p131.

post 1947 Kashmir it was declared a holiday: “shaheedon ka din”, to memorialize the sacrifices of people who had died for a ‘cause’. Thus was 1931 ‘nationalized’. What needs to be emphasized is that it cannot be denied that 1931 is an important event in the history of modern Kashmir, but it cannot claim an independent existence for itself. The event of 1931 becomes an “event” when it is placed in the ‘nationalist narrative’.

Despite its iconic status, the biography of 1931 has not always been very smooth and has seen modifications over time. In its immediate aftermath it carried a ‘communal’ connotation at least in the official reports and in some writings, with the Hindus and Pandits complaining of loot at the hands of Muslims. But as the event traveled through its early history it came to be seen as ‘secular’ and imbued with the sentiment of ‘freedom’ from the Dogra oppression. Writes P. N. Bazaz:

A number of Kashmiri Pandits soon realized that the movement was spontaneous and expressed the inner urge of the down-trodden, tyrannized and suppressed millions under the autocratic alien Dogra rule. They also realized that it would be suicidal to oppose it instead of showing any hostility towards it, was the paramount duty of all *patriots* to support it, nay contribute their humble share to make it successful...They also realized that it must be quickly re-oriented on healthier and *secular lines* on which the composite Kashmiri culture has been reared during many centuries in the past...They therefore decided to ... become critical supporters of the *freedom movement* started by Muslims.⁶

However post 1947 the ‘oppressor’ got reallocated. The Indian state and some of the ‘oppressed’ themselves, now become the oppressors [at least for majority of Muslims]. Besides, following 1989, the word “communal” returned to 1931. As a result the ‘Muslim’ and ‘Pandit’ narratives negotiated to make particular adjustments. Either the “communal” was explained away and a selective amnesia was induced in relation to it to ensure the smoothness of the neatly woven pattern, or it was highlighted as ‘the’

⁶ P.N.Bazaz, *The History of the Struggle for Freedom in Kashmir*, New Delhi: Kashmir Publishing Company, 1954, p 147, emphasis mine.

significant incident of 1931.⁷ The point to explore is how histories are remembered, reinvented, memorialized and put to presentist use and how history writing plays a major role in shaping what is to be remembered and what is forgotten.⁸

The idea of foregrounding the chapter with ‘the significance of 1931’ was to highlight the symbolic implication of a particular event and the importance it attains to in the life of a “people”. My more immediate concern though in the present chapter is to represent how the official narratives constructed the ‘events’ of 1931, and contrast them against the ‘non-official’/local perception[s] of the same. I will be looking at three narratives woven around the events of 1931: An ‘official’ account of the happenings in 1931 leading up to the event of 13 July as represented by the Srinagar Riot Enquiry Committee, a narrative of the events recounted by a ‘local’ witness in his diary, and a report on the disturbances in Kashmir in September 1931 by an Englishman who was loaned from the Government of India, by the Kashmir Durbar. In doing this I attempt to argue that there is a distinct pattern to the way ‘authority’ constructs an uprising, no matter whether that authority is the colonial state of India, the princely state of Kashmir or the post colonial Indian state. The essential concern of the state in such a situation is to ensure that the uprising does not sustain itself and in trying to do that the state creates a counter narrative which seeks to de-legitimize the struggle to ensure its own legitimacy. I begin though by giving a brief description of the events as they unfolded in the year 1931.

The events

The incidents which led to the ‘events’ of 1931 began in Shalimar Bagh, Jammu. April 29, 1931 was Id day. As usual after offering prayers the *Maulvi* delivered the *Khutba* to the congregation assembled in. A Sub-Inspector of police, Babu Khem Chand, who was on duty there, ordered the *Maulvi* to stop. The Sub-Inspector’s behaviour was taken as an affront and considered as interference in the observance of religious duties by the

⁷ Muslims down play any reference to ‘communal’ in the events of 1931, while Pandits see it as communal uprising, at least in the post 1989 period.

⁸ Gyan Pandey, ‘The Prose of Otherness’, in David Arnold and David Hardiman [eds], *Subaltern Studies VIII, Essays in Honour of Ranajit Guha*, New Delhi : Oxford University Press, 1994, p 133.

Muslims. A protest meeting was convened the same day. The meeting was arranged by the Young Men's Muslim Association, Jammu. Several resolutions were passed [and] the Government was "requested" to punish the police officer for his gross misbehaviour.⁹

A few days later yet another incident took place in the Police Lines at Jammu. A Hindu Police Head Constable found a Mohammadan constable reading the Koran. It is said that he told the constable to stop reading such "nonsense" [bakwaas] and finally took the book from his hands and threw it away. The Muslim Association at once issued an *Ishtihar*, calling upon the Mohammadans to hold meetings of protest throughout the state.¹⁰ Following this, the *Ishtihar* was sent to all the towns to be put up for display. In Srinagar this *Ishtihar* reached the young Muslim party - Reading room Party - of educated Muslims graduates, who arranged volunteers to paste the copies of the *Ishtihar* in the city. The Police prevented this and in doing so, Mohammad Ismail, one such volunteer was arrested by them near Fateh-Kadal.¹¹ This took place on 5 June. Later [on 8 June] some young Mohammadans convened a meeting in the Jama Masjid, Srinagar, at which the action of the high state officials was criticized and it was urged that the rights of Mohammadans are being trampled on by them.¹²

Big gatherings of the Muslims began to be held at different "religious" places in Srinagar, in which speeches condemning the Hindu government and its officials were delivered.¹³ The agitation kept increasing, with another Mohammadan being arrested for making a speech in a mosque, giving the Kashmir government a cause for anxiety.¹⁴ Apprehending further trouble, Mr.G.E.C.Wakefield, a member of the Cabinet, was deputed by the

⁹ G.H. Khan, *Freedom Movement in Kashmir, 1931-1940*, Delhi: Light and Life Publishers, 1980, p 125.

¹⁰ From the Resident in Kashmir, dated 19 June, 1931, Fortnightly reports for the first half of June; 'Fortnightly reports on the internal situation in the Kashmir State for 1931, File no: 35-P [Secret], 1931, F&P dept, NAI, microfilmed.

¹¹ 'Fateh Kadal' is a place located in the old city; P.N. Bazaz, *Inside Kashmir*, p 122

¹² From the Resident, dated 19 June, 1931.

¹³ P.N.Bazaz, *The History of the Struggle for Freedom in Kashmir*, p 145.

¹⁴ From the Resident, dated 1st July, 1931, Fortnightly report for the first half of June 1931.

Maharaja to go to Jammu to hold an enquiry.¹⁵ He advised the Muslims leaders there to depute a few representatives to Srinagar, where along with some more representatives of the Kashmir Muslims, they would be afforded an opportunity to present themselves before His Highness to submit their demands.¹⁶ Accordingly four Muslim leaders proceeded to Srinagar. On 20 June coincident with Mr. Wakefield's return from Jammu after the enquiry, some leaves of a holy Koran were alleged by a Mohammadan to have been found in a public latrine in the city.¹⁷

Meanwhile in order to elect representatives of Kashmir, a huge gathering of Muslims assembled in the open compound of *Khanqah-i-Maula* shrine in Srinagar on 21 June, 1931.¹⁸ After the Muslims appointed their representatives and the meeting was concluding, Abdul Qadeer, a person who had come to Srinagar in the services of a European visitor as cook made a speech which was considered seditious, for which he was arrested on 25 June.¹⁹ His trial which began on 4 July, in the Court of the Sessions Judge, was shifted to the Central Jail, Srinagar. It was claimed by the government that during hearings in the Court of Sessions, the trial greatly excited the Mohammadan public opinion and crowds of Mohammadans obstructed traffic on the way while the prisoner was brought to Court and taken back every time to the judicial lockup.²⁰ It led to unrest again, and it was evident that a clash between the Muslims and the government was imminent.²¹

On 13 July, the day Abdul Qadeer was to be tried in camera in Central Jail, a large crowd of Muslims had collected outside it. When the session's judge arrived at the Jail, some Muslims tried to enter the jail premises, and were arrested by the police. After this the crowd became restive and attempted to force its entry into the compound and demanded

¹⁵ Srinagar Riot Enquiry Committee Report, 1931, p 20, henceforth SREC.

¹⁶ P.N. Bazaz, *Inside Kashmir*, p 125

¹⁷ SREC, p 20

¹⁸ Sheikh Abdullah, *Flames of the Chinar: An Autobiography*, New Delhi: Viking, 1993.

¹⁹ SREC, p 4

²⁰ Ibid

²¹ P.N. Bazaz, *Inside Kashmir*, p 126.

the immediate release of their men and the permission to watch the proceedings of the case.²² Upon this the District Magistrate ordered the police to fire and 21 deaths occurred. This infuriated the crowd and created a lot of resentment among them, and they carried the dead bodies on *charpoys* and went towards the city in the form of a procession.²³ When the procession reached Maharajgunj, a busy trade centre of the city inhabited mostly by Kashmiri Pandits and Punjabi Hindu traders, rioting followed in which a few of their shops were looted. Reports of looting also came from Vicharnag, a place in the outskirts of Srinagar.²⁴ After the jail incident, Sheikh Abdullah, the leader of the Muslims and a member of the Reading Room Party, Srinagar, along with six others were taken into custody during the night at Jama Masjid where he, along with thousands of Muslims, was attending on the wounded and the dead who had been taken there in the afternoon.²⁵

On 14 July, the Maharaja appointed a Commission - 'Srinagar Riot Enquiry Committee'- under the Chief Justice of the State High Court, to investigate the 'causes' and circumstances of the disturbances. Meanwhile complete *hartal* was observed by the Muslim shopkeepers throughout the Kashmir Province and mass meetings were held to protest against the action of the authorities, and the arrest of the leaders.²⁶ The discontent and unrest continued and the Muslims refused to open their shops, despite efforts on the part of the state authorities to induce them to do so.²⁷ Further the Committee assigned to investigate the disturbances made a delayed start, as the Muslim representatives appointed to it declined to serve. In view of this the Kashmir Government withdrew all un-official members from the Committee.²⁸

²² Muhammad Yusuf Saraf, *Kashmiris Fight for Freedom, Vol.1 [1819-1946]*, Lahore: Kashmir History Committee Edition, 2005.[first edition, 1977]

²³ P.N. Bazaz, *Inside Kashmir*, p 129

²⁴ There are many conflicting versions of this, cf., N. N. Raina , *Kashmir Politics and Imperialist Manoeuvres, 1846-1980*, New Delhi: Patriot Publishers, 1988, P.N. Bazaz, *Inside Kashmir*, G.H. Khan, *Freedom Movement in Kashmir*, M.Y. Saraf, *Kashmiris Fight for Freedom*, etc. Also check the fortnightly report by the Resident in Kashmir, for the first half of July, dated 17 July, 1931.

²⁵ P.N. Bazaz, *Inside Kashmir*, p 136.

²⁶ P.N. Bazaz, *Inside Kashmir*, p 137

²⁷ From the Resident, dated 3 August, 1931, Fortnightly reports for the second half of July, 1931.

²⁸ Ibid

Finally the Muslim leaders were released on 1 August, furnishing an undertaking that they would not indulge in “unconstitutional” activities. Dissatisfaction among the Muslims however by no means disappeared and it was decided along with Kashmir Committee²⁹ that 14 August be fixed as ‘Kashmir Day’ throughout the Mohammadan centres in British India.³⁰ On the 15 August the Muslim leaders presented a memorial to the Maharaja in which, they sought his intervention against the officials in the state administration who they alleged had been unfavourable to their community while being supportive of the Pandits.³¹ Mean while an understanding was arrived at between the Government and the ten representatives of the Muslims on 26 August, which came to be known as the ‘Temporary Truce’.³²

But fresh trouble arose soon. The Government was rather slack in implementing the terms of the temporary truce and Muslim leaders expressed their disappointment in public meetings at this attitude of the Government and subsequently on the 21 September, Sheikh Abdullah was arrested.³³ The news spread like wild fire throughout the city and a demonstration of protest was organized at the Jama Masjid in Srinagar on the following day. Police and troops were sent to prevent a procession and in the subsequent collision four of the public were killed.³⁴ Next day, on 23 September about fifty thousand people assembled at the Jama Masjid for the purpose of giving a decent burial to the men who had been killed on the previous day.³⁵

²⁹ The ‘All India Kashmir Committee’ as it was called, was formed on 25 July by the prominent Muslims of Punjab, including Mohammad Iqbal to support the cause of the Muslims in Kashmir. For details check, Ayesha Jalal, *Self and Sovereignty: Individual and Community in South Asian Islam since 1850*, New Delhi: Oxford University Press, pp 352-362.

³⁰ From the Resident, dated 17 August, Fortnightly reports for the first half of August, 1931.

³¹ Memorial submitted by the Deputation of Muslim Representatives to Shri Maharaja Sir Hari Singhji Bahadur Mahender Siper-i-Sultant-i-Englishia, Maharaja of Jammu, Kashmir and Tibet on 15th August, 1931; also check Chapter 3 ahead.

³² Report on an Inquiry into Disturbances in Kashmir in September 1931 conducted by Mr. L. Middleton, Jammu: Ranbir Press, 1932, p 5.

³³ P.N. Bazaz, *Inside Kashmir*, pp 145-6

³⁴ From the Resident, dated 3 October, 1931, Fortnightly report for the second half of September, 1931.

³⁵ P.N. Bazaz, *Inside Kashmir*, p 147.

News of these events did not take long to reach Islamabad, a town 34 miles distant from Srinagar. Procession was taken out, but it was fired upon by the troops killing nineteen and wounding about thirty in the process³⁶, with three more members of the public dying subsequently.³⁷ The reports of these disturbances also reached the town of Shopian, 30 miles to the south of Srinagar. The next day, which was a Friday, Muslims gathered in large numbers at the Jama Majid in Shopian, to protest against the action of authorities in Srinagar and elsewhere. At the end of the meeting processions were also taken out. The processions however were met by the *Munsiff* and a body of troops, who opened fire on them. This resulted in several people being wounded.³⁸

The State continued with its authoritarian approach. In Srinagar police and military pickets were in evidence everywhere. On 25 September there was a parade of troops with colours and bands throughout the city. On the same day effect was given to an Ordinance described as being on the lines of “Burma Ordinance”³⁹ [Ordinance no. L-19] and applicable to the Municipal limits of Srinagar. For a day or two any Muslim who failed to say “Maharaja Sahib Ki Jai”, when passing the military or police, was liable to be beaten, sometimes severely. Many hundreds were publicly flogged. An order was also enforced under which persons wishing to leave Srinagar were obliged to obtain passes. Many complaints were received by the Resident from Europeans living in Srinagar of the high-handedness on the part of police and maltreatment by them of the Muslim public. The

³⁶ From the Resident, dated 3 October, 1931, Fortnightly report for the second half of September, 1931.

³⁷ Ibid.

³⁸ P.N. Bazaz, *Inside Kashmir*, p 153

³⁹ Orders under which all military officers down to the rank of 2nd Lieutenant to the District Magistrate of Kashmir and all Police officers of and above the rank of Sub-Inspector, had wide powers of arrest without warrant and control over the movements of suspected persons. Also, the offences of disseminating false rumours, etc, were made punishable with flogging. ‘It may be thought’ as the Resident reported, ‘that under Ordinance, junior officers of Police are granted powers which their rank hardly justifies.’ From the Resident, 3rd October, Fortnightly report for the second half of September, 1931. See also *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton*, Jammu: Ranbir Government Press, 1932, pp 21-22; Also Cf. P.N. Bazaz, *Inside Kashmir*, pp 151-2

Resident was forced to accept ‘that the ‘measures’ taken [by the State] were likely to leave bitterness and resentment behind them, and contribute little towards establishment of peace.’⁴⁰

Finally on 12 October, a Committee⁴¹ was appointed by the Maharaja under the chairmanship of the Chief Justice to enquire into the causes of disturbance which had occurred during the month of September. Subsequently on 19 October the Muslims presented their demands to the Maharaja. The Durbar followed by announcing their intention to appoint a Commission to look into the grievances of its Muslims and non-Muslim subjects.⁴² Meanwhile Pandits also presented a memorial to the Maharaja, which advocated among other things the postponement of action of the Muslim demands.⁴³ On 10 November the Committee [Dalal Committee] appointed to enquire into the September incidents was dissolved and it was stated that it would now be conducted by an ‘impartial and disinterested’ officer possessed of necessary judicial experience. The same day the Durbar announced that the services of Mr. L. Middleton had been lent by the Punjab Government⁴⁴ to enquire and report on the causes of disturbance which had occurred subsequent to the events covered by the First Srinagar Riot Enquiry Committee, and the measures that were to be adopted for the ‘suppression’ thereof.⁴⁵

Reconstructing the events of 1931: official and local narratives

Gyan Pandey quoting Francois Furet in, *Remembering Partition*, says ‘Furet has suggested that historians of the French Revolution would do better describing the ways in which the Revolution was presented than troubling about causes or consequences.’⁴⁶ ‘The fact remains’, emphasizes Pandey, ‘that neither the original causes nor states and large

⁴⁰ From the Resident, dated 3 October, Fortnightly reports for the second half of October, 1931

⁴¹ The second ‘Barjor Dalal Committee’.

⁴² This came to be known as the *Glancy Commission*.

⁴³ From the Resident, dated 3 November 1931, Fortnightly report for the second half of October, 1931.

⁴⁴ From the Resident, dated 17 November, 1931, Fortnightly report for the first half of November, 1931.

⁴⁵ Report on an Inquiry into Disturbances in Kashmir in September 1931 conducted by Mr. L. Middleton, Jammu: Ranbir Press, 1932, p 1.

⁴⁶ Gyan Pandey, *Remembering Partition, Violence, Nationalism and History in India*, Delhi: Cambridge University Press, 2003, p 52.

organizations, exhaust the domain of history.’⁴⁷ What the historians call a “fragment”- a weaver’s diary, a collection of poems by an unknown poet – is of central importance in challenging the state’s construction of history and in thinking other histories. ⁴⁸ Though recognizing this as valuable, my approach will not be ‘exactly’ to challenge a particular narrative from a moral standpoint: of contesting the state’s version while upholding the ‘subaltern’. I will attempt to read how the events of 1931 were presented in official narratives, and how they appeared and were constructed in the minds of ‘local people’ who lived through that time. In doing this I argue that because their concerns are different, and consequently their focus of attention in the events is different, the official and the local/ ‘non-official’ accounts yield up almost opposing assessments of 1931. Whereas the official accounts lead up to the ‘event’— explaining why it happened, and in doing so denying the involvement of the state, the non-official accounts appear to move in another way. The event is not the object of explanation in these accounts. Besides, through its politics of denial, the state in trying to maintain its legitimacy, not only represents the event as ‘communal’, involving primarily the Pandit and Muslim communities, but also constructs a particular image of the ‘Muslim public’.

For the ‘non-official’/local sources, I am employing the *roznama* diary of late Noor Mohammad, a person who lived the events of 1931 and used to own a small book shop in Maharajgunj area of Srinagar, where many Punjabi Hindu traders also had their shops, a place that was to attain significance on 13 July, 1931. As already mentioned, the Maharaja appointed an official commission, ‘The Srinagar Riot Enquiry Committee’, to enquire into the ‘disturbances’ of 13 July, 1931. The commission which submitted its report on 24 September, 1931, was followed by the appointment of an English official Mr. L. Middleton, in November to enquire into disturbances in Kashmir in the proceeding month of September. The two reports make interesting reading. Even as they enquire into two different events, both reports conclude similarly to pronounce the incidents as primarily a law and order problem, being dismissive of the local sentiment.

⁴⁷ Ibid, p 65

⁴⁸Gyan Pandey, ‘In Defense of the Fragment: Writing about Hindu-Muslim Riots in India Today’, in Ranajit Guha [ed.], *A Subaltern Studies Reader, 1986-1995*, Delhi: Oxford University Press, 2000, p 28 [first edition, 1992]

What makes for an ‘official account’ needs to be spelled out though.⁴⁹ The official version, which is the state’s perception of the events, primarily addresses the problem of ‘law and order’ which it presumes was caused by uprisings, like the one in Kashmir in 1931. In doing so it invokes ‘law’ to justify any act of the state and to de-legitimize the uprising.⁵⁰ There is another important issue to consider. In the ‘context’ of the situation how do we situate the Middleton report? Is he an ‘official’ operating predominantly within the constraints of the ‘state’ or as an independent individual, guided by his moral perceptions?

The official version: Srinagar Riot Enquiry Committee

The Srinagar Riot Enquiry Committee, in its ‘Preliminary’, mentions that its objective was to enquire and report upon the circumstances which had led to the recent disturbances at the Jail, Maharajgunj and other localities in the city of Srinagar and the whether sufficient action had been taken to anticipate and deal with these disturbances. It also specifies the recommendations it was directed to make: The restoring of communal peace and harmony as quickly as possible, and prevention of such deplorable occurrences in future.⁵¹ These two statements encapsulate the very essence of the narrative: The event is seen but as a disturbance, a communal disturbance, and its boundaries are pre set - Jail to Maharajgunj, and measures are offered to prevent such ‘deplorable acts’ in future. To know the cause of a phenomenon and to investigate it, as Ranajit Guha tells us, is already a step taken in the direction of controlling it, and an aid to measures deemed expedient to prevent a recurrence of similar disorders.⁵² Further the Commission was also to enquire

⁴⁹ For the official account Cf. Ranajit Guha: ‘The Prose of Counter Insurgency’, in Nicholas B. Dirks, Geoff Eley, and Sherry B. Ortner [eds]: *Culture/Power/History, A Reader in Contemporary Social Theory*, Princeton University Press, Princeton, New Jersey, 1994, p 338. See chapter I in *Subaltern Studies Vol. II*, Delhi: Oxford University Press, 1983, for the same.

⁵⁰ The idea of the ‘anti-national’ which has emerged with the Modern State, especially in the post colonial era, is also employed to de-legitimize struggles. The present struggle in Kashmir is seen as ‘anti-nationalist’ in India, and thus not legitimate.

⁵¹ SREC, p 3

⁵² Ranajit Guha, ‘Prose of Counter Insurgency’ in Nicholas Dirks, Geoff Eley, Sherry B.Ortner [eds.], *Culture/Power/History: A Reader in Contemporary Social Theory*, Princeton: Princeton University Press, 1994, p 358

how far the authorities, who were responsible for the “preservation of law and order”, had acted with intelligence and foresight, for as it claimed, the main disturbance was at the Jail and if that had been anticipated and provided against, there would not have been subsequent occurrences of loot in the city.⁵³

By situating the parameters of the event, essentially between Jail and Maharajgunj, the state is able to deny any pre-history to the event, and thus conceive the agitation as spontaneous. This consequently means that the agitation is not a result out of any long term grievance held against the state.⁵⁴ Although, subsequently it is mentioned that the history of grievances of Mohammadans related back to 1924,⁵⁵ it is repeatedly stressed that those grievances were limited to a small section among the Mohammadans whose main desire was to have a larger representation in state services.⁵⁶ It was those handful of “discontented persons”, who were disgruntled, because they had not succeeding in obtaining highly paid appointments in the state, who had stage managed the campaign of vilification of the Government, the Commission attested.⁵⁷ And it was only because of certain incidents [Tauhin Koran etc], the Commission added, ‘which though being purely accidental, had considerably fanned the flame of agitation and secured the support of “ignorant Mohammadan” masses.’⁵⁸

The report qualified the above argument by referring to the statement of the Maharaja’s Cabinet minister, Sardar Thakur Kartar Singh, that ‘the grievance was put forward only

⁵³ SREC, p 36

⁵⁴ The Muslim petitioners had repeatedly given mention to the long term grievances of their community, which had highlighted not only the issues of Muslims relating to their education and ‘representations in jobs’, but also that proprietary rights be given to the peasants and the system of forced labour be abolished in the State. Further mosques in the possession of the Government be released and complete religious freedom be given to them. Even during the events of 1931 and after, the Muslim leaders petitioned the Maharaja claiming these rights. See chapter III in the dissertation.

