Role of Resident in British Indian Princely States- A Case Study of Jammu and Kashmir

Dissertation
Submitted for the Award of the Degree of
Master of Philosophy
In
History

By
Tariq Ahmad Sheikh

Under the Supervision of
Dr. Parwez Nazir

Centre of Advanced Study
Department of History
Aligarh Muslim University
Aligarh (India)
2010
Certificate

This is to certify that the Dissertation "Role of Resident in British Indian Princely States-A Case Study of Jammu and Kashmir" by Mr. Tariq Ahmad Sheikh is the original research work of the candidate, and is suitable for submission as the partial fulfillment for the award of the Degree of Master of Philosophy in History.

Dr. Parwez Nazir
(Supervisor)
DEDICATED
TO
MY PARENTS

“Whose blessings have sustained me through this work”
ACKNOWLEDGEMENT

First of all I would like to thank Almighty "Allah," the lord of the Alamin and the creator of creators, who gave me potential and courage to accomplish this work.

I owe my great gratitude to my supervisor Dr. Parvez Nazir with whose guidance and constant encouragement I accomplished this work with success. His moral support and masterful guidance was a constant inspiration for me through out my research work.

I am greatly indebted to Dr. M P Singh for allowing to encroach upon his precious time and troubling him with my frequent visits and queries to seek his vast knowledge on the subject.

It gives me immense pleasure to express my deep sense of gratitude and sincere thanks to Prof. B. L. Bhadani, Chairman and Coordinator, Centre of Advanced Study Department of History, AMU; Aligarh and other teachers of the Department especially Prof. Irfan Habib and Prof. Shireen Moosvi whose valuable suggestions, advice and guidelines proved as a torch bearer and touch stone for my research work. I cannot forget the support and inspirations which I received from Dr. Sumbul Haleem Khan, the convener of the research scholar's Seminar, Department of History. She has always been very affectionate to me and guided me at every instant. So I owe heartfelt thanks to her.

I am immensely grateful to Peerzada Mohammad Ashraf, Deputy Director Jammu and Kashmir State Archives for always being cooperative and helpful. His role is noteworthy so far as my research work is concerned. I also appreciate the cooperation of his subordinates while working in the Archives.

Words are short to express sincere thanks to all my comrades whose insistent comments and suggestions always proved fruitful to my study. Their company within the premises of university and outside made me never to realize that I am at distance from my home. They were available at every time to render
any sort of help to me. The confederation of my friends and colleagues include Rayees Ahmad Eytoo, Showket Naik, Bashir Ahmad, Showket Wani, Abdur Rashid, Ali Mohammadim, Masoon, G M Rather, Ayaz Mahmood, Irshad Bhai, Hilal Bai, Amin Bai, Jameel Bai, Fayaz Bai, Manzoor Bai, Shahid Bai, Rashid, Adil, Chandresh, Pradeep, Pushpindar and Rayees Parray.

The company of seniors and their brotherly treatment is acknowledged with great regard and respect. Due to their humble and friendly behavior at the very outset I never felt that I am a stranger. There is a long list of seniors but some deserve special mention like Asghar Bai, Noorain Bai, Nayyar Bai, Saleem Bai, Zohaib Hassan, Fareed Bai and Aslam Sher.

It is pertinent to acknowledge the remarkable help and support of my colleagues and batchmates like Farhat Kamal, Saba, Tuhina, Seema, Sobiya and Sadaf. They provided me timely suggestions and I was benefitted by their group discussions.

I also wish to express my Special thanks to the members of my family for their constant encouragement, material support, patience and understanding that was readily forthcoming throughout the period of my research work. However, the contribution of my lone brother Mr. Reyaz Ahmad is immensely unique. He definitely deserves special appreciation and gratitude.

Finally, I acknowledge my thanks to the staff of the Seminar Library, Department of History, Chief Librarian, Maulana Azad Library, AMU Aligarh and his team of colleagues for their promptness in rendering sundry kinds of help. The support and the cooperation of the library staff Alama Iqbal Library, University of Kashmir is also noteworthy.

Tariq Ahmad Sheikh
Contents

Map

Chapter -1: Introduction (1-13)

Chapter-2: The Dogra State and The British Officer on Special Duty (14-37)

Chapter-3: Role of Resident in the Princely State of Jammu and Kashmir (38-68)

Chapter-4: Powers of the Resident in the Jurisdiction of the State (69-94)

Chapter-5: Colonial Impact on State Education (95-119)

Conclusion (120-125)

Bibliography (126-133)

Appendices (i-v)
Kashmir and its Neighbourhood

Source-Alastair Lamb
Source- Alastair Lamb
CHAPTER-1

Introduction
Introduction

Jammu and Kashmir was one of the princely states which numbered more than 562 in India. Broadly they fell into three categories. First there were 140, including Jammu and Kashmir, major states which enjoyed full autonomous status including in principle legislative and judiciary powers. Second, another 140 number of states where the British Indian Government exercised considerable control and interference in the internal administration. Third, the remaining 300 were minor states which possessed extremely limited powers of governance. The rulers of scattered princely states agreed into to accept overwhole sovereignty of the crowns government in London through British Indian government.¹

Regarding princely states it seems necessary to mention as what attitude of the people living in states was towards their immediate rulers, the British Indian government and the Crowns government at Home. The princely states which were formed during the British period were not progressive. People were illiterate and their socio-political understanding was semi medieval and orthodox. They were not allowed to participate in the administration of the state. Majority of them were yet to be consensus towards British Indian government and supreme Government at London. To them their immediate ruler (Raja or Maharaja) was supreme power. There were few states however, where picture was different such as Baroda, Mysore and Travancore. The rulers of these states tried to emulate the British in socio- economic and political reforms. Progress was seen in these states. In the rest of the states the people suffered under autocratic rule.²

¹ Lamb, Alaster, The Disputed Legacy, (New Delhi, 1993), p. 4
² Vaikuntham, Y., (ed.), Peoples Movements in Princely State, (Delhi, 2007), pp. 11-12
Lee Warner mentioned that between 1820-1857 there was a coherent British policy which was characterized as a policy of ‘subordinate isolation’. This policy acted as a ‘ring fence’ and a paramountancy was imposed which effected the absolute form of sovereignty of the local rulers. In other words we can say that a limited sovereignty was permitted with a right to intervene when ever the time demanded in the administration of the princely states. Among many policies were adopted towards the princes and their states. One was to give the princes protection from any threat from other political powers.\(^3\)

The British Indian Empire broadly comprised of two parts i.e provinces and states. The provinces were directly ruled by the British administration, included eleven provinces ruled by the Governors and six by the Chief Commissioners. The states which numbered about six hundred were ruled under overwhole British supremacy by the native rulers. The East India Company thus brought about the major portion of the country under direct rule, and princely states were dealt with a series of treaties and alliances.\(^4\)

Through Residency system, Indian states were left with “domestic sovereignty” while sovereignty beyond their borders lay with the company as the superior Imperial power. The actual terms of the subordinate sovereignty of the Indian states varied from case to case, depending on the status of the Princes and the circumstances within which treaties with them had been signed. But in effect, British practice often reduced some of these very sovereigns to the de facto status of Puppets or virtually confined them

---

\(^3\) Ibid.

within their own places.\(^5\) Ian Coupland mentioned that the British Raj, dedicated to grooming the princes as ‘natural allies’.\(^6\)

As the company’s imperial expansion progressed in India, for reasons of resources—both of financial and manpower, it preferred to keep many of the Indian states under indirect rule, rather than trying to control and administer them directly. The choice depended on many factors. The states which were not in a position to challenge the military power of the British were left to themselves, those situated in remote areas were also left alone, while those that did have little arable land, and therefore limited prospect of revenue returns, held little attraction for direct conquest.\(^7\)

With the passage of time in order to have a direct contact with states the British Government appointed Residents. The Residents controlled all the communications between the State and the Supreme Government and from time to time exerted the supremacy of the latter over the former. He tried to promote good Government in the states, gave solicited and often unsolicited advice to the rulers on various internal matters and sought to control all important appointments, particularly those of the ministers through whom this informal but not so subtle control was exerted. These Residents or Agents were members of either the foreign department of the Government of India or the political department of the Bombay Government.\(^8\)

The princes were themselves divided not only on ideology but also owing to race, religion and upbringing. The efforts and the steps taken by the princes to concede representative and responsible Government varied from

---


\(^6\) Coupland, Ian, *The Princes of India in the End Game of Empire*, (Delhi, 2000), pp. 16-17

\(^7\) Ramusack, Barbara N., *The Indian Princes and Their States*, (Cambridge University Press, 2005), p. 29

\(^8\) Ibid., pp. 4-9 16-20
states to state. The princes adopted merciless repressive policy in many states. It was said that the princes or the rulers were ruthlessly suppressing the exposition of public opinion. Not a single day passed without hearing the news of some Maharaja or other using letters (sic) de cachet to prohibit public meetings, summarily arresting respectable citizens and engaging in wholesale confiscation of property and banishment of people from their native land. The British colonized and exploited the whole India through direct or indirect rule. About 563 princely states holding 45% of the territory and 24% of the population have been integrated into India.9

When the British departed from India they made it clear earlier on 12th May 1946 that the princes would have the option to join either of the two dominions i.e India or Pakistan. At that time all the princely states ceded either of the two dominion with the exception of Mysore, Hyderabad, Junagarh and Jammu and Kashmir.10

Junagarh in Kathiawar was a small state having 80% Hindu population wished to remain independent of both India and Pakistan. But it was only after some time that Junagarh was pulled to the Indian dominion when New Delhi imposed a plebiscite, the validity of which had never been accepted by the Pakistan. In Hyderabad, the ruler was a muslim with Hindu a majority population also wanted remain independent but it was soon occupied by India forces and had to become a part of India. In case of Jammu and Kashmir, having a Muslim majority population with Hindu Maharaja the theoretical possibility was of accession to Pakistan. In this context the other positive points were - states close border with Pakistan and ethnical, racial and religious affinity with people of the Pakistan.11

9 Vaikuntham, Y., op.cit., pp.11-12
10 Lamb, Alastair, op.cit., p. 5
11 Ibid., p. 6
The Princely state of Jammu and Kashmir was different from other states through a peculiar geographical location. It was having a strategic position. It shared its borders with China, Russia, Tibet, and Afghanistan. That was why, the state became an important issue. The geographic and economic links between Jammu and Kashmir and Pakistan, however were rather better than those with India particularly in the actual process of partition, the Gurdaspur District of the Punjab with a Muslim majority were awarded to Pakistan.\(^{12}\)

The Nizam of Hyderabad and the Dogra Maharaja of Jammu and Kashmir faced the serious legitimizational problems of all the Indian princely states. The religio-cultural organization made it difficult for the Dogra Maharaja in Kashmir to exercise its hegemony over the majority of the muslim population.\(^{13}\)

The princely state of Jammu and Kashmir was created in 1846 and was the largest state in British India. It had got three administrative divisions- Kashmir, Jammu and Ladakh. These regions had varied population, with Kashmir valley predominantly muslim population, a Hindu majority in Jammu and Ladakh made up of Buddhists and muslims in equal proportions. The regions of Jammu and Kashmir had been ruled by the Afghans {1753-1819} and Sikhs {1819-1846} with the help of governors. During the Afghan rule there were fourteen governors and in Sikh rule the region witnessed twelve governors. Gulab Singh a Dogra rajput, had become

\(^{12}\) Ibid., p. 7

an important ally of the Sikhs through various wars and campaigns, particularly the one in which Kashmir was captured in 1819.\textsuperscript{14}

With the sale of Kashmir to Gulab Singh by the British Kashmir society underwent a deep rooted change. New agrarian relation emerged when the Dogra rulers declared themselves to be the absolute owners of the soil. A specific state concept survived repeatedly to play a powerful role throughout the Dogra period from 1846 - 1947. The new rulers often invoked the treaty of Amritsar to establish their legitimacy and to perpetuate the notion of their superior ownership of the land.\textsuperscript{15}

Although the recognition of the Dogra rulers superior ownership of land formed the basis of government's policy, through the period extending from 1846-1931 or so, the Dogra administration worked directly to create a class of landed aristocracy comprising the Dogra Rajputs and large number of Kashmiri pundits, mostly concentrated in the city of Srinagar. The latter were state officials. They were in small number of entire population of Kashmir, but having common landed interests.\textsuperscript{16}

However, during the course of successive Anglo Sikh wars, Gulab Singh was increasing veering towards the British. With the defeat of Sikhs in 1846 and their inability to pay war reparations in cash to the British, they had to cede the territories between the rivers Beas and Indus, including the provinces of Kashmir and Hazara.\textsuperscript{17}

The treaty of Amritsar was signed on 16\textsuperscript{th} March 1846 between English and the Gulab Singh leading to the creation of the princely state of

\textsuperscript{16} Ibid., p. 80
\textsuperscript{17} Kak, Shakti, op.cit., p. 68
Jammu and Kashmir which included Kashmir, Jammu, Ladakh, Hunza, Nagar and Gilgit. The treaty of Amritsar is said to have been a reward to Gulab Singh for remaining neutral during the Anglo-Sikh hostilities, although he had to pay for the territories given him by the British. So in this way the dogra state came into being.  

The Dogra state had its origin from Jammu. From olden times it has been the seat of a Rajput dynasty which ruled over a small principality extending over a few miles around it. The Dogra is derived from Sanskrit word *Dogirath*, comprised of two parts ‘do’ means two and ‘girath’ means lakes. So it is the region between two lakes i.e the area between Sirionsar and Mansar lakes, a little to the east of the city of Jammu have given to its inhabitants the name of Dogra.  

There is also another version and according to that Dogra is a corruption of *Dugar*- the Rajistani name for mountain. Here the term is applied to the inhabitants of Dograth or hilly tract of the people between Ravi and Chenab. The first ruler of Dogras was Raja Ranjit Dev. He acquired a fairly stable Government In 1760 and continued to hold prominence in the politics of Jammu and outside for 31 years. Ranjit Dev gave an orderly and peaceful administration to his subjects at a time when all round was chaos and insecurity. The independence of Jammu under Raja Ranjit Singh was however short lived. It was overwhelmed by the rising power of the Sikhs. It was in 1780, one of the leaders of *Bhangi misl*, Jhanda Singh led a strong army against Ranjit Dev. Brij Raj Dev was the son of Ranjit Dev approached to the leader of *Sukarchakia misl* Charat Singh for

---

18 Ibid.  
20 Sufi, G. M. D., *Islamic Culture in Kashmir*, (New Delhi, 1979), pp. 297-301
help, who was killed in his way for his help to the Ranjit Dev. There was a conflict between the rulers of two Sikh misls i.e Sukarchakia and Bhangi.\textsuperscript{21}

The Sikh rule in Kashmir started from 1819 when Ranjit Singh conquered it. Jammu passed into the hands of Ranjit Singh in 1808 when Gulab Singh was 16 years of age. He could at an early age ride a horse like a cavalry trooper and wield his sword with deadly effect. In 1809, he went Lahore, where he was taken into Ranjit Singh’s army- as commander of small forces. He led several campaigns against Afghans in which Gulab Singh distinguished himself as a military leader and a fearless warrior.\textsuperscript{22} In 1814, he defeated the Afghan ruler Fateh Khan. Next year at the siege of Jallundar, he distinguished himself and was given additional Jagirs. In 1821 Gulab Singh won Kishtiwar more by diplomacy than the strength of army. Dhyan Singh obtained the principality of Punch, while Sucheet Singh received Ramnagar, West by North of Jammu.\textsuperscript{23} Within a few years, the three brothers had control over 85 Jagirs bordering the valley of Kashmir.\textsuperscript{24} Maharaja Ranjit Singh is reported to have granted the Chakla of Jammu to Gulab Singh in 1822 and his descendents as a reward for their services.\textsuperscript{25}

Gulab Singh won the favour of the Ranjit Singh, the builder of Great Sikh empire in Punjab with its Capital at Lahore. In 1820 Ranjit Singh confirmed Gulab Singh as the Raja of the state of Jammu and from this base Gulab Singh rapidly proceeded to build up a small empire of his own, first in 1830’s conquering Ladakh and then in 1840 acquiring Baltistan.

\begin{flushright}
\footnotesize\textsuperscript{21} Bamzai, P. N. K., op.cit., p. 654 \\
\footnotesize\textsuperscript{22} Lawrence, Walter R., \textit{Provincial Gazetteers of Kashmir and Jammu}, (New Delhi, First Indian Print 1985), pp. 26-27 \\
\footnotesize\textsuperscript{23} Ibid., p 657 \\
\footnotesize\textsuperscript{24} Khan, Mohd. Ishaq, \textit{History of Srinagar (1846-1947)- A study in Socio-Cultural Change}, (Srinagar, 2007), p. 68 \\
\footnotesize\textsuperscript{25} Hassnain, F. M., \textit{British Policy Towards Kashmir (1846-1921)}, \textit{Kashmir in Anglo-Russian Politics}, (New Delhi, 1974), p. 6
\end{flushright}
(sometimes referred to by 19th century travelers as little Tibet). Gulab Singh’s officer, Zorawar Singh courageously fought in Ladakh and in two battles brought Ladakh with the territory of Jammu. In Baltistan (1840), Zorawar Singh captured the Raja of Skardu who had sided with Ladakhis and annexed his country. When Col. Mian Singh, the Governor of Kashmir was murdered in 1841 Gulab Sing placed Sheikh Gulam Mohi-ud-din as the Governor of Kashmir and became the virtual master of the valley till 1846. Ranjit Singh died on 16th March 1839 and left his empire to his weak sons who could not carve out an independent empire. Gulab Singh concentrated his might on the Pirpanjal range during his early rule. There were some enemies to the Sikh from Jammu with whom he fought several battles. After the death of Ranjit Singh, anarchy and misrule started in Punjab. Kharak Singh could not prove himself as a good administrator and spent time in wasteful expenditures. Kharak Singh fell ill and died on 1840 and a supervisory council was set up under Rani Chand Kour to manage the affairs of the administration. Gulab Singh had been charged by Cunningham and other contemporary writers with having intrigued with British to bring about the downfall of Sikhs.

A very awkward time in Gulab Singh’s life is referred to by Dr. Honigberger in 1845. He mentioned that Gulab Singh was brought from Jammu to Lahore as a prisoner. The reason of his arrest was in consequence of his resistance to some Government exactions, and his banner that he trusted himself. At that time there were some differences between different

---

26 Lamb, Alastair, op.cit., pp. 6-8
27 Lawrence, Walter R., Provincial Gazetteers of Kashmir and Jammu, p. 2
28 Sufi, G. M. D., Islamic Culture in Kashmir, (New Delhi, 1979), p. 297
29 Lamb, Alastair, op.cit., pp. 6-8
30 Sharma, D. C., Cultural Heritage of Dogras, (Delhi, 1980), pp. 24-25
31 Bazaz, Prem Nath, Inside Kashmir, (Srinagar, 2002), p. 28
Sikh leaders and officers. Gulab Singh was invited by one of its leaders who escaped from the jail and reached Lahore, but he declined.\(^{32}\)

Mean while the first Anglo- Sikh war of 1845-46 broke out and it proved the proverbial tide in the affairs of Gulab Singh. When the operations began in winter 1845, Gulab Singh forgetting his loyalty towards Sikhs, contrived to hold himself aloof, either because of the hostile attitude of the Sikh Government at Lahore towards him, or due to some understanding with the English. However, when the battle of Sobraon took place in 1846, he acted as a mediator and the advisor of Sir Henery Lawrence. We should remember that in 1846, Gulab Singh had helped the British by allowing their army passage through the then Sikh territory of Punjab for the invasion of Afghanistan, which Ranjit Singh had refused at the time of the first Afghan war, and consequently the British had had to proceed by way of Sind. Gulab Singh also assisted the British troops, with supplies even though the British army had suffered reverses in Afghanistan, it was thus, the seed of future fortune of Gulab Singh was sown. In January 1846 Gulab Singh received favours from the Sikh but the British were anxious to curb the spirit of the Sikh army and to reduce the kingdom of the Lahore entered into negotiations with Gulab Singh. Two treaties were signed with Gulab Singh, one was on 9\(^{th}\) and second was on 16\(^{th}\) March 1846 known as treaty of Lahore and treaty of Amritsar.\(^{33}\) Younghusband writes, that three weeks before the treaty of Lahore, the British Government had not deemed it expedient to annex the immense country of Punjab. It was for political and military reasons that


\(^{33}\) Ibid., p. 763-65
governor General Lord Harding handed it over to the Gulab Singh. They did not want to spent huge amount on this hilly territory.\textsuperscript{34}

The treaty which took place between Gulab Singh and the British on 16\textsuperscript{th} March 1846 included Frederick Currie, Brevet-Major, Henery Montgomery Lawrence, Acting under the orders of the Right honourable Sir Henery Harding, G.C.B, one of her Brittanic Majesty’s most honorable privy council, Governor General, appointed by the honorable company to direct and control all their affairs in East Indies on one hand and Gulab Singh in person on the other hand.\textsuperscript{35}

Gulab Singh kept a vigil on his officers and a close hand on his revenues. After ten years of consistent struggle and battles, he and his brothers became masters of nearly all the country between Kashmir and the Punjab.\textsuperscript{36} Through the treaty of Amritsar only the hilly country between the Ravi and the Indus was transferred to Gulab Singh, but he was also given a free hand to explore the possibilities of an extension of territory towards Gilgit, which had been a part of the Sikh empire since 1841. Maharaja Gulab Singh with the help of his two officers Buph Singh and Sant Singh brought the frontier region under control by subduing the frontier chiefs and peacefully administered Gilgit.\textsuperscript{37}

There was a disturbance in the Chilas also and in 1851 arose an uprising. But after great struggle and difficulties the Dogra army was able to capture the fort of Chilas. Following the uprising of Chilas, there was an uprising in Gilgit also. It was very hard for the Dogra forces to suppress the revolt, but the sacrifice of a Gorkha woman made the way easy for them.

