**A black day**

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October 27 is marked as a Black Day every year by Kashmiris and Pakistanis around the world to condemn the forcible occupation of the State of Jammu and Kashmir by Indian armed forces and the state’s diabolical accession to India by a defunct maharaja on this day in 1947.

The overwhelmingly Muslim majority Kashmir region had come under Sikh rule in 1819. After losing to the British East India Company in the First Anglo-Sikh War in 1846, the Sikh Darbar Lahore was forced, among other things, to cede Kashmir as a war indemnity. Rewarding the Dogra usurper of Jammu, Gulab Singh, who had helped the British against the Sikh Darbar, the Company handed over the territory of Kashmir to him for an amount of NanakShahi Rs7.5 million. This led to the establishment of his Dogra reign in a vast territory eastward of river Indus and westward of river Ravi, under the British suzerainty in 1846.

Maharaja Gulab Singh and his successors ruled Kashmir in a tyrannical and repressive manner, denying people all rights and liberties. The people of Jammu and Kashmir never accepted this domineering Dogra rule. On October 27, 1947 after the departure of the British, the Indian Armed Forces forcibly occupied Jammu and Kashmir and coerced Maharaja Hari Singh to illegally sign the ‘Instrument of Accession’, despite his having a standstill agreement with Pakistan. The so-called accession was also in violation of the 1947 Indian Independence Act, which mandated that rulers of princely states should decide the question of accession in accordance with the wishes of their people.

India has long been falsely claiming that Maharaja Hari Singh signed the Instrument of Accession on October 26, 1947. In fact, the Indian armed forces had invaded the State of Jammu and Kashmir on October 26 and called the maharaja to Jammu from Srinagar to discuss the situation with the intruding occupation forces.

The maharaja flew to Jammu on October 27, as he could not take the flight on October 26 due to bad weather. Upon reaching Srinagar, the maharaja was forced to sign the Instrument of Accession and a backdate was put on the document to justify the false narrative that the maharaja had signed the accession on October 26 and simultaneously invited India’s armed forces to quell the so-called Pashtun ‘tribal invasion’ from Pakistan.

The emphasis on the ‘tribal invasion’ is yet another part of the false narrative by India, trying to convey the impression that the rebellion against the maharaja was sponsored by Pakistan. The reality was that the people of Jammu and Kashmir had already risen in revolt as a backlash to the maharaja’s discriminatory and exterminatory policies against the Muslims of the state.

Australian historian Christopher Snedden, in his book ‘The Untold Story of the People of Azad Kashmir’, has established through interviews with primary sources and empirical study of historic data that Muslims in the Poonch district of Jammu had started a civil disobedience movement against the maharaja much earlier than the tribal incursion.

The maharaja’s discriminatory and communal actions targeting Muslims resulted in a backlash. The Muslim leaders of Poonch and Bagh sent two telegrams to Quaid-e-Azam Mohammad Ali Jinnah on August 29, drawing his attention to the anti-Muslim brutalities of the maharaja’s forces, including the killing of 500 people on a single day – August 24, 1947.

In the meanwhile, a pro-Pakistan and anti-maharaja indigenous uprising by Muslims of Poonch in Western Jammu had liberated large parts of this region from the maharaja’s control and established a Provisional Azad Kashmir government.

Earlier, a major massacre of Muslims was started in Jammu by the maharaja’s troops, supported by RSS and Sikh militants coming from outside the state. The massacre received momentum after the announcement of the partition plan of June 3, 1947. The maharaja’s objective was to push the Muslims to the Pakistani side of Punjab, reducing their 61 per cent majority in Jammu region to a minority status.

According to a report in ‘The Times’ London published on August 10, 1948, “2,37,000 Muslims were systematically exterminated" in Jammu during the massacre. Another article by Alexander Horase published on January 16, 1948 in ‘The Spectator’ put the number of those killed at 200,000.