⁵⁵ In 1924, some eminent Muslims had presented a memorial to Lord Reading the Viceroy, on his visit to Kashmir, which contained a number of demands relating to education, employment, proprietary rights, etc of the Muslims of Kashmir, SREC, p17, 23; also check Mirza Shafiq Hussain. [ed.] *A History of Kashmir: A Study in Documents 1916-39*, Islamabad: NICHR, 1992.

⁵⁶ SREC, p 33

⁵⁷ Ibid, p 24

⁵⁸ Ibid, p19

by the educated Mohammadans of the city, and was not a grievance of the villagers or of the Mohammadan public in general.’⁵⁹ It was remarked, that there was no substance in the claim of “extreme Mohammadans” to obtain a share in public services to the extent of the proportion of their population in the Kashmir Province. ‘It must be remembered’, the report emphasized, ‘that an overwhelmingly large population of the Mohammadan population is supported by agriculture and those are not men who would educate their children to seek services in Government employment.’⁶⁰ Even on the question of the educated Mohammadans wanting jobs, it put the onus completely on the Muslims saying that the difficulty was not over employment of Mohammadans for Government posts but over finding a sufficient number of Mohammadans for Government posts. Their exclusion, it said, from the higher service, was due to their backwardness in education, and therefore the impression that Mohammadans had been excluded from public services was wrong and the allegation incorrect.⁶¹

Throughout the report there is a repeated emphasis on the Mohammadan opinion not being uniform. As the report claimed that although they pretended to boycott the committee and keep aloof, several Muslims came forward to present the case of the Mohammadans. The Committee expressed that certain Mohammadan witnesses, both official and non-official were examined with particular care, as they appeared to them to represent “different shades of opinion of the Mohammadan public”.⁶² It further stated that the Mohammadan witnesses generally desired to give their evidence in camera, remarking, that because the Mohammadan opinion was not “uniform and settled”, therefore, the exponents of “every shade of opinion” were afraid of their opinion not being acceptable to those Mohammadans, “who held different shades of opinion”. The Commission also expressed its satisfaction that “every grade of Mohammadan point of view” had been disclosed to them.⁶³ Ahead in the report, addressing the claim that

⁵⁹ Ibid, p 33

⁶⁰ Ibid, p 44

⁶¹ Ibid, pp 33-34

⁶² Ibid, p 2

⁶³ Ibid

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Muslim mosques in possession of the Archeological Department of the Government be released to the public, it explained that as the claims were made by “several sections” of Mohammadans to particular ruins of mosques, it would create trouble to return them to a “particular section”, unless of course a joint application was made on behalf of “all sections” of the Mohammadans.⁶⁴

The uprising in Kashmir, as the Commission saw it, was primarily inspired by “outsiders”. Maharaja Hari Singh had already set the tone for it when he had remarked in his speech on 9 July, 1931 that he used to take the greatest pride in the fact that his state was beyond communal strife, but that quite recently owing to “external influences” a changed and regrettable attitude had been observed in “certain sections” in the cities of Jammu and Srinagar.⁶⁵ In the report among these “external influences” were cited Abdul Qadeer, Albion Banerjee, and Muslim leaders, besides others as responsible for ‘exciting’ the Muslim masses of Kashmir. ‘Abdul Qadeer’ who the report mentioned ‘had come to Srinagar’ in the services of a European visitor as cook, was to be tried for a speech delivered by him at a Mohammadan meeting in a shrine in Srinagar, that was considered seditious. But it was found by the authorities that his trial had ‘greatly excited the Mohammadan public opinion.’⁶⁶ Earlier in April 1929 one His Highness’ Ministers, Sir Albion Banerji who had retired from State service in a somewhat unpleasant mood, had given an interview to the Associated Press at Lahore, which the report felt, ‘had considerably increased Mohammadan agitation’. The report also claimed that the expression used by him of the Mohammadans of the State “as dumb driven cattle” had been repeated, ever since by the Mohammadan agitators.⁶⁷ Further while describing the circumstances which led to the recent disturbances, the Commission considered among other things the ‘papers printed outside the state and the help given to the local agitation

⁶⁴ Ibid, p 30

⁶⁵ M.K.Teng, R. K., Bhatt, Santosh Kaul, *Kashmir Constitutional History and Documents*, New Delhi: Light and Life Publishers, 1977, p 343

⁶⁶ SREC, p 4

⁶⁷ Ibid, p 18.

by outside Mohammadans' that gave the agitators an opportunity of influencing the mass mind.⁶⁸ By denying agency to the locals and emphasizing "outside instigation" the state is able to deny its role in being the cause of the uprising, and to conceive the agitation as being not rational, but only influenced by outside opinion, and thus driven by fanaticism.⁶⁹

The Commission also attempted to define the agitation as a communal event between the Pandits and the Muslims. 'There can be no doubt', the report claimed, 'to loot having taken place in Maharajgunj Bazar, in Vicharnag and in other quartets of Hindu shops and houses by the Mohammadans',⁷⁰ adding further on the evidence of a Pandit that the loot at Vicharnag was independent of the occurrence at the Jail.⁷¹ Making suggestions on restoring 'communal peace', the report submitted that the preachings to excite communal hatred in the garb of religious discourses should be stopped with a strong hand. No mercy or consideration should be shown to these classes of mischief makers, and justice should be dealt out impartially to both Mohammadan and Hindu transgressors.⁷²

Thus by accentuating 'outside influence', emphasizing the divisions in the Muslim community, representing the event as communal and denying it any pre-history and making it appear spontaneous, the State attempts to distance itself from the uprising, and constructs it in the official version as a law and order problem, which only gets escalated because of negligence on the part of the Police department. While making recommendations on the 'Future Prevention' of such 'deplorable occurrences' as the riots of 13 July'- which itself connotes the idea that the event was but a riot, defined in time and space - the report laments the absence of any internal security scheme of the city and

⁶⁸ Ibid, p 23.

⁶⁹ Cf. Gyan Pandey, 'The Prose of Otherness', in David Arnold and David Hardiman [eds.] *Subaltern Studies, VIII, Essays in Honour of Ranajit Guha*, New Delhi: OUP, pp 196-97.

⁷⁰ SREC, p 13

⁷¹ Ibid, p14

⁷² Ibid, p 42

calls for the need to strengthen the police department and the Intelligence Agency of the Government. 'In the forefront', it says, 'we place our recommendations with all its implications of overhauling the personnel and method of the Police Department.'⁷³ It is also advised that a careful watch should be kept over persons of known tendency to foment communal strife, and their movements and their activities should be forthwith reported to the District Magistrate.⁷⁴ Nowhere is there any reference to other things, besides it.

Interestingly, through most of the report the Muslim are constructed variously to bolster the official perspective of the events, and to de-legitimize the uprising. They are seen as ignorant, unlawful, unruly, communal, having weak powers of observation, liars, unreasonable, unfit for duty etc:

It was a great misfortune that certain incidents happened which were purely accidental and yet considerably fanned the flame of agitation and secured for it the support of the "ignorant" Mohammadan masses.⁷⁵ Official Mohammadan witnesses with the hounorable exception of Khawaja Saif-ud-din, Sub-Inspector have not been free from "communal bias".⁷⁶ Ghulam Mohammad another defense pleader does not carry the case of Mohammadans any further...His "powers of observation must be very weak".⁷⁷

A Mohammadan witness Habib Makaya appears to have come prepared to "tell lies".⁷⁸ We are concerned with one matter, the allegation made by Mohammadans that the military were concerned in helping the Hindus. We are satisfied that the allegation is "fabricated".⁷⁹ In our opinion these allegations are made with a view to escape the employment of the military if there

⁷³ Ibid, pp 49-52

⁷⁴ Ibid, p52

⁷⁵ Ibid, p 19

⁷⁶ Ibid, p 10

⁷⁷ Ibid, p 11

⁷⁸ Ibid

⁷⁹ Ibid, p15

should be any subsequent similar occasion. We were not in a position to cross-examine the witnesses but some of the witnesses have given themselves away completely in details and proved themselves to be “liars”. It appears that the “unruly populace” is particularly afraid of the cavalry so attempt is particularly made to throw discredit on them.⁸⁰

The District Magistrate was fully justified in considering the crowd which had entered into the compound to have committed the offense of rioting. He directed two C.I.D. Officers, Abdul Karim and Habibullah to arrest the persons who had entered the compound. We quite agree with the District Magistrate’s opinion that these two officers wrongly denied having identified single one of that crowd. They were C.I.D. officers and entirely “unfit for the duty of their office”.⁸¹

The District Magistrate himself explained that he had the experience of a meeting at Hazratbal that the Mohammadans paid no attention to what he said, and therefore, he made no attempt to “reason” with the crowd [outside the Jail on 13 July].⁸² On 20 June, some leaves of a holy Koran were alleged by a Mohammadan to have been found in a public latrine in the city here. Without any “inquiry” the Mohammadans raised the cry of insult to Mohammadan religion by Hindus.⁸³

Yet at another place, the report denounced the witness of Maulvi Abdullah Vakil, who thought that a particular Mohammadan Police officer had ‘lied’ in saying that he had warned the crowd not to enter the Jail premises as it was unlawful. The report commented that it saw no reason why this ‘Mohammadan Officer’ should tell a lie in this matter.⁸⁴ A Mohammadan was communal, corrupt, unreasonable unruly, unfit for work when he opposed the state. So long as he spoke in the interest of the state he was none of these.

It further seems that the term ‘Mohammadan’ became a more conscious category and attained to significance through especially the events of 1931. Its particular construction by the state was not fixed. Perhaps for them the category did not even exist earlier at least

⁸⁰ Ibid

⁸¹ Ibid, p 7

⁸² Ibid

⁸³ Ibid, p 20

⁸⁴ Ibid, p 10

in the sense it came to be understood in the early decades of twentieth century. Consequently it didn't even need to be constructed always.

The other aspect of the report is the ubiquitous presence of law in the construction of the events. It creates the official truth: 'the *truth* of an event already classified as crime'.⁸⁵ Repeatedly, it makes its appearance as the state's emissary, to transform a matrix of real historical experience into a matrix of abstract legality⁸⁶ thereby reducing a many sided and a complex event to just an offense. In doing so it also helps the state to justify its use of force to control a gathering, to declare a particular assembly as unlawful and to validate the killings. Commenting on the Jail episode, the commission declares that:

The mob outside the Jail was an 'unlawful assembly', [and] when force is used by an unlawful assembly or by any member thereof in prosecution of the common object of that assembly, every member of that assembly is guilty of the offence of rioting. [So] according to "law" all those present outside the Jail and those who joined the crowd afterwards were equally rioters to the same degree as those who forcibly entered into the Jail compound. [Thus] the District Magistrate was fully justified in considering the crowd ...to have committed the offense of rioting. After consulting all the available evidence before us, we have come to the conclusion that the firing was justified.⁸⁷

The state's use of force and on the other hand its use by people is also marked. The former is represented as being organized, carefully controlled and therefore, minimal. 'We are further satisfied' the Commission wrote, 'that the firing was not prolonged beyond what was necessary'.⁸⁸ It is also seen as legitimate. "Reasons of state", themselves self-evident, explain its use. 'The Governor [District Magistrate] was entitled

⁸⁵Baxi, Upendra, "The State's Emissary: The Place of Law in Subaltern Studies", in Partha Chatterjee and Gyanendra Pandey [eds.], *Subaltern Studies, Vol. VII*, New Delhi: Oxford University Press, 1993, pp 249- 50

⁸⁶ Ranajit Guha, 'Chandra's Death', in Ranajit Guha [ed.], *A Subaltern Studies Reader, 1986-1995*, Delhi: OUP, 2000, p 39-40

⁸⁷ SREC, pp 6-8

⁸⁸ Ibid, p 9

to order firing under the circumstances of the case.⁸⁹ The violence of the people is seen as the polar opposite of this: chaotic, uncontrolled, excessive and therefore illegitimate.⁹⁰

As soon as some members of the crowd were arrested and five of them brought in, there happened what should have been predicted. The crowd grew restive and proceeded to throw stones...The mob was in an excited state, slogans were being shouted, the telephone lines were furiously shaken and it was feared that they will be cut off as they were subsequently cut off...To this, may be added the fact that a noise was made inside the Jail, the prisoners were restive and were trying to break open the Jail... There is abundant evidence to prove that an attempt was made to fire the Jail Police Lines. [After this the police was forced to fire at the crowd]... The stone throwing thereupon stopped for a couple of minutes but was resumed with greater violence...⁹¹

An alternative reconstruction: Noor Mohammad's diary

An alternative account of the events can be found in Noor Mohammad's narrative: *Tarikh-i-Kashmir ki Roznama Diary*.⁹² Noor Mohammad, as mentioned earlier, owned a book shop — *Ghulam Mohammad Noor Mohammad Tajrane Kutub*⁹³ — in the heart of the old city in Maharajgunj where Hindu traders and Pandits complained of loot at the hands of Muslims in the afternoon of 13 July. Maharajgunj was a market hub where all kinds of wholesale merchants and money lenders had their shops. Many of these shops though were owned by the Punjabi Khattri traders⁹⁴ like Bhagat Karam Chand, Lala Balmakund Kapoor, Karam Chand Arora etc.⁹⁵ Exposure to such a bazaar culture, where

⁸⁹ Ibid, p 11

⁹⁰ Gyan Pandey, 'The Prose of Otherness' in David Arnold and David Hardiman [Eds.], *Subaltern Studies VIII, Essays in honour of Ranajit Guha*, Delhi: Oxford University Press, 1994, p 191

⁹¹ SREC, pp 8- 9

⁹² *Tarikh-i-Kashmir Ki Roznama Diary*, which literally means 'Everyday account of Kashmir's history'.

⁹³ *Tajrane Kutub*, literally 'Dealers in Books'

⁹⁴ N.N. Raina, *Kashmir Politics and Imperialist Manoeuvres 1846-1980*, Patriot Publishers, New Delhi, 1988, p

⁹⁵ SREC, p 13

different classes of people would frequent, would have lent a rich texture to his *roznama* account.

A few things need to be taken note of though. One, that because he maintained a diary, it is obvious that he could read and write, at least in Urdu. Besides, maintaining a diary in a milieu when very few people from among his community were even literate seems interesting. It might be that he was literally inclined or politically conscious in keeping an account of the happenings in the 'eventful' period between 1920s - 40s. Or perhaps it was just a habit he had cultivated over time, since keeping dairies was part of the elite culture of the West. Secondly, the diary which begins around October 1925, stops at November 1947, is given a print form in 1951 by Noor Mohammad himself. It seems reasonable to hope that it was retained in its original form. But can we be sure? It also appears from reading a few portions of the diary that the diarist did not maintain his account on a daily basis. Perhaps because of the prevailing tension and perhaps on account of his own involvement in the events, the incidents of June and July were written more as a summarized account. Between 9 June 1931 to 1 September no dates are given: it appears as a continuous narrative. Here it also needs to be emphasized that his involvement in the events does not necessarily mean his physical involvement always. Perhaps he may not have been a personal witness to the jail and the loot incidents on 13 July. His account of these events may have well been shaped by the prevailing public opinion, hearsay and his own discretion.

What is the starting point of his reconstruction? His diary unlike the official narrative is an insider's perspective of his community constructed from the standpoint of his social position. It is an example of a communitarian narrative, which accentuates unity among the Muslim people, and brings out their grievances, their anxieties and emotions in the face of events like the *Tauhin* Koran or the episode of 13 July. While in the official narrative the event is but only a riot, in Noor Mohammad's version it appears as an unfortunate end product of a certain struggle for self assertion of the community.

A narrative of unity

The diary begins its course on 9 October 1925, but I pick up on it from 9 June 1931, when the controversy surrounding the ‘incidents’ in Jammu were filtering into Kashmir. Noor Mohammad informs us that it came to be known that the ‘Holy Koran’ was ‘disrespected’ in Jammu, and around six to seven thousand Muslims assembled at Jama Masjid, Srinagar to remonstrate against it. While fixing some posters in Srinagar, which had been issued by Youngmen’s Muslim Association, Jammu to protest against the *Tauhin* Koran, Mohammad Ismail, a volunteer was arrested by the authorities. Thousands of people, he tells us, assembled on hearing about his arrest and there was an *ailan* which called for a ‘public gathering’—*aam jalsah*, at Jama Masjid that afternoon.⁹⁶

More than thirty thousand people had assembled at the Jama that afternoon. It was the first such occasion when according to him ‘political speeches’ were delivered. Kashmiri Muslims had by now become aware of ‘Master Abdullah’ [Sheikh Abdullah] and were very keen to meet this man who despite his very high education had given himself up to the service of his ‘nation and its people’—*mulk-o-milat*. When he got on to the stage and spoke against the *Tauhin*, people wept and wailed hard. He did not restrict himself to only speaking about the *Tauhin* incident, but as Noor Mohammad writes, made the Muslim gathering conscious of its ‘subjugation’—*ghulami*, and called upon them to fight for their ‘birth rights’, *paidayishi hakuk*. Many resolutions were passed and the Maharaja was beseeched to take punitive action against the officers responsible for hurting the sentiments of the Muslim community. This Noor Mohammad felt would act as balm to the disconsolate hearts.⁹⁷ What is much noticeable is how sentiments on a fundamental religious symbol generated a strong sense of community among the Muslims. There is a lot of emotional outpour, there are protests, gatherings and it is apparent that people are very involved.

Meanwhile the government took strong note of the happenings in Jama Masjid, which by

⁹⁶ Noor Mohammad, *Tarikh-i-Kashmir ki Roznama Diary*, Ghulam Mohammad Noor Mohammad Tajrane Kutub, 1951, pp 693-94, henceforth, *Roznama Diary*

⁹⁷ *Roznama Diary*, p 695

now had become some sort of a political headquarter for the Muslim youth. A meeting was called by the District Magistrate and it was suggested that Sheikh Abdullah and his associates be arrested. But no sooner had people heard about it, there were more protests. In the situation, the District Magistrate, as Noor Mohammad notes, could not dare to arrest Abdullah. But a notice was pasted on the door of the Masjid that no individual would be allowed to make a *taqreer* or call a *jalsah* without the permission of the authorities. This being an ‘obvious’ interference into the religious space of the community, ‘we’ resolved, Noor Mohammad writes, to tear the notice into pieces, and never to allow any such ‘intrusion’. Further, we gave a call for another public gathering.⁹⁸ Noor Mohammad does not specify though who the ‘we’ are. It appears either that he was in the very the thick of things himself, or perhaps because the ‘notice’ carried a particularly ‘religious’ connotation, the ‘we’ meant the whole community.

What is very marked is that much of the events his narrative captures prior to 13 July revolve around the *Tauhin* incident. It seems central to his discourse and one that he feels painful about. At the next gathering in Jama Masjid, Noor Mohammad writes that Sheikh Abdullah ripped the Magistrate’s order to pieces in front of a huge mass of people, and conveyed to the government that unless those responsible for the *Tauhin* of Koran were not punished, the Muslims won’t stay quiet. He further declared that so long as the Muslims were not given ‘rights’—*hakuk*, the educated sections among them will not give up on agitation. This time around the authorities did not issue any notices, perhaps having realized that if Abdullah was arrested it would create more problems for them.⁹⁹

Meanwhile Mr. Wakefield¹⁰⁰ was deputed by the state to go to Jammu and hold an enquiry of the *Tauhin* Koran incident. While in Jammu he interacted with a deputation of Muslim leaders and advised them that together with Muslims in Srinagar they should

⁹⁸ Ibid, p 696

⁹⁹ Ibid, p 698

¹⁰⁰ See earlier pages in the Chapter.

choose their representatives and put their grievances before the Maharaja Bahadur. After the appointment of the Jammu representatives, the Kashmiri Muslims gathered in *Khanqah-i-Maula* shrine in the city to appoint their representatives. Noor Mohammad calls it a ‘Grand Assemblage’—*azeem jalsah*, and remarks that for many reasons the *jalsah* was of immense significance. Such a huge gathering of people had never happened before. Muslims of all ‘sects’ were present. Men and women stood together. The young and old were helping out each other. All this he felt, spoke of Abdullah’s efforts and his political acumen. Even Mirwaiz Yusuf Shah, who till then had never been to *Khanqah-i-Maula*, attended the gathering.¹⁰¹

Sheikh Abdullah made a short but an insightful speech. He told the gathering that the ‘Muslim community’—*musalmaan qaum*, was growing ‘conscious’—*baidar*, and was claiming its birth rights. This was one reason Abdullah saw why Muslims had given up their sectarian interests and had assembled together in the *Khanqah* today.¹⁰² Noor Mohammad says Abdullah also appealed the Kashmiri Pandits to join hands with the Muslims to achieve the ‘rights of the collective’, *qaum ke hakuk*. He felt that as they were educated and intelligent, the Pandits could actually guide the Muslims. He wished that they appreciate our ‘sentiment’—*khalus*, and stand with us in this ‘holy struggle’—*pakh tehreekh*, to achieve ‘freedom for our homeland’, *watan ki azadi*.¹⁰³

The diary expresses both the divisions and unity within the community but it is the unity that is repeatedly emphasized. Continuing with the *jalsah*, it was now Mirwaiz Yusuf Shah who spoke. He remarked that Kashmiri Muslims had realized that for the sake of Islam and to ensure their rights, they ought to unite and forget their differences. Any one who tries to create a rift between them is a *kafir*, a non believer. After the Muslims chose

¹⁰¹ Mirwaiz Yusuf Shah’s family had a long standing dispute with the other Mirwaiz: Mirwaiz Hamdani. While Mirwaiz Yusuf Shah controlled the Jama Masjid, Hamdani held sway over the Khanqah-i-Mohalla.

¹⁰² The various sects among the Muslims in Kashmir which are mentioned include Hanafi, Shafi, Sunni, Marzai, Wahabi, etc. The Shafis and the Wahabis would generally not visit the shrines, and consider shrine worship as being against the precepts of Islam. *Roznama Diary*, p 700.

¹⁰³ *Ibid*, p 700.

their representatives, and the meeting was nearing its end, a person ‘Abdul Qadeer’, who was sitting in the gathering, became emotionally charged. Having sensed his chance he got up and made a *taqreer* enjoining people to use even sticks and stones to claim their *hakuk*.¹⁰⁴

In the first week of July it rained very hard in Kashmir resulting thereby in a flood. This shifted the attention of people completely and the ‘agitation’ was temporarily put on hold. But the moment the flood receded the government arrested Abdul Qadeer for his speech at *Khanqah-i-Maula*. This, Noor Mohammad says was an open invitation to war. People who had been subdued reacted very strongly, and the agitation became more pronounced than before. In an attempt to pacify the situation the Maharaja issued a royal statement on 9 July. But Noor Mohammad says that it offered little towards addressing the sentiments of people. Instead it represented our ‘agitation’, he calls it *aalmgeer tehreek*¹⁰⁵ as only a communal skirmish, *firqawarana jagda*, influenced by outside forces. The Maharaja’s statement further said that Muslims had made too much of the *Tauhin* episode. It claimed that though false rumours were gaining ground, the dignity of law will be upheld.¹⁰⁶ Meanwhile a meeting was announced by the Muslim youth in Jama Masjid to protest the arrest of Abdul Qadeer. Sheikh Abdullah and his comrades—*rufaqah*,¹⁰⁷ maintained that it was obligatory upon people to be prepared for any sacrifice for attaining their *hakuk*. He persisted that Muslims should maintain cordial relations with their ‘Pandit brothers’, who like them, were also suffering *ghulami*.¹⁰⁸

The 13 July event

The proceedings in Abdul Qadeer’s case had by now begun and thousands of people started attending the trial at the court. In such a charged situation, Noor Mohammad felt,

¹⁰⁴ Ibid

¹⁰⁵ In the given context it appears difficult to translate *aalmgeer*. *Aalmgeer* comes from ‘aalm’, which could be translated as ‘world’. Aurangzeb, the Mughal emperor referred to himself as *Aalmgeer*-world conqueror. *Aalmgeer tehreek* should here mean ‘great agitation’, for great ideals, unlike being *firqawarana*-communal.

¹⁰⁶ Ibid, p 701.

¹⁰⁷ *Rufaqah* would not exactly translate as comrades. The word comes from *Rafiq* which has more communitarian underpinnings. It may be loosely translated as ‘companion’, ‘associate’, ‘friend’ etc.