\textsuperscript{34} Younghusband, Sir Francis, \textit{Kashmir}, (Srinagar, 1999), pp. 170-71
\textsuperscript{35} Lakhanpal, P. L., \textit{Essential Documents and Notes on Kashmir Dispute}, (New Delhi, 1958), p. 27
\textsuperscript{36} Lawrence, Walter R., op.cit., p. 27
\textsuperscript{37} Bamzai, P. N. K., \textit{Socio-Economic History of Kashmir (1846-1925)}, (Srinagar, 2007), p. 54
whose dependents were suitable rewarded with pension by the Maharaja.\textsuperscript{38} When the Sikh army was defeated in the Anglo-Sikh war, Gulab Singh put forth his claim of Kashmir before the British and they readily obliged him. There were some for accepting his demands. First after the defeat of Sikhs the British were anxious to bring about a negotiated peace. Secondly they realized the necessity of conciliating Gulab Singh who had a fresh and disciplined force of Dogras under his command, which if brought into action against them would have proved disastrous to their interests. It was for these reasons that Lawrence told Gulab Singh that Lord Harding had promised to grant him the hilly Districts together with the country of Kashmir, after having separated them from the Government of Punjab, and Gulab Singh would be recognized as an independent.\textsuperscript{39}

**Reasons for the Sale**

There were mainly two reasons of the sale. In 1846 Lord Harding wrote a letter to Queen Victoria wherein he considered it desirable to weaken the Sikh State which proved itself to be too strong by handing over the territories of Kashmir to Gulab Singh. Secondly the East India Company was not willing to adopt the forward policy by fighting the second Anglo-Sikh war and to bear such huge expenditure. Kashmir was bought and sold like a commodity. The Muslims of the Kashmir were deprived of all the pleasures of life and liberty under Dogra domination\textsuperscript{40}

It has been mentioned that Maharaja Gulab Singh was a secular minded person and there was complete freedom of worship. He introduced a

\textsuperscript{38} Sharma, D. C., op.cit., p. 26
\textsuperscript{39} Bamzai, P., N. K., *Socio-Economic History of Kashmir*, op.cit., p. 44
\textsuperscript{40} Jaffar, S. M., *Kashmir Sold and Resold*, (New Delhi, 1993), p. 84
new law providing relief to the workers and rationalizing the system of taxation. This was a major step towards the welfare of the people.41

Gulab Singh acted as the mediator between Sikhs and the British. After the defeat of Sikhs in the battle of Sobraon, the Sikh Maharaja had in addition to large forfeit of territory in Punjab to pay a crore of rupees as war indemnity. This he could not manage and in lieu thereof ceded all his hill territory from the river Ravi to Indus, including Kashmir to Jammu.42

But Lord Harding Governor General, considered the occupation of the whole of this territory inadvisable as it would largely increase and extant to our frontier, and the military establishment for guarding it. The districts in question, with the exception of the comparatively small valley of Kashmir, were for the most part unproductive and unlikely to pay the cost of occupation and management. On the other hand, the ceded tract comprised the whole of the hereditary possessions of the Gulab Singh, who being naturally eager to obtain an indefeasible title to them, came forward and offered to pay the war indemnity if constituted independent ruler of Jammu and Kashmir. It as recognized that the transfer of these two provinces to Gulab Singh would materially weaken the Sikh power, secure the war indemnity, and form a pleasing recompense to Gulab Singh, whom the British wished to reward of his conduct and services. 43

---

41 Sharma, D. C., op.cit., p. 25
42 Bamzai, P. N .K., Socio-Economic History of Kashmir, op.cit., p. 46
43 Ibid.
CHAPTER-2

The Dogra State and the British Officer on Special Duty in Jammu & Kashmir
The Dogra State and the British Officer on Special Duty in Jammu & Kashmir

Through the Treaty of Amritsar Gulab Singh acquired Kashmir from the British.¹ The Treaty did not mention any thing about internal administration of the state² and the Maharaja was left to do whatever he liked³. He became the first ruler of Jammu and Kashmir State after the first Anglo – Sikh war in 1845 -46. Till this time the state was not a distinct political entity⁴. The Treaty between English and Gulab Sing stipulated the creation of a new state by transferring the territories between rivers Ravi and Indus for ever in independent possession to Gulab Singh and his natural male descendents⁵. In the Anglo-Sikh war the Sikhs were defeated and on February 20, 1846 the British troops entered Lahore “Through this victory in the war the British claimed the territory between Satluj and Bias and also got one and a half crore of rupees as war indemnity. It was Sir Henery Harding who sold Kashmir to Gulab Singh⁶. When Kashmir was sold writes Prem Nath Bazaz that no Kashmiri leader was consulted.⁷ The people of Kashmir did not want this fateful move and they voiced against it. There was a wide spread agitation but there was no one to listen to the poor Kashmir’s. “Kashmir movement had thus formed the substance of the popular slogan raised then.”

¹ Khan, Hashmat-ul-allah, Mukhtesar-i- Tarikh Jammu-wa- Kashmir, (Jammu Tawi, 1939), p. 57
² Zutshi, U. K., Emergence of Political Awakening in Kashmir, (New Delhi 1986), p. 31
³ Hassnain, F. M., British Policy Towards Kashmir (Kashmir in Anglo- Russian politics) op.cit, p. 17
⁴ Zutshi, U. K., p. 19
⁵ Lawrence, Walter R., Provincial Gazetteers of Kashmir and Jammu op.cit., p. 25
⁶ Sufi, G. M. D., Islamic Culture in Kashmir, op.cit, p. 308
⁷ Shoefield, Victoria, Kashmir in Crossfire, (UK, 1997), p. 62
"Baenama Amritsar toad do Kashmir choad do' 

Scrap the sale deed of Amritsar, leave Kashmir

Gulab Singh was eager to carve an independent possession for himself. He was ready to pay the indemnity. According to Article X of the Treaty of Amritsar, Maharaja Gulab Singh was to acknowledge the supremacy of the British Government and in return of that he was to present annually to the British Government a tribute of one horse, twelve Shaggoats of approved breed and three pairs of Kashmiri Shawls.

There was a doubt whether any amount was paid to the East India Company or it was an eye wash for the world because there is not any authentic receipt available except one piece of paper to be a rough daft which was found in the railway records of the Punjab Government record office, Lahore. The Treaty was made to check the aggression of Chinese, Gurkhas and Afghans which was done by keeping their tested and trusted ally in North India.

In the words of Lord Harding, the Treaty permitted the British "the least possible interference in the Maharajas affairs." This Treaty like others signed earlier contained "no clause prohibiting Independent Diplomatic intercourse with foreign powers." In other words, we can say the treaty gave Maharaja Gulab Singh large measure of Independence both in his internal and external affairs. Some Articles of the Treaty, made it clear that the Maharaja had to acknowledge the supremacy of the British Government.

---

8 Zutshi, U. K., op.cit. p. 19
9 Kour, Ravinderjit, Political Awakening in Kashmir, (New Delhi, 1996), p. 2
10 Treaty of Amritsar, Article X
11 Hassnain, F. M., British Policy Towards Kashmir (Kashmir in Anglo-Russian Politics), p. 17
U K Zutshi points out, “it was a sovereign state that had accepted for itself a tributary status and certain restrictions in the exercise of its sovereignty. Otherwise, it was left autonomous. This is what K M Pannikar rightly conveys when he uses the expression ‘totally independent in its internal affairs’"13

But hardly the ink of Treaty was dry when the British Government of India started violating it by interfering in the internal affairs of the Maharaja.14 William Digby mentions that through the Treaty of Amritsar no Resident was appointed in Kashmir. It was during the last years of the 19th century that some changes were introduced. The relationship of Maharaja of Kashmir and Jammu with the Govt of India was different than the Nizams or the Princes of the other Indian states. These states were in subordination to the Government of India and Kashmir was free from such overlordship.15 Maharaja Ranbir Singh tried to improve the condition of his people. He wanted to administer justly. He told Richard Temple that “he was endeavouring to improve the judicial system and he had doctors of Hindu and Mohammedan Law at work” So in this way he evolved a judicial system in Kashmir.16

Lord Harding wrote to Maharaja in 1848 upon his visit that his internal administration has aroused doubts in the minds of the British and claiming the right of interference by the company. The Maharaja reminded that no such provision has been made in the Treaty of 1846. So, any way Maharaja defended at this juncture. The same issue was raised again in 1851 that some European travelers are visiting the Kashmir and they should be looked after by a Resident. The Maharaja protested and claimed that it was

13 Zutshi, U. K., p. 24
14 Kapoor, M. L., Kashmir Sold and Snatched, pp. 19-26
15 Digby, William, Condemned Unheard, (New Delhi, repr. 1994), p. 45
against the degree of Independence guaranteed to his state. The Maharaja negotiated with them that it would be sufficient if an officer was appointed for the season only. So the Government of India withdrew the claim of appointing a Resident and agreed to depute an officer for summer months only. In 1852 Major Megregor was appointed first Officer on Special Duty and it was agreed that he would stay during Summer months only. Lord Lawrence suggested the appointment of Officer on Special Duty for only one season. Later on Henry Ceyley was appointed to the post in 1867, when the state was ruled by Maharaja Ranbir Singh. The officer who was appointed had no powers of supervision. The appointment of officer on Special Duty during Ranbir Singh laid the foundation of Residency system in Kashmir.

During 60's of the eighteenth century Punjab was taking its stock of trade through the Maharajas territory and it imposed certain duties on these goods. The Maharaja was told to reduce the duties and he simplified these duties but these concessions were not enough for the Punjab Government. So in order to avoid this complicacy they thought of posting a British Resident at Leh. This attempt of posting a Resident was also on account of the Russian threat across Karokaram and Pamir ranges. Apart from having information about commerce, he was to collect the political information. The Maharaja upon hearing opposed and vehemently rejected it. He reminded the British as being their loyal servant. Mr. Ceyley reported the necessity of an officer at Leh, and the Maharaja was informed in 1867 that the British would continue its officer at Ladakh owing to its trade obstacles by the Maharaja.

18 Charak, Sukhdev Singh, *Life and Times of Maharaja Ranbir Singh (1830-1885)*, Fwd. by Dr. Karan Singh, (Jammu Tawi, 1985), p. 227
20 *Mukhtasar-i-Tarikh Jammu-wa-Kashmir*, op.cit., p. 68
Maharaja sent Dewan Kirpa Ram and then Dewan Jawala Sahai to the British Government to persuade but remained unsuccessful.\(^{21}\)

So with the passage of time we see before the end of 1890 the Maharajas independence became a thing of the past, he was reduced to the position of a mere figure-head and his State became virtually a British dependency. Only after a year the British Government began to receive complaints from the people of Kashmir as they were treated with an iron hand. In order to verify the situation the British sent Henry Lawrence who was then the Resident and agent to the Governor General at Lahore, followed by his assistant, Lt. R.G Tylor. On his return, the later spoke very favourably towards the Maharajas ruling in Kashmir and highlighted His kind and considerate attitude towards the people.\(^{22}\)

After 1846 large number of Europeans began to visit the Kashmir and the Maharaja Gulab Singh dealt them with hospitality. When their influx increased the British appointed Major Mac Gregor on January 14, 1852 to see the visitors in Kashmir and the Maharaja was asked to gladly accept this arrangement. It is also mentioned that the officer who was appointed was not a political officer; however, it is in vain to say that he was less than a political officer. Major Mac Gregor was then followed by Col. Nicholson. Initially the Maharaja himself invited the Europeans to come to Kashmir. But no sooner did they start their practices and power, the Maharaja became irritated. The invitation became a music for him writes Hassnain. The officers discussed political issues with the Maharaja. These European officers told the British Government that there is no need to appoint an officer on Special Duty because they are themselves looking after the pleasures of the British. Some Englishmen were appointed in the state

\(^{21}\) Zutshi, U. K., op.cit. p. 49
\(^{22}\) Kapoor, M. L., op.cit. pp. 19-26
service but Maharaja was shrewd and suspicious about them to be in his territories\textsuperscript{23}.

The British was dissatisfied with the decision they have taken to transfer the state to Gulab Singh. They realized the strategic importance of Kashmir and its neighbouring areas only after handling it to the Dogras; therefore they tried to find out ways and means of annexing it\textsuperscript{24}.

Bazaz writes that Gulab Singh was a strong and a stern ruler and tried to establish peace in the country. He spent much of his energy in subduing the frontier district of Gilgit which was under the domination of the Muslims and remained in a state of continuous disturbance. These inhabitants fought hard and sacrificed themselves in order to maintain a hold on their territory. The Dogras were expelled from the Dardistan in 1852 and they lost Gilgit also. So they did not try to advance further. Gulab Singh tried to rule the country justly but because of exigencies of unsettled and unprogressive times he was not successful. This attempt was also hindered by his personnel greed\textsuperscript{25}.

But when another British officer Agnew, visited the valley. He severely criticized the attitude and policies of Maharaja. Listening to Agnew, Lawrence was very angry and in a letter sent to Maharaja Dated 29\textsuperscript{th} Nov. 1847, warned the Maharaja about the tyranny in Kashmir. The British did not like such a ruler for the hill people\textsuperscript{26}. For further enquiry of the Angew Report, Lawrence recommended to the Governor General that two officers be sent to Kashmir to see the condition. He further suggested that the

\textsuperscript{23} Hassnain, F. M., British Policy Towards Kashmir (Kashmir in Anglo-Russian Politics), p. 30
\textsuperscript{24} Kour, Ravinderjit, Political Awakening in Kashmir, p. 7
\textsuperscript{25} Bazaz, Prem Nath, Inside Kashmir, p. 36
\textsuperscript{26} Kapoor, M. L., Kashmir Sold and Snatched, pp. 19-26
Resident at Lahore should visit the Kashmir for a couple of months and leave his assistant there.\textsuperscript{27}

The Governor General warned the Maharaja that his Government would not even shrink to resort to interfere in his internal administration and curtail his authority if his oppression continued. The British Government would not like to see injustice by their eyes towards the people if injustice continued the British Government may resort to direct interference which would lower the dignity and curtail the independence of your Highness.\textsuperscript{28}

The state right from its creation accepted the supremacy of the British Government. The Government of India had a specific purpose from the state. Zutshi writes that British expected some measures from the ruling class of this state which are—Loyalty towards the British, external strength and internal stability.\textsuperscript{29}

One of the serious problem of Kashmir was its poor communication system and the officials to supply the information were dishonest, ignorant and obtrude. There are some reports which suggest that the European officers who visited Kashmir to enquire into the situation were also corrupted. John Lawrence wrote on 14\textsuperscript{th} January 1852 to Jawala Sahai, the Dewan of Maharaja Gulab Singh as under;

"On account of certain excesses committed by some European visitors in the past year, I intend to appoint some responsible European officer at Srinagar to stay there till the return of the said visitors in order that he may put a stop in the occurrence of such excesses. As the Maharaja is well acquainted with the good intentions and the sociability of Major Mac Gregor. I wish he may be allowed to stay at Srinagar till the end of the hot

\textsuperscript{27} Ibid.
\textsuperscript{28} Ibid.
\textsuperscript{29} Zutshi, U, K., *Emergence of Political Awakening in Kashmir*, op.cit., p. 30
season to supervise the conduct of European visitors in Kashmir. As this arrangement is also for the benefit of His Highness, it is hoped that it will be gladly accepted by the Maharaja.  

So any way Gulab Singh accepted the stay of new officer. For some time there was complete confusion in the office works due to the new officer. He was known by various names such as British Representative in Kashmir, The Civil Officer on Special Duty in Kashmir and The Officer on Special Duty in Kashmir. But later on, he was recognized by his last name.  

The Sikhs, The Afghans, and The Dogras all played their games in Kashmir. No one came out with the proposal of a happy future in Kashmir. Every one tried to drag the economic sources of the Kashmir. It was perhaps the Britishers who looked deep into the grievances of the people of Kashmir in order to enhance their condition of living. After the Treaty of Amritsar with Gulab Singh, the Britishers kept a vigil on his policies. Every attempt or policy in the state was enquired. But it was very unfortunate that the Gulab Singh followed the policies of his predecessors in Kashmir. His policies evoked a course of British complaints in early 1847. Charles Harding mentions “He has all his life been huckster on a large scale, is undoubtedly avaricious, and he no doubt finds great difficulty in ridding himself from habits of self-enrichment which have been year by year growing upon him”. The author of “Letters from India and Kashmir” resented the transfer of Kashmir to the Dogras as “one of the political mistakes which we make in a hurry to appease the demons economy, and repent at leisure, or regret the
fatality of the national traditions that we through away by diplomacy, what we win by the sword."\(^{33}\)

After a hundred years of sale, when the oppression continued, Sheikh Abdullah made an issue, ‘a sale deed does not have the status of a treaty’. Abdullah asked the people to contribute one rupee each in order to collect seventy five lakh rupees, so that we could return the investment of present Maharajas grandfather and buy back the independence of Kashmir."\(^{34}\) Robert Thorp mentions that British had some responsibility to the people whom it sold into the slavery of Gulab Singh. He also mentions that Maharaja was ignorant of a large part of repression of his Government, ‘such ignorance is equal to guilt.’\(^{35}\) The peasants used to present their grievances to the deputies through whom the Maharaja ruled. These officials never let the Maharaja to know the actual condition of the people.\(^{36}\)

By 1847 the company felt of direct interference to pressurize the Maharaja to carry out reforms. The Maharaja was asked to reduce the food price and to make available in market abundant supply of rice. Lieutenant Reynell Tylor was asked to suggest the reforms after the consultation with the people. The people were convinced by the Maharaja that they were contended with the Maharajas rule, so that reforms may not be framed out. Such were the policies and the oppression of the Maharaja that when Reynel Tylor visited Kashmir in 1847, he spoke to a gathering in Maisum that whether they are satisfied by the rule of the Maharaja or not “some people who have been tortured by Pandit Raj Dhar Kak (a high Government official) shouted back, yes we are.” Tylor felt very much disgusted by the answer and went back. Tylor confessed: “I have a heart breaking feeling that

\(^{33}\) Charak, Sukhdev Singh, *Life and Times of Maharaja Ranbir Singh (1830-1885)*, p. 216

\(^{34}\) Shoefield, Victoria, *Kashmir in Crossfire*, pp. 62-74

\(^{35}\) Ibid.

\(^{36}\) Lawrence, Walter R., *The Valley of Kashmir*, (Srinagar, 2005), p. 3
there is much left to be done.” Thus for a while the British interference did not yield concrete results.  

It is noteworthy that Gulab Singh was a man of great vigour, foresight, and determination. “He brought the principle of personal rule to perfection, continues Lawrence, and showed the people that he could stand by himself.” It is also mentioned that Gulab Singh was not very popular but he was a friend of British. It was due to the efforts of British and loyalty towards them that they signed treaty with him. It was Gulab Singh himself who assumed civil administration and was assisted by a council of courtiers. Mostly the courtiers were called Dewans and were occupying important positions in the court. Maharaja used to preside over the court and the senior ministers were headed by the Chief Minister of the ruler. The senior ministers advised the Maharaja in matters like foreign relation of the state, finances, revenue collection and taxes. Treasury was kept in the supervision of the Dewan and another Dewan headed the department of information.

Looking at the state, it was divided into three provincial divisions for the purpose of administration i.e the Jammu province, the Kashmir province or the frontier Illaqa or regions. The first two provinces were under the control of two wazirs or ministers whose position was similar to that of provincial governors. The two provinces were further divided into districts which were under the control of district officers. The frontier region comprised of Ladakh and Gilgit. A local Governor administered the Ladakh while as Gilgit was under the Commander of troops.

---

38 Lawrence, Walter R., *The Valley of Kashmir*, pp. 201-202
Tylor failed in his attempt in Kashmir but, Henry Lawrence was much interested in reforms, he visited Kashmir during 1849 and 1850. The Maharaja felt doubtful upon the Lawrence visit of Kashmir. He felt that the visit will be full of political purposes. “Gulab Singh ordered that he must be kept informed of the Residents minute by minute activities.” Gulab Singh seriously watched the administration of the state and took strong steps to hold the province.