Snedden’s research has established that the civil disobedience in Poonch, the Jammu massacre aided by the out of state RSS and Sikh militants, the rebellion of Muslims against the maharaja and formation of the Provisional Azad Kashmir government had already taken place before the Pashtun invasion. Similarly, Richard Symonds, who authored the book ‘The Making of Pakistan’, wrote that a substantial number of men joined the anti-maharaja alliance after his forces started burning whole villages from where even a single family was involved in the revolt against him.

According to Snedden, it was unlikely that Pakistan was creating troubles for the maharaja as they were themselves overwhelmed by the physical, administrative, and emotional ramifications of the partition. He mentioned the tribal lineage of the ‘Sudhans’ from Poonch who were related to the ‘Sadozai Pathans’, to be an important contributing factor in the Pashtuns coming to the rescue of Kashmiri Muslims in the wake of their massacre by the maharaja. This cannot, however, be regarded as a starting point of the Kashmiris rebellion. The Civil and Military Gazette in its editorial of October 28, 1947 also wrote that it is an established fact that the killing and burnings in Poonch started long before the invasion of Kashmir by tribesmen from the northwest.

Knowing the illegality of India’s occupation, the then Indian PM Jawaharlal Nehru ostensibly pledged to the people of Jammu and Kashmir and to Pakistan as well as in the Indian parliament and at the United Nations that the fate of Kashmir would be decided by its people themselves. He also committed to a plebiscite for the Kashmiris to decide accession to India or Pakistan.

Writing to the then Pakistan PM Liaqat Ali Khan on October 30, 1947, the Indian prime minister had stated that “it is our assurance that the decision about the future of the state would be left to the people of the state”, adding that “this is not merely our pledge to your government (Pakistan) but also to the people of Kashmir and to the world.

Similarly, in his telegrams to the prime ministers of Pakistan and the UK, Nehru pledged that “the people of Kashmir would decide the question of accession”, adding it was for them to accede to either dominion: India or Pakistan.

In his statement to the Indian Constituent Assembly on March 5, 1948 Nehru stated that India would abide by the will of the people of Kashmir as declared in a plebiscite or referendum. There are several such statements, pledges and commitments made by Nehru, however, unfortunately earnest effort remained lacking to fulfill them. Even the then Governor General of India Lord Mountbatten had remarked that the final settlement of “the question of the accession of the state (J&K) should be settled by a reference to the people of Kashmir”.

The issue of Jammu and Kashmir is the longest-standing issue on the agenda of the UN. The United Nations Security Council (UNSC) has also pledged through its many resolutions that “the final disposition in Jammu and Kashmir will be decided in accordance with the will of the people through democratic, free and impartial plebiscite”. These resolutions bar both India and Pakistan from taking any unilateral action to alter the situation until the plebiscite is held for the purpose. Similarly, the bilateral agreements between the two countries also forbid the unilateral alteration of the situation pending final settlement of problems between them.

The illegitimate actions on August 5, 2019 that changed the status of Indian Illegally Occupied Jammu and Kashmir (IIOJK) – along with demographic changes – are in violation of UNSC Resolutions, bilateral agreements and international law, including the Fourth Geneva Convention. The enforced military siege has unleashed another dark and draconian era in the history of Jammu and Kashmir. Despite the continued ordeal, the resolve of Kashmiris to decide their own destiny remains undeterred.

Ironically, a significant copycat pattern is apparent in India’s handling of Kashmir and Israel’s dealing with the Palestine issue. Both Kashmiris and Palestinians are being denied their fundamental right to self-determination under foreign occupation, while suffering settler colonialism and demographic apartheid. The oppressive tactics of both occupation forces are similar, such as the denial of human rights, imposing collective punishments, demolition of shelters, houses, and businesses of the people under occupation.

The illegality of India’s occupation of Jammu & Kashmir, its human rights abuses and the danger posed by its belligerence to regional and global peace is now increasingly coming to the world’s attention. International leaders, peace and security organizations, UN and non-governmental human rights bodies have been calling for a negotiated settlement of the issue of Kashmir. There is an increasing realization that a just settlement of Kashmir is mandatory for lasting peace in South Asia.

The writer is a former high commissionerof Pakistan to Australia, former ambassador to Norway, and former deputy high commissioner to India.