¹⁰⁸ Ibid, p 702.

that despite the police presence there seemed every likelihood of an impending clash. Realizing this, the government decided to shift the case to the central jail and conduct the trial in 'camera. The Muslims protested to this by holding a *jalsah* in Gowkadal Masjid¹⁰⁹ on 12 July in which resolutions were passed condemning the order of the government. Sheikh Abdullah insisted upon people to act more responsibly in the given situation to ensure that the gains were consolidated.¹¹⁰

The air was brimming with revolt, as Noor Mohammad says, and on 13 July Qadeer's verdict was to be announced. Thousands assembled outside the jail premises to hear about the judgment, despite Sheikh Abdullah's appeal to public to avoid going there. On the arrival of the session judge some people tried to make their way inside the jail. Maulvi Abdullah Vakil who was advocating Qadeer's case advised them to either leave the place or sit peacefully outside. Thereupon people abandoned any further move to enter the jail and sat outside. Within minutes of this the District Magistrate who was informed on the telephone arrived on the scene and ordered that those who had tried to enter the jail premises be arrested. The police officials thereby detained a few persons from among the 'horde', *hajum*. The matters now took a turn for the worse. Putting their 'lives at stake' the *hajum* attempted to force its way inside the jail, demanding that the arrested persons be released and they be allowed to watch the trial. The police tried holding them back but the *hajum* started throwing stones at them. At this moment the District Magistrate ordered firing. This resulted in nine people being killed and about forty wounded.¹¹¹ The *hajum* was quite infuriated now and wanted to seek revenge. They realized that government and the Hindus were inseparable and the one stood for the other. Almost all officials were Hindus. The Judge was a Hindu. The Maharaja was also a Hindu. So they assumed it were Hindus who had fired at them, disregarding, as Noor Mohammad writes, Abdullah's opinion: That Hindus like Muslims were also *ghulam*, and only an instrument of the machinery.¹¹²

¹⁰⁹ Gowkadal is a market area situated in central Srinagar. The Gowkadal Masjid is an old mosque which has remained active in holding public gatherings, etc.

¹¹⁰ *Roznama Diary*, p702.

¹¹¹ Noor Mohammad tells us that on 26 July it was figured that twenty six people had died in the jail incident, *Roznama Diary*, p 703

¹¹² *Ibid*, p 703.

There was *hartal* in the city now. Shops had already been closed. The *hajum* now started moving towards Maharajgunj, carrying along a couple of injured with them. Close by in a Hindu locality they noticed a shop which was still open. On being insisted that he close it, the owner, a Punjabi Hindu objected to it. This incensed them further and someone proposed that Hindu shops should be looted, though Noor Mohammad says, that many sagacious – *fahmeedah* Muslims dissuaded against this, but the frenzied elements dominated. They broke open the shops and carried the loot. Similarly Hindu shops and houses were also looted in Vicharnag and Nowshehra.¹¹³

Sheikh Abdullah was at his residence. He had no knowledge of the incidents. Meanwhile some volunteers arrived to apprise him of the happenings. It was terrifying even for some one like him. His fears were confirmed, writes Noor Mohammad. He sent Abdul Rahim to calm the *hajum*, but the situation had run out of control. In the mean time the dead were brought to the Jama Masjid, and the Army was posted in the city. 326 men were arrested on charges of loot out of which 217 were released for lack of evidence. Many more were arrested at the behest of the Hindus without any offence though on their part. The agitation, Noor Mohammad felt was now taking on a communal colour. Soon Abdullah and his *rufaqah* made their way towards Jama Masjid where thousands of people had already assembled and were attending on the dead.¹¹⁴

Noor Mohammad's account is built around the concerns of the 'community': concerns which are of very vital significance for the members of that community. In fact it is these concerns which bring the community together, manifesting in a certain obligation towards it. This obligation towards the community makes them defy authority, hold regular protests, meetings and *jalsah* and thereby assert themselves. For the state though protests and demonstrations appear only as a disruption and a lapse in law and order. Noor Mohammad also articulates the consciousness of a *mulk* which is seen as subjugated, and perhaps this seems why Sheikh Abdullah occupies an important position

¹¹³ Ibid, p 704

¹¹⁴ Ibid, p 705

in his description: the man who is talking about *hakuk* of the community. But unlike the official account he makes no attempt to authenticate the chronicle that he presents. The narrative needs no substantiation.¹¹⁵ There are no facts to be emphasized here but a very different level of engagement with the event. Unlike in the account of the state, there is a build up to 13 July. While not denying the communal aspect of the struggle, it appears in his narrative more as an end product of a community's struggle for its rights.

The English official's report

In this section I will briefly look at the English official Mr. L. Middleton's report on the September disturbances in Kashmir in order to substantiate the point that there is a particular narrative trope in which the official reports are written. This narrative cannot but be a history of the state, because everything in it revolves around the question of 'law and order'.¹¹⁶ Middleton's account of the happenings is constructed essentially from the perspective of the state, much like the 'Srinagar Riot Enquiry Committee Report'. However there is a difference, Middleton was in a sense both 'within and outside' the state. It is therefore possible that he was not powerfully committed to uphold the state's version, and this perhaps allows him to bring his moral perspective to bear on the event. His moral perception though need not be necessarily read as 'deeply orientalist'.

The Middleton report operates through authenticating the official version while negating the local witnesses. This appears to me to be the essential characteristic on which his report is built. In the absence of detailed description, it is this aspect that enables the narrative to move along and sustain the state's view point. The crucial thing as will be noticed below is that most often 'authentication' or 'negation' is not even based on any strong evidence but on the perception of the officials. In this process the local opinion is dismissed or transformed by the grammar of official discourse.¹¹⁷ I will focus here on this particular facet of the 'official narrative' by borrowing from the report itself.

¹¹⁵ Gyan Pandey, *The Construction of Communalism in Colonial North India*, Delhi: OUP, 1992, p 129

¹¹⁶ Ibid, p 64

¹¹⁷ Refer 'Introduction' in Nicholas B. Dirks, Geoff Eley and Sherry B. Ortner [eds], *Culture/Power/History: A Reader in Contemporary Social Theory*, New Jersey: Princeton University Press, 1994

On 21 September 1931 Sheikh Abdullah was taken into custody by the authorities in Srinagar for delivering speeches which were considered by the authorities to be inflammatory and seditious, thereby breaching the 'Temporary Truce'.¹¹⁸ Immediately as his arrest became known in the city, the Muslims closed their shops and a *hartal* was called. The next morning people assembled in Jama Masjid to protest the arrest of Abdullah.¹¹⁹ According to the report the authorities had full knowledge of the intended meeting and "anticipated" that procession would be taken from the Jama Masjid to the city. Such a procession, the authorities felt would have involved the gravest danger to the "public peace" and it was the duty of their duty to prevent it at any cost.¹²⁰ Officials were summoned and an attempt was made to stop the head of the procession by the use of police and thereafter to disperse it by the cavalry. The report mentions that one man "appears" to have been killed while 'two men and possibly three men were also wounded by the lances and that is all'.¹²¹ Muslim witnesses however alleged that there were regular cavalry charges in which lances were used and there was a great deal of uncontrolled firing.

Summing up the two accounts the report maintained that 'The results as revealed by medical evidence "support the official version" and refute the allegation that charges with leveled lances were made or that there was much firing.'¹²² Middleton further observed that, 'I find it impossible to believe that two sections of cavalry could charge a massive crowd using their lances; I conclude that the cavalry used their lances mainly as "sticks to disperse the people and not as spears" with the intention to kill them.'¹²³ Although it acknowledged that the account gathered from the evidence given by a large number of official witnesses had many discrepancies arising through lack of observation, but

¹¹⁸ *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton*, Jammu: Ranbir Government Press, 1932, pp 4, 5

¹¹⁹ *Ibid*, p 7

¹²⁰ *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton*, p 18

¹²¹ *Ibid*

¹²² The report mentions that only six rounds were fired and these were in self defense *Ibid*, p11

¹²³ *Ibid*, p 19

affirmed that “on the whole the story is consistent” and each testifies as to the part of the event which he himself saw.’¹²⁴

Meanwhile processions of women and children paraded the streets in Maisuma Bazar.¹²⁵ The officials felt this could lead to an increase in the public excitement, and fire brigade and cavalry were called to disperse the crowd and to prevent further disturbances. Five women alleged attack upon them.¹²⁶ Commenting on these allegations, the report recounted that: Women became abusive and were joined by men, some of whom commenced throwing stones. Ultimately the Fire Brigade was requisitioned and dispersed them by playing water upon them. Some of them mention the use of the Fire Brigade while others allege they were lanced by cavalry. None can give any reasons for the alleged attack upon them. After a comparison of the evidence regarding the dispersal of this procession I can find “no reason to disbelieve the account given by the officials” that any unnecessary force was used and no serious injuries appear to have been caused to the people participating.¹²⁷

Several Mohammedan witnesses, the report said, have stated that soldiers taking part in the route march ordered them to shout the words “Maharaja ki Jai”, and few others were also ordered to shout slogans abusive of Islam, and were beaten when they refused. Claiming the evidence of Brigadier Sutherland¹²⁸ that ‘it is quite impossible that any soldier could have broken out of the ranks to harass the on-lookers’, Middleton expressed incredulity that that there could have been indiscipline of this nature. ‘[I] am not prepared to believe’ he said ‘the evidence of these... men.’¹²⁹ The report also dismissed ‘a very large number of Muslim witnesses’ who gave account of the events, saying that ‘the

¹²⁴ Ibid, p 10

¹²⁵ Maisuma Bazar’ is an old neighbourhood situated close to Lal chowk in central Srinagar.

¹²⁶ *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton,* pp 7-8

¹²⁷ Ibid, pp 7-8, 18

¹²⁸ A very senior police official in the state police department who commanded the Municipal Area of Srinagar especially when the Ordinance L-19[refer foot note no. 40] was promulgated on the evening of 24 September in Srinagar.

¹²⁹ *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton,* Jammu: Ranbir Government Press, 1932, p 23.

majority of them are very “confused” and indefinite as to what happened’.¹³⁰ ‘I do not believe’ Middleton said

the allegation that Mohammedans were forced to shout slogans abusive to their religion; the variety of such slogans mentioned in evidence does more credit to the inventive genius of the witnesses than to their veracity; it is possible that in one or two cases an ill-disposed subordinate may have attempted bullying of this nature but “it is impossible to believe” that it could have happened in any but isolated cases.¹³¹

The report was also indifferent to the evidence of women and children. One woman the report claimed ‘produced a baby with a large sore on its face and alleged she dropped it on a brazier when slapped by soldiers who were searching her house for absconding men.’ But Middleton argued that ‘the baby appeared to be suffering from sores very prevalent in Kashmir’ and so he attached no weight to the story.¹³² On the witness of the school boy who alleged that a constable had fired on a person through the lavatory window, Middleton commented that ‘he is contradicted by more credible witnesses and I am convinced that his story is a mere fabrication.’¹³³ Yet Middleton seems to consider the witness of the ‘educated’ more reasonably: The only evidence of ill-treatment [in Shopian] apart from the ‘exaggerated’ and ‘fanciful’ stories of the villagers is given by M. Abdullah Vakil and his son who are persons of education.¹³⁴

However, repeated metaphoric interventions make up for the lack of consistent metonymic connections in the narrative. Writing about the events in Shopian,¹³⁵ Middleton expressed satisfaction that there was an attack on the thana by the villagers, but there was no firing in the Jama Masjid [in Shopian]. Hence Middleton felt that the whole story put forward by the local Musalmans was a concocted falsehood.¹³⁶ He

¹³⁰ Ibid, p 10

¹³¹ Ibid, p 28

¹³² Ibid, p 61

¹³³ Ibid, p 14

¹³⁴ Ibid, p 61

¹³⁵ For details refer early portion of the Chapter.

¹³⁶ *Report on an Inquiry into Disturbances in Kashmir in September 1931, conducted by Mr.L.Middleton,* p 56

commented: So far I have dealt with what I may term the mass allegations of the villagers; I am convinced that the majority are false and that all are exaggerated.¹³⁷ Although he expressed that where such a mass of allegations was made it was hard to believe that there was no substratum of fact on which they had been reared. But he explained this saying that the attitude of these villagers was such that it was clear that many scarcely expected their stories to be believed, but ‘they trusted to the principle that “if enough mud is thrown some is sure to stick.”’¹³⁸

Conclusion

My concern in the chapter has basically been to delineate the official approach towards the uprisings. I have tried to emphasize that the official narrative is primarily geared to upholding the state’s perception of the events while silencing or being dismissive of the local witnesses. The official narrative generally employs a particular trope. Even when it incorporates statements emanating from “the other side”, it is done only as a part of an argument prompted by administrative concern. In other words, whatever its particular form, its production and circulation are contingent on the reasons of state.¹³⁹ The disruption of order within a local community comes to be seen only as a lapse in law and order. The unofficial version on the other hand is marked by an entirely different spirit. Its concern with the inhabitants of the community and their ‘values’ is what sets it apart from the official one.

It also needs to be emphasized that what is recognized as violence and what is then categorized as communal violence is an interpretative act. Whether the events of 1931 were communal or not is moot. Its acceptance or rejection however depends on the power to establish truth. Communal violence is only communal violence when it is narrativized

¹³⁷ Ibid, p 60

¹³⁸ Ibid

¹³⁹ Ranajit Guha, ‘The Prose of Counter Insurgency’, in Nicholas B. Dirks, Geoff Eley, and Sherry B. Ortner [eds.]: *Culture/Power/History, A Reader in Contemporary Social Theory*, Princeton University Press, Princeton, New Jersey, 1994, p 338

as such.¹⁴⁰ The state's construction of the events of 1931 as 'communal' reflects its power to establish that fact.

¹⁴⁰ Peter van der Veer, 'Writing Violence' in David Ludden [ed.] *Making India Hindu*, New Delhi: Oxford University Press, 1996, p 265.

Chapter II

Colonial Intervention, Muslim Politics and the Uprising of 1931 in Kashmir

The present chapter analyses the politics of British intervention in the princely state of Kashmir in the tumultuous period of 1931, when the Muslim subjects of the state rose up in an uprising against the Durbar administration. In trying to sketch this event and the dynamics it involved, I felt it reasonable to provide a brief overview on the colonial state's relationship with the princely governments and the Muslim leadership in the early decades of the twentieth century, on the assumption that it would help situate the subject matter in a proper framework. Although a detailed analysis of colonial intervention in Kashmir awaits fuller treatment, and is beyond the scope of this work, my idea has been to place the events of 1931 in a larger perspective and to try and explain the specific context and motives behind this intervention. In doing so I have also tried to show that colonial intervention impacted the discourse of rights in Kashmir.

The Princes and the Government of India: An introduction

Queen Victoria's proclamation in November 1858 that there would be no further annexation and that indirect and direct rule would coexist has been considered a major shift in British policy towards the princes. While the British would no longer use annexations or fear of annexations to intimidate princes, they had no intention of relinquishing their right to intervene in princely states to secure their imperial interest and restrict the autonomy of such states. These 'restrictions' were achieved in numerous ways, either through treaty provisions but even more extensively through the never defined doctrines of usage and paramountcy.¹

Yet phases of intervention persisted closely with phases of non-intervention towards the princely governments, especially, when it suited the British interests. British officials

¹ Barbara Ramusack: *Indian Princes and Their States*, Cambridge: CUP, 2005, pp 105-106, 204

interfered or did not interfere because of particular political imperatives, intellectual constructs, economic needs and Indian responses. Thus while a scheme of periodisation is useful for the purpose of organizing a historical narrative, it should not obscure the persistent, underlying shifts between intervention and non intervention in the internal structure and policies of Indian states.² This oscillation between intervention and *laissez-faire* continued after 1857. While they assumed less overt profile in princely state affairs, the British argued that they retained the right and responsibility to mediate to ensure good government.³

Although fluctuations in British attitudes between *laissez-faire* and intervention continued, more subtle forms of intervention stayed in the British arsenal. These included either posting of a political agent or appointing of an external official [trained in British India or a British ICS officer], to a major post such as a finance minister or even as a prime minister⁴, to setting up of a commission of inquiry to investigate grievances against a ruler⁵, or to an eventual disposition of a ruler. While Lytton characterized the princes as a “powerful aristocracy” whose complicity could be secured and efficiently utilized by the British in India,⁶ British officials continued to be ambivalent about the image of the Indian princes, in the twentieth century.⁷

As with paramountcy, it was inexpedient to define and thereby limit what might be considered princely misconduct. Notions of ‘misconduct’ were flexible and at times

² Ibid, p 56

³ Ibid, p106

⁴ Like E.J.Colvin in Kashmir in 1932. In fact by the 1930s and 1940s, the number of British officers serving as prime minister in princely state had increased substantially, Ibid, p 119

⁵ The Glancy Commission, as in Kashmir in 1931

⁶ Lytton to Lord Salisbury, Secretary of State for India, 11 May,1876, quoted in Bernard Cohn, ‘Representing Authority in Victorian India’ in Eric Hobsbawm and Terence Ranger [eds.] *The Invention of Tradition*, Cambridge : Cambridge University Press, 1992, pp 191-92

⁷ The British instituted constitutional innovations such as the Chamber of Princes, which accorded the princes a defined but circumscribed political forum.

political officers were prepared to tolerate behaviour unacceptable by 'British standards'. During the twentieth century the British would expand misconduct to include oppressive treatment of state subjects, particularly when it triggered popular protests that threatened neighbouring British Indian provinces.⁸ Even so, such misconduct might be overlooked if the prince had political value for the British.⁹

Princes and Government of India in early 20th century

The introduction of a policy of non-interference during the viceroyalty of Lord Minto was a landmark in the development of British relationship with the Indian States. The authors of the policy were convinced that during the first decade of the twentieth century

⁸ Barbara Ramusack, *Indian Princes*, p 119

⁹ Complaining of Maharaja's behaviour, E.B. Howell, the Resident in Kashmir wrote to C.C. Watson, Political Secretary, Government of India in the Foreign and Political Department in November 1927, that 'Ever since I came here in April last I have from time to time received communications from Kashmir Durbar couched in a tone of discourtesy. I steadily ignored this, hoping that it might not be intentional and would disappear. The Hope has not been fulfilled. I trust that you will agree that the continuance of such discourtesy, which I suspect emanates from His Highness himself, could not be tolerated and that the action, which I have now reported, has the approval of the Govt. of India.' E.B.Howell [Resident in Kashmir] to C.C. Watson, dated 26 November, 1927, Attitude of the Kashmir Durbar towards the Resident and amends made by the Maharaja, File no: 729-P, F&P dept., 1927, NAI.

Sir Albion Banerjee responding to this on behalf of Government of India wrote back to Howell saying, 'His Highness is much concerned that it should be necessary to give any assurance that no discourtesy was meant. The last thing he desires is that any discourtesy should be shown to the Residency, with whom he is always anxious to maintain cordial relations. As for His Highness and his Government are concerned, there may be differences of opinion but there never will be any discourtesy...In real cases of flagrant misgovernment there is legitimate scope for intervention by the Paramount Power. But representations relating to grievances arising from any kind of administrative action or otherwise must, you will admit, be left to be solely dealt with His Highness' Govt.', Albion Banerjee to E.B. Howell, the Resident, Ibid.

British rule in India was under greater threat than at any time since the mutiny.¹⁰ With the growing strength of the Indian National Congress, it was felt that the princes could be useful to the British by keeping the areas they ruled immune from the agitation of British India¹¹ and that their support might ultimately prove essential to the maintenance of British control in the subcontinent.¹² The contribution that the princes made to First World War effort seemed to confirm their alliance value and the support of Edwin Montagu, Secretary of State between 1917 and 1922, eventually enabled the princes to achieve constitutional recognition.¹³

Although by 1921 when the princes were firmly acknowledged as imperial allies, the conflict over the paramountcy soon raised doubts about their willingness to serve as such. Seeking complete independence in the conduct of their domestic affairs these princes could never be satisfied while paramountcy remained vague and undefined and the paramount power retained a discretionary element of interference.¹⁴ At the same time non-interventionist policy also made it possible for the princes to neglect their responsibilities towards their states.¹⁵ The relaxation of control by the paramount power was followed by a rapid deterioration of administrative standards in the states which, together with the spread of democratic and nationalist ideas from British India, enabled the subjects of the states first to question and then openly to challenge the autocratic power of their princes.¹⁶

Yet the policy of a adoption of non-interference did not of course, completely rule out the

¹⁰ S.R.Ashton, *British Policy Towards the Indian States, 1905-1939*, Delhi: Selection Service Syndicate, 1985, pp 193-5

¹¹ Robin Jeffery [ed], *Peoples, Princes and Paramount Power: Society and Politics in the Indian Princely States*, Delhi: OUP, 1978, p 11

¹² Ibid, p 307

¹³ S.R. Ashton, *British Policy Towards Indian States*, p 194

¹⁴ Ibid, p196

¹⁵ Ibid, p194

¹⁶ Ibid, p198

the possibility of intervention within a state by the paramount power.¹⁷ The uprisings in many princely states like Kashmir, Alwar in early 1930s accentuated the fears of the British Government and made them realize that non interference policy was destroying the balance of power. Equally the onset of Congress agitation and the role played by the princes made the British recognize that they could no longer be considered as capable or dependable allies for the British.¹⁸

Writing in the aftermath of the government intervention to suppress an uprising by the Muslim subjects of the Hindu Maharaja of Kashmir, [in 1931], Ronald Wingate [Deputy Secretary, Foreign and Political Department] was of the opinion that the Government of India 'must now face the fact that their policy of the last 30 years has failed.' To reverse the trend he urged the restoration of interventionist policies. 'Advice must in future be given if it is not sought and it must be accepted, and if it is not we must compel acceptance', said Wingate¹⁹

Government of India and Muslim leadership in early 20th century

The year 1906 saw the emergence of All India Muslim League as a national party to speak for and promote the political interests of the Muslim community as a whole. With it also came a demand for separate electorates for the Muslims which the Morley-Minto reforms embodied in the Indian Councils Act of 1909. In 1916 these advantages were hammered home in the Lucknow pact where the Indian National Congress conceded the separate electorate to the Muslims. This swung the Muslim leaders into the Congress camp and their involvement reached a peak during the Khilafat-Non-cooperation movement when they formed nearly eleven percent of those attending the Ahmedabad annual session of Congress.²⁰

¹⁷ Ibid, p 198

¹⁸ Ibid, p 199

¹⁹ Ibid, p 200

²⁰ Francis Robinson, *Islam and Muslim History in South Asia*, New Delhi: OUP, p 213

The prominence of Muslims during the Khilafat non-cooperation period of 1920-22, was followed by a bitter assault on the Muslim leadership and by communal rioting throughout much of India.²¹ In 1923, Muslim attendance had fallen to just over three and a half percent, and subsequently it is unlikely that it rose significantly above that figure.²² Muslims perhaps came to feel that a nationalist movement which is unwilling to respect their worries and their concern for safeguards as a minority, would be even less likely to do so when it came to govern an independent India.²³

On the other hand the Montagu-Chelmsford reforms swung the political pendulum back into the provincial arena, just as their authors had intended. The Government of India Act of 1919 gave the provinces much larger measure of autonomy, legislative, administrative and financial.²⁴ The Montagu-Chelmsford reforms created a powerful Muslim bloc in the Punjab which had little interest in a strong centre and which ultimately culminated in the Communal Award of 1932, by which the most powerful Muslim forces in the land had an interest in either a British or a weak centre while the Congress had an equally powerful interest in both a nationalist and a strong centre.²⁵ The steep and significant rise in the position and influence of the provincial Muslim political bosses led to a growing impotence and irrelevance of the League in the world of Muslim real-politik, vis-a vis the growing authority of the Muslim provinces and provincial leaders.²⁶ Jinnah tried to patch together a working Hindu-Muslim alliance on the all-India stage. But by May 1928 he failed to persuade anyone, whether the Viceroy, the Congress or Muslims who mattered, to move in his direction, and retreated to London.²⁷