Appointment of Officer on Special Duty

Gulab Singh was succeeded by his son Maharaja Ranbir Singh. He was told to be sincere to his subjects and respect the paramount power like his father. He followed the advice of his father and worked in cooperation with the British. During the revolt of 1857 Ranbir Singh helped the British by dispatching a contingent of nearly 3000 soldiers to Lawrence, under the command of Diwan Nihal Chand. It consisted of 2000 infantry, 200 cavalry and six guns. The Maharaja was asked that his services had cemented the bonds of friendship between him and the British. It is noteworthy here that what prompted Ranbir Singh to show such submissiveness to the British? The only reason was that he wanted to prepare ground for his ‘leap forward policy’ towards the North. Ranbir Singh followed the pattern of his father in organizing the Army who followed the footsteps of Sikhs and modeled partially on the European and Native system. Gulab Singh paid the soldiers in cash and in some cases were paid in terms of Jagirs or allowed in kind charged on certain villages or Kardars. In this way he evolved the same

---

41 Singh, Bawa Satinder, pp. 72-76
42 Kour, Ravinderjit, *Political Awakening in Kashmir*, p. 4
45 Charak, Sukhdev Singh, *Life and Times of Maharaja Ranbir Singh (1830-1885)*, p. 34
military system in his administration. Ranbir Singh also followed the same policy.\textsuperscript{46}

After Ranbir Singh’s loyalty and full cooperation in the revolt of 1857, Queen Victoria had conferred on Maharajha Ranbir Singh the title of the “Most Exalted Order of the Star of India.”\textsuperscript{47} Torrens observed after his visit in Kashmir in 1861 that Ranbir Singh wished to rule wisely but was surrounded by advisers of old regime who use their influence ‘not wisely, but too well’.

The next step to appoint a Resident was taken during the reign of Ranbir Singh. The British were waiting for an opportunity to appoint a Resident. The appointment of Resident was revived in 1873. \textsuperscript{48} It was actually Lord Northbrook-Viceroy of India who officially revived the Residency question in order to obtain the first hand information on political developments in the state and the countries to the North and West of it. The Government of India tried various methods to make the Maharaja agree to the appointment of a British Resident in the state or, at least, British Resident at Gilgit. The Maharaja felt mistrust of the British Government and expressed fears.\textsuperscript{49} Ranbir Singh succeeded his father in 1857 when the latter died. We don’t experience any material change in his administration. He did not make any change in the economic pattern of his state also.\textsuperscript{50} Ranbir Singh’s first decade of reign had witnessed peace in the Central-Asian politics. His annexation of Gilgit had provoked the British of interference in

\begin{enumerate}
\item \textsuperscript{46} Ibid, p. 98
\item \textsuperscript{47} Lawrence, Walter R., The Valley of Kashmir, p. 202
\item \textsuperscript{48} Pannikar, K. M., Gulab Singh (1792-1858) Founder of Kashmir, op.cit. p. 134
\item \textsuperscript{49} Charak, Sukhdev Singh, Life and Times of Maharaja Ranbir Singh (1830-1885), op.cit., p. 2
\item \textsuperscript{50} Kapoor, M. L., Kashmir Sold and Snatched, op.cit. p. 42
\end{enumerate}
the mountainous area. The Convoy of Yarkand had also expressed his concern of properly appointing a British Resident.\(^{51}\)

The land was the main source of employment and livelihood for the people. The economy of the state was an agrarian economy. The Dogras followed the land-ownership and land tenure system of the Sikhs. State was the owner of the land. The land was given in the form of jagirs to jagirdars and tenants who till the land for the state and paid rent in the form of revenue.\(^{52}\)

Land was in abundance but was left without cultivation because under the existing revenue system, the peasant could not be sure that they would ever receive the result of their labour. The production of silk, saffron, paper, tobacco, wine and salt were all state monopolies. Butchers, bakers, carpenters, boatmen and even prostitutes were taxed. The whole country was under the grip of a grinding officialdom.\(^{53}\) Colonel Ralph who visited Kashmir in 1867 remarked that the once cultivable land has now turned desolate.\(^{54}\) Lawrence during his visit to Kashmir in 1889 mentions that the people were sullen, desperate and suspicious. Their rights had been snatched and were called as serfs. The peasants had to suffer in many ways. They were overworked, half starved and treated with hard words hard blows. The taxation was exorbitant.\(^{55}\) The Viceroy urged the Maharaja that in order to gain information from the neighbouring areas of the India, it became obligatory to have an officer in the court of His Excellency. In order to get

---

\(^{51}\) Charak, Sukhdev Singh, *Life and Times of Maharaja Ranbir Singh* (1830-1885), p 225

\(^{52}\) J & K Arhives, Proceeding of a Meeting of J & K State Council held at Jammu, 12 March 1898

\(^{53}\) Sufi, G. M. D., *Islamic Culture in Kashmir*, p. 310

\(^{54}\) Shoefield, Victoria, *Kashmir in Crossfire*, pp. 62-74

\(^{55}\) Lawrence, Walter R., *The Valley of Kashmir*, p. 2
the consent of the Maharaja, the Viceroy assured the Maharaja that there
would not be any internal interference.\textsuperscript{56}

During the period of Ranbir Singh writes G M D Sufi there was a
slight improvement in the administration. He set up three departments – the
revenue, the civil and the military. These departments were having defined
spheres of activities. It is mentioned that he was a popular personality but
unfortunately his officers could not cooperate fully to remove the
misgovernment.\textsuperscript{57} William Wakefield visited Kashmir in 1875, mentions that
if the advisers of the Maharaja Ranbir Singh would have been just as the
Maharaja himself, the future of the Kashmir would perhaps look brighter.\textsuperscript{58}
Ranbir Singh wanted to change the land revenue system and assess land
revenue at a fixed amount were set at naught by the non cooperation of the
officials.\textsuperscript{59}

A British political Agent at Gilgit was appointed later on. He had the
powers to supervise the Wazir of Kashmir state and he was directed and
guided by the Government of India for the administration of the
neighbouring districts or petty states like Hunza, Nagar, Ashkuman, Yasin
and Gilgit. These states also acknowledge the supremacy of Kashmir. The
relation between these petty states and the political Agent was almost
satisfactory.\textsuperscript{60} It was Lord Lytton who insisted the Maharaja about the need
of a Resident at Gilgit. Maharaja thought that to avoid this decision is futile,
so Capt. Biddulph acted as the first Agent at Gilgit which was established in
1877.\textsuperscript{61}

\textsuperscript{56} Charak, Sukhdev Singh, \textit{Life and Times of Maharaja Ranbir Singh (1830-1885)}, p. 226
\textsuperscript{57} Sufi, G. M. D., \textit{Islamic Culture in Kashmir}, op.cit., p. 308
\textsuperscript{58} Shoefield, Victoria, \textit{Kashmir in Crossfire}, p. 62
\textsuperscript{59} Banzai, P. N. K., \textit{Socio Economic History of Kashmir(1846-1925}, op.cit., p. 59
\textsuperscript{60} Lawrence, Walter R., \textit{Provincial Gazetteers of Kashmir and Jammu}, op.cit., p. 110
\textsuperscript{61} Zutshi, U. K., op.cit. , p. 58
The British were seriously watching the administration of the state. Young husband writes “cultivation was decreasing; the people were wretchedly poor, and in any other country their state would have been almost one of starving and famine; justice was such that those who could pay could at any time get out of jail, while the poor lived and died there almost without hope”. This state of affairs reminds one of Gold Smith’s lines;

‘Laws grind the poor
And rich men rule the Law’

When the Maharaja Ranbir Singh was asked about the appointment of Resident in his territory he pointed out like his father that there is no provision which allows the British to appoint a Resident in his territory. Lord Lawrence suggested the appointment of an Officer for only one season. So Henry Ceyley was appointed to the post in 1867, when the state was ruled by Maharaja Ranbir Singh. Ultimately we see Seasonal British Officer on Special Duty was replaced by the Resident. All this happened in 1885 at the accession of Maharaja Pratap Singh.

When Maharaja Ranbir Singh was freed from Indian rebellion of 1857, he turned his attention towards the frontier of Gilgit. There was hostility between the Rajas of the frontier area, so the Maharaja tried to take advantage of the situation. He wanted to gain what his father has lost and impress the rivals by his strong forces. He was succeeded in this attempt and even subdued Yasin in 1863. In 1865 he occupied Darell valley. Ranbir Singh during his reign added those areas to his dominion which were lost by

---

64 U K Zutshi, p. 49
66 Shoefield, Victoria, *Kashmir in Crossfire*, op. cit., p. 62
his father.\textsuperscript{67} After the suppression of the revolt of 1857, the British realized the importance of Gilgit and tried to post its officers there. William Wakefield who visited Kashmir in 1875, mentions that if the advisers of the Maharaja Ranbir Singh would have been just as the Maharaja himself, the future of the Kashmir would perhaps look brighter.\textsuperscript{68}

R KOUR writes that British were highly dissatisfied with the decision they have taken to transfer the state and tried to find out ways and means of annexing it.\textsuperscript{69} There were two reasons for the sale. One was to weaken the Sikh state which was strong at that time and the second was that the East India Company didn’t think it expedient to fight the second Sikh war and to bear the huge expenditure.\textsuperscript{70}

But when Maharaja Ranbir Singh denied the appointment, Bazaz writes that British Government gave him allegations of misgovernance. At that time the newspapers of Anglo-Indians wrote misgovernance justified British intervention. It is also mentioned that in order to save money from feeding the poor in 1877 famine, Maharaja Ranbir Singh drowned his Muslim subjects in Walur by boats.\textsuperscript{71}

The Maharaja was very much perturbed to listen that the first “Officer on Special Duty” is going to sit in his court and assist in his administration. The Maharaja said: “Nay Sahab, when a man has a tree which he cherishes, of course when he looks after it, and people don’t call that interference.” According to the Maharaja, it affected his honour and the Government, he requested the Lt. Governor R.H Davis to look into the matter. But the Governor General assured him that the retention of a permanent officer as a

\textsuperscript{67} Puri,Balraj, Jammu and Kashmir –Triumph and Tragedy of Indian Federalism, (New Delhi, 1981), p.22
\textsuperscript{68} Shoefield, Victoria, Kashmir in Crossfire, op.cit., p. 62
\textsuperscript{69} Kour, Ravinderjit, Political Awakening in Kashmir , p. 7
\textsuperscript{70} Jaffar , S. M., Kashmir Sold and Resold, ( New Delhi, 1993), p. 84
\textsuperscript{71} Bazaz , Prem Nath, Inside Kashmir, p. 39
representative of the British Government at his court in no way intended to indicate a change of policy or place him in a different position than he occupied before as is defined by Treaty.\textsuperscript{72} The Officer on Special Duty writes that his duties are not special or particular but these are ordinary, just like an Agent or changed affair and there is nothing magic in the word Resident.\textsuperscript{73}

The Lt. Governor of Punjab R.H Davis met Maharaja Ranbir Singh at Jammu and had two successive interviews with him on 5\textsuperscript{th} and 6\textsuperscript{th} December 1873, the purpose of which was to persuade the Maharaja about the appointment of a Resident in Kashmir, but he failed. The Maharaja raised an objection over it and cited some following disadvantages in this regard. The appointment of the Resident would be looked upon by every body as having been brought on by the mismanagement of his territories, or some other fault in him. The decedents and friends of those, whose territories were conquered by the late Maharaja, would in the hope throwing obstacles in the management of his state to find an opportunity for spreading all sorts of the British Government.\textsuperscript{74}

The appointment of the Resident would be an innovation not contemplated by the terms of the Treaty and sannads in his possession. Secondly it will be generally concluded that the appointment of a Resident had been the result of mal-administration or some doubt or misdeed. Also it is concluded that the British Government lost faith in us, will set afoot to such rumors as will prove very disastrous to the state administration. While citing the reasons the Maharaja explained, “the appointment of a Resident as

\textsuperscript{72} Kapoor, M. L., op.cit., p. 42

\textsuperscript{73} Teng, M. K., Kashmir Constitutional History and Documents, (New Delhi, December 9, 1882) Officer on Special Duty to Foreign Secretary.

\textsuperscript{74} File No. 1, Old English Records, p 5 , Application of the Maharaja Condemning the Appointment of Resident in Jammu Court, State Archives Jammu.
derogatory to my honour and prestige." The Maharaja demanded similar
treatment as is given to his father.

Lastly Ranbir Singh made it clear that, in a letter of Government of
India concerning the appointment of Mr. Wynne as Officer on Special Duty
in Kashmir in 1873, it was stated that he had been appointed as such
"according to the usual practice" i.e. for the season only. Therefore his
appointment as resident now was against the spirit of the communication.
Maharaja Ranbir Singh while highlighting above points concluded that “the
appointment of the Resident will mean a bad name and a case of disgrace for
me.” His Excellency was agreed upon extension of some months to stay in
Kashmir but protested against the name Resident.

The above mentioned points highlight that there was not any
provisions to appoint a Resident in Kashmir. But at this point comes another
very interesting fact brought by Lord Northbrook that when the Treaty of
Amritsar was concluded in 1846, Lord Harding had decided, “after full
consideration” with Sir Henry Lawrence and Sir F. Currie, who later on
negotiated the Treaty to promise Maharaja Gulab Singh that “as long as
His Highness remained faithful to the conditions of the Treaty and loyal to
the British Government, no interference with his Government would be
attempted by us, and no Resident established at his capital.” This promise was
later actually made to the Maharaja by Sir F. Currie in presence of Sir
Henry Lawrence and Jawala Sahai – the Maharajas Dewan. The
appointment of Resident in Kashmir was not only for helping and
supervising administrative task but it was necessary for watching the

---

75 File No. 1, Jammu and Kashmir Archives, H. H Maharaja Ranbir Singh and the Government of India in Connection with the Appointment of the Resident in Kashmir in Year 1873
76 Charak, Sukhdev Singh, *Life and Times of Maharaja Ranbir Singh (1830-1885)*, op.cit., p. 227
77 English Records, tr. Of an Application from Maharaja p 5-11, State Archives Jammu.
happenings beyond the North – West frontier of Kashmir. Any misgovernment in this region might ensure political complications. It was because of this need that we were anxious to seek permission from her Majesty Government to appoint a Resident political officer who would exercise a general supervision over the affairs of the Kashmir state.\textsuperscript{79}

It was the long protest of the Ranbir Singh who cooled down the fervor of the Governor General. Lord Northbrook abolished the Resident vide sannad dated 25\textsuperscript{th} March 1874, and Maharaja was assured that the Officer on Special Duty in Kashmir would be styled so instead of Resident.\textsuperscript{80}

**Strengthening the Position of the Officer on Special Duty**

The Officer on Special Duty gained importance and his powers got strengthened with the passage of time. Earlier all political correspondence between Maharaja and the Delhi Government was conducted through the Government of Punjab. The Governor General Lord Lytton in 1877 clarified the matter “decided that the relation of British Government with the Maharaja in all matters of importance which has so far been conducted through the Government of Punjab, should henceforth ‘be conducted by the Officer on Special Duty under the immediate orders of the Government of India’”. A copy of a letter dated 14 May 1877, the officer on special duty was connected with Foreign Department also by the order of the Government of India to inform the imperial Government the matters relating to trans-frontier region and other political affairs.

From 14 May 1877 onwards the joint commissioner at Leh was made subordinate to the Officer on Special Duty in Kashmir. On one hand The

\textsuperscript{79} Teng, M. K., *Kashmir Constitutional History and Documents*, p

\textsuperscript{80} File No. 1, Old English Records, p 5 , Application of the Maharaja Condemning the Appointment of Resident p 13 ,State Archives Jammu.
Officer on Special Duty was strengthened but on the other hand they used to negotiate with the Maharaja. Due to the Russian threat the British guided their policies towards Jammu and Kashmir. They made attempts to check the Russian advance. Russia started its expansion towards central Asian territories after the Crimean war of 1854-56. Lord Northbrook while performing his duties relating to the affairs with the Maharaja believed the appointment of Resident in Kashmir. He conveyed his opinion to the Foreign Secretary C U Aitchison as “the appointment .... Is one of the great and increasing importance. If properly filled the advantage to Government both in respect to the control of the political doings of the Kashmir and the information to be obtained from central Asia will be very great”. The appointment of a British officer in the court of Maharaja had its intentions right from the creation of the Dogra state.

Maharaja Ranbir Singh raised voice against the Government policy, but in reply to him T.H Thornton- the Officiating Foreign Secretary informed him through a demi-official note of 29th July 1877 “that the Maharajas anxieties and the doubts were the result of misunderstanding on the nature of the change that has been made.”

The communication between the Maharaja and the Supreme Government was carried out either by Officer on Special Duty or Maharajas own Agent, but the British preferred the former one by which the Maharaja became less powerful

“In 1881 the Foreign Department complained, He (Officer on Special Duty) is in no way subordinate to the Lt. Governor and Kashmir is in way subordinate to Punjab Government That is the plain meaning of our orders of

---

82 Shoefield, Victoria, *Kashmir in Crossfire*, op.cit., p. 75
1877. Officer on Special Duty was to be informed in all important affairs like political and business and should receive a copy of all correspondence without any delay and should be made aware of the issue of all orders which may in any way concern the Kashmir State.

Regarding the role of Christian Missionaries in the state, the Dogra Government had banned them in Kashmir and did not allow them for quite a long time. Rev. Robert Clark was the first missionary who visited Kashmir. Later special permission was given to two missionaries who desired to work in Ladakh, Baltistan and other hilly areas. The Maharaja denied it till 1864, when Robert Clark was successful in establishing first Christian missionary in Kashmir. 84

Slowly and steadily the Government of India was able to strengthen the position of Officer on Special Duty despite strong opposition. In 1852 he was merely to see interests of Europeans visiting Kashmir and in 1874 his stay was extended from six to eight months and finally in 1881 was made the only channel for the said purpose so far as the Govt of India was concerned.

In 1882 when Henry (Officer on Special Duty) was dispensing his duty, he was the channel between Darbar and the British Government. The Maharajas representative was debbered from any communication between Maharaja and the British Government. The Maharaja protested against this state of affairs but his protests were burished aside. The Officer on Special Duty became so important that he could not be ignored both in internal and external affairs of the state.

In a letter of August 1884, the Govt of India had issued some reforms which St. John had to pass to the Maharaja of Kashmir. The Officer on

84 Hassnain, F. M., British Policy Towards Kashmir (Kashmir in Anglo-Russian politics), p. 31
Special Duty asked the Maharaja to carry out some special reforms which are of immediate need. The reforms were;

1) The introduction of a reasonably light assessment of land revenue, collection to be in cash, if possible;
2) The construction of roads
3) The cessation of state monopolies.
4) The revision of existing taxes and dues, especially transit dues and the numerous taxes upon trades and professions.
5) The abolition of a system if farming the revenues, whatever it is in force.
6) The appointment of respectable officials and their regular payment in coin.
7) The establishment of a careful system of financial control.
8) The removal of all restrictions upon emigration.
9) The reorganization and regular payment of the army.
10) The improvement of the judicial administration. 85

The Maharaja worked with full efforts and achieved excellence in all ten aspects of his administration and even added some new six measures also. Despite his performance he could not stop his deposition as he was charged that he could not improve the conditions of his subjects. The Maharaja of Kashmir could not stop the Government of India at any decision it has taken. 86

Gulab Singh came to Kashmir as a conqueror and desired to grab more and more territory. He had the burning eyes to acquire more wealth. It is mentioned that he was extremely greedy and money minded. He suck the life blood of the poor masses. F M Hassnain rightly mentions that Gulab Singh

85 Digby, William, Condemned Unheard, pp. 61-62
86 Kapoor, M. L., Kashmir Sold and Snatched, pp. 61-66
had only two aims in life Zamin and Zar.\textsuperscript{87} Jagir grants and other concessions in land were recovered. Shawl industry was also organized.\textsuperscript{88} In order to benefit the Government he fixed some men for beggar. The main centre of oppositon to Maharaja was Gilgit. By 1852 the Dogras were expelled from Gilgit and Dardista.

G H Khan mentions that during Dogra period, the Kashmiris were discriminated in every sphere of administration.\textsuperscript{89} Before 1887 the peasants hardly tasted the beloved food rice.\textsuperscript{90} The Muslims were economically degraded. They were not given equal educational opportunities. They followed the policy of keeping the Kashmiris out of Government jobs. Civil liberties such as freedom of press, of plateform, of forming associations were totally banned during the first eight decades of Dogra rule.\textsuperscript{91} Crime was unknown and that is why the judicial department did not have much effect on the people.\textsuperscript{92}

When Gulab Singh became the ruler of Kashmir, the rule of law and justice became unknown to people. There was not any court to administer justice. The person who occupied a respectable position in the administration was asked to dispense justice both in civil and criminal cases.\textsuperscript{93} A mixed court of British and state officials was set up in 1872, during the period of Ranbir Singh to decide civil suits between European and British subjects on the one hand and the subjects of the Maharaja on the other hand.\textsuperscript{94}

\begin{flushright}
\textsuperscript{87} Ibid \\
\textsuperscript{88} Kour, Ravinderjit, \textit{Political Awakening in Kashmir}, op.cit., pp. 4-7 \\
\textsuperscript{90} Lawrence, Walter R., \textit{The Valley of Kashmir}, p. 4 \\
\textsuperscript{91} Khan, G. H., \textit{Government and Politics of Jammu and Kashmir}, op.cit., p. 1 \\
\textsuperscript{92} Ibid, p. 339 \\
\textsuperscript{93} Kapoor, M. L., \textit{Kashmir Sold and Snatched}, op.cit., pp. 61-66 \\
\end{flushright}
The end of Maharaja Ranbir Singh witnessed the successful conclusion of the trigonometrical survey of the state and the preparation of its map in 1861. The other things of far reaching importance during his reign was the establishment of a Church Missionary School by Rev. Doxey in 1881, who was succeeded by Rev. J H Knowles. This ushered in an era of modernism in education which made the Kashmir's conscious of their own abject conditions and later to fight for their destiny. The foundation of a Hospital Medical Mission of the same society also brought much needed relief to the sufferings of the masses in the state.95

95 Bamzai, P. N. K., Socio Economic History of Kashmir (1846-1925), p. 64.
CHAPTER-3

Role of Resident in the Princely State of Jammu & Kashmir
Role of Resident in the Princely State of Jammu & Kashmir

Maharaja Ranbir Singh was succeeded by his eldest son Pratap Singh on 12th, September 1885 when he was thirty five years of age. It was a remarkable event in the history of Kashmir. It marked the beginning of modern governance, coupled with political and social advancement of the people of the state.

It is noteworthy here to mention that after 1885, the British Indian Government began to exercise direct control over states administration. In Jammu and Kashmir the control through Resident appointed by the British Government synchronized with the accession of new Maharaja. Maharaja Pratap Singh was born in 1850 in Raies of Jammu province. The reign of Maharaja Pratap Singh was a period of political intrigues. The British Agent at Srinagar was called Officer on Special Duty prior to 1885. The British post phoned its decision to appoint a Resident in Kashmir on September 25th, 1885. Diwan Narsing Das writes that how could the British dare to take the decision of interference by appointing a Resident during the reign of mighty Ranbir Singh. He laid a good impression on British. But it was only when Maharaja Pratap Singh ascended the throne, the fateful decision of appointing the Resident in Kashmir was taken.

---

2 Sufi, G. M. D., Islamic Culture in Kashmir, op.cit., p. 312
3 Yasin, Madhavi, British Paramountancy in Kashmir (1876-1894), (New Delhi, 1984), p. 33
4 Sufi, G. M. D., Islamic Culture in Kashmir, p. 312
5 File No. 1, Jammu and Kashmir Archives, H. H Maharaja Ranbir Singh and the Government of India in Connection with the Appointment of the Resident in Kashmir in Year 1873
6 Digby, William, Condemned Unheard, op.cit., p. 139
7 Das, Diwan Narsing, Tarikh- e- Dogra Desh, (Jammu, 1967), pp. 697- 710
John, the detailed instructions which he was to follow if and when Maharaja Ranbir Singh died. "You should inform His Highness and the members of his Darbar", St. John was told, "of the views and intentions of the British in regard to the future administration of the state". You should make them clearly to understand that His Excellency- the Viceroy regards the existing conditions of the affairs in Kashmir as most unsatisfactory and you should warn His Highness and those around him that substantial reforms must be introduced without delay. You should therefore, not hesitate to offer your advice freely whenever you may think it desirable to do so.

Pratap Singh upon his accession to the throne made cordial thanks to His Excellency- the Viceroy, his sincere friend Sir Oliver St. John for recognizing him the chief of an important state. He made it clear that, "he is going to undertake a high and a heavy duty, in which he may face some difficulties but believe that he will carry out it with strength and firmness". He further made it clear that, "he will clear the administrative machinery from all incompetence and corruption and also shall adopt such measures which shall secure the fullest happiness and greatest good to my subjects. The people would enjoy their rights and privileges." He ensured that, "the tiller of the soil will enjoy a fair share of the produce of his labour. He talked of encouraging the communication and abolition of vexatious taxes. Education will also be encouraged, steps will be taken for the sick and sufferers."

The appointment of the resident was an ultimate goal of the British Government. They went on strengthening the position of the Officer on
Special Duty and were successful in upgrading him to be Resident.\textsuperscript{11} This is quite clear from the letter dated 27\textsuperscript{th} Nov., 1885, of the secretary of the state for India, Lord Randolph S Churchill, to the Government of India that the new Maharaja like his father and grandfather resisted encroachment to his power, but would give way in the end.\textsuperscript{12}

Maharaja has been highlighted as a weak personality, capricious and intellectually timid.\textsuperscript{13} What compelled the British to appoint a Resident political Officer in Kashmir after the death of Ranbir Singh was that they want to have an effective political supervision not only for the people of Kashmir but for the people of other frontier tribes as well because they were well aware that if any disturbance might be created in Kashmir, it will have its direct effect on the frontier Afghanistan.\textsuperscript{14}

British imperial policy towards the state of Jammu and Kashmir in the late 19\textsuperscript{th} century was guided primarily by the fear of a Russian advance towards India. In addition British were continually troubled by the independent policy adopted by the Amir of Afghanistan whose land also extended as far as the North-Western frontier of the subcontinent. On account of its strategic location, the state of Jammu and Kashmir appeared to be an ideal buffer against potential incursion from Russia, Afghanistan and China into the subcontinent.\textsuperscript{15}

At this time there were Russian threats at the Indian frontiers. Intelligence reports mention that Russian agents were at work at the Trans-Himalayan region. Durand from Gilgit also reported coming of Russian

\textsuperscript{11} Kapoor, M. L., op.cit., pp. 99-102
\textsuperscript{12} Digby, pp. 144-45
\textsuperscript{13} Kapoor, M. L., pp. 99-102
\textsuperscript{14} Bazaz, Prem Nath, \textit{Inside Kashmir}, (Srinagar, 2002), p. 43
\textsuperscript{15} Shoefield, Victoria, \textit{Kashmir in Crossfire}, (UK, 1997), p. 75
spies. A *durbar* was held by Durand to inform the frontier chief about the foreign threat. These frontier chiefs were advised to tighten their positions across the border region. The Chiefs and their Wazirs were granted subsidies and *mukariries* or fixed allowances. Soon after some time news came about the attack of the Maharajas forces who used to be at hills. Russia tried to gain the favour of the Hunza and Nagar. This attempt alarmed the British and they decided to save Gilgit at any cost. Gilgit was of immense importance because of its strategic location. In 1877 a British officer was stationed as political Agent at Gilgit. He was withdrawn in 1881 but in 1889, the Agency was re-established. An operation force under the command of Durand was sent to Gilgit in 1891. Durand had to faced many difficulties in organizing the new troops. It prevented gathering in Hunza and Nagar so that they may not cause any difficulty during the course of time. The posts of strategic location were captured by the British. The frontier chiefs submitted before the combined might of the British and the Maharaja.

This British were not debarred by any engagement. They thought to appoint a Resident in Kashmir in order to secure their position and their decision was final, although there was not any provision in the treaty of 1846 that a apolitical officer will permanently reside at the court of Maharaja.

---

16 Ibid., p. 83
17 Hassnain, F. M., *British Policy Towards Kashmir 1846-1921 (Kashmir in Anglo-Russian politics)*, (New Delhi, 1974), pp. 75-76
19 Victoria Shoefield, op.cit., p 83
20 Bazaz, op.cit., p. 55
21 Ibid., p. 43
The first Resident appointed in Kashmir was Sir Oliver St John. He without losing any time set out to bring into effect the scheme planned by him and the Government of India. Even before the mourning for the death of ex-Maharaja was over, Pratap Singh was informed about the necessary reforms which he was required to introduce and was asked to appoint a Resident in his territories. The appointment of a Resident in Maharajas territories was a message of ‘an unexpected blow’\(^\text{22}\) Due to the appointment of Resident at Maharaja’s court, Maharaja was asked to withdraw his *Wakil* from the headquarters of the Government, as the former would carry all the political informations.\(^\text{23}\) ‘Through out the 1880’s, the British put into practice a plan of direct action in the affairs of the state of Jammu and Kashmir or a policy as M J Akbar puts it, of ‘wriggle and crawl, of excuse, pretence and deceit.’\(^\text{24}\) When the Maharaja was told to carry out the reforms suggested by the British official.\(^\text{25}\) The Maharaja declared that he had no problem in carrying the necessary reforms in the state and also mentioned further that he would work hard to achieve the goal fixed by the paramount power.\(^\text{26}\)

The proposal for the Residents appointment was unexpected and, therefore, received with almost a shock\(^\text{27}\) Pratap Singh tried to prove his loyalty towards the British but from the very first day, he felt that some intrigues were going against him. The Maharaja initially felt that the intrigues were from own administration, but later on he realized that these plans were from the Residents side. The new Maharaja was informed that he

\(^{22}\) Ibid., p. 46  
\(^{23}\) Digby, p. 93  
\(^{24}\) Shoefield, Victoria, op.cit., p. 80  
\(^{25}\) Yasin, Madhavi, p. 34  
\(^{26}\) Digby, p. 93  
\(^{27}\) Thomas, Christopher, *Faultline Kashmir*, (UK , 2000), p. 75
had a difficult task before him. To prove his worth and rise to the occasion, he had to consult the Agent of the Viceroy for all important work and all the time guided by his advice. It clearly indicates that the Maharaja had to follow the orders of the Resident in Kashmir. Maharaja was guided by the Resident in every step. Maharaja could not take any step without the consent of the political officer. A form of dual Government was formed with the appointment of the Resident in Kashmir. The Resident enjoyed the powers in the administration of the state but he was not responsible for it.

A political Agent has been posted at Gilgit in 1877 to watch the imperial interests on the frontier. His papers used to pass through the foreign office of the Maharaja. The Agency was withdrawn in 1881. It was re-established in 1889 when the Residency became the master of the whole land, and ever since the political Agent has been directly under the Government of India. It was in the same year 1889 that Government of India appointed Col. Durand as Agent in Gilgit, who was subordinate to the Resident in Srinagar. Some radical changes occurred in the political relation between political Agent in Gilgit and the state Government when the Gilgit Agency was re-established. Even during the officer on special duty the state retained complete control over Gilgit both in civil and political spheres. Defence was also reorganized due to the reestablishment of Gilgit Agency.

When Maharaja Pratap Singh ascended the throne, the Gilgit Agency consisting of Gilgit wazarat, chieftains of Hunza and Nagar, the Chilas District in Indus Valley, and Punial, Yasin, Ashokaman was re-established in 1889 under Colonel A G Durand. In order to cover up all this the Maharaja

---

28 Hassnain, F. M., pp. 75-76
29 Yasin, Madhavi, op.cit, p. 34
30 Thomas, Christopher, op.cit., p. 79
31 Bamzai, P. N. K., *Kashmir and Power Politics (From Lake Success to Tashkant)*, (Delhi, 27 April 1966), p. 42
deprived of his all powers. He was given the charges that he had conspired with the Russia. In order to understand the meaning and relationship of the Resident and the rulers of the Indian states, an extract from the private journals of the Marquis of Hasting dated 1st January 1814 is produced below:

“In our treaties with them (Indian Princes), we recognize them as Indian sovereigns, then we send a Resident to their courts. Instead of acting in the manner of an Ambassador, he assumes functions of a dictator, interferes in all their concerns, countenances refractory subjects against them and makes the most ostentatious exhibition of this exercise of authority. To secure himself the support of our Government, he urges some interest which, under the colour thrown upon it by him is strenuously taken up by our council and the Government identifies itself with the Resident not only on the single point but on the whole tenor of his conduct.”

The British Resident at Srinagar enjoyed the same powers as enjoyed by Residents at other courts. The British flag was hoisted at Residency. The Resident actively participated in the administration of the state and due to his major role in the administration, he was assisted by an Assistant Resident. The Resident led to the encroachment of the internal sovereignty of the state and reduced it to a large extent. The state had no jurisdiction over the British authority. During 1885-1910, the Residency with its charming garden was occupied by a succession of British Residents. The popular among them were Colonel Perry Nisbet, Sir David Barr, Sir Adelbert Talbot, Colonel Erskine during whose period Kashmir witnessed a striking industrial growth.

---

33 Singh, Bhagwan, Political Conspiracies of Kashmir, (Delhi, 1973), p. 16
35 Singh, Baghwan, op.cit., p. 17
The other Residents in the territory were Sir Luis Dan and Sir Francis Younghusband of Tibetan fame. Some Residents in Kashmir were more sympathetic to the people than rulers and were better administrators as well. Their presence in Kashmir has been of immense importance. Colonel D W R Barr mentioned that Resident would not deal with every department but he had to consult only the Vice President. When the Resident was appointed at Maharajas Darbar, the Maharaja had many questions in his mind. What would be his functions and powers; would he take an active part in the administration of the state?

Pratap Singh sent, Babu Nilamber - a member of the late Maharajas council to St. John to seek clarifications on relevant matters, St. John was further to be requested to use his influence with the Government of India to obtain for the Maharaja “a short delay before the appointment of a Resident, in order that he might get the credit for the reforms he had long made up his mind to introduce if ever he got the opportunity.”

The new Maharaja was to be called upon to introduce new reforms in the administration under the supervision of Resident Political Officer. The Governor General in council framed a new format for the reforms. According to him the new measures to be introduced were: reasonable assessment of land revenue collection to be made in cash if seemed suitable; the construction of good roads; stopping state monopolies; the revision of existing taxes and dues; the abolition of the system of farming the revenues, the appointment of respectable officers, and their regular payment in cash, the removal of all emigrations, the reorganization and regular payment of the

---

36 Khan, Mohd. Ishaq, op.cit., p. 32
37 Letter From Colonel, Barr Resident in Kashmir to Raja Amar singh
38 Bazaz, Inside Kashmir, p. 46
39 Kapoor, M. L., op.cit., p. 114
40 Bazaz, Inside Kashmir, p. 46
army and the improvement in the judicial administration. In order to carry out all these reforms, possible help would be given to afford and a loan from Imperial revenues be paid. Also a British Officer when required will be provided and his salary will be paid from the state administration. The Officer on Special Duty will be kept informed of all important issues especially the movement of troops and other noteworthy things of the frontier region. Apart from Lord Rippons suggestions for reforms, the first Resident was asked to convey to the Darbar to take up following reforms:

1) "Position of European traders in Kashmir.
2) The postal arrangement of the state.
3) The coinage.
4) The question of jurisdiction over Europeans in Kashmir who are not British subjects.
5) The extraditions of criminals.
6) The Kashmir railway question.
7) A British cantonment in Kashmir."

The last decade of the 19th century changed historic Kashmir from medieval era to modern age. It was an age of transformation. Many a new developments, forces and movements in the fields of politics, socio-religious and economic life, literary and cultural activities transformed the state and modern Srinagar came into being. The Residents in Kashmir are also known for their contribution in the field of transport. They had an important role in improved transportation. Before British Residency in Srinagar transport was primitive. Lawrence writes that there are roads along which ponies and bullocks can pass in fair weather, but heavy rains and snow rendered them

---

41 Teng, M. K., Bhatt, Ram Krishan Kaul, Kaul, Santosh, Kashmir Constitutional History and Documents, (New Delhi, 1997), p. 235
42 Yasin, Madhavi, op.cit., p. 39
43 Khan, Mohd. Ishaq, op.cit., pp. 32-33
difficult. In the department of public works the British Residency gave prominence to opening up main lines of communications with the rest of the India. It was through Colonel Nisbets tact and energy and the cooperation of the Pratap Singh that the Jhelum valley cart road was cut along the mountain sides from Domel to Barramullah.

Pratap Singh assures the Viceroy that he will prove his excellence in the administration of the state and admits that the state of affairs in Kashmir and Jammu requires immediate reforms. But what pained the Maharaja was the chang of British Officer on Special duty into Political Resident and hence lowering the Maharaja in the eyes of the people. Maharaja Pratap Singh claimed that he was not given time to prove himself. He was aiming to dispense his duties rightly and obtain the reputation of a good ruler by proving himself as an efficient ruler.

A letter was written by Resident in Kashmir to Secretary of state which mentions that some customs and imposts were abolished whose mention is made by Resident. The main items include the customs of Khudkast (state monopoly in some part of village land), the custom of Leri (remission of rent on sepoys), the customs duty on rice, imposts on Zilahdar (remission on the head of Zamindars), Zar-i-Nakas, (tax on the sale of horses in Kashmir), the tax on Ekhas, and some other minor dues were also abolished.

In the inaugural address Pratap Singh in front of the 1st Resident made it clear that he had a great difficulty of administration before him and he would administer the country with justice and moderation along with

---

44 Lawrence, Walter R., *The Valley of Kashmir*, (Srinagar, 2005), pp. 201-203
46 Teng, M. K., *Kashmir Constitutional History and Documents*, p. 242
47 Digby, From Resident in Kashmir to Secretary to Government of India, Foreign department, Dated September 27, 1885 pp. 139-142
sincerity and firmness. He declared it in his address that he has declared to stop corruption and end all intrigues wherever be found in the administration and shall work for the protection of his subjects. Pratap Singh mentioned that he wanted to make a new council and therefore appointed new officers in order to assist him in the administration.

Mr. J C Plowden and the Reorganization of the State

All the pleas of Pratap Singh to bring his own men fell flat and he was not allowed to work according to their own choice. Evidently the composition of the new council was suggested by Plowden, as all its members were anti Pratap Singh. The new council composed of Lachman Das, Amar Singh and Ram Singh. The private servants of Maharaja were excluded from entering into the administration. The promises of Pratap Singh which he made could not be fulfilled because of Residents presence in his administration. It was actually the British Government who highlighted the cause of the Kashmiri masses. The condition of the Kashmiri masses was too miserable. The Resident reminded the Maharaja that he would not like to hear the complaints of the people whose note has already been made by the British Government.

The first Resident was transferred from Kashmir early in 1886 and he was succeeded by another British political officer named Mr. Plowden. He from the very beginning showed unfavourable attitude towards His Highness. When the first Resident was appointed in Kashmir, it was declared that the officer should not enjoy any special powers but the powers enjoyed by the British residents as in feudatory states. But with the passage

---

49 Bazaz, op.cit., p. 47
50 Yasin, Madhavi, op.cit., p. 47
51 Teng M K, Kashmir Constitutional History and Documents, p. 244
of time the Britishers were not satisfied with the power. They desired the full control of the state and it was to achieve this end that Mr. Polwden directed his activities\textsuperscript{52}

The council keenly checked the Maharajas extravagance by depriving him of his right to sign the public bonds independently. The Resident also cleared the disarrays in the Medical department of Kashmir. He reorganized the medical expenditure of the state and increased the efficiency without any extra expenditure. Some efforts were made by the Plowden to educate the boys of the state at Lahore Medical School.\textsuperscript{53}

Due to some key functions performed by Plowden in the administration, Maharaja wrote to Viceroy and resident, about the high-handed and arbitrary functioning of the council; the Maharaja was highly dissatisfied with the dictatorial attitude of the council. It is written that “the Resident tried a rapprochement between the Maharaja and the council, but it was short lived. Plowden drew the attention of the council towards financial reforms which was the crying need of the time. Two draft budgets were prepared by the council but Plowden mentions that the task was far beyond the administrative capability of the council. The public treasuries were almost shrinking.\textsuperscript{54} Plowden himself led to huge expenditure on military. Lachman Das was dismissed by the Maharaja due to his inefficiency. Anglo-Indian press highlighted it as the failure of the Resident. Lord Duffrin- the Viceroy was not happy when he heard the weakness of Residents. He described them as “a very poor lot”. Vernacular papers have blamed Plowden for “the present unsatisfactory state of things in Kashmir.\textsuperscript{55}

\textsuperscript{52} Bazaz, Inside Kashmir, op.cit., p. 47
\textsuperscript{53} Yasin, Madhavi, op.cit., p. 45
\textsuperscript{54} Ibid., p. 46
\textsuperscript{55} Ibid., p. 46
The Government of India gave a chance to the Maharaja to prove himself by accepting the proposals which His Highness has put forward. The Maharaja also wanted to carry out a land settlement in Kashmir. For this Purpose he consulted his friend Sir Charles Aitchison of Punjab who was a very efficient settlement officer and mostly interested in welfare measures of the state. The Maharaja and his friend Aitchison arrived at a conclusion to appoint Mohammadans for this task. Meanwhile Plowden expressed that it would be better to appoint Englishman for settlement work in Kashmir and subsequently appointed Wingate as a settlement officer. This settlement proved fruitful to the people of Kashmir. They heaved a sigh of relief. Again the credit goes to Resident who safeguarded the lives of common masses. At this time a message of the serious illness of the Maharaja arrived and the Maharaja had to leave for Jammu. While Maharaja was on his way, the Resident informed him the appointment of Mr. Wingate as the settlement officer. By this decision the position of Maharaja was shaked. After 1887 Mr. Wingate was appointed by the Government of India to make a regular settlement of the land. He remained in Kashmir only for two years. He was succeeded by Sir Walter Lawrence in 1889 as settlement commissioner of the state. He completed his work within a period of seven years. Earlier the peasants refused to cultivate land due to exorbitant taxes but Lawrence was successful in parceling the land among the people.