²¹ Ibid, p 222

²² Ibid, p 213, also Judith Brown: *Modern India*, New Delhi: OUP, 1985, pp 178, 228

²³ This may also be seen as the reason Muslim leadership was moving closer to the colonial state. Francis Robinson, *Islam and Muslim History in South Asia*, p 221

²⁴ Ayesha Jalal and Anil Seal, 'Alternative to Partition: Muslim Politics Between the Wars', *Modern Asian Studies*, Vol.15, No.3 [1981], pp 415-454, 417

²⁵ Francis Robinson, *Islam and Muslim History in South Asia*, p 224

²⁶ Asim Roy, 'The High Politics of India's Partition: The Revisionist Perspective', in Mushirul Hasan [ed], *India's Partition: Process, Strategy and Mobilization*, New Delhi: OUP, 1994, p 107

²⁷ Ayesha Jalal and Anil Seal, 'Alternative to Partition: Muslim Politics Between the Wars', p 432

So in the nineteen-twenties there was no longer any all-India party whose leaders could define Muslim demands at a national level.²⁸ But the dominant Muslim provincial demand found its spokesman in Fazl-i-Husain and the All-India Muslim Conference which he organized in 1929. By the end of the nineteen-twenties Fazl-i-Husain was no longer merely a provincial politician but had become a leader with an Indian standing. In 1930 he was appointed a member of the viceroy's executive council. While Congress launched civil disobedience, boycotted the councils and kept away from the First Round Table Conference, Fazl-i-Husain called upon his followers to co-operate, and worked effectively from behind the scenes on the viceroy's council for a policy which was clearly stamped with the Punjab Muslims' construct of their particular interest.²⁹

The 1932 Communal Award was every much Fazl-i-Husain's creation. At the Second Round table Conference, afraid of losing the support of their Muslim allies, London decided to make the Communal Award. It left the Muslims of the Punjab and Bengal in a strong position.³⁰ In the Punjab, the Muslims had forty nine percent of the reserved seats; in Bengal, forty-eight. So Fazl-i-Husain had achieved this not by negotiation with the Congress but by making the British pay the price for his support.³¹

Punjab and the Congress factor

To understand the emergence of Muslim provincial leadership in early twentieth century and its involvement and impact on Kashmir, it is important to describe briefly the structure rural politics which grew out of the system of administration developed by the British in rural Punjab. The British sought to bolster the position of the rural leaders by isolating the rural areas from the growing economic and political influences emanating from the cities which might have tended to undermine the position of these leaders. In the twentieth century, the British attempted to give political cohesion to this class of

²⁸ Ibid, p 432

²⁹ Ibid, p 433

³⁰ This is perhaps the reason why the leadership in the two provinces intervened in the Kashmir situation in 1931 and not Muslim League, which had weakened, while Jinnah had left for London in 1930

³¹ Ayesha Jalal and Anil Seal, 'Alternative to Partition: Muslim Politics Between the Wars', p 443

landed rural intermediaries who could be counted on to support their Government. They also recognized the leading *sajjada nashins* as an important part of this class. This policy found its fullest expression in the Alienation of Land Act of 1900 which, stated in general terms, barred the non-agricultural population from acquiring land in rural areas. From these common political interests of *sajjada nashins* and the landed class a political tradition developed which eventually produced the Unionist party in the 1920s—a provincial party based on a pro-rural agriculturalist ideology and led by the landed leaders of rural society, in opposition to the urban population, which dominated Punjab politics for almost a quarter of a century before 1947.³²

In contrast to the rural *sajjada nashins* who maintained close ties with political leaders in rural Punjab, the strength of the reformist ulama came from their very independence from such political ties. The thrust of their reforms, particularly the founding of the Dar-ul-ulum at Deoband, had been to provide an organizational structure for Islam in India which did not rely on traditional Muslim political power. Unlike the rural *sajjada nashins*, therefore, many Deobandi ulama began to play an active role in politics in opposition to the British administration and to the Muslim leaders whose power was tied to the administration.³³ This independent political role was demonstrated first during the Khilafat movement, when many of the most active reformist ulama supported the Congress non-cooperation programme. Later it was many of these same men who formed the backbone of the Ahrar Party, which was founded in 1929 in opposition to the politics of the dominant rural Muslims in Punjab. It was the Ahrar who offered the most coherent political challenge to the Unionists on religious grounds. Though by no means exclusively a party of the reformist ulama, the Ahrar were, like the reformists, primarily urban in composition and represented socially the urban lower and middle class.³⁴

³² David Gilmartin, 'Religious Leadership and the Pakistan Movement in the Punjab', *Modern Asian Studies*, 13, 3[1979], pp 485-517, 493-95.

³³ Peter Hardy, *Muslims of British India*, New Delhi: Cambridge University Press[Foundation Books], 1998, pp 189-95

³⁴ David Gilmartin, 'Religious Leadership and the Pakistan Movement in the Punjab', p 499

From the foregoing description it becomes clear that the political equations in India were changing in the 1920s. This had an important bearing on the future course of events and specifically in this case on Kashmir and the involvement of the colonial state there. The point that needs to be emphasized is that the locus of Muslim politics was shifting to the provinces in 1920s and simultaneously the Muslim League was losing popular support. The provincial Muslim leadership was also engaging itself more effectively with the government and concomitantly the earlier intimacy felt by the Muslims and Congress was evaporating fast as the Hindu Mahasabha's influence over Congress reached its peak. The intervention of Government of India in Kashmir in the aftermath of 1931 needs to be understood from within this perspective.

Already by 1930 the colonial state was apprehensive about the growing influence of the Indian National Congress and the national movement in Kashmir, and the passive approach adopted by the princely state in curbing it. The political situation that resulted in Kashmir on the arrest of Gandhi in the May of 1930 manifested the anxieties of the colonial state. As the Resident observed:

Contrary to expectations a certain amount of political feeling was aroused in the cities of Jammu and Srinagar by the arrest of Mr. Gandhi. This can be understood in the case of Jammu which is within a few miles of British India, but the fact that Srinagar was also affected was a complete surprise, for this is the first time that the people of this city have displayed the slightest interest in political events outside Kashmir.³⁵

The Punjab government was equally alarmed. In a report forwarded to the Resident in Kashmir, it made its apprehensions clear. The report put it saying:

Practically everyone in Jammu was clad in khaddar and Gandhi cap. All the caps were brand new, which showed they had been recently purchased...There was a complete hartal and after that people were seen in Khaddar. Two Europeans traveling in a car were detained by the mob in

³⁵ Resident to C.C. Watson, Political Secretary GOI, dated 13 May, 1930, 'Political situation in Kashmir in consequence of Mr. Gandhi's arrest', File no: 326-P [Secret], F&P dept., 1930, NAI, microfilmed

the bazaar and the mob only let go when they had joined them in shouting “Mahatama Gandhi ki jai”. The mob also took in procession a donkey garbed in a European dress nicknamed “Wakefield” and kept on shouting Wakefield hai hai. The donkey and the foreign clothes were taken in possession by the State police and taken into the police station. The police failed to disperse the mob for a long time and when they thought that the situation was getting out of their hands, they handed over clothes and donkey to the mob, who burnt it in front of the police station. It was further mentioned that ‘there is a strong revolutionary party in Jammu, which is in touch with the Punjab Party.’³⁶

Earlier the Maharaja of Kashmir had issued an order downplaying any complicity with the Congress. On that occasion he had remarked:

That the account [demonstrations in Jammu connection with the arrest in British India of Mr. Gandhi] in question not only gives unnecessary prominence to an affair with which my people have no concern, but it is highly malicious and grossly misleading so far as the intentions and policy of myself and my government and the conduct of the police in relation to the demonstrations in question is concerned. The whole meaning and implication of the account is to convey that I and my government either actively promoted the demonstrations or at least connived at it or showed indifference as long as it was non-violent in character. I have all along held the view that it is not for me, my government or my people to interfere in the affairs of British India and it has been a cordial article of faith with me to observe scrupulously my treaty obligations with the British Govt. One of these obligations, according to the practice of civilized governments, is not to countenance or permit any political demonstration within my territory against the British Govt.³⁷

Continuing with the same, the Resident writing to the political department regarding the seditious activities of certain students in the Sri Pratap College, Srinagar noted that following Mr. Gandhi’s arrest in May last, students of the colleges in Jammu and Srinagar were strongly imbued with extremist ideas. Many of them would shout slogans of “up with the national flag, down with the Union Jack, Inqalab Zindabad”, etc, and

³⁶ From Chief Secretary, Govt. of Punjab, to Resident in Kashmir, ‘A copy of a report by a police inspector on the state of affairs in Jammu’, Ibid

³⁷ Maharaja Hari Singh’s response, dated 9 May, 1930, ‘Order issued by Maharaja Hari Singh’, Ibid

keep photographs of national leaders like Mr. Gandhi, Pt. Nehru and of revolutionary 'criminals' like Bhagat Singh.³⁸

The apprehensions of the Government of India were further enhanced when Majlis-i-Ahrar, desperately seeking to boost their political image, moved swiftly to nail its colours to the cause of liberating thirty two lakh Muslims in Kashmir in 1931.³⁹ The leadership of this agitation was provided primarily by the same Muslims who had been most active in the Khilafat cause. Politically as the British assessed it, the Ahrar movement represented 'in the main the urban Muslims who were jealous of the ascendancy of the wealthy land-owners in the Legislature and Executive.'⁴⁰ The Ahrar leaders leaned towards the Congress as the centre of anti-British sentiment and the chief organizational alternative to the landowning class represented by the Unionists in the Punjab, and eventually tried to turn the movement toward more openly pro-Congress and anti-Government aims.⁴¹

This suited the Congress well and it was too eager to exploit the opening. Needing something of a base among the Muslims in the province, the Ahrars were an obvious choice.⁴² Giving expression to this feeling, the chief secretary, government of Punjab wrote to the Foreign and Political department, saying:

Their [Congress'] ultimate aim is to obtain a full measure of responsibility at the Centre, and thus gain control of the Government of India. It is therefore, to their advantage to drive a wedge between the Muslims and the British and if possible to break the Muslims in two parties. If

³⁸ Resident to HAF Metcalf, dated 16 Jan, 1931, 'Seditious activities of certain students in the Sri Pratap College, Srinagar', Fortnightly reports on the political situation in Kashmir, 1930, File no: 22-P [Secret], F&P dept., 1930, NAI, microfilmed.

³⁹ Ayesha Jalal, *Self and Sovereignty: Individual and Community in South Asian Islam since 1850*, New Delhi: OUP, 2001, p 356

⁴⁰ Punjab Fortnightly Report for the first half of the November 1931, File no: 18/11/31, Home Political, NAI, quoted in David Gilmartin, 'Religious Leadership and the Pakistan Movement in the Punjab', p 501

⁴¹ Punjab Fortnightly Report for the first half of the February 1932, File no: 18/4/32, Home Political, NAI, Ibid.

⁴² Ayesha Jalal, *Self and Sovereignty in Islam*, p 361

the present situation is prolonged some incident or other is almost bound to arise when British forces would be brought into conflict with Muslims. Thus when the big struggle comes, a large section of the Muslim population would have been antagonized against government and ready to join in the struggle for 'freedom'.⁴³

The Ahrar bid for leadership of the anti-Dogra agitation was challenged by the creation of the All-India Kashmir Committee in Simla on 25 July, with Bashiruddin Mahmud Ahmad, leader of the Qadian section of the Ahmadiyyas appointed as president. The move was ascribed to Mian Fazl-i-Husain, and his Unionist party, whose pre-eminent position in the collaborative networks of the colonial state had long been an anathema for the Ahrars.⁴⁴ The Kashmir Committee was thought to be dominated by Ahmadiyyas, an Islamic sect distinguished from the mass of Punjabi Muslims by their heterodox opinions, centered on the supposed prophet-hood of their founder, Ghulam Ahmad, and their general affluence and zeal for proselytizing. Their involvement in Kashmir agitation came to be seen as backed by British support to act as counter weight to the Ahrars. The newspaper *Al-Adl* was convinced that the Kashmir Committee had been formed at the British insistence since the Ahmadis never participated in movements which criticized the policy of the Government.⁴⁵ On their part whatever else the Ahrars may have been capable of, they could not be enamoured of the British and their wealthy and titled allies. So in taking up the cause of the Kashmir Muslims, the Ahrars were able to pose not only as defenders of Islam but also as the patrons of the weak and oppressed.⁴⁶

The Government of India feared that the uprising in Kashmir would spill over to the neighbouring provinces, especially Punjab. This would mean not just an intensification of the law and order problem, but also a possible escalation of the religious sentiments of

⁴³ C.C. Garbett, Chief Secretary, Govt. of Punjab to HAF Metcalf, Instructions issued by the Punjab Govt. to their officers in regard to the line of argument to be taken in conversation with visitors when discussing the Kashmir situation; File no: 653-P [Secret], F&P dept, 1931, NAI.

⁴⁴ Ayesha Jalal, *Self and Sovereignty in Islam*, p 356

⁴⁵ *Ibid*, p 358

⁴⁶ Ian Copland, 'Islam and Political Mobilization, 1931-34', *Pacific Affairs*, Vol., 54, no.2, Summer 1981, 238.

the Muslims there. As the Resident wrote: the real danger which has now to be faced is the repercussion of these events [13th July] at Jammu and on the communal situation in the Punjab. So far as can be judged by the Punjab newspapers, the Mohammadan community has recently been very excited over what they consider to be the grievances of their co-religionists in Kashmir.⁴⁷ The other important concern for the Government of India and the Punjab Government was that the Ahrars could easily exploit the situation and create a strong base for themselves in Punjab. In doing so they would challenge the Unionists, much to the detriment of the British. C.C. Garbett, the Chief Secretary of the Punjab Government was to recognize later that:

The Anjuman Ahrar-i-Islam is by far the most dangerous of the bodies [operating in Kashmir]. They are anxious to find a platform in order to retain an identity in the world of politics. If they could raise volunteers for a communal issue and get them supported by subscription, they would use them later for their own political ends.⁴⁸ Whatever the tactics of the Ahrars may be their ultimate objective does command sympathy.⁴⁹

Earlier at the first Round Table Conference in 1930, Maharaja Hari Singh's remarkably patriotic speech had not endeared him to the Government of India. He had urged the British to respect the aspirations of the Indian people, and commented that 'as Indians and loyal to the land of our birth, we stand as solidly as the rest of our country men for our land's enjoyment of a position of honour and equality in the British Commonwealth of Nations'.⁵⁰

⁴⁷ From the Resident in Kashmir, dated 17 July, 1931, Fortnightly reports on the internal situation in the Kashmir State for 1931, File no: 35-P [Secret], 1931, F&P dept., NAI, microfilmed.

⁴⁸ C.C. Garbett, Chief Secretary to the Govt. of Punjab, 2 Sep, 1931, Muslim agitation against the Kashmir Durbar; File no: 498 -P [Secret], 1931, NAI

⁴⁹ C.C. Garbett, Chief Secretary, Govt. of Punjab, to HAF Metcalf, F&P dept., Instructions issued by the Punjab Govt. to their officers in regard to the line of argument to be taken in conversation with visitors when discussing the Kashmir situation; File no: 653-P [Secret], F&P dept, 1931, NAI.

⁵⁰ 'Statement of Maharaja Hari Singh, at the Round Table Conference, 1930' in M.K.Teng, R.K Bhatt, and Santosh Kaul [eds.], *Kashmir Constitutional History*, Delhi: Light and Life Publishers, p 335 ; see also, Karan Singh, *Heir Apparent : An Autobiography*, Delhi: OUP, 1984, p 4

So the intervention of Government of India 1931, although couched as “welfare” of Muslim subjects of Kashmir, was essentially motivated by political expediency. Besides it also served the dual purpose of reassertion of colonial state’s authority over the princely state. Petition politics on the part of the Muslims of Kashmir seeking the active intervention of the British, prior to 1931 had brought them little rewards. A number of telegrams had been sent to the Viceroy by the “Muslim inhabitants of Kashmir” after the uprising in the sericulture factory in Srinagar in 1924.⁵¹ The telegrams had strongly urged that Kashmiri Muslims wanted to come ‘under the shelter of Union Jack’ and had hoped that the ‘long agonizing poor but loyal Muslims of Kashmir’ would be delivered from the dire calamity.⁵² But it had merited very little consideration from the Indian government. Instead the Resident had pronounced the telegrams to be grossly exaggerated and claimed that there was a great insubordination on the part of Muslim workers culminating in a riot of potential serious consequences.⁵³ In the same year on the occasion of the visit to Kashmir by the Viceroy, Lord Reading, a few prominent Muslims of the state had presented him with a memorial. The memorial had listed a number of demands and sought his intervention to pressurize the Dogra state in granting these rightful demands to their community. But it had evoked a dismal response from him only for the Maharaja to later severely repress the memorialists. Thus when the colonial government intervened in Kashmir in 1931 it was apparently owing to pressure from the Muslim leadership outside of the state [especially in Punjab and Bengal]. Yet it was a calculated move on the part of the British, and given the situation it served in their better interests. Notions of good governance and welfare of subjects as such were more often than not excuses to seek that intervention.

⁵¹ ‘In 1924 there was an uprising in the Silk Factory in Srinagar by the Muslim workers. The agitators alleged extortions and bribery at the hands of Hindu/Pandit officials. They also claimed that Government had been very unjust to them. Instead of dealing severely with the corrupt officials, thirty Muslims were imprisoned, and many more wounded or dead in the Cavalry and Infantry operations on them. Following this some of them had approached the Viceroy seeking his intervention.’ Unrest Among the Mohammadan Workers in the Sericulture Factory in Srinagar [Kashmir], File no: 19[2]-Pol.,1924, NAI

⁵²‘ Telegrams by Muslim inhabitants to Lord Reading [Viceroy] in Simla’, Ibid

⁵³ Sir John Wood, Resident to Political Secretary, Government of India, dated 27 July, 1924, Ibid

The fear of intervention

Our general policy was that while we gave our protection to Indian states, we were responsible for seeing that misrule did not exist within their borders...If and when we intervene to protect a State either by armed forces or otherwise, we by so doing make ourselves to some extent responsible for seeing that the final settlement is fair and reasonable.⁵⁴

In the chapter ahead I specifically focus on the colonial state's response to the 1931 events in Kashmir, especially in the background of above mentioned factors. These factors largely defined its 'interim' policy towards the Kashmir durbar. It progressively led the colonial state to 'advise' the durbar to recruit an English officer to enquire the September disturbances in Kashmir. The durbar was also 'recommended' to appoint a senior officer in the political department of Government of India, Mr. B.J. Glancy, to head a grievance commission,⁵⁵ and subsequently in 1932 made to employ another Englishman, E.J. Colvin as prime minister of the state.

The relationship between the princely state of Jammu and Kashmir and the colonial state was a complex and evolving one. At least overtly since 1909, as already mentioned, the Raj had followed a consistent policy of non-intervention in the internal affairs of the larger states in an attempt to rally the princes to its side in its battle with the nationalists. This policy was still in force in 1931, and it was not only traditional but expedient. With the uprising of 1931 in Kashmir gaining attention of Muslim leadership in India, and with the Round Table Conference in progress in London, the Raj could not afford to alienate its well to do Muslim clients in the Punjab. Their support to the success of negotiations was deemed vital. Yet neither could they afford to neglect the interests of one of their major princely allies whose attitude could also affect the future of the embryonic federal scheme.⁵⁶

⁵⁴ Sir Charles Watson, Political Secretary, Government of India, speaking to a deputation of Hindu Members of the Central legislature on 11 November, 1931, 'Appointment by His Highness the Maharaja of Kashmir of a Commission under B.J.Glancy, C.I.E., to enquire into the grievances of his Moslem and other subjects', File no: 647-P[S], 1931, NAI, microfilmed.

⁵⁵ It was called the Glancy Commission, and was to enquire into the grievances of the Muslims and 'other' subjects of Kashmir.

⁵⁶ Ian Copland, 'Islam and Political Mobilization', p 242

The Maharaja on his part had always resented any interference from the British. While issuing a royal proclamation on 9 July, 1931, he had made it known to the Government of India, though not explicitly, that he did not approve of any intervention in Kashmir. 'The whole basis of political action' the proclamation had read, 'is impaired if one political unit interferes in the domestic concerns of another.'⁵⁷ But the events in Kashmir and the 'oppressed condition' of the Muslims, offered the colonial state the opportunity to intervene in a more forthright manner. In the opinion of Sir Geoffrey de Montmorency that Kashmir agitation [was] being used more as a stick with which to beat Government [Durbar] than on account of any genuine sympathy with the grievances of Kashmiri Muslims.⁵⁸

Given these circumstances, the British had to navigate a course of action which afforded a protection of its interests and yet did not seriously estrange its relationship with its two clients. Although they were not completely successful in their effort, the British approach was aimed at restoring the confidence of the Muslim leadership in the colonial government, besides also convincing it of the impartiality and eagerness of the Durbar in dealing with the situation in Kashmir. Charles Watson, the Political Secretary, told A.R.Dard the Ahmadiyya leader that the government's view of the Kashmir problem was that it was desirable to give the Maharaja time in order to show what he was prepared to do to redress any genuine grievances of his [Muslim] subjects.⁵⁹

Colonial government, as mentioned earlier was alive to the realization that the uprising in Kashmir may penetrate other regions and cause excitement among Muslim communities residing there. The newspapers in Punjab especially the Lahore based *Muslim Outlook*,

⁵⁷ 'Proclamation of Maharaja Hari Singh, July 9, 1931' in M.K.Teng, R.K Bhatt, and Santosh Kaul [eds.], *Kashmir Constitutional History*, Delhi: Light and Life Publishers, p 342

⁵⁸ C.C. Watson dated 29 August 1931, Muslim Agitation against the Kashmir Durbar, File no: 498-P [Secret], F&P, 1931, NAI.

⁵⁹ C.C. Watson's meeting with A.R.Dard, the Secretary to the Head of the Ahmadiyya Community, on the subject of Muslim affairs, dated 31 July 1931, Riots in Kashmir: Muslim agitation in British India against the Kashmir Durbar, File no: 423(1)-P [Secret], 1931, F&P Dept., NAI, microfilmed

had been giving much coverage to the 'communal' incidents in Jammu⁶⁰ and the plight of Muslims in Kashmir, warming the people to the sentiment of 'Islam'. Writing about the alleged insult to Koran and the *Khutba* incident it said:

The question being a religious question closely concerns all Musalmans and they will not rest until a recurrence of such incidents is prevented once and for all.⁶¹ The Maharaja's government must be well aware of the fact that 'Khutbas' form a part and parcel of the Friday and 'Id' prayers and it is very difficult to believe that it should have prohibited the delivery of sermons in 'Masjids'. But should the report turn out to be true, the ban will constitute an intolerable indifference with religion which it will be the duty of Muslims to defy.⁶²

In the aftermath of 13 July, the Foreign and Political department started receiving a very large number of telegrams from the "Muslim Public, Srinagar". The telegrams depicted their helpless position, and the tyranny of the "Hindu administration and police". The Government of India, in this situation, was quick to apprehend that such telegrams being broadcasted to the Muslim press and associations 'are likely to cause much excitement unless they are countered by the prompt issue of authentic news by the Durbar.'⁶³ But it also seems to appear that the colonial government by slightly exaggerating the state of affairs in Kashmir saw it also as an opportunity to put the Durbar on the back foot. H.A.F. Metcalf wrote to the Resident informing him that:⁶⁴

A very large number of telegrams from Muslims mainly in Srinagar itself and also from other parts of India are being received by the Viceroy complaining of events in Kashmir. The main allegations made are of the massacre of innocent Muslims and looting especially of Dogra troops

⁶⁰ The *Khutba* and *Tauhin- Koran* incidents that occurred in Jammu city in April 1931. For details refer Chapter I in the dissertation.

⁶¹ *Muslim Outlook*, Lahore, 17 June, 1931

⁶² *Muslim Outlook*, Lahore, 19 June, 1931

⁶³ M. Smith, Foreign and Political Department, dated 16 July 1931, Riots in Kashmir: Muslim agitation in British India against the Kashmir Durbar, File no: 423(1)-P [Secret], 1931, F&P Dept., NAI, microfilmed.