The Resident was asked to help the Maharaja in every possible manner and with regard to the reorganization of the council. “You should not impose your own views and may not insist any advantageous measure which

---

56 Teng, M. K., *Kashmir Constitutional History and Documents*, pp. 253-54
57 Digby, op.cit., p. 53
58 Das, Diwan Narsing, pp. 697-702
59 Digby, p. 53
His Highness may not satisfy. Only your full cooperation with the Maharaja is needed.” The Maharaja was kept at liberty to employ the Native British subjects without the consultation of the British Officials, but before employing a British Officer in his administration the consent of the British Government was necessary. Under the able and inspiring guidance of the Residents and the British officers, vigorous movements were taken to prevent the recurrence of epidemics through improved sanitation in Srinagar. In 1890 Colonel Nisbet commenced a small project for the supply of pure water in the city. Roads and streets were widened. Sources have mentioned about the flourishing trade during British period. The flourishing trade in Kashmir has led to the development of the tourism in the valley.

Role of Resident in the Deposition of the Maharaja

The duties performed by Resident at the time of Maharajas deposition has been well told by Mr. Jogendra Chandra Bose, of the Punjab Chief Court Bar who happened to be an officer in Kashmir wrote a pamphlet “Kashmir and its Prince”

The deposition of His Highness brought a drastic change in the executive of the state and brought to an end the personel rule of the Maharaja. When Maharaja ascended the gadi, at this time he needed a sympathizer who would advise him and help him but it was very unfortunate that he met an adversary. Mr. Plowden joined the post in March, 1886. When the summer season began he went to Kashmir and called the Maharaja also to Kashmir. He rarely visited to the Maharaja and did not discuss the state affairs in the darbar. One thing attracted the attention of Resident, the

---

61 Teng, M. K., Bhatt, Ram Krishan Kaul, Kaul, Santosh, Kashmir Constitutional History and Documents, (New Delhi, 1997), pp. 253-54
62 Khan, Mohd. Ishaq, op.cit., pp. 35-36
63 Digby, p. 53
struggle of the Maharaja for the education of his subjects. This attempt excited the Resident worst alarms and he worked for it and secured the possession of educational rules which his *darbar* framed.\(^\text{64}\)

Further when Pratap Singh ascended the throne, he appointed Mr. Nilamber Mookerjee as his finance minister. He was dealt with coldness and suspicious and therefore had to resign from the post. Later due to confusion the state administration Lachman Das also was dismissed. Maharaja tried to appoint Nilamber Mookerjee again as finance minister but Resident opposed and His Highness had to face frustration because of helplessness.\(^\text{65}\)

Plowden was deputed to Kashmir by the political department as its Resident. He gave adverse reports about the Maharaja and set about to depose Pratap Singh. In this mission he had the sympathies of no less important person than the maharaja’s brother-Raja Amar Singh who pained for power\(^\text{66}\). The Maharaja was forced to transfer powers of administration in favour of a council, whose members held independent charge of their portfolios, subject to the over all control of the Resident. A council was made which had to function under the guidance of the Resident.\(^\text{67}\) It was declared in July 1889 that the Prime Minister would act as the Executive head of the administration. In this way Amar Singh was made prime Minister under the protection of the British Resident.\(^\text{68}\) The power of the Maharaja has been taken away and Lord Duffrin made it clear in London that the Maharaja be deposed. His brothers had intrigued against him for their personnel ends and had spread many rumours about his loyalty.\(^\text{69}\) Maharaja

---

\(^{64}\) Digby, p. 53  
\(^{65}\) Ibid, p. 53  
\(^{66}\) Hassnain, F. M., *British Policy Towards Kashmir 1846-1921 (Kashmir in Anglo- Russian Politics)*, p. 79  
\(^{67}\) Ibid.  
\(^{68}\) Das, Diwan Narsing, pp. 700-701  
\(^{69}\) Hassnain, F. M., p. 79
expressed his views that the first two Residents acted as impediments in the way of reforms. On the other hand the Residents were of the view that Maharajahs councilors were incapable and inefficient. J C Plowden wrote to the Government of India that the Bengali element (Babu Nilamber) in Kashmir had caused, and was causing great dissatisfaction.

At another day the Resident had a private talk with the Maharaja in presence of Diwan Anant Ram and Babu Nilamber Mukherjee. According to the instructions to the Resident, the Maharaja was enquired about the reforms which he thought to carry out and the Ministers which he trusted the most for a careful administration. In reply the Maharaja mentioned the name of Babu Nilamber whom he entrusted with all business connected with France, Diwan Anant Ram would continue to conduct foreign affairs as before of Ladakh and Leh. The Resident told the Maharaja that he hoped that by the time he would return from Kashmir, the Maharaja would have matured his schemes and reforms. The Resident further made it clear that he would not leave till he relieved the burden of the Kashmiri masses.70

“In March last Mr. Plowden thought that the time had come when for the sake of the state, reduction in Maharajahs authority became essential. There is no doubt some justification for Mr. Plowdens estimate of His Highnesses capacity to rule; but on the other hand, the condition of the state does not seem to demand at present such an action as Mr. Plowden was suggested. We have determined not to resort to measures which would have the effect, directly or indirectly, of taking the power out of the Maharajahs hands and His Highness will now have another opportunity of showing under favourable circumstances whether he is capable of carrying on the

70 Digby, op.cit., p. 139
administration. In early 1889 a plan was made by Colonel Nisbet, Raja Amar Singh and the revenue member of the Maharajas council. Some letters produced by Amar Singh were believed to be written by Maharaja to his Agents who were told to contact the Russians so as to carry out the murder of the Resident. The Maharaja was given the charges of treason by the British Resident. Maharaja was stunned to hear this astonishing news but with great composure of mind declared that if his own brothers were determined to ruin him with false accusations, he would not submit to his fate. The Maharaja did not take food for two days. The Resident sent him threatening letters through the Raja. An Irshad was sent by Resident to get it signed by the Maharaja but the Maharaja refused. On the next serious threat (March 1889) a vernicular translation of the Residents draft was made out and His Highnesses signature was obtained. Any way all this led to the deposition of the Maharaja and some how the Maharaja was made to sign the Irshad or Edict of resignation in March 1889 “According to the Irshad the council of ministers was to exercise all administrative powers in all departments of the state for a period of five years. Any vacancy in the council was to be filled up as per Maharajas desire but by the Government of India. The president of the council to be appointed from among His Highness’s full brothers. The Maharaja was relieved of the effective rulership of the state, which was placed, subject to the control of the Resident, in the hands of the council of regency with Raja Amar Singh as its President. The council consisted of Raja Ram Singh, Raja Amar Singh, an

---

71 Teng, M. K., Government of India to the Secretary of the State, August 18, 1888, p. 257
72 Bazaz, pp. 49-52
73 Hassnian, F. M., op.cit., p. 79
74 Bazaz, p. 50
75 Hassnain, F. M., p. 79
76 Sufi, G. M. D., Islamic Culture in Kashmir, (New Delhi, 1979), p 808
77 Bazaz, Inside Kashmir, op.cit., p. 51
78 Bamzai, P. N. K., Kashmir and Power Politics (From Lake Success to Tashkant), p. 42
experienced European to be appointed on two thousand rupees and per month, Rai Bahadur Pandit Suraj Koul and Rai Bahadur Pandit Bagh Ram. The council was first presided by Diwan Lachman Das and later by Amar Singh. The Maharaja was not to interfere in the management of the state for the period of five years. The Resident could veto any resolution passed by the council or suspend action thereon pending further explanation.

In 1889 the Resident Mr. Plowden reported that, "as long as there is present Maharaja in the state, the state cannot improve its conditions." He demanded that the Maharaja be snatched all powers. To prove his statement the Resident had enough proofs but once again the Government thought it prudent to give Maharaja a chance so that he might secure his position. Maharaja was allowed to continue but Mr. Plowden soon left the Kashmir administration and he was succeeded by Colonel Parry Nisbet, CIE, a personnel friend of the Maharaja. Much was hoped from the Colonel Nisbet for freeing Maharaja from unprincipled persons and to establish good governance. Francis Younghusband mentions that there were 19 Residents in the state up to the end of 1889.

After a study of four months Nisbet came out with same report as his predecessor which was very disappointing. He also found some letters of ill-feelings from the Maharajas which were found earlier also. Every attempt was tried and the Maharaja did not change his nature. The Government of India was now determined to accept the resignation of the Maharaja in order to reorganize the administration of Kashmir. Some instructions given to the Maharaja were:

---

79 Sufi, G. M. D., op.cit., pp. 807-809
80 Bazaz, op.cit., p. 51
81 Digby, The Government of India to the Secretary of State for India, fort William, Dated April 13, 1889, p. 155
82 Bisco, Tyndale, Kashmir and Its Inhabitants, (Delhi, 1998), p. 256-259
83 Digby, The Government of India to the Secretary of State for India, op.cit., p. 155
84 Thomas, Christopher, Faultline Kashmir, (UK, 2000), p. 79
Colonel Nisbet to interfere in the administration as suggested by the Government of India.\textsuperscript{85}

**Alleged Voluntary Resignation of the Maharaja**

It is mentioned that the 'so called' voluntary resignation was sought from the Maharaja and he was compelled to sign a long document containing several provisions which the Maharaja was not willing to follow. In a letter Maharaja himself mentioned that what happened was against his will. Maharaja wrote that Colonel R P Nisbet dashed in his room and pressurized him from all sides and he was obliged to write to relieve himself from the movement.\textsuperscript{86}

The Government of India had proved it that Maharaja had resigned voluntarily by citing paragraph 8 of the Viceroy's letter of 28\textsuperscript{th} June 1889. The Maharaja had now to depend on the Resident. The Government of India had further reported that they are received satisfactory accounts of progress from the Resident conveyed by the newly appointed council regarding improving condition of the people in the administration. The army had already been paid a large portion of their arrears, which had to remain without pay for several years. Similar arrears in other departments have created the conditions indispensable to honest and diligent service. Officers were not taking an active part in the administration. The unnecessary expenditure has been curtailed by the Resident and he assured that if the monsoon had been good for the coming year, administration would have recovered the land revenue in full. The Government of India had also called the secretary of the state many a times to look into the miserable conditions of the people whose number decreased day by day during the reign of

\textsuperscript{85} Digby, op.cit. p. 155
\textsuperscript{86} Ibid., p. 93
Maharaja and his predecessors. The settlement officer Mr. A Wingate mentioned, in his report of 1888, that there were some evidences which showed that most of the abuses continued to prevail unchecked after the new Maharaja ascended the throne. Wingate pointed out that the cultivator of the soil was pressed down to coolie cultivating the state property at a bare sustenance allowances and the former owners of the land were ousted from its possession. The artisan class was well known for its skill and industry also shared the ruin of the cultivating class. The Government of the India wrote that it was their foremost duty to secure the people of the Kashmir from the degradations, to terminate the long period of suffering, misgovernment and wasted opportunities through which the state had passed.87

The Maharaja of Kashmir when asked for no interference in the administration, he was initially annoyed but later praised the paramount power that His father had been a loyal and faithful servant of the Government of India and I am just continuing the same task. If the Government of India thinks it desirable that “I may refrain from administration, I have no objection.” The Maharaja with confidence said that, “all my country, treasury, army, even my life and blood are at the disposal of the British Government”

The Maharaja complained that, “I have been misrepresented by the Government of India which is the result of my own enemies. I have also been blamed for conducting secret correspondence with Russia and conspiring with Dilip Singh to poison British Resident Mr. T. C Plowden.” The Maharaja had disclosed every thing before the Government of India.88

87 Ibid., p. 96
88 Ibid., From His Highness the Maharaja of Kashmir to the Marquess of Lansdown Kashmir, May 14, 1889., p. 165
A batch of thirty four letters was received by R Parry from the Maharaja. They were the treasonable letters. The gist of the letters was that attempts were made to murder or remove the late Resident by offering large sum of rupees to a group of individuals including his brothers Ram Singh and Amar Singh and also one of Maharanis who was objectionable to him. Upon the appointment of the Perry, the Maharaja had appointed unworthy and incapable persons in his administration who take advantage of Maharajas fears and imbecility to blunder the state. These things prompted the Resident Colonel Perry to keep aside the authority of Maharaja and he went to Calcutta to meet Durand for his future planning in the state.89

The Maharaja complained that “due to my own enemies, my position has deteriorated. My enemies starring with pride and triumph into my eyes very often and showing all possible contempt. Maharaja mentions that he is very ashamed to note that his greatest enemy is his young brother Raja Amar Singh. From the first day of my accession he set afloat all sorts of rumors against me about my incapacity, insanity etc. he was caught in conspiring against me. He joined the persons of press to write against me and my men90 He filled the ears 91 of the European officials especially Residents in order to defame my image. But I have no suspension about his doings. He made black stories against me and set the Government of India against me. He was the most reliable and informant of every Resident especially Colonel R Perry Nisbet who used to work on his information. The Maharaja believed that all rumours which the Government of India received against me were from his own brother.”92

89 Ibid., p.156
90 Saraf, M. Y., Kashmir’s Fight-For Freedom, op.cit., p. 308
92 Digby, op.cit., p. 166-70
The Creation of a New Council and the Delegation of Full Powers to Maharaja

The administration of the state was now handed over to council consisting of the Brothers of Maharaja and some selected officials in the British service. This council was given full powers of administration but was subjected to the guidance of the Resident. They could not take any step without the consultation of the Resident.\textsuperscript{93}

Colonel D W R Barr mentioned that Resident would not deal with every department but he had to consult only the Vice President. Through this way they would carry out the administration.\textsuperscript{94} The rank and dignity of the Maharaja was maintained as the chief of the state. The maharaja was given allowances from the state to fulfill his requirements but not for extravagance. The Government of India mentions that our interference through Resident was not necessary but realizing fate of the state, it became need of the hour and in the interests of the Kashmiri people.\textsuperscript{95}

The cause of the deposition was highlighted by Urdu Paper-\textit{Punjab Gazzette of Sialkot} and \textit{Amrit Bazaar Patrika of Calcutta}. Amrit Bazar Patrika mentions that Plowden was not happy with the Maharaja and he wanted to colonise Kashmir valley.\textsuperscript{96}

He mentioned that he had failed to discover in him any sustained capacity for governing this country for any genuine desire to ameliorate its conditions.\textsuperscript{97} The Resident felt that the Maharaja was not loyal to his administration and it will be hard to believe that Maharaja Pratap Singh will carry any reform in the administration. The Resident mentions that the

\textsuperscript{93} Ibid, p. 155
\textsuperscript{94} Ibid.
\textsuperscript{95} Digby, p.155
\textsuperscript{96} Hassnain, F. M., \textit{British Policy Towards Kashmir 1846-1921 (Kashmir in Anglo- Russian Politics).} p. 79
\textsuperscript{97} Thomas, Christopher, op.cit., p. 78
Some lines were indicated for the Resident to carry out the reforms. The future position of the Maharaja was also declared. The duties of the members of the council were also marked in order to carry their business. Charges were brought about in the administrative services. Meanwhile attempts were made to minimize the foreign officials and to create a class of good native officials. It was also not in the interests of the Government of India to interfere in the customs and traditions of the Native state. The Government of India was also anxious to know the financial position of the Kashmir as soon as possible.

Need of the necessary arrangements was also of immediate importance. There should not be something ceremonial to step down the Maharaja. Every thing should be carried in quiet and efficient manner.¹⁰⁵

Wingate in his report mentions dissatisfaction of the Maharaja by pointing to some aspects of the society. Wingate mentions the recurring of floods during Maharaja Pratap Singh’s period and nothing was done to check floods. Famines had been a principle of the life of that period. Depopulation occurred during Dogra period and people suffered in many respects. W. W Hunter mentions half of the Indian population goes through life on insufficient food. Extravagance was a common phenomenon. Both Government of India and the Resident lead to extravagance in the valley. Their small works and little attempts amounted to lakhs of rupees.¹⁰⁶

The British Resident had a share in the reforms. Resident played an important role in assisting and advising from time to time the useful changes of the British Indian Government. The military reforms carried under the guidance of Resident helped in the organization of a new force based on

¹⁰⁵ Digby, op.cit., p. 160
¹⁰⁶ Digby, Wingate Report, p. 67
Maharaja was an incapable ruler and will not carry the administration of the state with honesty and firmness. William Digby proved the charges of misgovernment, not to carry away reforms, no money in treasury, corruptness etc. of the Maharaja as false. What prompted the British was the state control, in order to safeguard their empire against any aggression from North-west frontier region. The Maharaja was treated with honour as a titular chief, excluded from all real powers. Resident was the virtual ruler. The next to be appointed was Amar Singh as P.M of the state, but he too was inexperienced and less determined. He cannot prove equal to the work of this magnitude. Raja Amar Singh was also doubtful in the eyes of the Resident. He cannot be trusted unless a strong officer could be kept to advise him. So to employ him was not accurate. Resident further mentions that there was not any personality in the Maharajas employ who was worthy for such a post.

The Maharaja was informed to refrain from the administration, as his position was already secured. The actual power rested with the council consisting of the Maharajas brothers and three or four officials selected by the Government of India. Apart from Maharajas brothers there were two Hindus like Rai Bahadur Pandit Suraj Koul and Rai Bahadur Pandit Bagh Ram and a British Officer. None of the members was a muslim. It was not made obligatory that one of these members would be an Englishman. The members of the council were made well aware about their full powers and they have to exercise these powers under the guidelines of the Resident.

---

98 Teng, M. K., op.cit., pp. 248-50
99 Bazaz, op.cit p 54
100 Teng, M. K., op.cit., pp. 248-50
101 Bazaz, p. 54
102 Teng, M. K., pp. 248-50
103 Ibid, Instructions from Government of India to Resident in Kashmir, Dated April 1, 1889, p. 159
104 Saraf, M. Y., op. cit., p. 311
The council appointed by the Maharaja in his Irshad or the voluntary resignation was a nominal one. In the very constitution of the council, i.e., rules made for its guidance, it was ordered that their deliberations could be vetoed by the Resident in Kashmir.

The powers of the Maharaja Pratap Singh had been snatched in 1889 and he had been restored back these powers 1891 upon his appeal by the recommendation of the Lansdown. In 1891 he was made president of the council by stepping down Amar Singh to the position of the Vice-president.

Some new changes introduced were:

a) In future if there would be any difference of opinion between Maharaja and the council that would be solved by the Resident.

b) Anyway the Resident was to guide the administration in all matters.

c) The expenditure of the maharaja should be reduced to six lakhs of rupees

The Maharaja was not still happy with his position and wrote the allowing letter to the Resident on 29th January 1895.

“I am supposed to be no factor in the machinery of the state and nobody cares for me.” In another letter dated 7th September, 1895, he wrote:

“I am not even allowed to sign the papers of the Resident. I can not even appoint a tehsildar. Really I am quit hopeless; nothing is in my hands.”