⁶⁴ H.A.F. Metcalf to Oglive [Resident], dated 27 July 1931, Ibid

and a general demand is made for an impartial British enquiry or at least for services of Mohammadan High Court Judge to add to existing Committee. Viceroy fears that in view of intensive Mohammadan propaganda, finding by purely Hindu committee, if local Mohammadans refuse to serve, would do little to allay agitation⁶⁵

Yet one cannot discount the fact that the colonial state was apprehensive of the situation that the uprising might lead to, and conscious of the need to be careful in its approach to the event and its aftermath. Indeed it was this realization that bore out on Charles Watson when Sir Zulfikar Ali Khan⁶⁶ came to see him on 29 July, to speak about the agitation. Charles Watson tried to convince Khan that the Maharaja was doing his utmost to allay communal feelings in Kashmir and could be trusted to do the right thing, both regarding the committee of enquiry and also in meeting any reasonable demands of his Mohammadan subjects. Watson issued that Khan should wait for a week or ten days and give the Maharaja a chance of doing the right thing in his own way.⁶⁷ Although Zulfikar Khan agreed that this would probably be the best policy, he doubted his ability and that of his Committee to hold the Muslim press in the meantime. But Charles Watson felt that the press agitation was not be likely to do much harm unless supported by the really prominent Mohammadan leaders.⁶⁸ Perhaps the Kashmir Committee, dominated as it was by leaders who had affiliations with the Unionist party, was also seeking to maximize its political gains from the situation.

Maharaja Hari Singh, on his part was equally keen to dissuade any outside interference in the 'internal affairs' of his state. Seeking to minimize any scope for intervention, he sought to assure the Government of India that the situation in Kashmir was under control. In a personal letter to the Viceroy on 6 August, 1931 he wrote: The situation has improved considerably and is improving steadily... and it is best for such outside

⁶⁵ Political Department India, to Resident, dated 28 July 1931, Ibid

⁶⁶ He was an M.L.A., and perhaps associated with 'All India Kashmir Committee'.

⁶⁷ C.C. Watson, dated 29 July 1931, Riots in Kashmir: Muslim agitation in British India against the Kashmir Durbar.

⁶⁸ Ibid

Committee like the Kashmir Committee to abstain from interfering and fostering the agitation and a spirit of revolt.⁶⁹ Perhaps aware but insecure that the Government was conniving with the “Muslim leaders” he tried to convince the Viceroy that the ‘situation here will be further eased if people in British India realized that my administration has the full confidence of the Government of India... and that as soon as the prestige of my government is aided by such a support, the wild agitation now carried on will, I feel confident, receive a check.’⁷⁰

Meanwhile the Muslim leaders kept demanding Government of India’s intervention in Kashmir. In a letter to Charles Watson, Dr. Zia-ud-din Ahmad, M.L.A., Circuit House, Abbottabad, criticized the Maharaja as a person who resents any advice from outside, and desired an official announcement of all the facts by the political secretary. He sought permission to raise the question of Kashmir affairs in the legislative assembly and the steps taken by the Government to set things right. He felt that if the situation had been the reverse: If a Muslim ruler was oppressing Hindu subjects, the GOI would have taken action, as indeed it had done earlier.⁷¹ Charles Watson attempted to convince Zia-ud-din Ahmad that it was forbidden to ask questions or move resolutions relating to the affairs or the administration of the territory of any Prince or Chief under the suzerainty of His Majesty in the legislative assembly. This would give further publicity to Kashmir affairs and aggravate matters.⁷² Watson was however hoping that the Maharaja would do something to satisfy his Muslim subjects.⁷³ This would have meant less need for action by the GOI in the direction desired by the Maharaja⁷⁴ and thus would have served the better interests of the colonial state, who did not want to appear as princely state’s ally in the ongoing situation.

⁶⁹ Personal letter from H.H. The Maharaja of Kashmir to H.E. The Viceroy, dated 6 August 1931, Ibid

⁷⁰ Ibid

⁷¹ Zia-ud-din Ahmad, MLA Circuit House, Abbottabad, to C.C.Watson, dated 10 August 1931, Ibid

⁷² C.C. Watson’s reply to Dr. Zia-ud-din Ahmad, dated 20 August 1931, Ibid

⁷³ C.C.Watson, dated 15 August 1931, Ibid

⁷⁴ M. Smith, [F&P dept], dated 14 August 1931, Ibid

The agitation spreads

The Kashmir agitation also brought out responses from the “Muslims of Bengal”. On 14 August, which had been fixed as “Kashmir Day” throughout the Mohammadan centres in British India⁷⁵, a meeting was held at Halliday Park, Calcutta to protest against the present state of affairs in Kashmir. Speaking on the occasion, Sir Abdullah Suhurwardy, in his presidential address remarked that:

It was useless to attribute the troubles in Kashmir to communal bias and describe them as of a communal nature. The present unrest was due to numerous grievances and disabilities under which the Kashmiri Moslems were labouring. The discontent has been brewing for a long time and the legitimate grievances of the Moslems have been shelved from time to time. Reports... go to show that the Kashmiri Moslems are no better than serfs and slaves and the recent unhappy events which culminated in the indiscriminate firing on the unsuspecting and unarmed Muslim crowd proved to be the last straw that broke the camel’s back.⁷⁶

Comparing the situation with Hyderabad, Sir Abdullah Suhurwardy pointed out that:

It was worthy of mention that the Moslem Nizam has a Hindu prime minister and many prize posts of the State are held by Hindus, but when we turn to Kashmir we see a different picture. Though the Moslems of Kashmir are fairly well educated they are given an insignificant share in the services which is not more than three percent. If it be said that the Moslems there are very backward, should not the Maharaja’s administration be held responsible for allowing this state of affairs to continue for so long a time?⁷⁷

He also warned that the Kashmir affairs, which are assuming an All India importance because of the refusal of the Kashmir Durbar to receive a Muslim deputation, will, if not arrested in time, have repercussions throughout the length and breadth of Muslim India, and that if the agitation gains in power it can take up a communal complexion.⁷⁸

⁷⁵ From the Resident, dated 17 August 1931, Fortnightly reports for the first half of August, 1931

⁷⁶ Concern for State Muslims, “Kashmir Day”, *The Statesman*, Calcutta, 15 August 1931

⁷⁷ Ibid

⁷⁸ Ibid

Speaking on behalf of the Muslims of Bengal, Mr.A.H.Ghuznavi expressed his deep sympathy with the Muslims of Kashmir in their troubles. He said that the Muslims of India will not tolerate the ‘zulum’ to which the Muslims of Kashmir are being subjected, and will stand united and compel the authorities to take the step that is necessary for the protection of Islam in Kashmir. He deplored that Mr. Gandhi who claimed to represent all India, had not yet thought fit to speak a word of sympathy for the Muslims in Kashmir. At the meeting many resolutions were passed which demanded among other things that there should be an impartial inquiry into the recent occurrences in Kashmir. The Muslims should have full religious freedom and the law restricting the promulgation of Islam should be repealed. That Muslims should have their proper share in services and that there must be Muslim ministers in the cabinet of the Maharaja.⁷⁹ As the *Statesman* quoting Sir Abdullah Suhurwardy, wrote, ‘In the conditions of the Moslems of Kashmir, the Moslems of British India saw a reflection of the conditions of the Moslems in the future constitution of India, unless and until their rights and interests are properly safeguarded.’⁸⁰

A further development came about when the Ahrar leader Mazhar Ali visited Kashmir with two of his companions on 4 September. However there were rumours that he and his party had been lavishly entertained and bribed by the Dogra authorities. Upon returning from his sojourn in Kashmir, where he was housed in the state guest house, Mazhar Ali dismissed reports of the ill-treatment of Muslims in Kashmir as hugely exaggerated.⁸¹ The relationship between the Government of India and Kashmir Durbar which was already unhealthy now became sour. The Durbar issued a press communiqué saying that ‘some misunderstanding appears to exist concerning the visit to Srinagar of Mr. Mazhar Ali’ and the explanation offered was that Mazhar Ali was only allowed to come in his personal capacity to see the situation for himself, while refused permission to enter as head of a Committee of enquiry. It was further substantiated that the Maharaja had been

⁷⁹ Ibid

⁸⁰ Ibid.

⁸¹ Ayesha Jalal, *Self and Sovereignty in Islam*, p 357

permitting other Muslim gentlemen of outside with similar undertakings.⁸² Besides it was also claimed that Mazhar Ali had apparently been exercising a restraining influence on local Mohammadans, and Mohammadan agitation in the state had been in abeyance since his arrival.⁸³ Th[is] conciliatory attitude adopted by the Kashmir government towards Mazhar Ali as the Resident wrote, led to charges by the Hindus, that it was giving way to the Mohammadan agitation.⁸⁴ What further complicated the situation for both the British and the Kashmir durbar were the event of 21 September and the situation it led to.⁸⁵

Government of India took a serious note of this situation not only owing to possibilities in Kashmir that the circumstances might lead to, but also to reactions on communal situation in British India. While ‘regretting’ the necessity for giving ‘authoritative advice’ to the Durbar, the Political department wrote to the Resident, that [following] measures were essential if permanent improvement was to be obtained without active intervention of Government. It was suggested that the Maharaja should take definite and immediate steps to remedy more obvious grievances of his Moham̄mādan subjects, such as *cow killing ordinance*,⁸⁶ prohibition of *Khutba*, stoppage of *Azan* and other measures in which

⁸² From the Resident, dated 16 September 1931, Fortnightly reports for the first half of September 1931; [Also] Press Communiqué issued by Durbar, dated 26 September, 1931, Muslim Agitation against the Kashmir Durbar, 654-P, 1931, NAI.

⁸³ Resident to C.C. Watson, dated 16 September 1931, Riots in Kashmir: Muslim agitation in British India against the Kashmir Durbar, File no: 423(1)-P [Secret], 1931, F&P dept., NAI, microfilmed

⁸⁴ Ibid.

⁸⁵ On 21 September, while addressing a crowd outside the Jama Masjid, Sheikh Abdullah was arrested for having allegedly broken an understanding to keep peace. This led to demonstrations in Srinagar city and in many other places in Kashmir over the next few days. Police intervened and opened fire which resulted in around twenty five people being killed and many more injured. On 24 September an ordinance was issued by the Kashmir government, under which police officers were given wide powers to arrest any suspected person without warrant, and “spreading false rumors” were made punishable with flogging. For the next two weeks, Muslims were subjected to a coordinated reign of terror. Any Muslim who failed to say “Maharaja Sahib ki jai” when passing the military or police was liable to be beaten severely, and many were publicly flogged. The reaction which was too marked and with the result that complaints from many Europeans [living in Srinagar], soon began to reach the resident of the high handedness on the part of the police and military and mal-treatment by them of the apparently harmless Mohammadan members of the public. [From the Resident, dated 3 October 1931, Fortnightly reports for the second half of September]. For details see Chapter I in the dissertation.

⁸⁶ ‘The killing or slaughtering of cow or possessing its flesh was considered an offence in the state as contained in ‘Ranbir Dand Bidhi’, which represented the Kashmir State edition of the Indian Penal Code, and could lead to imprisonment of up to ten years, or a fine or both. Under an *Ishtihar* published in the

Kashmir laws differed markedly from those of British India to the detriment of the Mohammadans.⁸⁷

Several other measures were recommended. It was suggested that a completely “unprejudiced” British officer be deputed to hold full enquiry into Mohammadan grievances and demands and to present recommendations to the Durbar, so as to restore the confidence of the Muslim subjects. ‘This point is one’, the political department wrote, ‘to which we attach greatest importance and His Highness should be advised to ask Government for loan of services of such an officer without delay.’⁸⁸ The Durbar, it was suggested, should issue communiqués as soon as possible with reference to the above points and ask Daya Krishan Kaul,⁸⁹ who it was felt was quite responsible for the present situation, and whose reputation for intrigue was notorious, to leave Kashmir at the earliest. The Resident was told to see the Maharaja immediately and convey to him ‘this’ advice on behalf of the Viceroy and the Government of India.⁹⁰

On its part the Durbar responded by saying that the Qadian Party⁹¹ was anxious to keep the agitation alive in order to prevent the Ahrar party from gaining credit for a settlement. It was also added that Abdullah received constant letters from the Punjab calling on him

State gazette, dated Sawan 1971[roughly A.D.1914] it was an offence to deliver any speech in a public meeting or to publish any news or an article in the newspaper in or outside the state advocating or instigating the slaughter of bovine animals. Nobody was allowed to criticize the law, or to deliver a speech by which witnesses against persons accused of cow killing may be deterred from giving information or evidence.’ Memorandum from the Resident in Kashmir [confidential], dated 6 October 1931, Disturbances in Srinagar and marching of Muslim jathas into the Kashmir territory to secure redress of the alleged grievances of their co-religionists in the state. File no: 423(2)-Political (Secret), 1931, F&P dept., NAI, microfilmed.

⁸⁷ Political department, Simla, to Resident, dated 25 Sep, 1931, Ibid

⁸⁸ Ibid

⁸⁹ Brother of the Prime Minister Hari Kishen Kaul.

⁹⁰ Disturbances in Srinagar and marching of Muslim jathas into the Kashmir territory to secure redress of the alleged grievances of their co-religionists in the state. File no: 423(2)-Political (Secret), 1931, F&P dept., NAI, microfilmed.

⁹¹ Apparently the ‘Kashmir Committee’

revive the campaign.⁹² This made it apparent to the British that the Kashmir Government was not doing enough to help the situation improve. In the press communiqués issued by the durbar, as H.A.F. Metcalf wrote, ‘the Kashmir government makes no attempt to minimize the gravity of the situation.’⁹³

Inspired by the recent happenings in Kashmir and realizing that there was still scope for enhancing his and his party’s reputation, Mazhar Ali the “Dictator” of Ahrars, who had previously been permitted to enter the state as a guest and see things for himself, set out from Sialkot for Jammu on 4 October with a *jatha* of 60 men and soon some 2000 *jathadars* had joined him. The Deputy Commissioner, Sialkot, issued an order and the whole *jatha* was arrested. On the following day all the persons arrested were released, as the Deputy Commissioner decided that as there seemed no serious danger of violence. The Resident felt that in arriving at this conclusion, the Deputy Commissioner was influenced by the announcement in His Highness’ proclamation of an amnesty. The next morning on 6 October the *jathas* crossed the State border at various points, but clashes occurred between them and the villagers, and the situation continued to be grave.⁹⁴

Meanwhile Mazhar Ali returned to Sialkot on 8 October. Jealous of the advantages enjoyed by the Ahmadiyyas and eager for an early success to bolster his flagging finances, the Ahrar leader agreed to suspend his *jatha-bandi* and was only too happy to be wooed by the durbar⁹⁵, on the understanding though that the durbar would recognize the Ahrar party as the sole medium of negotiations with the Muslims of the Punjab.⁹⁶

⁹² From the Resident, dated: 28 September 1931, A Brief Appreciation of the situation in Kashmir, for the information of the Government of India, File no: 423(2)-Political (Secret), 1931, F&P dept., NAI, microfilmed.

⁹³ HAF Metcalf, 29.9.31, Muslim Agitation against the Kashmir Durbar and issue of Press Communiqués by the Durbar in connection there with; File no: 654-Political, F&P dept, 1931, NAI

⁹⁴ From the Resident, Fortnightly reports for first half of October, 1931, NAI, microfilmed.

⁹⁵ Ian Copland, ‘Islam and Political Mobilization in Kashmir, 1931-34’, p 240.

⁹⁶ The Durbar later denied that any such understanding had been reached. Fortnightly reports for first half of October, 1931

Government of India's "advises"

The Government of India did not consider that the tension had been diffused. It tried to convince the Durbar that the political consequences of the emerging situation had more serious implications for them, and that the hostility towards them would become increasingly difficult to control. Through a telegram to the Resident, the durbar was alarmed that if the situation was not carefully handled both in Kashmir and British India, it may have consequences of the utmost gravity: Agitations may take on more active form than at present among Muslims, the *jathas* may increase in size and number, and communal feeling would intensify and spread beyond the bounds of the state.⁹⁷

The Kashmir Durbar was 'advised', that it should satisfy public opinion immediately and have an enquiry made by an absolutely "impartial" officer into the alleged grievances [of Muslims] with a view to redress of those established to be reasonable. The name of B.J.Glancy, an English officer was proposed for this purpose. It was stressed that such an announcement would end the *jathabandi* and even if it does not it would place the durbar in a much stronger position than it now was, and discredit the 'agitation' in British India. The Government of India tried to also lure the durbar into realizing that if it ordered an enquiry at this stage, it would probably result in abandonment of those demands which were clearly unreasonable, whereas delay in this matter would mean that they would be prosecuted with greater vigour.⁹⁸ Complementing the Viceroy in India, the Secretary of State appreciated the 'advice' which the Resident had been instructed to tender to the Maharaja, acknowledging that he realized that for purposes of public announcement, request for loan of officer had to be attributed to the initiation of durbar.⁹⁹

Not convinced though the Maharaja nonetheless appeared submissive, suggesting that the 'advice' offered by the Government of India were a 'command' to him. Forced a response, he accepted to remedying the 'more obvious grievances' of his [Muslim]

⁹⁷ Telegram to the Resident in Kashmir, dated 8 October, 1931, Disturbances in Srinagar and marching of Muslim Jathas into the Kashmir territory to secure the redress of the alleged grievances of their co-religionists in the State; File no: 423(2)-Political [Secret], F&P, 1931, NAI, microfilmed

⁹⁸ Ibid

⁹⁹ Secretary of State to the Viceroy in India, dated 9 October, 1931, Ibid.

subjects and also issuing an announcement to the effect. However he deprecated grant of further concessions to his Mohammadan subjects in anticipation of fear that such concessions would be followed by fresh demands.¹⁰⁰ As regards deputing a British officer to hold an enquiry the Maharaja appeared more than diplomatic, saying that he was receiving loyal messages from his Mohammadan subjects and that if left alone they would come to an understanding with the government and will shortly submit their demands.¹⁰¹ In the circumstances, the Maharaja said, there was no case for making any change which might convey impression that the British government had no confidence in the ability of the Durbar to deal justly with Mohammadan demands. Such an impression he thought would suffice to render them unwilling to submit to any decision of durbar thereafter. He further added that he had no objection to a British officer as such and he acknowledged loyal services in the past of several British officers and thus if proved necessary to ask for an officer of Government of India, he would in his own interest do so.¹⁰²

With the pressure to resolve the crisis constantly mounting, the Durbar finally relented and announced their intention to appoint the committee. The committee was to deal 'with such matters as involved the interests of not only His Highness' Muslim subjects but also of non-Muslims'. This was followed by the request for the loan of Glancy's services. A second committee was instituted to report on the firing incidents in September. But that did not seem enough to satisfy the Muslim public opinion. In his fortnightly report the Resident commented that:

It might have been expected that the conciliatory attitude shown by the durbar to the Muslim demands would have had the effect of convincing the Muslim leaders of the earnestness of the Durbar's intention to investigate and if necessary remedy Muslim grievances, but it is evident that there have been forces at work either within or without the State, designed to bring pressure upon

¹⁰⁰ Resident to Simla, dated 8 October, 1931, Forwarding the contents of His Highness' reply, Ibid.

¹⁰¹ Ibid

¹⁰² Ibid

the Durbar to make immediate announcement of further concessions to Muslim agitation without awaiting the arrival of Glancy.¹⁰³

But the Resident also acknowledged that the Muslim suspicion of the Durbar's 'bonafides' was kept alive by the appointment of Sir Barjor Dalal¹⁰⁴ as Chairman of a Committee to inquire into the events of September incidents. It seems to be a fact, the Resident recognized 'that Sir Barjor no longer enjoys the confidence of the Muslim public as an impartial judge since the publication of the report to the last Riots Commission. At the moment of writing, the position is that non-official Mohammadans are reluctant to serve on the new Committee so long as Sir Barjor remains its Chairman'¹⁰⁵

Following this the Viceroy wrote to the Secretary of State, that even though these measures were believed to have temporarily satisfied the local Muslim opinion in Kashmir, the agitators in Punjab, however, were interested in continuing the disturbances, particularly Mazhar Ali, who the Viceroy felt was threatening to send *jathas* to enter the state via Jammu.¹⁰⁶ He further shared his apprehensions that 'the news of Glancy's appointment can have little effect on the ignorant Punjab Mohammadans and leaders and situation may deteriorate at any time by sudden assembling and dispatches of *jathas*.'¹⁰⁷ Speaking on behalf of the Home department the Viceroy asked for special powers to be given to the Punjab Government to deal with the current situation.¹⁰⁸

Convinced now that they had been duped, the Ahrars decided to send a new batch of *jathas* across the Kashmir frontier on 30 October, and the same evening news was

¹⁰³ From the Resident, dated 3 November 1931, Fortnightly report for the second half of October, 1931.

¹⁰⁴ Barjor Dalal was Chief Justice Kashmir High Court who was appointed by the Maharaja as Chairman of the Commission to enquire into the 13 July incident in Kashmir. For details see Chapter I in the dissertation

¹⁰⁵ From the Resident, dated 3 November 1931, Fortnightly reports for the second half of October.

¹⁰⁶ From the Viceroy in India to His Majesty's Secretary of State for India, London, dated 28 Oct, 1931, Disturbances in Srinagar and marching of Muslim Jathas into the Kashmir territory to secure the redress of the alleged grievances of their co-religionists in the State; File no: 423(2)-Political [Secret], F&P, 1931, NAI, microfilmed

¹⁰⁷ Ibid

¹⁰⁸ Ibid

received of Mazhar Ali's arrest by the state authorities with a *jatha* of some 120 persons at Suchetgarh. A further 1300 *jathas* poured into the Jammu province, and were arrested on 1 November. Following a clash on 2 November between a *jatha* and Hindu villagers [mostly Hindu money-lending class and Hindu shop-owners], communal rioting and looting broke out in Jammu. The situation became very serious and the Durbar requested for the aid of British troops. By 6 November the number of persons in custody in Satwari, Udhampur and Mirpur had reached a figure of some 7000. Ultimately, one company of British troops had to be dispatched to Mirpur and two others to Jammu to deal with the crisis. An alarmed Government of India issued an ordinance on 7 November 1931, prohibiting the sending of *jathas* into the state.¹⁰⁹

Soon the Viceroy was approached by a deputation of Mohammadan members of the Central Legislature. They pointed out that in dealing with the present agitation, which was undoubtedly growing in the Punjab and elsewhere, they found it difficult to explain the government position satisfactorily to their co-religionists. They said that their co-religionists, 'naturally think from the promulgation of the Ordinance and the dispatch of British troops to assist the Kashmir Durbar that everything was being done for the Maharaja and nothing to redress the grievances of his Mohammadan subjects.'¹¹⁰ They also put forth that if some well known Mohammadan, whose name commands confidence was nominated on the Committee [Glancy Committee] appointed by the Durbar, it might help in allaying the present intense feeling growing in the Punjab.¹¹¹ Considering this situation the colonial government was very keen to enlist Mohammadan members on the commission and hoped that the durbar made the announcement soon. 'We understand', as the Resident was intimated, 'that if Glancy Commission is to command confidence [of] Mohammadan public in British India election of Mohammadan members should be made with utmost care...and the announcement should not be delayed.'¹¹²

¹⁰⁹ From the Resident, dated 17 November, 1931, Fortnightly reports for the first half of November, 1931.

¹¹⁰ C.C. Watson, dated 7 November 1931. Appointment by His Highness the Maharaja of Kashmir of a Commission under Mr.B.J.Glancy, C.I.E., to enquire into the grievances of his Moslem and other subjects. File no. 647-P(S), 1931, NAI, microfilmed

¹¹¹ Ibid

¹¹² Foreign and Political dept. to the Resident, dated 5 November 1931 and 10 November 1931, Ibid.