Due to the increase in the number of European visitors in the valley, more capital flowed in the valley of Kashmir. The Resident made it clear that Residency will have full powers of civil and criminal jurisdiction

---

107 Sufi, G. M. D., Islamic Culture in Kashmir, op.cit., p. 317
108 Thomas, Christopher, op.cit., p. 80
109 Hassnain, F. M., op.cit., p. 79
110 Bazaz, op.cit., p. 75
111 Bamzai, op.cit., p. 44
over Europeans. It indicated that the council had to be obedient to the Residency. The Viceroy restored the Maharajas powers one by one till his last day. William Digby pleaded the cause of the Maharaja and published the good work “condemned unheard” in favour of the Maharaja. Digby had mentioned that even though the Maharaja was made the president, but still he could not exercise his powers. All real powers rested in the hands of the Resident. He was the referee in all matters. It is mentioned that the Amar Singh was backed by the Resident and that is why the real powers were enjoyed by him, while as the Maharaja himself was a titular head. A gap developed between the Maharaja and the Resident. Later on the gap was bridged by the Viceroy in order to avoid misunderstanding between the two.\textsuperscript{112}

The Resident believes that there was an immediate need of the removal of corrupt and mischievous persons who were the root of every problem of this torned state. Secondly, the appointment of trusted native officials on reasonable salaries to carry out the plans given to them. The Resident mentions that competent and trusted servants were needed until no reform was possible in such a state.\textsuperscript{113} The appointment of Maharaja as the president of the council meant many things to him. On one hand, he struggled to have his ruling powers restored. On the other hand he sought the cooperation of the members of the state council, who would be loyal to the Maharaja rather than to the paramount power. In Maharaja’s attempts to retrieve his ruling powers, the first imperative was the abolition of state council. From a demi official letter dated 18 March 1895, it is clear that the Maharaja sustained his efforts to have the state council abolished. The Govt’s. accredited representative made him understand that this could be

\textsuperscript{112} Hassnain, F. M. op.cit., p. 79

\textsuperscript{113} Teng, M. K., op.cit., pp. 248-50
done if he was prepared to accept the Govt’s. nominees as his councilors and be guided by the advice of Amar Singh and the Resident.\textsuperscript{114}

In 1898, the Maharaja was issued a stern warning by the Resident who told him that,

"it is essential that your Highness should recognize the obligations, as distinguished from the privileges of a hereditary ruler. Your Highness had advanced untenable claims to the exercise of the unlimited powers as the absolute owner of the state, and you have exercised the full powers, in respect to some of the forests. The ruin your Highness had permitted to be wrought in these particular forests must be regarded as an index of your fitness for exercising unrestricted authority. Your Highness does not appear to have learnt that powers entail responsibility. It would be impossible to countenance your dealings with the Kashmir state, with all its wealth and resources, as a toy which your birthright entitles you to break or spoil at your choice."\textsuperscript{115} The next Resident in the Kashmir was Colvin who received the relation of the Maharaja and the Prime Minister. He made some provisions in the administration which are as under;

1) The Resident should receive the information of the proceedings in the council.
2) The task of appointment and removal should be made in consultation with the Government of India.
3) Respect for the resident and his advice should be fallowed.
4) It was obligatory for the Maharaja and the Prime Minister to consult the resident for framing new policies and measures.\textsuperscript{116}

\textsuperscript{114} Bazaz, op.cit., p. 76
\textsuperscript{115} Hassnain, F. M., op.cit., p. 86
\textsuperscript{116} Ibid., p. 89
Lord Ampthill was made next Viceroy in 1903. The Government of India felt the need of restoring some powers to Maharaja Pratap Singh when they strengthened their position on the frontier of India. Maharaja wrote some letters to the new Viceroy for the restoration. Ampthill visited Kashmir in 1904 and Maharaja pleaded his case. Pratap Singh assured him that he wanted to raise the condition of his subjects and work for the welfare of the society. Maharaja also pledged for the abolition of the council.117

It was by the efforts of the Viceroy that state council was abolished in 1905 and his powers were publicly enhanced it was subjected to following conditions.

a) Maharaja had to exercise powers by the advice of the Resident and His Highness could not take any step of importance without his consent.
b) Resident will be consulted in the preparation of the annual budget.
c) The removal or appointment of the officers holding top positions in various departments would be done with the concurrence of the Government of India.
d) A minister will be appointed by the Maharaja to carry the business of all departments before His Highness.118

Maharaja Pratap Singh agreed to all these conditions and new arrangements were made by the approval of the Resident. The new powers were announced in formal Darbar in October 26, 1905. The Maharaja got confidence from a speech of Lord Curzon. The new arrangements were made and the Maharaja was to be assisted by a Chief Minister and this post was given to Amar Singh who from the beginning was his enemy.119 The relation between the two had not been good and that’s why in 1908 Maharaja desired

117 Ibid., p. 90
118 Bazaz, op.cit., pp. 83-90
119 Shoefield, Victoria, Kashmir in Crossfire, op.cit., p. 90
the removal of Amar Singh from the post. Pratap Singh told the Resident that his brother has humiliated him and lowered him in the eyes of the people. The Maharaja desired that a European officer be brought in place of Amar Singh to carry out the duties but the British Government denied it and this decision was heart breaking and perturbing for him. Amar Singh was the bitter enemy of Pratap Singh and in a letter written by Maharaja to the Resident expresses his view that, “all my troubles, even my ascending to the Gaddi have been the outcome of his gymnastics of intrigues with his nature full of extreme selfishness, jealousy and ambition polished by an acute and clever sense of intrigue, he has made my life together miserable.”

In this atmosphere of disappointment Pratap Singh frequently requested the removal of Amar Singh, but of no response. Meanwhile in 1909 Amar Singh died and left the Maharaja free from all worries. In the reign of Pratap Singh, the Resident was given annually an amount of 71/2 lakh of rupees. The restriction on Maharaja regarding budget and finance were also relaxed. Resident began to trust in the Maharaja and the satisfaction with His Highness increased.

After the first war of Independence the Maharaja again requested the British Government for the grant of full powers because the Maharaja was not fully satisfied with his limited powers. He again and again compelled for full powers. In one of his representations to the Viceroy, he wrote as:

“It was in the year 1889 that a council of administration was constituted with myself as the president to minister my state of Jammu and Kashmir. It lasted for 14 years until 1905, when certain enhanced powers were permitted by His Excellency Lord Curzon – the Governor General and the Viceroy of India, though a number of limitations were placed on my

\[\text{\cite{120} Hasssnain, F. M., op.cit., p. 92}\]

\[\text{\cite{121} Ibid.}\]
Nearly years have gone by and enhanced powers have been exercised by myself in a perfectly satisfactory manner.  

The Maharaja of Kashmir pleaded that he may be allowed to enjoy full powers in his state like other states of the India. He further mentioned that the advice of the resident would be scrupulously taken into consideration. In March 1921 Lord Chelmsford restored powers to him. The new council which was constituted on January 28, 1922 consisted of- senior member, foreign member, revenue member, law member, home member, member incharge of commerce and industries.  

The major changes which took place in the administration of the state were after the reconstitution of the state council. “The period 1921 to 1925 was signalized by two reforms of major importance namely the employment of the state subject as for as possible to fill ordinary vacancies and the restriction of grant of land for house building and other purposes to state subjects only.”

The British Government did not care much for the affairs of the Kashmir as the position of the resident was much strong to look into every matter and the Maharaja could not oppose the Resident. The tussle between the Maharaja and the Resident was nearly at end. The British had decided to treat Hari Singh as the heir apparent to succeed Pratap Singh. Hari Singh was trained under Wakefield for the future rulership. The British desired the delegation of powers to the council by making Hari Singh as the senior member of the council. Maharaja was told in 1923 to renounce Hari Singh as the president of the council. But Maharaja Pratap Singh vehemently opposed it. During this course of period the Maharaja died. “His death marked the

---

122 Hassnain, F. M., p. 94
123 Ibid.
124 Ganga Nath Report, State Archives Srinagar Kashmir, p. 63
end of the political drama in which the Resident and the maharaja played the opposite and Amar Singh acted as the Villain. Diwan Narsing Das mentions that the first task of Hari Singh was to remove Resident from the state and to end all political intrigues. Hari Singh was successful in this attempt and the Resident had to move from Srinagar to Sialkot. This ended all the interferences of the Britishers in the state of Jammu and Kashmir. It covered a long span of nearly twenty years from 1905 to 1925, in which the Resident was all supreme and powerful. This marked the end of an era and Kashmir left behind an autocratic phase to enter into a modern era.”

But here it goes without saying that Pratap Singh during his later part of the reign proved administratively well. Factories and workshops were fitted with electricity, a flood spill channel was constructed to check the water flow of the river Jhelum and water tanks were constructed. Ganga Nath mentions that a food control department was established in Srinagar, co-operative public works, agriculture and medical departments were established, the burden of taxation was reduced and the state monopoly of Shawl industry was abolished.
CHAPTER-4

Powers of Resident in the Jurisdiction of the State
Powers of Resident in the Jurisdiction of the State

“The prime function of any Government is the maintenance of law and order and providing justice to its citizens.”¹ During the first thirty years of Dogra rule judicial system remained arbitrary, unorganized and primitive. There were some courts of appeal both at Srinagar and Jammu for initiating legal cases and hearing appeals as well.² The evolution of the judiciary may be summarized as following:

a) The ruler vested with all the judicial powers.
b) Establishment of Adalat-i-Alia (High Court).
c) Organisation of a High Court with one judge.
d) Establishment of Maharajas board of judicial advisors.
e) Granting of letters patent to High Court, and
f) Judicial system as envisaged in New Kashmir.³

Kashmir being the Northern most state of the British India received the attention of first judicial system during the reign of Gulab Singh. Judicial department received sincere patronage during his reign. There were laws for both Hindus and Muslims. We don’t find any legal advisors during that period and there was no ‘law of limitation’ in force in the state. The appeals of present time were also absent. Cases were usually lodged, committed, represented and decided verbally.⁴ There were no special courts to administer justice. Any one having a respectable position in the state could dispense justice.⁵

Public peace was a necessary condition. Steps were taken to maintain law and order. During Gulab Singh thanadars and kotwals were responsible

³ Ibid.
⁴ OM, Hari, op. cit., p. 2
for public peace and to detect and repress crime.\textsuperscript{6} It was the rule of one man in whom vested all powers, legislative, judicial and executive.\textsuperscript{7} Maharaja himself was the highest court of justice and it is mentioned that He was easily accessible and ready to listen anybody.\textsuperscript{8} \textit{Kardars} who were meant for revenue collection could also dispose petty civil and criminal cases.\textsuperscript{9} It is noteworthy here to mention that if any person or party was not satisfied with the decision of the lower courts like \textit{kardar}, \textit{kotwal} and \textit{thanadar}, he was at liberty to submit an appeal to the Maharaja, who was the highest court of justice. It is mentioned that if any one standing at the Maharajas courtyard with his hand raised for the purpose of listening to a complaint. The Maharaja was eager to listen him. If the Maharaja saw any body standing on that position, he used to send his orderlies to bring him in his presence. There was not any court fee for presenting a case.\textsuperscript{10} One could get the attention of the Maharaja by shouting \textit{“Maharaja Arz Hai”} i.e Maharaja a petition, by customary offering a rupee. Gulab Singh believed that it was his sacred duty to administer justice.\textsuperscript{11} Saif-ud-din records another ingenious innovation that Gulab Singh had installed a cage which hung on cotton cords running from his palace to the outside. If a petitioner dropped a petition into the cage which is personally pulled in and read by the Maharaja. It was found that if a decision was immediately needed, it was cleared on the spot.\textsuperscript{12} There was much pressure on the officials also who administer justice from the Maharaja. They did not want any complaint against them and to earn a bad name. They fear the rule of the Maharaja. Gulab Singh was a dashing

\begin{thebibliography}{9}
\bibitem{OM} OM, Hari, op. cit., p. 2
\bibitem{Ibid} Ibid.
\bibitem{Koul} Koul, Saligram, op.cit., p. 238
\bibitem{OM Hari} OM, Hari, op. cit., p. 2
\bibitem{Dew} Dew, Fredrick, \textit{Jammu and Kashmir Territories}, Published First in 1875, (New Delhi, 1975), p. 15
\bibitem{Singh} Singh, Bawa Satinder, \textit{The Jammu Fox-A Biography of Maharaja Gulab Singh of Kashmir} (1792-1857), (USA, 1974) p. 72
\end{thebibliography}
personality. He was universally feared by the people. But his methods of judicial administration were crude and primitive. Stern action was taken against crimes. An attempt of murder had to face the punishment of *Ahzab*-meaning amputation of limbs. K M Pannikar writes that his justice was rude but it was expeditious. Shortly after his death, the tradition of justice which was started by Maharaja Gulab Singh died out.\textsuperscript{13}

Maharaja Ranbir Singh in his turn tried to improve the lot of his subjects. His anxiety for administration was reflected in his talks recorded by Sir Richard Temple. Who says: “I tried to hint delicately that, like all other places, Kashmiris would benefit by increased care. The Maharaja said that he was conscious of many defects and that as soon as he had leisure from affairs at Jammu, he would go to Kashmir and introduce several reforms, adding that he felt himself responsible to God for the care of his people.”

Frederick Drew writes that Maharaja used to hold an open court twice a week to listen petitions of the public. He sat at about 10 o’clock on his seat with a cushion and decided cases till the completion of the petitions. Capital punishment was very rare.\textsuperscript{14}

Maharaja Ranbir Singh sincerely started the reorganization of administration. He divided the administration into various departments like *Daftar Nizamat, Daftar Diwani,* and *Daftar jangi.* There were subdivisions for civil administration as well. His interest was such that he establishment regular courts of justice with defined powers.\textsuperscript{15} So in this regard *Adalat Sadar* or Chief court was created both at Jammu and Srinagar. All important cases were decided in this court and Maharaja was keen for dispensing

\textsuperscript{13} OM, Hari, op.cit., p. 2
\textsuperscript{14} Dew, Fredrick, op.cit., pp. 15-20
\textsuperscript{15} Koul, Gwasha Lal, *Kashmir Then and Now*, (Srinagar, 1972), p. 85
justice. Ranbir Singh who tried to improve the judicial system is said to have established 25 law courts and wazarat courts as well in different parts of the state. For speedy justice an Adalat-i-Alia (High Court) was established in 1877 and its powers defined were:

"The High Court (Adalat-I-Alia) shall be deemed for the purposes of all enactments for the time being in force to be the highest court of appeal or revision, subject to the control and judicial powers exercised by His Highness the Maharaja Sahab Bahadur. The general superintendence and control over all other civil courts shall be vested in, and all such courts shall be subordinate to the High Court." The High Court has got many powers. It has the power to approve, admit and enroll so many advocates, vakils and Attorneys of laws if it thinks fit. To deal with some petty civil and criminal cases, the appointment of Chakladars and making of laws was necessary. It is mentioned that for the first time in the history of the state, a Penal Code was introduced. This Penal Code was drawn on lines of Macaulays Code.

The influx of Europeans in Kashmir increased after 1873 and to deal with them and to secure their position in the valley, a mixed court comprising of a British officer and a civil judge of the state was established to decide civil suits between Europeans and their servants on the one hand, and the subjects of the maharaja on the other hand. Steps were taken to speed up the administration of justice and to place it on a sound foots. The rules of court fee, stamp duties and registration were also framed. Later on

---

16 Anad, A. S., op.cit., p. 18
17 Anand, A. S., op.cit., p. 18
18 Ibid.
20 Koul, Gwash Lal, op.cit., p. 83
21 OM, Hari, op.cit., p. 3
22 Anand, A. S., op.cit., p. 19
we see the creation of Sadar Adalats by 1885. The judges of the Sadr Adalats were subordinate to the Governors of the respective provinces.\(^{23}\)

In 1885, the Panchayat Court, consisting of four Hindu and four Muslim officials, were also established at Srinagar.\(^{24}\) The orders of the Maharaja were known as 'law of equity'.\(^{25}\) Ranbir Singh appointed Chakladars at every police station to dispose of petty civil and criminal cases.\(^{26}\) This court heard petty civil and criminal cases. It is interesting to note that the Maharaja was interested to hear the petitions of the people and held his Darbar daily. Petitions were listened patiently enough and if the petition was found simple, it was disposed of on the spot. The civil and criminal cases were settled by the judicial officers in the court. The Maharaja usually did his best to get at the truth and sharply cross-examined the witnesses. It required only a stamp of half a rupee to have the case heard by the Maharaja himself.\(^{27}\)

The Dogra rulers established Dogra imperialism in the state in which the dogras were elevated to the position of the masters and people from other communities were treated as inferiors. This discrimination continued and was inherited by his son Pratap Singh.\(^{28}\)

“The courts established by Ranbir Singh continued to function during the first four years of Pratap Singh’s reign. But all said and done, it appears from available sources, that the aim of dispensing fair and speedy justice was not achieved, primarily due to the absence of trained personnel and uniform laws and procedures.” \(^{29}\) One hundred sections of criminal law and a simple

\[^{23}\text{OM, Hari, op.cit., p. 4}\]
\[^{24}\text{OM, Hari, op.cit., p. 5}\]
\[^{25}\text{Bushan, Vidya, op.cit., p. 61}\]
\[^{26}\text{Ibid.}\]
\[^{27}\text{Dew, Fredrick, op.cit., pp. 15-20}\]
\[^{28}\text{Anand, A. S., op.cit., p. 19}\]
\[^{29}\text{OM, Hari, op.cit., p. 7}\]
code of civil laws were not sufficient to meet the requirements of the people. There were some faults in the judicial system as well. 30 We see some officers of the state take the advantage to get fines. The other evil of great magnitude was the delay in the dispensation of justice. A petty case took several years to be finally disposed of. The policemen were dealing the offences by their own respective ways. 31

Jagirdars exercised civil and criminal powers without maintaining regular offices and often defied the police administration of both civil and criminal justice and the administration became the prey of corruption and disorder. There had not been defined powers of courts. Men of high position frequently influenced the decision of these courts. Maharaja’s relatives and servants had considerable influence over the courts. Partiality had been seen towards cases of known persons in the courts. All this happened before 1889, however before 1889 the incidence of crime was low which was reported by Officer on Special Duty. He cited following reasons responsible for the low rate of crime during early dogra period in his annual report of 1873.

a) “The extreme severity of the punishment inflicted in the time of Maharaja Gulab Singh.

b) The extent to which the responsibility of the local officials and the Village headmen enforced in cases of undetected crime.”32

The travelers who come from Europe have to maintain the law of the land. If any case of such a kind was obtained, that was tried in the Residency Courts. Maharaja Gulab Singh could not organize the judicial system of the state because he was busy with the frontier disturbances. It was Maharaja Ranbir Singh who established regular courts of justice and introduced a

---

30 Koul, Gwash Lal, op.cit., p. 83
31 OM, Hari., p. 7
32 Ibid., pp. 9-11
penal code. But when we talk of Pratap Singh, he had many difficulties in reorganizing the judicial system due to his political intrigues and it was in 1889 that the entire judicial machinery was reorganized on British lines.\(^{33}\) Maharaja Pratap Singh was not satisfied with the Civil Procedure Code of 1873 which he modified successfully in 1896. Under the resolution of 39 of the circular No. 201 of 1896, the Government authorized the adoption of many important British Indian Acts.\(^{34}\) Due to his continuous struggle of setting up a good administrative machinery, he was successful in 1896 to reorganize it through the council of ministers. The newly constituted high Court in 1897 consisted of a Judge who was also a judicial member. His Highness received all the appeals laid down before this court.\(^{35}\) The presiding officer in the court and the clerks in the judicial department were lethargic. Many of the Tehsildars and other important officers were illiterate, but they have occupied the positions of high influence. The judicial cases against private persons or state servants, interested in politics or in the intrigues at the court are as a rule kept in an awe and he was not given any opportunity.\(^{36}\) It has been mentioned that during the ministry of Diwan Lachman Das and Anant, the court was independent and the judges blindly disposed of cases, by the will of the ministers in power. Cases were not solved on merit basis. Sometimes what the judicial members did, that in order to appease their employers, they destroyed the important papers and depositions, replacing them with false proceedings. Court had lost the public confidence and now no plaintiff submitted his original documents. It is noteworthy that the pettiest case found its place in the Highest Courts,

\(^{33}\) Teng, Mohan Krishan, Bhatt, Ram Krishan Kolu and Koul, Santosh, *Kashmir Constitutional History and Documents* (New Delhi, 1977), pp. 272-276

\(^{34}\) Report on the Administration of Jammu and Kashmir State for 1904-05


\(^{36}\) Teng, M. K., op.cit., pp. 72-73
swelling the law charges to double or triple of the amount claimed.\textsuperscript{37} “A curious custom prevailed enabling private persons to make money by laying information exposing the conduct of the state servants. Such complaints were called \textit{Khair Khwai}”. The officials were addicted to misappropriation of monies received by them in the course of official duty, easily avoided investigation by bringing the informers, and the durbar itself, not being well prepared to check corruption.\textsuperscript{38}

Other important officers like \textit{tehsildars} and revenue officers also felt in the habit of imposing fines without recording any proceeding. M K Teng mentions that there was a penal code but there was no code of criminal procedure and also there was a code of civil procedure but there was no substantive code of civil laws nor was there any law of limitation. The stamp and registration laws are grossly imperfect.\textsuperscript{39} In the courts of tehsildars, civil cases were sometimes allowed to be instituted without due payment of Stamp Duty, while such duty was at times realized in cash and seldom carried to book.\textsuperscript{40}

\textbf{Judiciary}

Maharaja Pratap Singh ascended the throne in 1885 and started his administration with the help of two Ministers. It was during his reign that Britishers took an active part in the administration of the state. It was only after two years that a council was constituted and the Maharaja was relieved of all his administrative powers. New members were selected for the administration and in this way Rai Bahadur Pandit Bagh Ram became the

\textsuperscript{37} Ibid.
\textsuperscript{38} Ibid.
\textsuperscript{39} Teng, M. K., \textit{op.cit.}, p. 27
\textsuperscript{40} Report on the Administration of Jammu and Kashmir State for 1889-90, Compiled by Pandit Bagh Ram, Rai Bahadur Judicial Member and Secretary to the Council, Jammu and Kashmir State.
first judicial member of the state council who looked after law and justice, jails, education, Health and public works. For the reorganization of the whole judicial machinery, he took several steps and was fairly successful. The pay of the judicial member was fixed to be 1500 and it has been mentioned that he was so unselfish by reducing the pay to 300 a month, keeping in view the financial conditions of the state. Appeals in civil and criminal cases and application for confirmation of sentences of death and life imprisonment were submitted to the council by the judicial member and then through the secretary, state council, to the Maharaja for his orders. The functions of the highest legislature and judiciary of the state were combined in the state council. The Maharaja started the system of annual conferences in 1931 of the representatives of each tehsil. They were selected by district officers for presenting their grievances. The powers of life and death sentences of the subjects were in the hands of the Government of state. Sentences of death passed by state courts were not subjected to the approval of the Resident.

Administratively the state was divided into some provinces like Jammu, Kashmir, Ladakh and Gilgit. Civil and criminal laws were decided in these provinces. Every province was divided into a number of Wazarats, each under a Wazir and the wazarats were subdivided into tehsils, each under a tehsildar. The tehsils were further divided into Naibats – each under a naib tehsildar. In Kashmir most of the tehsils were directly under the governor. Provincial Governors were the chief executive authority of the provinces in the state. Chief judges vested the Chief judicial authority in the

---

41 OM, Hari, op.cit., pp. 19-20
42 Ibid.
43 Ibid.
provinces, who were under the judicial member of the council.\textsuperscript{44} High Court was the court of judicial member and was the highest court in the state. All the appeals lay in the council of His Highness. By appointing a council the Maharaja tried to lessen the powers of the Resident but of no result.\textsuperscript{45}

When the High Court of Jammu and Kashmir was constituted, the Maharaja of the state mentioned as falls;

The High Court for the judicature of Jammu and Kashmir be constituted with effect from 1885 and shall consist of a Chief justice and two or more judges which His Highness thought to be appointed. The said court shall henceforth be styled as the High Court of judicature of Jammu And Kashmir State.\textsuperscript{46}

A High Court of the state was formed in 1905, the purpose of which was the all enactment passed till then to be brought in force. It had the powers of superintendence and control over all other civil courts and all such courts were subordinate to it. The powers of the High court has been defined by the State Civil Courts Regulation as “the high court has and shall have power to remove and to try and determine as a court of extraordinary original jurisdiction and or suits being or falling within the jurisdiction of any court subject to its superintendence when the high court shall think proper to do so, either on the agreement of the parties to that effect or for purposes of justice. The high court shall have power and authority in relation to the granting of probates of lost wills and testaments and letters of administration of the goods, chattels, credits and all other effects whatsoever of persons dying intestate whether within or without the state as are or may

\begin{itemize}
\item \textsuperscript{44} Anand, A. S., op.cit., p. 24
\item \textsuperscript{45} Ibid.
\item \textsuperscript{46} Jammu and Kashmir Notification Order NO. 1, 26\textsuperscript{th} March 1928.
\end{itemize}
be conferred on it by any law for the time being in force.\textsuperscript{47} Judicial system on basis was established in this year of 1905 which culminated the formation of High Court of judicature Jammu and Kashmir state in 1928. His Highness declered that the high court shall consist of a Chief Justice and two more Judges, as His Highness the Maharaja Bahadur may from time to time think fit to appoint. One of the judges shall have revenue experience. The Chief Justice and Judges has to declear it before dispensing their duties before Highness or any other officer that they shall administer justice according to law and usage of the realm, without fear or favor, affection or ill will.\textsuperscript{48}

<table>
<thead>
<tr>
<th>Designation</th>
<th>No. of Tribunals</th>
<th>No. of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>High court</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Sadar adalats or chief judges</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Additional judges court</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>City and joint judges court</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>District courts of munsiffs</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Tahsildars court</td>
<td>36</td>
<td>36</td>
</tr>
</tbody>
</table>

The above table shows the judicial tribunals which were at work during 1890’s.\textsuperscript{49}

The governors were subordinate to the state councils alone. They were responsible for law and order in their provinces as well as for timely submission of various kinds of information to the Government In 1913 they were made District Magistrates of their respective provinces.\textsuperscript{50}

\textsuperscript{48} The Story of Kashmir, Yesterday and Today, op.cit., p. 242
\textsuperscript{50} OM, Hari, op.cit., pp. 19-21
The Resident and Residency Courts

It was the Government of India who exercised jurisdiction over European visitors during the early Dogra period. It had been noted that sometimes the European used to violate the law and did whatever they liked. So officer on Special Duty was called in to interfere in cases where public decency was outraged. He was designated as political Agent and ‘justice of peace’ in 1872. Under certain rules the officer on Special Duty was given some powers both in civil and criminal cases to deal with the Europeans and the subjects of the Maharaja.51

Resident occupied an important position in the princely state of Jammu and Kashmir. He enjoyed certain judicial powers over his British subjects. The judicial powers of the officer on special duty for the guidance of the travelers were as;

1) He may direct any British Subject who is traveling or residing in Kashmir and who is guilty of any gross misconduct to leave Kashmir forthwith and may punish any person knowing of such direction and disobeying the same with rigorous or simple imprisonment for a term which may exceed six months, or with fine, which may extend to one thousand rupees or both.

2) He shall receive, try and determine in his court (which shall be called the court of British officer in Kashmir) all suits to a civil nature between British Subjects provided:
   a) that the right to sue has arisen or the defendant at the time of the commencement of the suit dwells or carries on business or personally works for gain within Kashmir.

51 Ibid., p. 65
b) That the suit is not of the same nature as those suits of which the
cognizance by the ordinary civil courts of British India is barred by
law.\(^52\)

He had the powers of a first class Magistrate, except in the case of a
European. If there was any sort of complicacy in any case, the Officer on
Special Duty referred it to the decision of the Chief Court of Punjab.
Criminals could also appeal to the Commissioner of the Rawalpindi Division
or to the chief court of Punjab for their conviction.\(^53\)

There has been a gradual increment in the powers of the political
Agent. His powers were regulated and formulated according to the
agreement with the Maharaja in 1873. The agreement declared that mixed
courts would decide all the civil suits between British nationals and subjects
of the state which was established in that very year. The new court was to be
presided over by the Political Agent or Officer on Special Duty and a civil
judge belonging to the state. If there was any difference between the two,
Arbitrator had to solve the problem and his decision was final. No British
national or British Indian subject accompanying a European subject could be
tried by the state court. They all were under the complete control of the
Resident in the state.\(^54\) Further the governor General in council acquired the
full jurisdiction over the subjects of Her Majesty under the foreign
jurisdiction and Extradition Act of 1879. In the case of Gilgit and frontier
Ladakh the Resident exercised his powers through the political Agent
Gilgit.\(^55\)

The court of Punjab was having a greater authority. 'The courts of the
Resident and his assistants were subordinate to the Chief Court of Punjab,

\(^53\) Ibid.
\(^54\) The Story of Kashmir, Yesterday and Today, op.cit., pp. 249-50
\(^55\) OM, Hari, op.cit., p. 65
which was the highest court of that province. But this court had no administrative control over the Resident in this state. The Chief court exercised the powers of a high court in respect of all offences over which the jurisdiction of a court of sessions was exercised by the Resident.\textsuperscript{56} The Chief court could not hear the appeals in civil cases.\textsuperscript{56} With the passage of time the powers of the Resident were modified. Under the notification of 13 January, 1888 the powers of the resident were changed. Resident was required to report the matter at once for the orders of the governor general in council. However, under the earlier notification of 1873, the political Agent had the power to direct any British national, guilty of gross misconduct, to leave the state and to punish any person for not obeying his orders. The mixed court continued to function till 1891 which was established in 1873 when the Resident himself recommended the Government of India for its abolition as no suits had been heard or determined by this court and he thought that the institution was almost obsolete.\textsuperscript{57} Soon new judicial powers were conferred upon the Resident and his assistants both in civil and criminal cases by the Government of India which was approved on 7\textsuperscript{th} September 1891. Resident and his assistants were made ‘justice of peace’. They were given the power to try cases against Western visitors. The state subjects were tried by the state courts. If a person was not satisfied with a state court, he could represent himself in the court of Resident and Resident could interfere if the case had a sound footing.\textsuperscript{58}

The Resident mentions that he was directed by the Viceroy and the Governor General in council to communicate the arrangements made by the

\textsuperscript{56} The Story of Kashmir, Yesterday and Today, op.cit., pp. 249
\textsuperscript{57} Bates, Charles Elson, op.cit., p. 548
\textsuperscript{58} Col. W F Prideaux Letter Regarding Exercise of Criminal and Civil Jurisdiction in the State Territories by the Government of India and Notification Regarding Appointment f Resident or Assistant Resident in Kashmir as “Justice of Peace” in the State, File No. 20, Year 1891
Government of India for the exercise of civil and criminal jurisdiction within the state. The Government of India considered the regulations published in foreign department on 28th May 1873 as those regulations which was suited to the time. The Resident mentions in 1891, that the Government of India was very happy to see improvement in the administration of justice in Jammu and Kashmir and if the state council shall concentrate on this question, it was believed that the courts of the state would soon command the confidence of the general public.59 'The new arrangements empowered the Resident to exercise the powers of a district Magistrate and of a court of sessions. Assuming the powers of a sessions court, the Resident in the exercise of the original criminal jurisdiction, could take cognizance of any offence according to the code of criminal procedure. In that case there was no need for the accused being committed to him by a Magistrate.60

Resident had also the power to try persons extradited from British India under the foreign jurisdiction and Extradition Act of 1879. He could also try British Indian subjects who had not acquired a domicile in the state and the servants of European visitors. The state council made arrangements for enforcing the attendance of witnesses upon the request of the Government of India and the state council comply it on 9 May 1891.

The resident was subjected to different conditions during his life in the state. In the arrangements if 1891, he was restricted and empowered by certain powers in his court which was known as court of Resident in Jammu and Kashmir like all civil suits in which a European or native Indian subject of Her Majesty was a defendant. The procedure in such suits was regulated by the Act of XIV of 1882. He had an extraordinary jurisdiction under section 25 of the code of civil procedure. No body could appeal against any

59 Teng, M. K., op. cit., Letter From Resident to Amar Singh, pp. 280-81
60 Col. W F Prideaux, Letter Regarding Exercise of Criminal and Civil Jurisdiction, File No. 20, Year 1891
order, judgment or decree passed by the Resident in civil suit. The assistants to the Resident were also empowered to exercise the powers of a District Magistrate and of a court of sessions. There was no provision for trial by the jury or assessors. In 1891, the civil procedure code of India came into force. The assistants of the Resident were allowed to enjoy the powers of an ordinary District Court only in civil suits. The Resident saved his time by delegating his powers to any of his assistants or to the Residency surgeon to deal the petty civil courts. He was empowered to do so.\(^6^1\) The powers of High court were conferred upon the resident under two notifications of 11\(^{th}\) March 1893. Inspite of all offences he exercised these powers over which Magisterial jurisdiction was exercised by any of his assistants, except where the sentence had to be confirmed by the high court. Instead of Resident, it was the Governor General who confirmed sentence in such cases.\(^6^2\)

On 11 May 1893, the British Agent in Gilgit was empowered to exercise the powers of a District Magistrate and of a court of sessions in respect of all cases over which Magisterial jurisdiction was exercised by any of the assistants of the Resident. He was also empowered to the cognizance of any offence as a court of criminal jurisdiction without the accused being committed to him by a Magistrate. Then he followed the procedure laid down by the code of criminal procedure of 1882 for the trial of warrant case by Magistrate.\(^6^3\)

Colonel Barr was another Resident in Kashmir. On 19 June 1894, he submitted a proposal to the Government of India recommending that the British nationals doing business in the state be subjected to the jurisdiction of the state courts, as far as the civil claims against them, and matters connected

---

\(^{6^1}\) Col. W F Prideaux, Letter Regarding Exercise of Criminal and Civil Jurisdiction, File No. 20, Year 1891.

\(^{6^2}\) OM, Hari, op.cit., p. 69

\(^{6^3}\) Bates, Charles Elson, op.cit., pp. 547-548
with their trade transactions were concerned. He explained it in the Background that Kashmiris had financial and business transactions with British nationals.  

‘Col. Barr mentioned that the claims against British nationals should be similarly disposed of by the state courts “in a spirit of reciprocity and confidence in the justice of courts.” He also advocated that European firms in the state had such confidence in the state courts that they, “would raise no objection to the changes proposed.” In support of his views he pointed out that during the year 1891-94 only one case of this type referred to had been tried in the court of the Resident. This clearly indicates the unpopularity of the court rather than the absence of the claims concerning European, British subjects. Much such litigation would have been disposed of by an ordinary judge, if the plaintiff had been allowed to bring it before the state court. But since the Kashmiris were shy of appearing in the courts of Europeans, most of the cases had actually been settled outside the courts. 

The provisions and arrangements which had been made in 1891 continued till 1930 with some changes. In 1890, the judicial officers, with the exception perhaps of the Chief Judges, were hardly trained. But in 1930’s, the chief judges were competent persons and in no way inferior to the district and sessions judges in British India. It had been mentioned that Munsiffs and sub-judges were also well qualified. Cases were decided more promptly and according to legal principles. The supervision of Chief Judges and High court judges were more regular.

In 1922 the state council made a representation to the Government of India in view of the marked improvement though the Resident to modify the

---

64 OM, Hari, op.cit., p. 70.
65 Ibid., p. 70
66 Ibid., p. 71
arrangements made in 1891. The state Government asked that in criminal cases British Indian subjects be subjected to the jurisdiction of the state courts and that in civil cases, the state courts should be given full jurisdiction over all Europeans, Americans, Japanese and subjects of Indian states.\(^{67}\)

All these demands were left pending and no action was taken till Lt. Col. G D Ogilvie, examined the question of civil and criminal jurisdiction to be exercised by him and his assistants. He recommended the Government of India on 6 June 1930 that the state courts be permitted to exercise full criminal jurisdiction over all Indian visitors, including Indian servants of European nationals, and also to exercise full civil jurisdictions over all persons in the state irrespective of their nationality.

In criminal matters, the Government of India declared in 1930 that the Residency courts were to exercise jurisdiction only in cases of Europeans, American and Japanese nationals. “All other categories of persons, who have hitherto been tried by the state courts.” The same arrangements were extended to Gilgit Wazarat where the Political Agent and His assistants were to exercise similar powers.\(^ {68}\)

Lt. Col. D M S Fraser- the Resident in Kashmir conveyed to the state Government on 10 July 1939 that the Government of India agreed to invest the state courts with full powers to try and convict even Europeans, Americans, Japanese and British Indian subjects. The Government of India recognized the efficiency of state courts in 1939 and thereafter never interfered in the administration of justice in the state. The High Court became in every sense the highest judicial tribunal for every living in the state.\(^ {69}\)

\(^{67}\) Ibid.

\(^{68}\) Ibid.

\(^{69}\) Ibid.
Administration of Criminal Justice

It has been mentioned that the people of this state were peace loving and law abiding. The rate of crime was low and the crimes were mainly related to property rather than theft, burglary and injuries to persons. Reports have mentioned that most of the disputes were due to land and water-course etc. that were referred to the courts. Lawrence mentions that serious crime was rare and the force of regular police was comparatively small. It included three assistant superintendents, nine inspector, two hundred ninety seven subordinate officers and one thousand two hundred thirteen constables costing about 2.2 lakh annually. Chaukidars performed the police functions in the villages. The village headman was to report any kind of crime in the village. In 1904-05 only 2076 cognizable cases were reported of which 640 or 30 percent, ended in conviction. Jails were maintained both at Jammu and Srinagar. The daily average number of prisoners in 1904-05 being 543. The Gilgit wazarat was in charge of wazir wazarat. There was no police and no jails and the crime was low. The police duties were carried by a few Levies and a number of soldiers of Kashmir regular troops. Till 1888, the administration of criminal justice was not efficient. The state Penal Code was extremely imperfect. The laws were replete with errors and were in a crude state. There was maladministration in the criminal jurisdiction. So it was necessary to bring it on proper lines. With these in view, the state council in 1889 issued an order to the judicial member to prepare a similar but comprehensive code of civil procedure.

---

70 Ibid., pp. 127-30
71 Lawrence, Walter R., Provincial Gazetteers of Kashmir and Jammu, (New Delhi, 1985), p. 79
72 Ibid.
73 Ibid., p. 110
74 OM, Hari, op.cit., pp. 127-30
"The judicial member framed an elaborate penal code at the sacrifice of great labour" which was introduced in the state in April 1891. It was known as the Jammu and Kashmir Ranbir penal code Act X of 1882. Every person was liable to punishment under this code. The provisions of this code applied to any offence committed by a subject of the Maharaja in any place within the state. This Act had some codes and sections under which different people of different categories were dealt with. Punishment differed with the range of the crime. With the passage of time some people showed some dissatisfaction with some provisions of the Act especially in July 1912. So the Government felt the need of some changes or reforms in the earlier Act. The judge, High Court, supported the views of Home Member and recommended that the old Act X of 1882 be repealed, subjected to certain modifications.\textsuperscript{75} The Government of India was very much satisfied by the arrangements of 1891. It has praised the work done by the council. The Government of India had also conveyed the need of some minor modifications in the present procedure the changes which were brought out were as under;

1) Resident and his assistants were conferred the powers to enquire into the cases against
   a) European British subjects
   b) Americans
   C) Europeans other than British
   d) Christians of Europeans descent
   e) Native Indian subjects acting as servants of a European British subject
   F) British subjects accused of having committed offences conjointly with European subjects

\textsuperscript{75} Ibid.
2) The trial of Native Indian subjects who ordinarily dwell or carry on business or personally work for gain within said territories will ordinarily rest with the courts of the durbar.  

For the purposes of the exercise within the said territories of criminal jurisdiction in such cases as afore said;

1) Every assistant to the Resident in Kashmir for the time being may exercise the powers of a district Magistrate and of a court of sessions as described in the code of criminal procedure 1882.

2) The resident in Kashmir for the time being shall exercise the powers of a court of sessions and a high court as described in the said code in respect of all offences over which Magisterial jurisdiction is exercised by any of his assistants; provided that no such assistant shall commit any accused person for trial to the Resident acting as a court of session.

3) The Resident in Kashmir for the time being shall exercise the powers of High Court as described in the said code in respect of all offences over which the jurisdiction of a court of session is exercised by any such assistant, except that, in case in which the said code requires sentence of a court of session to be confirmed by the high court, the sentence shall be referred for confirmation to the Governor General in council instead of to a Resident.

4) In the exercise of the jurisdiction of a court of sessions conferred on him by these orders, an assistant may take cognizance of any offence as a court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the
code of criminal procedure 1882, for the trial of warrant cases by Magistrates.

5) The trial before an assistant in the exercise of a jurisdiction of a court of sessions conferred on him by these orders may be without any jury or aid of assessors.

6) This part of these orders applies to all proceedings except-
   a) Proceedings against European British subjects or British subjects jointly charged with European British subjects; and
   b) Proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.\(^7\)

Ultimately in February 1913, an elaborate “Indian Criminal Procedure Code Act XXIII of 1898” was introduced into the state with certain alterations and amendments. The amendment included that the high court took into consideration “the procedure regarding general powers of revision, reference and further appeal to the Maharaja as were exercised heretofore by him. There were some other modifications.”\(^7\) The law of litigation was introduced in 1892 in Jammu. Before that litigation was not heavy and the people settled their disputes out of the court. After this there was an improvement in the courts, and the effects of this alteration in the law, are shown by the fact that the number of suits for money and movable property increased from an average of 3,735 during the ten years ending 1890 to 10,766 in the next decade and was 12160 in 1900-01. Crime was not serious in the Jammu province, but there has been increase in the cases of theft, hurt and mischief due to the greater activity of the police force which is being gradually assimilated to the rules and procedure prevailing in British India.