The significance of this was made to bear upon the Kashmir Government who were given to assume that unless a Mohammadan member [an 'outsider' in this case] was not appointed to the Commission [Glancy] it will not command confidence among the Mohammadan opinion in India. 'The weight of Mohammadan resentment which is one of increasing hostility towards the durbar', Metcalf wrote to the Resident, 'is also being directed towards Government whose overt action hitherto is being interpreted as assistance to and protection of durbar against Muslims.' The Resident was suggested to 'remove any idea if it exists in mind of durbar that Government will be content to remain in false position and incur hostility of its Muslim subjects, while durbar fails to take the action we consider to be essential.'¹¹³ The Kashmir Government was also given to understand that the protection offered to them was contingent on satisfaction of the above condition.¹¹⁴ Further the Resident was directed to inform the Government of India immediately 'if and when he has reason to suppose that Maharaja or His Chief Minister are trying to evade their clear responsibilities to government in the present crisis.'¹¹⁵ The durbar for its part attempted to convince the British that deputing outside Muslims on the Glancy Commission would make Maharaja's position impossible in Punjab and would undoubtedly be followed by demands from Hindus for similar representations probably of Congress party which would lead to wider complications.¹¹⁶

Meanwhile on 9 November, British Indian Mohammadan delegates called upon the Secretary of State in London and urged for a strong necessity of an early clearing of the situation in Kashmir. They pointed out that by employing British troops in Kashmir, the British government places itself under obligation to rectify the grievances of Muslims occasioned by the agitation and asked for the Glancy Enquiry to cover not only demands for reforms, but also alleged recent atrocities. They also suggested that Maharaja be required to employ British and British Indian officers to overhaul his administration as

¹¹³ HAF Metcalf to Resident, dated 7 November 1931, Ibid.

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Resident to Political department, dated 7 November 1931, Ibid

had been done in Hyderabad. Communicating this information to the Viceroy in India, the Secretary of State informed him that he shall point out to the Muslim delegates that ‘our assistance to Maharaja does not in itself involve acceptance of truth of complaints and we would require to be satisfied that these were well founded.’¹¹⁷

Taking note of this, the Viceroy promptly wrote to the Resident that: he should press on Maharaja that public opinion both in England and in India will be supremely dissatisfied unless enquiry into the happenings of September agitation in Kashmir was entrusted to a judicial officer preferably European, whose impartiality and integrity were above suspicion.¹¹⁸ The Viceroy conveyed the Resident that it was of greatest importance that the Maharaja,

should announce his intention of appointing such an officer and at the same time as the announcement regarding the Glancy Committee is issued, since the latter will lose much of its value in the Punjab unless moderate opinion is also satisfied about impartiality of enquiry into events since September. If however Maharaja raises objections, announcement of Glancy Committee should not be delayed but Maharaja’s attitude should be reported to us at once with your opinion. It is our firm conviction that no permanent settlement is possible without a full and impartial enquiry into these past incidents.¹¹⁹

This forced the Maharaja to dissolve the Dalal Committee [In fact it had already been done] and it was stated that the enquiry into the September events in Kashmir would be conducted by an “impartial and disinterested” officer possessed of the necessary judicial experience.¹²⁰ Promptly the durbar announced that the services of Mr. Middleton—whose name had earlier been proposed by Government of India—District and Sessions Judge,

¹¹⁷ From His Majesty’s Secretary of State for India, London, to Viceroy, New Delhi, [important], dated November 1931, *Ibid*

¹¹⁸ The Maharaja had appointed the second Dalal Committee to enquire into the September events in Kashmir, but it had met with resentment from Muslims on account of its partiality in enquiring the July 13 events in Kashmir. From the Viceroy to the Resident, dated 10 November 1931, *Ibid*

¹¹⁹ *Ibid*

¹²⁰ From the Resident, dated 17 November, 1931, Fortnightly reports for the first half of November, 1931.

Rawalpindi had been lent by the Punjab Government for the purpose.¹²¹ With the circumstances little more optimistic and the situation slightly more in control now, the colonial government was very keen that the advantage was build upon. Agreeing upon the durbar's suggestion of not approaching "outside" Mohammadan members,¹²² the Kashmir government was advised not to delay announcing the final names of representatives on the Commission. They were also suggested to stress that nomination to the panels was being left entirely to communities concerned, and that the members of commission would be thoroughly representative of those communities.¹²³ With the deal now looking as good as done, the Indian government as if to ascribe this move to the durbar expressed its satisfaction at the proposed appointment of Middleton. In a telegram to the Resident it offered to secure his deputation, and conveyed the Viceroy's appreciation of the helpful attitude adopted by the Maharaja.¹²⁴

Thus it seemed like a happy ending to the story, at least for the British. The situation appeared to have settled down and presumably peaceful. The names of two Kashmiri members of Glancy's Committee, Ghulam Ahmad Ashai and Prem Nath Bazaz were announced on 12 November. On the next day a resolution welcoming these orders was proposed by S.M.Abdullah, the 'most vigorous of the local Muslim politicians', and carried unanimously at a mass meeting at Srinagar, described by the Resident as attended by 20,000 persons. A similar announcement of gratitude was made on the same day at the Jama Masjid by Mirwaiz Mohammad Yusuf and resolutions of the same effect were also passed at Sopore and Baramulla. All through the discussions Glancy, as the Resident remarked, had been in close touch with the local leaders relating to the form of the announcement and to the choice of persons who were to be his colleagues.¹²⁵ It was further claimed that 'the value of his services could not be overestimated, not only as to command general confidence but also in combating influence due to local jealousies and

¹²¹ Ibid

¹²² A view which was apparently also endorsed by Glancy and the Resident

¹²³ Viceroy to Resident, dated 10 November 1931, Ibid

¹²⁴ Foreign and Political department to Resident, dated 11 November 1931, Ibid

¹²⁵ From the Resident, dated 17 Nov, 1931, Fortnightly Reports for first half of November, 1931

intrigues' which if neglected, the Resident felt, 'would have split the Mohammadans themselves into rival camps and destroyed the usefulness of any individual leader.'¹²⁶

As for the Maharaja he seemed resigned at least for the time being, expressing in a letter to the Resident that he was glad that it had been possible to secure the services of Middleton and requesting that his sincere thanks be conveyed to the Viceroy for the loan of the official's services. He also expressed his thanks to the Resident for all the trouble he had taken to help the Maharaja and his government in dealing with the most difficult situation.¹²⁷

Meanwhile the Middleton Enquiry had also started. He had already devoted some ten days to the Srinagar disturbances and was now hearing evidence relating to Shopian incidents. The period of his deputation had also been further extended to enable him on the completion of his present task to enquire into the causes of the disturbances in Jammu. The situation had sufficiently improved and there had been no serious incidents during the last fortnight. Although the other three companies were being still held in readiness in Jehlum, the circumstances permitted the withdrawal of two companies of the Border regiment from Mirpur now.¹²⁸ This was a short lived success. There was a continuance of *jathabandi* movement in Punjab, and the conditions in Mirpur did not appear altogether satisfactory.¹²⁹ A counter movement was also in progress among Hindu groups outside Kashmir to form a 'Pro Kashmir Volunteer Organization' and a wider movement to send incursions of Hindus into Mohammadan states.¹³⁰ The British had to gear up to the new challenges, with a feeling though that there was no certainty of a permanent solution.¹³¹

¹²⁶ Ibid

¹²⁷ Letter from His Highness to C .Latimer the Resident, dated 13 November 1931, Appointment by His Highness the Maharaja of a Commission under Mr.B.J. Glancy C.I.E. to enquire into the grievances of his Moslem and other subjects, File no: 647-P[S], 1931, NAI, microfilmed

¹²⁸ From the Resident, dated 1 December, 1931, Fortnightly reports for the second half of November, 1931

¹²⁹ From the Resident, dated 17 December, 1931, Fortnightly reports for the first half of December, 1931

¹³⁰ Telegram from the Viceroy to the Secretary of State in London, dated 19 December 1931, Appointment by His Highness of a Commission under Mr.B.J. Glancy , C.I.E., to enquire into the grievances of his Moslem and other subjects, File no: 647-P[S], 1931

¹³¹ Ibid

Conclusion

The British mediation in Kashmir not only shaped the ruling princely house of the Dogras, but its impact led to the redefinition of relationship between the Dogra state and the majority community of Kashmiri Muslims. It was primarily the Muslim leadership from outside of the state, and the fear that the uprising in Kashmir might spread to neighbouring provinces, which prevailed upon the British to intervene in the state, even as it did not always meet their desired results. Though their intervention in Kashmir was prompted by political expediency than owing to any “welfare” of the ‘people’, the British used this opportunity to suppress the princely Durbar, while maintaining ‘publicly’ that the Durbar was capable of redressing the grievances of its Muslim subjects. This ‘interaction’ between the colonial state and the princely government in turn created the space for the Muslim public in Kashmir to articulate its grievances and to further its claim for rights.

Chapter III

Petitions, Rights and the Moral Discourse of Community: 1931 and beyond

“Muslims identify all Hindus with the Raj, and sometimes they call the present Raj as Bhatta [Pandit] Raj.”
[Jia Lal Kaul Jalali, ‘Notes’ on 1931]

Highly experienced senior Hindu officers are very well exploiting inexperience and weakness of their junior Muslim officers...According to their long standing traditions the Pandits have kept the Muslim officers raw in their experience. [Muslim petitioners to the Maharaja, 15 August 1931]

In spite of the identification and location of the looted and concealed property, the non-Muslims were not brought to book. The Muslim petitioners were turned out after inflicting terrible blows upon them. [Muslim petitioners to the Maharaja, 15 August 1931]

His Highness the Maharaja of Kashmir has made an ominous gesture. He has appointed Raja Hari Kishen Kaul as his Prime Minister...The changes have no doubt been affected in deference to the wishes of the handful of Kashmiri Pandits whom the Kashmiri Durbar has always backed against its 30 lakh Muslim subjects... [and] as a guarantee against any slackness in the Cabinet’s policy of anti-Muslim repression.[Kashmir Maharaja’s latest, *Muslim Outlook*, Lahore, Wednesday, 29 July, 1931]

It is very politely and humbly requested that Your Highness should pay attention to all the[se] facts with “commiseration and justice”, issuing orders for clarifying the atmosphere for your Muslim subjects. [Muslim petitioners to the Maharaja, 15 August 1931]

It will not do for the government to find the number of Muslims who are employed, let them find the number of their educated men who are not employed...Ill qualified and nil qualified Muslims were given preference over highly qualified Hindus. [The Sanatan Dharma Youngmen’s Association, 1931]

The 1931 uprising was effectively an assertion on the part of the “Muslim community” against the Dogra state — a state which they increasingly came to see as oppressive while being protective of the interests of the Pandits. This realization gave impetus to the emergence of a community which sought to articulate its boundaries not only with reference to the Dogra state, but also in oppositional terms to Kashmiri Pandits. On the

contrary, confronted for the first time with an assertive Muslim population demanding an equitable treatment, the Pandits eschewed their adherence to the regional cause of Kashmir for Kashmiris¹ and began to speak increasingly in the language of an endangered religious minority. It led to conditions under which the communities became pitted against each other, resulting in new subjectivities, new versions of the self and the other and new histories. However the tussle between Kashmiri Muslims and Kashmiri Pandits in and after 1931 was more about political and economic representation than religious antagonism.

In the present chapter I intend to focus on a few petitions, memorials and other writings by the Muslims and Pandits in an effort to bring out the emerging contestations between the two communities and their evolving relationship with the state. Petitions serve as a convenient entrée into changes in the perception of “self”, and an indication, as this chapter will suggest that they are, of the change in the ways the Muslim and Pandit communities interacted with the state and the perception they came to develop of each other. They would also help us identify the economic and social conditions that prompted the two communities to approach the authorities to accept their claims or to redress their grievances, and in doing so stake out who the “petitioners” were and how they sought to be connected with those they petitioned.

Through petitioning, the Kashmiri Pandits addressed the state usually by harking back to the past in the process of claiming what they believed to be theirs in the contemporaneous present. The Muslims on the other hand relied on an enlarged vision of morality in order to justify their specific claims – a discourse which was emerging in a dialectical interaction with the State and not completely embedded or emerging from within the

¹ In the 1920s Kashmiri Pandits started a movement called ‘Kashmir for Kashmiris’, demanding that jobs in Kashmir be allotted only to the locals, after the Durbar had started employing Punjabi Hindus in Kashmir. This led to the defining of the term ‘state subject’ by the Kashmir government in 1927. According to this definition ‘All persons born and residing in the State before the commencement of the reign of the first Dogra Maharaja and also persons who settled therein before the commencement of Samvat 1942 [A.D. 1885] and have since been permanently residing,’ are hereditary subjects of the state. This definition restricted the entry of outsiders in the state services. See Prem Nath Bazaz, *Inside Kashmir*, Srinagar :The Kashmir Publishing House, 1941, pp 86-87

community. Yet the construction of Pandit and Muslim identities were not immutable processes. The narrative of events in post 1931 Kashmir also highlights a process by which participants moved from the localized, relational “community” to broader one constructed on shared ideological bases and back again.² This at times helped bridge the gaps between the upper sections of the Muslim community with the lower ones and perhaps can explain collective action.

Already in the 1920s the shift from being an “oppressed” to an “under-recognized community” was shaping itself within the emerging Muslim consciousness that was seeking to move beyond its circumscribed sphere of interaction with the state — interaction that had hitherto confined itself to claims vis-à-vis the state mostly around the questions of religious space. The Muslim leadership had also, by presenting Lord Reading, the Viceroy with a memorial in 1924 on his visit to Kashmir shown its distrust in the Dogra state in redressing its grievances. The memorial had expressed a widening in the demands of the Muslims and was no longer limited to restoration of religious spaces but increasingly focused on economic and educational issues. It had also demanded that an elected Legislative Assembly which would also work as a Constituent Assembly for the drafting of a Constitution for the state be set up immediately.³

The notion of being an under-recognized community which in turn constructed itself in comparison with a community which was allegedly seen as “over-recognized” meant that the confrontation was no longer between the Muslim community and the state. The Muslim leadership identified Kashmiri Pandits as the “other” community, which in contradistinction to “theirs” was a ‘protected minority’ that not only had access to scholarships and grants for education, but was more than adequately represented in the government services. Even before the events of 1931, the Mohammadans of Kashmir state had been taking an increasing interest in securing a larger share of posts in the

² Sandria, Freitag, *Collective Action and Community: Public Arenas and the Emergence of Communalism in North India*, Berkeley: University of California Press, 1989 p 125.

³ Muhammad Yusuf Saraf, *Kashmiris Fight For Freedom, Volume I*, [1819-1946], pp 336-337

Kashmir Government, and were campaigning for a better treatment for themselves.⁴ There ha[d] recently been, the Resident observed, ‘much discussion among the Mohammadans about their grievances against the comparatively small Hindu community of Kashmir, which as a result of mistaken policy of many years standing has been allowed to monopolize most of the appointments in the State.’⁵

The newspapers were also giving voice to the Muslim sentiment⁶, and their tone became increasingly assertive after 13 July incident. ‘Does the political department know’, seeking the intervention of the Government of India, the *Muslim Outlook* wrote, ‘the extent of the educational and economic backwardness of the vast Muslim population in Jammu and Kashmir? Does it know that all public offices in the state are a virtual monopoly of the small community of Kashmir Pandits, whose only chance of retaining that monopoly consists in keeping Muslims down educationally and economically?’⁷ Yet in a more apocalyptic sense the newspaper had also commented that ‘It requires no elaborate reasoning to show that the educational and economic progress of Kashmiri Muslims means ultimately an end of the monopoly of power and prestige that the small minority of Pandits has hitherto enjoyed in the State.’⁸

The Kashmiri Pandits, who had earlier withstood the challenge from the Punjabi officials and had successfully raised the slogan of “Kashmir for Kashmiris” were now faced with an even serious rival. Although what they had demanded then was not for the benefit of the masses, but for Pandits themselves, but having raised an agitation in the name of ‘people’, Pandits had tactically included the interests of Kashmiri Muslims when making

⁴ From the Resident in Kashmir, dated 19 June, 1931, Fortnightly reports for the first half of June, 1931, Fortnightly reports on the internal situation in the Kashmir State for 1931, File no: 35-P [Secret], F&P dept., 1931, NAI, microfilmed.

⁵ From the Resident, dated 17 July, 1931, Fortnightly reports for the first half of July, 1931, Ibid.

⁶ At the beginning of 1930, a large number of copies of the two Muslim newspapers, the daily *Siyasat* and the daily *Muslim Outlook* began to pour into the State. Educated Muslims in the towns... would read them and consider it their sacred duty to carry the message far and wide into the country side’ Bazaz, *Inside Kashmir*, p 116

⁷ Srinagar Massacre and After, *Muslim Outlook*, Lahore, July 24, 1931

⁸ Kashmiri Maharaja’s latest, *Muslim Outlook*, July 29, 1931

regionally based demands. With the Muslims also demanding their share, they were ironically confronted now with the logical extension of their strategy.⁹

‘Minority’, ‘majority’ and the state

The disturbances of 1931 produced a strong reaction in the minds of the Pandits.¹⁰ It unnerved them. Although Muslim leadership had been increasingly talking about economic and educational reforms, and the Pandits were growing conscious of Muslim demands, the events of 13 July were not expected. Most people did not anticipate that a Kashmiri crowd would behave in the way it did,¹¹ and was least expected by the Residency.¹² The discourses that were generated during this period bore a relation to stereotypes in everyday life but under these conditions these stereotypes came to acquire a different quality.

In the atmosphere that prevailed after the events of 1931, rumours gained ground. These deepened certain images of the self and the other, displacing the subjectivity of everyday life. The Pandits were gripped by a fear that they were losing ground in the state to a Muslim ‘majority’, and this consequently gave impetus to the idea of a threatened Hindu ‘minority’. There was rumour that the government was giving into Muslim demands for communal representation. We see an increased number of telegrams, letters and memorials from the Pandit organizations addressed to the Maharaja and the Prime Minister expressing reservation and resentment to sacrifice Pandit interests to satisfy Muslim demands.¹³ News also went around that the Dogra ruler was about to permit cow

⁹ Mridu Rai, *Hindu Rulers, Muslim Subjects, Islam, Rights and the History of Kashmir*, New Delhi: Permanent Black, 2004, p 253

¹⁰ P. N. Bazaz, *Inside Kashmir*, p 290

¹¹ Col. Wakefield [Prime Minister] in Srinagar Riot Enquiry Committee Report, 1931, p38, henceforth SREC.

¹² Jia Lal Kaul Jalali, a prominent Kashmiri Pandit who was a personal witness to the events, ‘Political Perspective of the Freedom Movement’, in Mohammad Yasin and Qaiyum Rafiqi [eds.] *History of the Freedom Struggle in Jammu and Kashmir*, Light and Life Publishers: New Delhi, 1980, p 39

¹³ Speaking before the SREC, constituted the very next day of July 13, Pandit Jia Lal Kaul Jalali had suggested that appointments in public services should be made independent of any communal considerations...meaning that they be given on merit. SREC, p44

slaughter.¹⁴ There were even stories that many Hindus were being forced to recite *Kalma*, and that their sacred threads were being torn and their tufts clipped to symbolize their forcible conversion to Islam.¹⁵ Conversely, the Muslims had also circulated their own set of rumours that hundred good Muslims had been killed by the Hindus and their shops looted.¹⁶ Describing the situation in Kashmir after the incidents of 13 July the Resident wrote: ‘the fortnight following the incident has been a period of stress and anxiety, and the whole Mohammanan population was in a very restless and sullen condition. The Hindus also were panicky and the “wildest and most ridiculous rumours” found ready credence throughout the city, and indeed in many of the outlying towns, and kept the feelings of both the communities towards each other and of the Mohammanans against the Kashmir Government in a condition of angry disturbance’.¹⁷

Realizing the gravity of the situation and invoking himself to be a ‘just’ ruler, Maharaja Hari Singh had earlier issued a proclamation trying to convince the Muslim community that the Dogra State had an impartial and secular character, and thus did not believe in discriminating between religious groups. ‘At the beginning of my rule, the proclamation read:

I announced to you, my people, that my religion is justice. That announcement has guided all my public acts and policies and I shall always adhere to it. I have not made, and will not permit, any discrimination against any class of my people on the grounds of religion. The humblest of my subjects has free and direct access to me and any grievances my people may have can be submitted by them personally to me.¹⁸

¹⁴ ‘To My Beloved People, Proclamation of Maharaja Hari Singh , 9July, 1931’ quoted in, M.K.Teng, R.K Bhatt, Santosh Kaul *Kashmir Constitutional History and Documents*, New Delhi: Light and Life Publishers, 1977.

¹⁵ Santan Dharam Youngmen’s Association, Srinagar, *Kashmiri Hindus and the Recent Distrurbances, 1931*; Agitation by the Santan Dharm Youngmen’s Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932,NAI

¹⁶ Ibid

¹⁷ From the Resident, 3August, 1931, Fortnightly reports for the second half July; Fortnightly reports on the internal situation in the Kashmir State for 1931, File no:35-P(Secret),F&P dept., 1931,NAI

¹⁸ Proclamation of Maharaja Hari Singh, 9July, 1931

Such proclamations were creating a vocabulary of moral discourse which the Muslims could invoke to express their grievances and expect justice. ‘The administration of the State’, the *Muslim Outlook* observed, ‘is carried on in such a flagrantly anti-Muslim spirit that his Muslim subjects are seething with discontent’, but ‘His Highness is stated to have assured that justice was his religion and that all his subjects whether rich or poor, Hindu or Muslim, were alike and deserving of impartial treatments.’¹⁹ Even after the incidents of 13 July, the newspaper maintained that, ‘despite all that has happened at Srinagar, Jammu and elsewhere, we refuse to believe that Maharaja is actuated by anti-Muslim prejudice. A whole bureaucracy of Hindu officials intervenes between the [the Maharaja and the Muslims], and deliberately fosters distrust and misunderstanding between the two.’²⁰ But for the ministers who misguided him, the Maharaja was seen as person who was concerned about ‘his’ people [read Muslims] and was seen as apart from his administration. It was the administration that was oppressing the people. ‘The Maharaja of Kashmir’ the newspaper wrote ‘must be provided with better, more sympathetic and dutiful Ministers than those who are misguiding him, and oppressing “his” people today.’²¹

Thus we see how the discourse of ‘justice’ was providing the frame of political negotiation. But did the Maharaja become a symbol of justice? Or did his rhetoric of justice provide a political space for negotiation? By accepting the Maharaja’s claim to uphold the ideal of justice, the Muslim community could demand the realization of the ideal. It must be admitted that the overall position of the community was no worse in 1931 than it had been at the beginning of Maharaja Hari Singh’s reign. Indeed, in some respects it was arguably better.²² When the Muslim leadership had presented the Viceroy,

¹⁹ Discontent in Kashmir, *Muslim Outlook*, Lahore, 29 June, 1931

²⁰ *Muslim Outlook*, 20 July, 1931, The Srinagar Tragedy *Muslim Outlook*, 18 July, 1931

²¹ Srinagar Massacre and After, *Muslim Outlook*, Lahore, 24 July, 1931

²² Ian Copland, “Islam and Political Mobilization in Kashmir 1931-1934”, *Pacific Affairs*, Vol. 54, No. 2, 1981, p 235

with a memorial seeking jobs and better educational facilities for Muslims, Maharaja Hari Singh had responded with severe repression of the memorialists. But in an effort to contain what was turning out into a dangerous political trend of outspokenness among Kashmiri Muslims now, Hari Singh adopted a policy that attempted to conciliate hostile opinion, even if ambiguously.

When only one Muslim was selected after the formation of the Scholarship Selection Board in 1927, it was bitterly resented by the Muslim associates both in Kashmir and Jammu. As a result, more scholarships were awarded to Muslim candidates in 1928 and 1929, and the government 'claimed', that scholarships were now equally distributed between the Hindu and Muslim candidates.²³ Prem Nath Bazaz has suggested: 'It appears the government wanted to do something at this time. And His Highness was *anxious* to take as many Mohammadans in the public service as possible. It was decided that about 50% vacancies should be reserved for them.'²⁴ A shift in the recruitment policy of the State Government was manifested in 1930. This became visible when certain posts were advertised by the Srinagar Municipality to be filled only by the Muslims candidates, although the notice had to be withdrawn when there was a strong reaction from the Hindus who termed it as 'communalism'.²⁵ Whether these changes benefited the Muslim community or not, is not of concern here. What is significant is that state was trying to project itself as impartial and just.

The point to be emphasized is that the emerging discourse on 'rights' in Kashmir in the early 1930s was not evolving entirely from within the 'Muslim community. It was emerging through a complex interaction with the 'State' and the politics of the time. It was supra-communitarian. Through the 1920s, as the Kashmiri Muslim leadership started talking about the unprivileged condition of its community, and petitioned the Maharaja and the Government of India, the Dogra state had to assume a posture of 'impartiality', to

²³ See 'Srinagar Riot Enquiry Committee' Report

²⁴ P.N. Bazaz, *Inside Kashmir*, p 100 [emphasis added]

²⁵ *The Ranbir*, Jammu, 17, 24 Feb; 18, 25 March, 1930

secure its position as a legitimate entity of governance, and thereby impose a discourse of neutrality on itself, even as it was ‘malignantly neutral’.

The politics of petitions

Petitions operate within the discursive framework of legality. Petitions can be seen as a legitimate form of protest where you invoke an authority to recognize your claims. The language and the ‘politics’ of the claims—how and where they are situated—can tell us a lot about the petitioners. In the aftermath of 1931 the Muslims and the Pandits increasingly petitioned the authorities to legitimize their ‘specific’ claims. What is very interesting is how these claims were created and shaped. The Pandits were trying to define their privileges as ‘rights’ while the Muslims were invoking rights to secure some of these ‘privileges’. The petition as such became a space where the Muslims were able to engage the state in their endeavor to claim those rights. Progressively the larger discourse of rights that emerged in Kashmir in the late 1930s and 1940s would thus have to be seen as a continuum that was evolving through the 1920s and early 1930s.

After the incidents of 13 July, when the situation had settled down somewhat, the Muslim leaders sent a petition requesting permission to submit a memorial about the demands and grievances of their community. The Maharaja fixed 6 August as the day when the deputation of all the leading Mohammadans of the city would be received by His Highness.²⁶ The deputation however could not present itself on that day. It said it had not had the time to express the grievances in writing. ‘Their object was to procrastinate’, The Resident felt, ‘until after the 14 August, which had been fixed as “Kashmir Day”, throughout the Mohammadan centres in British India’.²⁷ In Kashmir on this day a mammoth public meeting was held at Jama Masjid and many resolutions were passed, in which the removal of officials who had acted prejudicially towards the Muslims was sought, and Hindus of the state were called upon to change their attitude towards the

²⁶ From the Resident, dated 3 August, 1931, Fortnightly reports for second half of July, 1931

²⁷ From the Resident, dated 17 August, 1931, Fortnightly reports for first half of August, 1931.

Muslims.²⁸ In giving this ‘backdrop’ here, it is important to appreciate the ‘timing’ of the petition. As the Resident had remarked, the object of the petitioners was to ‘procrastinate’: The resolutions that were passed in the Jama Masjid on the “Kashmir Day” were fed into the petition.

Finally on 15 August, the representatives of the Muslims of ‘Jammu and Kashmir’ submitted a memorial to Maharaja Hari Singh. The memorial was a recognition of the ‘authority’ of the Maharaja on one hand, and on the other, a description of the moral world in which the Muslims located themselves. There was an attempt at presenting a moral order within which the Muslim claims could be seen as more sensible and legitimate. The memorial did not make any demands relating to the educational and economic upliftment of Muslims. Instead it tried to draw the attention of Maharaja Hari Singh towards the Hindu officials of the state, who in connivance with the Kashmiri Pandits, had rendered ineffective,

the steps to be taken on the complaints of the Muslim subjects through their dominating influence, out of the apprehension that these complaints were promised “due attention by your Highness.” Instead the matter was given a communal tinge, when there was no communal problem on the side of the Muslims, only that they can maintain their vested interests... [and] thus shift the attention from the more genuine issues, and drop curtain on the real events.²⁹

In saying this, the Muslim memorialists were trying to dissociate the Maharaja from the bureaucracy, and articulating their distrust for the state, but not the princely authority. Evoking their ‘long standing traditional loyalty’ with the princely house, they assured the Maharaja of being his faithful subjects, and thus allowed the body of their interests to remain within the scope of his juridical powers. Taking recourse to a “moral order”, which the Maharaja had given credence, and which ‘remained the centre of hope for his

²⁸ *The Alfazl*, Qadian, 27 August, 1931, quoted in, G.H.Khan, *Freedom Movement in Kashmir, 1931-1940*, New Delhi: Light and Life Publishers, 1980, p148

²⁹ Ibid

Muslim subjects', they invoked him to exercise it in the interests of "justice", for he had proclaimed on the eve of his accession that 'justice was his religion'.³⁰

The memorial also sought to create a "transcendental" moral world, where the Maharaja, despite being Hindu is expected and implored to deliver himself beyond considerations of religion, and act on the basis of equity, without differentiating between Hindus and Muslims unlike his officials in the administration. The memorialists stated: 'They have been much touched by the lack of foresight of the government officials [but] the offenders have been set free in spite of the fact the Muslims knocked the gates of "justice" against...heart rendering facts and furnished sufficient evidence in substantiation of their grievances.³¹ Adding further: 'It was not expected by your Muslim subjects to have such orders issued with the permission of your gracious person.' But despite this they affirmed their faith in declaring that 'Your Highness can measure the sincerity and devotion of your Muslim subjects by the fact that in spite of so much of oppression they ha [ve] so much faith in your august-self.'³²

The rhetoric of Muslim suffering

The memorial was largely devoted to bringing out the partisan character of the state, and its biases against the Muslim community. The fact that the state was now conceived as partisan meant that it was favouring another community against which the Muslims were discriminated. The memorial repeatedly emphasized, through providing examples, of how the state was an instrument of the Pandit community, while dealing very harshly with the Muslims. Speaking in the context of the incidents of 13 July the memorialists expressed that:

Investigation has also proved that the plan of the non-Muslim vested interests to ruin the Muslims and spread the tales of plunder after concealing their own property would have been exposed the moment search had been conducted into their houses. But the honourable Chief

³⁰ Ibid

³¹ Ibid

³² Ibid

Minister issued orders at once and, as a consequence, this process of search was stopped so that the non-Muslims were allowed to remain secure and unscathed [and] not brought to book, [while] the Muslim petitioners were turned out after inflicting terrible blows upon them...It will not be out of place to submit that Raja Hari Krishen Kaul had been nominated by the “communal-minded Hindus” of the State to lend support to the Hindus of the State. His appointment to the office of Chief Minister at this stage has strengthened their hands still further against the Muslims.³³

The question of ‘religious space’ was also brought about. It was stated that the non-Muslims and government officials had interfered in the religious affairs of the Muslim subjects, and resorted to destruction of mosques. The memorialists remarked that despite such heart rendering matters which had dealt a serious blow to the religious sentiments and the prestige of the Muslim subjects, the offenders had been set free.³⁴ This again conveyed that the state had a Hindu character. While the petitioners sought the Maharaja’s intervention to redress this, they also set limits and boundaries on the state’s intervention: The state cannot construe any religious activity on the part of Muslims as an offence, one that was liable to be punished. ‘Qadeer³⁵ was’, they mentioned ‘an alien, [and] the only offence committed by him was that he had expressed contempt against the scoffers of the Holy Quran’...‘Arrest of a section of public,³⁶... offering prayers, started without rhyme and reason.’³⁷

The memorialists signed off with a request that his Highness pay attention to all the facts with “commiseration and justice”, issuing orders for clarifying the atmosphere of his Muslim subjects, so that the sincerely presented demands and submissions of the Muslim subjects may be approved and [they] may lead a life of inner satisfaction and remain busy praying for his Highness’ prosperity, glory and long life.³⁸

³³ Ibid

³⁴ Ibid

³⁵ See Chapter I in this dissertation.

³⁶ The arrests that were made on 13 July just outside the Central jail before the crowd was fired upon, See Chapter I in the dissertation.

³⁷ Ibid

³⁸ Ibid

Muslim demands evolve

Having placed themselves in relation to others in society and the government, the Muslim leaders now prepared themselves to establish how they sought to be connected with the state. ‘The next move of the Mohammadans’, the Resident observed, ‘will be to present a list of their demands in a constitutional manner and a calm atmosphere.’³⁹ As it was, the representatives of the Jammu and Kashmir Muslims submitted another memorial to the Maharaja on 19 October, 1931, with a specific purpose though of presenting Kashmiri Muslim demands to the administration.

The new leadership was determined to gain full political mileage out of 1931 by drawing the administration’s attention to the origins of the disturbances.⁴⁰ It sought to convince the Maharaja that the reforms and improvements which they were suggesting, did not owe its origins to any ‘artificial agitation’ and thereby were not inspired by external influence. Instead it was to be seen as a long series of unbearable hardships and disabilities under which the Muslims had been labouring and which had forced them to the conclusion that without the reforms and improvements, their lives will continue to be extremely miserable.⁴¹

Although the memorial was supposed to articulate the demands of the Muslim community, it also set about attempting to delineate a ‘vision’ and model of the social order for the “people” of Jammu and Kashmir, with a plea for some kind of popular participation in the government. ‘Your Highness would concede’, the memorialists wrote, ‘that no single individual can, without the help and cooperation of others, look after the welfare of a vast territory like Jammu and Kashmir. Neither can good laws alone, without

³⁹ From the Resident, dated 3Sep, 1931, Fortnightly reports for the 2nd half of August 1931.

⁴⁰ Chitralakha Zutshi, *Languages of Belonging*, New Delhi: Permanent Black, p 219

⁴¹ Memorial of the Jammu and Kashmir Muslims presented to His Highness Raja Rajeshwar Maharajadhiraj Shri Maharaja Hari Singh Ji Bahadur INDAR MAHINDAR Sipar-i-Saltanat-Inglishia, Mharaja of Jammu and Kashmir, Srinagar, Dated: 19th October, 1931

the help of sympathetic officials, bring about any good results.’⁴² And so His Highness’ subjects be ‘afforded suitable opportunity to influence and criticize the work of the Executive responsible for the observance of the said laws’. In saying this the memorialists based their claim on the argument that, ‘for the enactment of good laws, the help and cooperation of the people are essential, for without knowing from the people their real needs and requirements no truly good laws can be made.’⁴³

A noticeable thing was that the events of 13 July and the subsequent activities ‘related to it’ were now categorized as a political movement. The petitioners remarked : ‘All those persons who have been dismissed, suspended, degraded or otherwise punished in any respect in connection with the present “political movement” be reinstated to their posts...[and] an independent Commission be appointed to enquire into the conduct of the state officials, the police and military, towards the people during the days of political disturbances’.⁴⁴ The leaders were also more emphatic than before in saying that, ‘except the royal person of Your Highness, the Muslim subjects of the State ha[d] lost all confidence in the officials of the state’,⁴⁵ and, therefore, ‘they cannot wait till such time as may be required for the framing of a reformed Constitution and its subsequent introduction.’⁴⁶

What was to be observed was the change in the way the petitioners were now seeking their association with the state. In the earlier memorial where they had tried to situate their claims largely within the moral sphere of justice and benevolence, they were now evoking the language of constitution and citizenry, in redefining their desired relationship with the state. ‘Your subjects’ they remarked,

can enjoy real peace only when they have been conceded the right to an effective share in the legislation of the state and of criticising the administration. [They] think it necessary that an

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

immediate assurance be given to them to the effect that in future they would be treated in accordance with some definite Constitution, and a declaration may be immediately made that Your Highness' Government will be based on constitutional principles.⁴⁷

Much of the memorial though was given to a detailed description of the proposed Constitution that 'would satisfy the people and serve as a basis for future development.'⁴⁸ It elaborated the Fundamental rights, the constitution of the Executive the Legislature, the form of the Local self government, Judiciary etc. The Fundamental rights included a guarantee of freedom in respect of religious observance, practice and preaching conversion, freedom of assemblage and speech, freedom of press, and perfect equality of rights and equality of treatment for all state subjects in all respects. On the freedom of press it was expressed that, because it being non existent in the state at the present time, the authorities should have no objection to the circulation of Muslim papers from outside the state.⁴⁹

The memorialists mentioned that the policy of the state should be geared towards securing an increasing association of the subjects in the administration. The state was to be framed on the lines of representative form of government, in which the Muslims were to be represented on the ministry in proportion to their "numerical strength". The memorial further suggested that in case capable Muslims from among the subjects were not available to fill these posts, the state should follow the "practice of importing non-Muslims", by recruiting from Muslims outside the state, 'until the time when the Muslims of Kashmir become sufficiently advanced to be appointed as Ministers.'⁵⁰

A legislative assembly of Jammu and Kashmir was proposed to frame the laws and to keep the Maharaja and his Executive informed of public opinion. The rules for framing these laws, the memorialists wrote, should be such that the elected representatives of

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid

different religions were returned in proportion to the number of their respective adherents. The same communal proportion, it was added, should be observed in all the grades of services. It was also demanded that the recruitment should be made on the basis of minimum qualification: 'If the requisite number of Muslims of higher education [were] not available, recruitment [was] to be made from less qualified Muslims in preference to better qualified non-Muslims.'⁵¹ Thus, in this way the Muslim representation in the services 'should be increased by at least 10 percent every year until they get their due share in the services.'⁵² Curiously enough it was also mentioned that a fixed percentage of the total income of the state be set apart as 'privy purse' for the Maharaja and his family, and while all items of the state budget were to be open to criticism in the assembly, the privy purse was to be free from this scrutiny.⁵³

The Darbar's immediate action on the receipt of the Muslim petition was to issue a communiqué on 20 October which announced the intention of appointing a committee to deal with some of these demands. This was followed by the request for the loan of an English official's services to enquire into these demands.⁵⁴

The Pandit voice

Although the Pandits had believed that their pro-regime stance and their fact of being Hindu would keep their position within the state administration intact,⁵⁵ they realized this had not stopped the Kashmiri Muslims from seeking concessions from the state. These concessions which they felt were made over to the Muslims at the cost of their own community, made them increasingly conscious of their economic security. 'Since the Muslim demands were presented', the Resident reported, 'a deputation of Sikhs and one

⁵¹ Ibid

⁵² Ibid

⁵³ Ibid

⁵⁴ From the Resident, dated 3 November, 1931, Fortnightly reports for second half of October, 1931, for details see Chapter I in the dissertation.

⁵⁵ Chitralakha Zutshi,, *Languages of Belonging*, p 222

of Kashmiri Pandits have waited upon His Highness. These communities are not unnaturally afraid that any concessions to Muslim agitation may result in injury to their own interests.’⁵⁶

After the Muslims had submitted their representation to the Maharaja, the Sanatan Dharma Youngmen’s Association,⁵⁷ presented a memorial to the Maharaja on 24 October. The memorial sought the consideration of the Maharaja towards the demands of the Pandit community and claimed to be submitted with a view to assisting His Highness’ government.⁵⁸ The petition employed the language of ‘merit and efficiency’ and stressed that in upholding the interests of Pandits—who were meritorious and efficient—the state was ultimately helping its own interests. The corollary to this meant that [unlike the Muslims] Pandits were keen to seek the welfare of the state and not just their community alone.⁵⁹

Showing that their concern for the state was primary to their particular interests, the Pandit memorialists began by addressing the unsoundness of the Maharaja’s administration and the need for it to be remodeled for the purposes of modern government. They pointed out that the irresolute character of the state was largely a result of its encouragement to ‘nepotism and jobbery’ and by employing men of insufficient worth. Though the memorialists contended that they stood by the principle of “preference” for “state subjects”, they advocated that for considerations of upholding merit and to ‘maintain the efficiency of the administration at the highest standard’, the

⁵⁶ Fortnightly reports for second half of October, 1931

⁵⁷ Also known as Yuvak Sabha, it represented the official policy and programme of the Kashmiri Pandit community and had become the most active representative of their interests confronting the Kashmiri Muslims and their agitation for rights in 1931, see P.N. Bazaz, *Inside Kashmir*, p 293 and Mridu Rai, *Hindu Rulers, Muslim Subjects*, p 248

⁵⁸ Memorial presented by the Sanatan Dharm Youngmen’s Association on behalf of Kashmiri Pandits to His Highness, The Maharaja Bahadur of Jammu and Kashmir on 24th October, 1931.

⁵⁹ In this section I would also quote from other representations and writings of the Santan Dharam Youngmen’s Association, Srinagar, that were issued after 13 July events.

state should make available even the English and lent officers from outside.⁶⁰ ‘The appointment of capable men’, they said, ‘will help obviate the necessity of making *too frequent changes in the administration* [emphasis mine] and improve its general tone, but more than that the policy of drift will give way to purposeful government.’⁶¹

On the contrary the memorialists maintained, when the state is supposed to uphold the efficiency of administration, in trying to appease a particular community it is promoting mediocrity and communalism, making the Pandits a scapegoat. ‘In recent years’, they remarked, ‘the Government has...on numerous occasions passed over the claims of [our] qualified men, and given preference to men of indifferent worth from other communities irrespective of merit or qualification.’⁶² Pandits, they said could not expect to get even petty clerkships, ‘which we are told, must be conferred not on grounds of efficiency but on grounds of “communalism.”’⁶³ They argued further saying: Muslims have been taken in service because they are Muslims... [and] Kashmiri Pandits are being excluded from service because they are Kashmiri Pandits. Accusing Mr. Wakefield of issuing orders to the Srinagar Municipality to select “only Muslims” for certain vacancies, despite availability of trained Hindu graduates, they commented that scores of starving Hindu graduates had declared their preparedness to accept Islam in order to be considered for these posts.⁶⁴

Describing themselves to be ‘law abiding citizens’, who call for the protection of their homes and their places of worship against unprovoked attacks and loot, they emphasized that the present struggle should not be seen as ‘inter communal struggle’ – *bahami kasmakash*. Instead they submitted it was an unprovoked one sided orgy of loot and assaults, which can never be called inter-communal. ‘The uprising was:

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ Santan Dharam Youngmen’s Association, Srinagar, *Kashmiri Hindus and the Recent Disturbances, 1931*, Agitation by the Santan Dharm Youngmen’s Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932

a pre-arranged rebellion against the government “established by law”, and not a riot provoked on the spur of the moment by a clash between Hindus and Muslims. It is significant that the loot took place at almost the same time at [such] distant parts of the city and the fact shows that the outbreak was pre-arranged and that it was not firing that gave the provocation.⁶⁵

The memorialists showed an urge to create a sense of distance from the Muslims and in this process of self definition draw boundaries in relation to the Muslim community, which they stressed had presented their claims avowedly on communal grounds and for communal ends. On the contrary basing their claims on secular grounds, they argued that ‘they could not look on things through communal glasses’ and did not claim any special rights or ask for preferences on the ground that they were minority. Remarking, that they had received higher education ‘without any special facilities’ by ‘beating other communities in the race’, they asked for ‘fair field and no favour in the grant of services.’⁶⁶ By suggesting that they had received higher education without any special facilities, they were implicitly conveying that it was unbecoming of other communities to seek state patronage. It also meant questioning the presumption of the Muslim community that it was the state that was responsible for their backwardness in education. The natural extension of which was that Pandits were inherently “worthy”, and if the state was granting favour to the Muslims in the matter of service it would deprive and ‘would leave absolutely no hope for their younger generation, which believes in the “dignity of labour”, to earn “honest livelihood”.’⁶⁷

Expressing concern on their economic position, and the growing number of unemployed youth in the community, the memorialists gave vent to their despair that many Kashmiri Pandits were forced to settle outside the state as about a thousand of their educated men—Matriculates, Undergraduates, B.A.’s., M.A.’s., M.Sc’s., I.F.S.’s.and L.L.B.’s—

⁶⁵ Ibid

⁶⁶ Memorial presented by the Sanatan Dharm Youngmen’s Association on behalf of Kashmiri Pandits to His Highness, The Maharaja Bahadur of Jammu and Kashmir on 24th October, 1931.

⁶⁷ Ibid

were without services, while the number of such young men in all other communities put together was no more than more than 200. 'It will be admitted by all', they added 'that a community, whose political importance in the past history of Kashmir is unquestionable, and which has given to India her best politicians is not receiving its due in its own home.'⁶⁸ For a community that had retained a sharp sense of having survived the worst of Muslim tyrannies, it seemed especially galling that it was with a Hindu ruler in power that the tantalizing prize of high office was slipping out of their grasp.⁶⁹

Though they assured the government that they were loyal and law abiding, and unlike other communities were not in the habit of 'making noise as to compel attention',⁷⁰ and also 'did not suffer from the diseases of impatience', they warned that given their economic status it should not be meant to understand that they will keep quite. 'The best interests of the state', they contended 'lie in this that educated men are not given cause for disaffection against the administration', and they shudder to contemplate the 'danger' which the state 'should be anxious to avert.'⁷¹

The memorialists ventured to claim the status of a "backward community", for the Kashmiri Pandits. They argued that because they lacked jobs, the mere fact of their being educated did not mean that they were economically well off. On the contrary since they had only had government jobs to contend with, and no other resources to draw upon, they were worse off than other communities. Almost all the factories, they said, were owned by the Muslims and excepting a few Hindus, all the big Zamindars, Mafidars and Jagirdars were Muslims. Besides a large portion of the internal trade, the export and the

⁶⁸ Ibid

⁶⁹ Mridu Rai, *Hindu Rulers, Muslim Subjects*, p 245

⁷⁰ Elsewhere they mention , 'Hindus may be poor, they may be helpless, but the little culture they have, would let them rather die than organize their ladies to beat their breasts and gnash their teeth on the roadside to attract attention',...while, 'Damb[a show of helplessness, pretense] is notorious and our Muslim countrymen practised it most scientifically' ; Santan Dharm Youngmen's Association, Srinagar, *Kashmiri Hindus and the Recent Disturbances, 1931*; Agitation by the Santan Dharm Youngmen's Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932,NAI

⁷¹ Memorial presented by the Sanatan Dharm Youngmen's Association on behalf of Kashmiri Pandits to His Highness, The Maharaja Bahadur of Jammu and Kashmir on 24th October, 1931.

import trade, handicrafts and skilled labour and most of the contracts were in the hands of Muslims.⁷² They demanded that just as scholarships were granted to other communities for education, the state should equally facilitate them in the fields of industry and craftsmanship, and also remove existing restrictions on sale, mortgage and transfer of agricultural land.⁷³ Affirming their role ‘in the creation and the building of the state’, they hoped that in near future the doors of military service would be thrown open to them.⁷⁴

Yet the petitioners also maintained that the Pandits were a “progressive community”, who were as anxious as any other community for the introduction of constitutional government and political reform. But they suggested that owing to communal politics on the part of Muslims, the present time was not appropriate for such reforms. ‘The body politic’, they remarked, ‘should not be corrupted by the canker of communalism’, and they were thus ‘opposed to giving statutory recognition to the vicious principle of communal representation.’ Although they asserted they were the first community in Kashmir to fight for modernity in administration and to advocate a legislature and free press, off late they had realized that they would rather do without it than make their country a hot-bed of communal warfare. ‘Even the greatest votary of liberty, Mahatama Gandhi’, they said: ‘was once so upset with the communalism of the Indian Press as to say that if he had the power of an autocrat, he would proscribe all papers in India with the exception of his own “Young India.”’⁷⁵

How was the legislature to be constituted? The memorialists advocated a deferment of action on the Muslim demands. They admitted that the constitution of legislature, its powers and functions, and other issues were matters of detail and could not be decided

⁷² Santan Dharam Youngmen’s Association, Srinagar, *Kashmiri Hindus and the Recent Disturbances, 1931*, Agitation by the Santan Dharam Youngmen’s Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932,NAI

⁷³ Memorial presented by the Sanatan Dharam Youngmen’s Association on behalf of Kashmiri Pandits to Maharaja Hari Singh on October 24,1931

⁷⁴ Ibid

⁷⁵ Ibid

without any regular and open enquiry. They expressed that at a “proper time” they would make concrete proposals on all such matters. To deal with the ‘constitutional issues’ and to recommend a ‘scheme of reforms’ they proposed a Joint Free Conference. The Conference would take into account: the future of Indian states in general, the peculiar strategic position of Kashmir, and the existing condition of affairs in different Indian states.⁷⁶

Everything about this petition reflects the concerns the petitioners have about retaining their privileges. Having realized that there is reform in air, the Pandit leaders want to ensure the economic and political stability of their community. They seem to be already contemplating the question of their own future in the future Kashmir state and very keen to know its position among the princely states before considering any further action. ‘The Hindu deputation’, the Resident submitted, ‘drew attention to the analogy between the position in Kashmir and that in Hyderabad and Bhopal.’⁷⁷

The Pandits invoked even Gandhi and Pandit Moti Lal Nehru⁷⁸ to make their claims appear more legitimate. Claiming that communalism was not part of their tradition and culture both in Kashmir and ‘outside’ they submitted that ‘it was the proud boast of the great Pandit Moti Lal Nehru that his mind could not run in communal channels.’ This they said summed up ‘the belief of an average Kashmiri Pandit on communal matters.’⁷⁹ Unlike other memorials they did not simply hope that the Dogra state would restore their position, rather they maintained that restoration was in the best interests of the state. While insisting on appointments being given according to merit, the Pandits realized that if this rule is strictly adhered to, not many posts will go to the Muslims. In certain cases,

⁷⁶The Joint Free Conference was to be constituted by official and non-official representatives of the communities in Kashmir, *Ibid*

⁷⁷ Fortnightly reports, for the second half of October dated 3 November, 1931 also advocating the postponement of action on the Muslim demands until the Round Table Conference had come to a decision

⁷⁸ Pandit Moti Lal Nehru claimed a Kashmiri descent, whose family had migrated to Delhi in the 18th century.

⁷⁹ Memorial presented by the Sanatan Dharam Youngmen’s Association on behalf of Kashmiri Pandits to Maharaja Hari Singh on October 24, 1931

they will not get a single job in many departments.⁸⁰ They also wanted to make it clear that they alone knew how best to rectify the problem before them. 'We submit', as they remarked, 'that in such matters [the matter of employment] quibbling formulas do not at all serve any useful purpose.'⁸¹

What comes out starkly though is that the Pandits in associating their particularized interests with those of the state and of all Kashmiris, dubbed as 'communal' a parallel movement among Muslims, notwithstanding the fact of having themselves mobilized to defend their religiously informed community identity and interests. As they told the Maharaja, 'The problem of "educated unemployment" should be seriously tackled not only in the interests of our community but also in the interests of the state.' Claiming also that they have never been hostile to their Muslim countrymen, the Pandits expressed that the Hindu witnesses at the state subjects' definition committee were only advocating the cause of the Muslims. With the definition of the term 'state subject' being made more stringent, the protection was ultimately designed, they said, to help their Muslim countrymen, as the Hindus on account of their education, were better represented in the services.⁸²

Through reading the petitions one also becomes aware of the uses the 'Past' is put to. In such situations, as obtained in Kashmir in 1931, "Past" attains to a crucial significance. It is seen to embody within itself history, conventions and traditions which attain a 'juridical status' in conferring legitimacy to our claims and equally in de-legitimizing the others'. Construction of histories for legitimacy to link up present aspirations with more or less imagined pasts in efforts to move towards specific kinds of futures-have all been a standard feature of modern political movements.⁸³ Kashyapa Bandhu, one of the

⁸⁰ P.N.Bazaz, *Inside Kashmir*, p 207

⁸¹ Memorial presented by the Sanatan Dharam Youngmen's Association on behalf of Kashmiri Pandits to Maharaja Hari Singh on October 24,1931

⁸² Santan Dharam Youngmen's Association, Srinagar, *Kashmiri Hindus and the Recent Disturbances, 1931*, Agitation by the Santan Dharm Youngmen's Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932

prominent figures in the Pandit community and a leading member of the Santan Dharma Youngmen's Association, put it in a memorial to the Prime Minister of Jammu and Kashmir that:

Kashmiri Brahmins have during the last two thousand years and more held a very high position in the intellectual life of India, and throughout the centuries, whatever the circumstances and whoever the rulers, the Kashmiri Pandit community had a potent voice in the administration and determination of the destinies of their country... But today in spite of all the services he has rendered, and all the privations he has endured, he finds himself faced with a situation which threatens him and his children with political and economic extinction. Not only are the Kashmiri Pandits deprived of their occupation of which they enjoyed almost a monopoly even under the worst Pathan rulers, but very frequently they are also being deprived of opportunities, which in bare justice, those who are actually in service are entitled to claim as a matter of inalienable right... These suggestions do not comprise any extravagant demand; they are only a claim on behalf of the community to be allowed reasonable facilities to continue its existence in a manner consistent with its past history.⁸⁴

Glancy commission and after

The Commission which the Durbar had mentioned in its press communiqué on 20 October that would enquire into the grievances of "His Highness' Muslim and other subjects" was finally appointed on 11 November, 1931. It was presided over by the British officer Mr. B.J. Glancy, who had been lent to the Jammu and Kashmir state by the Government of India. Kashmiri Muslim leaders had nominated one of the signatories of Mohammanan memorial of 19 October, to sit on the Committee while Prem Nath Bazaz of the Sanatan Dharam Yuvak Sabha represented Kashmiri Pandits. Muslim and non-Muslim communities of Jammu nominated Chaudhri Ghulam Abbas and Pandit Lok Nath Sharma respectively.⁸⁵

⁸³ Sumit Sarkar, *Beyond Nationalist Frames*, Relocating Postmodernism, Hindutva, History, New Delhi: Permanent Black, 2002, p 246

⁸⁴ Memorial presented to the Prime Minister of Jammu and Kashmir, by Kashyapa Bandhu, March, 1934.

⁸⁵ Resident, dated 12 Nov, 1931, Appointment by His highness the Maharaja of Kashmir of a Commission under Sir B.J. Glancy, C.I.E, to enquire into the grievances of his Moslem and other subjects, File no:647-P[S], F&P, 1931, NAI, microfilmed.

Earlier a deputation of Hindu members of the Central legislature had met Charles Watson, Political Secretary in the Foreign and Political department, and hoped that the Government of India would not urge the Maharaja to go any further in conceding Mohammadan demands. They had expressed an apprehension that the Kashmir grievances were not well founded but were being exploited by a "Pan-Islamic Party". They had also pointed out to the danger to Mohammadans themselves if the control of the state's government was to depend entirely upon the "numbers of the community" among the state subjects.⁸⁶ Meanwhile the Sikhs were launching a 'Satyagrah' in Kashmir as no representative of their community was taken on the Glancy Commission. In order 'to avoid further complication in the situation' the Sikh member of the Council of State told Charles Watson, 'the advisability of having a Sikh at the enquiry'. 'The Sikhs' as he remarked, 'have their interests in the State and, therefore, they should not go unrepresented at such an important occasion.'⁸⁷

While the Glancy Committee assembled on 20 November, and was engaged in considering the written representations which had been submitted to it, certain Hindus began to talk of boycotting the proceedings fearing that the result of the recommendations would be unfavourable to them.⁸⁸ Further, Sheikh Abdullah who was selected as spokesman for the Muslims produced a statement of religious disabilities of his community. In the forefront of it he had placed a demand for the abrogation of the state law on the subject of cow-killing,⁸⁹ but the Hindu members of the committee threatened to withdraw if this question was even discussed. On the other hand, Hindus of the Jammu region also wanted their representative to withdraw from the committee,⁹⁰

⁸⁶ Charles Watson, dated 11 Nov, 1931, Ibid

⁸⁷ From the Honourable Sardar Bhadur Shivdq Singh Uberio, Member of the Council of State, to Sir Charles Watson ,2 Dec 1931, , Ibid

⁸⁸ From the Resident, dated 1 December 1931, Fortnightly Reports for the second half of November, 1931.

⁸⁹ See chapter II in the dissertation, especially foot note no 86

⁹⁰ Fortnightly Reports, first half of December, 1931

because they felt that the Glancy Commission ‘found it self unable to exclude from the scope of its enquiry questions relating to Hindu law of inheritance.’⁹¹ What is significant from these claims though is the extent to which the politics of this period was governed by the discourse on religious rights.

Although the Mohammadan representative from Jammu co-operated with the Committee, the local leaders threatened that if some prominent Muslim prisoners were not released unconditionally, they would start a campaign of Civil Disobedience. ‘But it seemed clear’, the Resident observed, ‘that on some pretext or other the Muslims mean to keep their organization active until the results of the Glancy Commission are known. On the other hand the Hindus see signs that orders passed on the Glancy Committee report may lead to a curtailment of the privileges which they have hitherto enjoyed, and do not mean to yield to this without a protest.’⁹²

The Glancy Enquiry Commission submitted its report in March 1932, and made a number of recommendations. By recognizing the grievances of the Muslim community in Kashmir as legitimate, the Commission put the onus on the Dogra state to redress them. The recommendations related to restoration of sacred buildings, education, services, land revenue, and other miscellaneous grievances. The sacred buildings demanded by the Muslim community were to be handed over to them as soon as the representatives of the Muslim community notified their wishes. Further those that were contested by the Muslims and Pandits, were left to be settled by the authorities and by the communities themselves.⁹³

The Enquiry Commission expressed that any complaint of interference with the calling of “Azan” should be carefully investigated. ‘Where the offence was established’, the Commission remarked, ‘it should be effectively suppressed and the offender punished.’ It

⁹¹ P.N. Bazaz, *Inside Kashmir*, p172

⁹² From the Resident, dated 3 Jan,1932, Fortnightly reports for the second half of December, 1931

⁹³ Orders on the Recommendations contained in the Glancy Commission’s Report, Jammu : Ranbir Government Press, 1932, p1

further added that any attempt on the part of the Police or others to harass those who intended to change their religion should be sternly discouraged and dealt with severely.⁹⁴ The state was to claim no tax for the slaughter of goats on the occasion of the Id-ul-Zuha or other such occasions on which slaughter was required for religious purposes, and permit no distinction on the use of tanks, bathing places or drinking places of public nature.⁹⁵

Recognizing the educational demands of the Muslim community, the commission recommended that the education department should devote its attention to the expansion of Primary Education. It was suggested that steps should be taken to increase the number of Mullahs or Arabic teachers, while avoiding their unnecessary transfer. A Special Inspector for the promotion of Mohammadan Education was to be appointed for promoting Muslim education. It was further recommended that Mohammadan scholarships should be equated in value with 'merit scholarships' and that all communities be equally encouraged to take admissions in science classes in Schools and Colleges. Additionally the proportion of Muslims employed as teachers, inspectors and clerks in the Education department Secretariat was to be increased as soon as possible.⁹⁶

The Commissioners admitted that, that in the matter of state employment Muslims who formed the great majority of the population were inadequately represented and concluded that minimum qualifications be fixed for government employment. It was suggested that there should be different standards for different communities, which was an admission that merit and competition alone could not be the criterion for employment. It expressed : 'In the course of time pure competition may come to regulate all appointments, but in the present state of affairs the standard should not be more exacting than efficiency demands, and those who possess qualifications in excess of that standard should not be held to deserve appointments as a matter of right'⁹⁷The Pandits felt

⁹⁴ Ibid,p2

⁹⁵ Ibid,p7

⁹⁶ Ibid,p3

⁹⁷ Ibid

aggrieved over the minimum qualification test for recruitment to services, complaining that nowhere in the world and at no stage of human history have able applicants for offices been told that though possessed of higher abilities than other competitors in the field, they cannot be appointed, because they were the members of the minority community.⁹⁸

The comfortable dominance of the Kashmiri Pandits in the state had been truly shaken for the first time after the publication of the Glancy Commission's report. Prem Nath Bazaz, who represented the Kashmiri Pandits on the Commission said 'The Hindus were sorely disappointed, partly because the educated classes among them saw that they could no more get a large share in the services as they used to get because of their higher merit, but mainly owing to the fact that the Muslim majority had after all asserted itself even under Hindu rule.'⁹⁹ Many Muslims of the state also did not consider Glancy's recommendations revolutionary either, although their representatives did put the signatures on the report.

Anticipating an increase of Muslim representations in the state services on the publication of the Glancy Report in April, and of the Durbar's orders thereon, led to serious agitations by the Kashmiri Pandits. Kashup Bandhu of the Sanatan Dharam Young Men's Association, Srinagar, wrote to the Governor of Kashmir, threatening that unless the orders on the report were modified within three days he would resort to open defiance of the law.¹⁰⁰ Many of the prominent members of the Santan Dharam Association were arrested for delivering 'political speeches', including Kashup Bandhu himself and Jia Lal Kilam. Meanwhile the Association was trying to work up a strike in schools. On 10May only 34 out of 346 Hindu Boys attended the State High School in Srinagar city, and on the same day seven more were arrested for making speeches in defiance of orders.¹⁰¹

⁹⁸ P.N. Bazaz, *Inside Kashmir*, p 174

⁹⁹ P.N. Bazaz, *Inside Kashmir*, p 213

¹⁰⁰ From the Resident, dated 2May, 1932, Fortnightly reports on the second half of April; Fortnightly reports on the Internal situation in Kashmir during 1932; File no: 35-P (Secret), 1932, NAI, microfilmed.

¹⁰¹ From the Resident, dated 17May, 1932, Fortnightly reports on the first half of May, 1932.

Young boys began to visit the Government offices and Courts in Srinagar in bands of about 20 with the intention of holding up Government work by disturbance, being particularly severe on the Food Supply Office¹⁰² – perhaps a symbolic gesture against the state which they said had denied them “Roti”.

Calling on the British to raise voice on behalf of their community, which they presented as persecuted and tyrannized and being starved in extinction, the Pandits urged that the Kashmir government was obligated to help them to adjust to new conditions. They demanded they be granted facilities in taking up commercial, industrial and agricultural pursuits in which they claimed they had absolutely no share. Calling their struggle to be a “Cry for Bread”, they reiterated, ‘It should be the duty of Government to provide new openings for us simultaneously with our wholesale and unceremonious ejection from the services.’¹⁰³

In a letter to the Prime Minister, they affirmed that the indifferent attitude of the government towards the Pandit community, despite the wrongs done to them by the Commission in conferring everything on Muslims, had made them believe that they should intensify their struggle for existence. Muslims had looted their houses, robbed their wherewithal, perpetuated horrible atrocities on their women, but despite promises to making amends, the government had totally ignored their demands, and instead favoured the Muslim community with a grievance commission. ‘If they do not cry at this stage’, they remarked ‘their very existence...will be assured of extinction.’ They threatened to make the government impossible: ‘We are ever confirmed loyalists, but when a Government is inhumanly bent on according a step motherly treatment on us we are the worst of revolutionaries.’¹⁰⁴

They further maintained that comparative merit and efficiency should not be given up. In a subsequent letter to the Prime Minister they suggested that, ‘one third of appointments

¹⁰² Pandit Agitation against the Glancy Commission Report: A report by B.C.A. Lawther [IGP] 22May, 1932, Agitation by Pandits in Kashmir and release of Political prisoners, File no: 325-P, F&P, 1932, NAI.

¹⁰³ An Appeal to the British, Maheshwar Nath Kaula, 15th Dictator, Kashmir Hindus; 20 May, 1932, Ibid.

¹⁰⁴ Kashmir in Mourning, Maheshwar Nath Kaula, 15th Dictator, Kashmir Hindus, 23May,1932,Ibid

in which educational qualifications were prescribed [by the commission] should be reserved for the backward communities and one third of the appointments in which no educational test is fixed should be reserved for the advanced minority.’ Besides they also proposed that adequate loans should be provided by the government to encourage the opening of small and large industries by ‘classes who had so far preponderated in government offices.’ To help the Hindus and Sikhs to receive technical education or learn arts and crafts, they demanded that large number of scholarships should be reserved for them.¹⁰⁵ They also urged that a consideration of a scheme of representative government should be deferred until a federal constitution for India is framed and it is known whether protection of “minorities” [Pandits] is a function of the Crown or of the Ruling Princes.¹⁰⁶ In addition to it they asked for religious instructions to be provided to Hindu girls in all schools under state control, much like Mullas were provided in every school for imparting religious instruction to Muslim boys.¹⁰⁷

The consciousness of being a “minority”, which expects the State to defend its rights and consequently a discourse on minority rights, was manifesting itself among the Pandit community. It was maintained that the historical importance of the Kashmiri Hindus and their past services coupled with the unique educational advancement in the State entitled them to a special protection as the most cultured minority in the State.¹⁰⁸ ‘Kashmiri Pandits’, as Jia Lal Kilam, wrote,

Know it full well that the only safeguard for “minority” is its capacity to stand in competition with other communities, which however is denied to us... Six thousand Kashmiri Pandits are at

¹⁰⁵ Recruitment to Services, *Statesman*, 1 June, 1932

¹⁰⁶ Hindus Urge Delay of Reforms, *Statesman*, 1 June, 1932

¹⁰⁷ Memorial to the Prime Minister of J&K, from Santan Dharam Youngmen’s Association, Kashmir, Srinagar, by Jia Lal Kilam and Tej Bhadur Sapru, 1933

¹⁰⁸ Santan Dharam Youngmen’s Association, Srinagar, *Kashmiri Hindus and the Recent Disturbances, 1931*, Agitation by the Santan Dharam Youngmen’s Association, Srinagar, against the Kashmir Durbar in regard to the grievances of the Hindus in the State, File no:32-P, F&P, 1932

present moment without employment... More than seventy thousand Kashmiri Pandits are on the verge of starvation. Within fifteen years all who are now in employment must have been ousted from office by retrenchments and retirements. We are in a helpless position...they[Muslims] have come to realize that even under a Muslim Government, provision was to be made for saving us from starvation.¹⁰⁹

Conclusion

The discourse on 'rights' in Kashmir evolved through a dialogical process between the communities and the State,¹¹⁰ and other important factors. Conversely through this process, the Muslim and Hindu communities constituted themselves while claiming these rights. The claims to rights by the communities came to be justified either by reference to a 'Past', in which they were supposed to be existing, and thus legitimate or by invoking a particular moral discourse. Progressively these claims graduated to the status of 'minority' and 'constitutional' rights sought by the 'emerging' Hindu and Muslim communities respectively. This made for an increasing interaction and conflict between the communities and the state, and between the communities themselves as they negotiated 'political spaces'. The incidents of 1931 spurred these interactions even further, and in that sense 1931 does not just have a 'symbolic significance' but also a certain spatiality associated to it and thus needs to be located in its 'real time' implication as well, in the above perspective.

The 'increased interaction' and the involvement of the government of India forced the Durbar to pose as 'neutral' and recognize the 'legitimate' claims of different communities. But while it tried to mediate the politics of rights and identity and create a political public sphere, it came to be increasingly identified with a particular community,

¹⁰⁹ Memorial to the Prime Minister of J&K, Sanatan Dharam Youngmen's Association, Kashmir, Srinagar by Jia Lal Kilam and Tej Bhadur Sapru, 1933

¹¹⁰ Through the dissertation and specifically here, when I have mentioned 'State' as an entity of government and as an institution which wields power over its subjects, I have made little distinction between the Princely state of Kashmir or the Colonial state of India. The State here should be read as the combination of the Princely state of Kashmir, the Colonial state of India, the political processes that ensued between them etc.

in this case the Pandits. The Durbar for its part sought to transcend this close association and represent itself as a protector of all the communities and not just the Pandits.

Conclusion

The preceding chapters, as can be made out mostly focus on the emerging discourse of rights in Kashmir in the early 1930s. In looking at the making of this discourse, I have talked about an event and its representation, the intervention of the colonial government, the evolving communitarian consciousness, the significant issue has been to understand the role of the state in shaping the rights discourse in Kashmir. In bringing the state into picture I am contesting the notion that realization of rights evolved completely within the community. This means that state cannot always be seen as a static entity. In many ways it is very dynamic and beset with inner tensions. In the context of 1931, being labeled as partisan, the Kashmir Durbar was keen to transcend this appellation and represent itself as the protector of all the communities and not just the Pandits. It is thus important to identify the strategy and the language that the state employs in constructing itself.

However it also needs to be affirmed that interventions from outside also forced the princely state to recognize the claims of its Muslim subjects. Through many of these and other processes the Muslim and Pandit communities not only shaped themselves, but also shaped each other. Therefore, the emerging perception of rights in Kashmir need to be seen as the result of a complex engagement and involvement of various factors, and not as exclusively emanating from a particular community or course of action. At the same time while acknowledging that the rights claims were dialogically shaping the communities, what further comes out is that the religion and the emerging state are also in a dialogic relationship. Here it is also relevant to mention that the rights debate could be situated more effectively if one were to look into notions of 'utopia' and 'ideal social life' in nineteenth and early twentieth century Kashmir.

The use of the word state in the dissertation is not always limited to the princely state of Kashmir, but has at times also been employed in a more generic sense. The princely state of Kashmir resembled the colonial state in its approach if not being exactly as sophisticated in method. And in many ways the post colonial state of India cannot be seen

as very different. The structures of the post-colonial state are the same.¹ The Indian state's reading of the 1989 uprising in Kashmir bears striking resemblance to the way the princely state of Kashmir constructed the events of 1931.

I will conclude by quoting two statements from a local daily in Kashmir which manifests symbolically the historical consciousness of a community that is claiming rights for itself. What has emerged in Kashmir today is the idea of a distorted past and the need to write factual history and moreover to document that history to create an archive for posterity—

How many of our historians in the tradition of Gibbon have laboured to examine and digest all the extant authorities, afterwards to select the material from immaterial, then to finally tell the whole “true” long story, making each personage and every fact fall into proper place so as to give unity and perspective to the whole. It is painful to state, but it is a stark truth, none of our contemporary historians have made an effort to put events in the right perspective...It is not only distortions but lies about medieval history of Kashmir that are being internationalized...They have coined all derogatory words for the resistance movement started by Kashmiris in 1931...If a Scottish [William Dalrymple] who fell in love with dusty Delhi and took the world on an odyssey to Mughal India, why cannot our historians fall in love with their own land and give an “unbiased” history of Kashmir to the world.²

Let there be a people's history of what has happened during these seventeen years. Let educated class here take the initiative. They just have to write facts and our fact is so strong that we don't need any exaggeration. Thus there will be something concrete for the posterity. On the partition of the sub-continent there are hundreds of books...Holocaust is still fresh in the memories of people of every region. The credit for it should be given to Jews...They didn't miss anything. And there is a lesson for educated class of Kashmir in it, and if they failed to do something concrete now, then there will be nothing for coming generations.³

¹ Eqbal Ahmad, *Confronting Empire: Interviews with David Barsamian*, Massachusetts: South End Press, 2000, p 111

² 'Mythology is not History', *Greater Kashmir*, 14 May, 2007

³ 'Writing People's History', *Greater Kashmir*, 27 December, 2006

Glossary:

ailan: announcement

azan: the muslim call for prayer.

baidari: awakening

charpoy: a cot

hakuk: rights

hartal: a shutdown generally to mark a protest.

jalsah: gathering of people for festive occasions, religious ceremony or to mark a protest.

jatha: band of volunteers, a group.

jathadars: volunteers.

jathabandi: the forming of a *jatha*.

ishtihar: a poster, a hand out.

jama masjid: a mosque at which friday congregational prayers are held.

kafir: A word used by Muslims to refer to people who are not Muslims.

kalma: the essential article of faith in Islam

khanqah-i-maula: a shrine in the old city of Srinagar built in the early fourteenth century by Mir Syed Ali Hamadani, a sufi reformer from Hamadan in Persia.

khutba: a religious sermon delivered by the *Maulvi* in the mosque, usually during the Friday and Id prayers.

maulvi: a Muslim religious teacher who is well versed in the religious texts and generally leads the prayers in the mosque and performs other rituals in Islam.

mirwaiz: the head preacher of a mosque, city or region, whose position is hereditary.

munsiff: magistrate.

qaum: [loosely] a people, nation, collective, community.

roznama: everyday.

sajjada nashin: the spiritual head of a shrine.

taqreer: a speech, [generally] a political speech.

tahreekh: an agitation for rights.

tauhin: sacrilege.

watan: motherland

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