\(^{78}\) OM, Hari, op.cit., pp. 127-30
In the whole state 17,320 persons were brought to trial in 1900-01, of whom 2169 or 13 percent were convicted. Tehsils in Kashmir were superintended by the Governor himself.\textsuperscript{79}

<table>
<thead>
<tr>
<th>Description of the cases</th>
<th>Pending</th>
<th>Filed</th>
<th>Total</th>
<th>Disposed of</th>
<th>Remaining</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original cases</td>
<td>...</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Criminal appeals</td>
<td>6</td>
<td>91</td>
<td>97</td>
<td>89</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Revision cases</td>
<td>...</td>
<td>511</td>
<td>511</td>
<td>509</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>607</td>
<td>613</td>
<td>603</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

The Table presents a summary of the criminal work done by the Adalat Alia or High Court which was preceded over by the judicial member of the state council during 1891-92.\textsuperscript{80}

**Administration of Civil Justice and Courts**

2) It has been mentioned that civil cases had been very few in number, and these were mostly confined to towns. The majority of civil suits amounting to eighty two percent were monetary transactions and a few percentages of arable land cases because the land vested the hands of the state. Disputes regarding cultivation were dealt by revenue courts. The number of civil suits in the interior of Kashmir province was insignificant compared to that of Jammu. The Jammu province in 1892-93, disposed of 3,338 cases while Kashmir figured 717 only. The work done in the district courts of Jammu province was almost double to that of Kashmir. The Law of Limitation was for the first time introduced in the state in 1898 and the result was a marked increase in the number of civil cases.\textsuperscript{81} Some minor changes has been brought out in civil cases after the arrangements of 1891 with

\textsuperscript{79} Imperial Gazetteer of India, Vol. xv, Karachi to Kotayam, , (Oxford , 1908), pp. 106-110
\textsuperscript{81} OM, Hari, op.cit., p. 145
which the Government of India was highly thankful to the state council. Arrangements were made for investing the Resident and his assistants with powers to dispose of civil suits in which

a) both parties were subjects of Her Majesty
b) the defendant was a European British subject
c) the defendant was a native Indian subject of Her Majesty and at the time of the commencement of a suit did not ordinarily dwell or carry on business or personally work for gain within the territories of the Maharaja.

3) all other suits between subjects of Her Majesty on the one hand and the subjects of the Maharaja on the other hand will ordinarily be triable in the courts of the state.

4) With regard to clauses 1 and 4 of the letter resident suggested that the state council would favor him with an assurance that they would enforce the attendance of the witnesses, being subjected to the Maharaja and resided in his territories, regarding whom processes have been issued by the courts thus constituted by the Governor General in council.

5) Again in regard to clause 5 he was directed to suggest to the state council that, now that they have secured the services of officials who have had an opportunity of acquiring a certain amount of judicial and magisterial experience in British India, it would be wise to issue orders that all civil and criminal, in which British subjects are concerned, should be tried before specified courts in Jammu and Srinagar, respectively, and that the officers appointed to such courts should invariably be chosen from among the best trained officials in the service of the state. By this means it was hoped the courts of the
state will command the confidence of British and Indian traders, and increased would be attracted into the country.

In conclusion he explained to the darbar, that the mixed courts had been abolished, because the Government of India did not consider it has proved to have been a satisfactory institution.\(^{82}\)

Judges and Magistrates seldom took pains to record the proceedings and judgments in their own hands, but left the work to be done entirely by irresponsible *Moharrirs*, with the mischievous result of incomplete trials, ridiculously absurd judgments, and down right corruption and oppression. Depositions of witnesses recorded at regular trials were subsequently tempered with or replaced by false ones to suit corrupt judgments. The courts were at the mercy of Executive, being not frequently forced by official pressure to decide cases at the sacrifice of conscious and fair play. Supervision was lax, the courts in the Mofussil being entirely uncontrolled. The delays in the disposal of cases were extremely harassing to the parties, civil cases remained pending for years without redress, while decrees passed at regular trials were, in execution proceeding, either modified, set aside, or otherwise shelved, to suit the convenience or wants of the influential judgement-debtor, while unwilling parties were bound by personal recognizance to refer cases to arbitration.\(^{83}\)

For the purpose of the exercise within the said territories of civil jurisdiction in such cases as aforesaid:

1) Every assistant to the Resident in Kashmir for the time being may exercise the powers of a District Court as described in the code of civil

---


procedure, with jurisdiction in all original suits, whatever be the amount or value of the subject matter, and in all other proceedings in which jurisdiction is conferred on the District court by the law for the time being in force.

2) Every assistant to the Resident in Kashmir for the time being may exercise the powers of a court of small causes, with jurisdiction all suits cognizable under the provincial small cause courts Act 1887, when the amount or value of the subject matter does not exceed one thousand rupees.

3) Appeals shall lie, subject to the law for the time being in force, to the Resident in Kashmir, from the decrees or orders of an assistant, and the Resident shall exercise the powers of a high court.\(^4\)

<table>
<thead>
<tr>
<th>Court</th>
<th>Original</th>
<th>Appeal</th>
<th>Miscellaneous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adalat Alia (High Court)</td>
<td>...</td>
<td>287</td>
<td>...</td>
</tr>
<tr>
<td>Sadar Adalats</td>
<td>111</td>
<td>576</td>
<td>12</td>
</tr>
<tr>
<td>Joint Judges</td>
<td>426</td>
<td>...</td>
<td>207</td>
</tr>
<tr>
<td>City Judges</td>
<td>2079</td>
<td>...</td>
<td>722</td>
</tr>
<tr>
<td>District Courts</td>
<td>1697</td>
<td>135</td>
<td>331</td>
</tr>
<tr>
<td>Tahsil Courts</td>
<td>2404</td>
<td>...</td>
<td>423</td>
</tr>
<tr>
<td>Total</td>
<td>6717</td>
<td>998</td>
<td>1695</td>
</tr>
</tbody>
</table>

The table gives the entire civil work of the state during 1890’s.\(^5\)


CHAPTER-5

Colonial Impact on State Education
When we talk of educational system in the state during Dogra period, the people, it is said, were far behind than the people of other states of India. The old system of education was too primitive. Under that system the education was imparted in Patshahals and Madrassas which was bound with social and religious institutions. These Patshahals and Madrassas were run by Hindu pundits and Muslim mouwls who generally housed temples and mosques for the purpose. Gulab during his tenure (1846-1857) was busy with frontier wars and he made no efforts in this regard. He did not get time to think over this aspect of the administration. It was his successor Maharaja Ranbir Singh who took pains to improve the educational system of Jammu and Kashmir. In this connection a start was made by him and he brought the educational system on modern lines. It is mentioned that he established regular schools and Patshahals. The number of schools and patshahals in the state as reported in the Majmui- report in 1872-73 was 44.

During the early Dogra period, especially during the reign of Maharaja Ranbir Singh, the state Government aimed at encouraging Sanskrit and religious education to enable the people to study religious books. Grammar, logic, rhetoric, physics, philosophy, Sanskrit, Arabic, Persian and Earthmetric were taught in these Madrassas and Patshahals. Sources have mentioned that Dogri was taught in some institutions. The Patshahals were at Jammu, Vishne devi, Utterban and purmandal. There was also a Madrassa at Jammu. There

was one Madrassa and one Patshala in Kashmir province. The pupil who came from outside state were boarded and given food and clothes free of cost. It was Mharaja Ranbir Singh who contributed for the promotion of education and research. He gave donations to the Punjab University at Lahore and became its first fellow. He constructed Ragunath temple which became very famous later on. Ragunath Patshala was of immense importance at Jammu. It was a well known centre of Sanskrit education in the whole of Northern India. Darmath department was responsible for the smooth running of this institution. In Srinagar there was one school for teaching of Sanskrit to pundits another school for the teaching of Arabic to the muslims. Both the school had 50 students who were fed and clothed at public expenses.

The state school, a sister institution, run by the state Government was established originally by the Maharaja Ranbir Singh in 1874. But it was a school in which education was imparted in Sanskrit and Persian. In 1886, Dr. A Mitra raised the status of this institution to a regular school introducing English teaching and imparting education according to the university curriculum. Both the schools turned out a large number of matriculates every year who clamoured for Government jobs, to be given to them in preference to the Punjabis. The persistent representation of the people, backed by the Maharaja, to the Government of India resulted in instructions being issued to the state to give preference to the mulkis over outsiders in the matter of employment.

---

4 OM, Hari, op.cit., pp. 21-23
5 Ahmad, Bashir, Gazetteer of India, Jammu and Kashmir State, Kashmir Region, Vol. 1, (Srinagar, 1999), p. 137
There was also a private agency which was at work for imparting instructions in the state. It ran indigenous schools known as Shathallas, whose number was largest in Kashmir. Generally the teachers were pundits who taught in an improper way. Education was generally stopped at 18 years of age and during this period a student goes through Karima, Bostan, Gulistan, Hurkaram and Sikandarnama. The system of education gradually changed from Gulab Singh to Maharaja Pratap Singh. It was during Pratap Singh when a material change was experienced in the system of education. The education system not only expanded but progressed day by day. Pratap Singh was influenced by the way and work of Christian missionaries. Tyndale Bisco mentions that it was some forty years ago that the mission school was started, where English was taught. Then the State followed the suit with a school, and then two schools which in the course of time, became Middle schools, and later were raised to High schools, and affiliated to the Punjab University. The boys read up to matriculation to apply for the Punjab University.

Charles Girdlestone, Resident in Kashmir in 1871 mentions that one or two attempts were made at Srinagar to establish girls schools. Apart from all these there were a few educational institutions run by the Christian missionary, but there was no systematic educational policy. It was said that the educational institutions existing in the state were open to all classes of people. It is noteworthy that a few Christian missionaries had visited the state but they did not receive a good official response. It would appear that from the very beginning the attitude of the Maharaja towards the Christian

---

7 OM, Hari, op.cit., pp. 21-23
8 Hassnain, F. M., British Policy Towards Kashmir 1846-1921 (Kashmir in Anglo-Russian Politics), (New Delhi, 1974), p. 102
9 Bisco, Tyndale, Kashmir and Its Inhabitants, (Delhi, 1998), pp. 254-55
10 OM, Hari, pp. 24-26
missionaries was one of suspicion and hate. On the other hand the British were of the view that the Kashmiris needed spiritual as well as bodily help.\textsuperscript{11} Initially the missionaries gave medical relief to the people during the period of epidemics which made them popular among the Kashmiris and encouraged them to fight illiteracy.\textsuperscript{12} A new change which has been brought about after the medieval education of the state was brought by Dr. Elmslie in 1881. He came to Kashmir in 1865 for medical work. The presence of Christian missionaries was not liked by the officials, who arranged a demonstration at Srinagar in which the effigies of the Resident and the missionaries were burnt. The Diwan informed the Resident that as the Kashmir was mostly populated by muslims, who are known all over the world as fanatics. The presence of a \textit{padri} in Kashmir would result in trouble, but he was denied and told that the bogey of fanaticism on the part of the people had no base.\textsuperscript{13} He based his scheme of education on modern lines and in 1886 started a Government school in Srinagar in which education was free and even books and scholarships were distributed among students. He noted that the educational system in Kashmir was backward.\textsuperscript{14} These modern schools were divided into three categories viz primary, middle and high school. A primary school was further divided into three lower primary and two upper primary classes. A middle vernacular school contained all these five in addition to three higher classes. The formation of a middle anglo-vernacular school was on the same lines except that the English

\textsuperscript{11} Hassnain, F. M., p. 102
\textsuperscript{12} Khan, Mohd Ishaq, op.cit., p. 162
\textsuperscript{13} Hassnain, F. M., op.cit., p. 101
started in the two upper primary classes and was carried on through the next three middle classes.\textsuperscript{15}

The first missionary which had some genuine interest in philanthropy and evangelization was established by the church missionary school of England towards the end of nineteenth century. This society opened the first school on western lines at Srinagar in 1880. The founder of the school was J Hinton Knowles. It was in 1880 that he laid the foundation of the C M S (Christian Missionary School) School on the hospital premises in Srinagar. Lack of school buildings was one of the problems which the Christian Missionaries faced. The Govts. Orders prohibiting the missionaries from renting a house for school building were still in force. It is clear that in the beginning the attitude of state authorities towards the missionaries was hostile.\textsuperscript{16}

The pattern of education imparted by schools and colleges in the rest of the country began late in the state. The mission school, first to follow the university syllabus was originally established by the Rev. J. S Doxy in 1881 with only five boys on roll. The good missionary content at having made a beginning and confident of its expansion preserved in his labours for two years after which he was succeeded by the Rev. J Hinton Knowles who worked hard, and with his untiring zeal and tact the school made rapid progress. In 1892 when he handed over the charge to Rev. Tyndale Bisco the number on the role was over 500.\textsuperscript{17} Kashmir in sunlight and shade p 263

The school made sustained progress under Rev. Biscoe and produced boys

\textsuperscript{16} Khan, Mohd Ishaq, op.cit., pp. 162-63
not only educated in English and other subjects, but molded in the best traditions of an English public school.17

Knowles writes that in 1883 the number of boys in the school fell from 47 to 30 and the reason which he mentioned was the distance of the school. He took several steps to boost the education for which he had to face many hardships. While describing the future objective of the C M S Mr. Knowles wrote:

“Our desire and intention is to bind Kashmir with a girdle of mission schools. It will be a very expensive business and already we are spending from our slender store, but we are determined to go on, assured that He who has opened wide the door, will furnish us with the means. We put our trust in Him.”18

The missionaries provided much relief to the masses in some way or the other. They established hospitals, schools, orphanages and asylums for the destitute. Some of them even fought for the rights of the people and rose against injustice. One such missionary was Robert Thorp, who was one of the earliest freedom fighters in Kashmir. He brought the evil condition of the people to the notice of the British Government and also wrote to the newspapers in England.19

In Kashmir the Christian missionaries had to face many problems. The popular response was unsatisfactory. Dr. Ernest Neve writes that the Muslims were very conservative in the matters of education. The Government was however, influenced by the missionary school at Srinagar and ultimately opened the first high school, named Jammu High School on

17 Bamzai, P. N. K., op.cit., p. 717
18 Bisco, Tyndale, Kashmir in Sunlight and Shade, (New Delhi, 1921), p. 260
19 Hassnain, F. M., op.cit., p. 102
modern lines at 1890 that education of the state was established on modern lines. In 1889 there were two public schools one at Jammu and another at Srinagar. There were some other public schools run at Government expenditure. The schools in villages have the insufficiency of teachers. There was not a good supervision.\textsuperscript{20}

In the absence of proper supervision and a well organized scheme of studies, the system of teaching was extremely irregular, the teaching staff was inefficient and insufficient, and although the schools had existed for a number of years not a single boy had gone up for or passed a university examination.\textsuperscript{21}

In reviewing the progress that has been made during the past three years, it is worthy of note that within the increase of rupees 8,563 in the annual expenditure, there are now one high school, four middle schools and 29 village and 10 indigenous branch schools, giving instruction to 3,776 boys. The teaching staff is thoroughly efficient and is closely supervised by the inspector and education is regulated by an improved system both as regards standard and regularity of attendance.

The material improvements affected are –

a) The discontinuance of the old objectionable system of awarding scholarships indiscriminately, without regard to merit.

b) The introduction of a system of awarding scholarship and prize books to really deserving boys.

\textsuperscript{20} Rehman, S. A., op. cit., pp. 252-255

c) Gratuitous supply of class books to poor boys in Srinagar school.

d) Promotion of primary classes twice a year after half yearly examinations.

e) Regular annual inspection of schools by the inspector.

f) The introduction of the scheme of studies prescribed by the Punjab University.

<table>
<thead>
<tr>
<th>Description of schools</th>
<th>1891</th>
<th>1892</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Average daily attendance</td>
</tr>
<tr>
<td>High school</td>
<td>1</td>
<td>332</td>
</tr>
<tr>
<td>Middle schools</td>
<td>3</td>
<td>389</td>
</tr>
<tr>
<td>Primary schools</td>
<td>19</td>
<td>576</td>
</tr>
<tr>
<td>Indigenous schools</td>
<td>9</td>
<td>613</td>
</tr>
<tr>
<td>Dharmarth patshalas</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>34</td>
<td>2,010</td>
</tr>
</tbody>
</table>

Average daily attendance of students during the year 1891-92

A census has been made in 1901 which showed that the little attention was paid towards the education. The census showed that only 2% of the population could read and write. The male population who can read and write were 3.8% while as the female was counted as 1260. It was generally noted that Hindus were more educated than Mohammadans. For the

---

22 Ibid.
23 Ibid.

102
upliftment of education the state authorities maintained 87 schools and in 1905 the number of schools had risen to 154 which included two high schools, a normal school, 7 Anglo-Vernacular and 12 vernacular middle schools and 133 primary schools. Girl's schools were maintained both at Srinagar and Jammu.\textsuperscript{24}

Qualified teachers were appointed by the state Government in the schools. Normal and training schools were set up for training to the teachers at Lahore. A normal school was established at Srinagar for the training of teachers in 1903-04. Care was taken to give physical training to the students. Besides the drill and gymnastics, in which the boys were instructed by the drill master, provision was made for the cricket, football and other outdoor games in most of the schools in the towns. All these new things which are introduced in the schools were the result of Christian Missionaries. These missionaries were not only interested in the education of the pupils but also cared for the physical and mental health. They desired to see a student very active and expeditious.\textsuperscript{25}

The Pandits of Srinagar, who had a monopoly over the state service took advantage of the mission school and got acquainted with English language. Thus they acquired an advantage over muslims. Thus they were able to occupy posts of importance in several branches of administration. Although their population did not exceed 6% of the total population, they had obtained about 90% of total posts.\textsuperscript{26}

After 1911-12 religious education became a part of the curriculum in the Government schools. What happened, the schools then began to

\textsuperscript{24} Imperial Gazetteer of India, Vol. xv, Karachi to Kotayam, , (Delhi, 1908), p. 111
\textsuperscript{25} Kapoor, M. L., op.cit., p. 195
\textsuperscript{26} Rehman, S. A., op.cit.,pp. 252-55
commence their working with a prayer, the members belonging to different religions assembling in separate groups. After this was over, short lectures were given by the teachers on important moral subjects.  

<table>
<thead>
<tr>
<th>Religion</th>
<th>1891</th>
<th>1892</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindus</td>
<td>2,101</td>
<td>2,861</td>
</tr>
<tr>
<td>Sikhs</td>
<td>66</td>
<td>72</td>
</tr>
<tr>
<td>Mohammedans</td>
<td>494</td>
<td>839</td>
</tr>
<tr>
<td>Others</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>2,665</td>
<td>3,776</td>
</tr>
</tbody>
</table>

Classification of pupils by religion

The department was under the control of Foreign minister who was assisted by an inspector and two assistant inspectors of schools. It has been noted that 17 scholarships granted to students gaining knowledge at Lahore. The total expenditure on education in 1905-06 was 1.05 lakhs compared with only Rs 45000 in 1900-1901.

Contribution of State Council Towards Education

After the creation of state council in 1889 education became the focal point of the administration. Before introducing some reforms, the condition of education in the state was thoroughly checked. The council felt that the time had come to look into the matter and to adopt a definite educational policy. The Government encouraged and improved school education at Srinagar and Jammu. The high school staff was strengthened by appointing four more teachers. A new scheme of studies was introduced for Punjab.

27 Kapoor, M. L., op.cit., p 195
29 Lawrence, Walter R., Provincial Gazetteers of Kashmir and Jammu, (New Delhi, 1985), p. 79
University. The want of proper school buildings was felt. Some schools were held under the shades of the trees or in private houses or shops.\(^{30}\)\(^{25-26}\)

The primary education of masses was much realized and even the Christian missionaries took initiative in the field of primary education. They started the first primary vernacular school on western lines in May 1891. When we compare the primary education of Jammu and Kashmir provinces, the primary education of Jammu province was far better than Kashmir.\(^{31}\)

An important reform which the state council introduced at beginning to encourage education was the introduction of few scholarships for the deserving students and to end the discrimination. In 1889-90 another important step taken was the free distribution of books to boys in Srinagar Middle School. The state council had taken many steps like this and in 1892 it announced that a sum of 37,000 per annum for the improvement of education. At that time Home and judicial member of the council was in charge of education department.\(^{32}\)

There were two town schools, one at Jammu and other at Srinagar, besides village schools maintained at state expense in 1889-1890. The state council was determined to extend primary education by gradually setting apart funds for the establishment of the village schools and has accordingly made a beginning by providing a sum of Rs. 5000 for that purpose in the budget for 1890-91.\(^{33}\)

\(^{30}\) Hari OM, op.cit., pp 25-26

\(^{31}\) Report on the Commission Appointed Under the Orders of His Highness the Maharaja Bahadur dated the 12\(^{th}\) Nov. 1931 to Enquire into Grievances and Complaints, State Archives Jammu.


\(^{33}\) Ibid.
Since the constitution of the state council, the department of education has spared no pains, with the funds at its disposal, to spread primary education in the villages, and to raise the standard of the central schools at Jammu and Srinagar that education was becoming popular, is evidenced by the progressively increasing number of students in the town and village schools but the other pressing demands on the exchequer, have prevented the establishment of fresh schools, so that inspite of all that has been done, the village schools throughout the state with a few exceptions are still held in hired houses and shops. The Jammu high school building and the boarding house attached to it are in a most dilapidated condition, and the school building in Srinagar is by no means as satisfactory as it should have been.\(^{34}\)

In this way Bagh Ram was concerned with the education department. Mean while an education conference was held at Jammu to discuss the educational policy and various problems connected to it. Bagh Ram expressed that the proposed amount is too meager and the Government could not achieve its goal on such a small amount. He felt that at least the state should spent 92,000 per annum to accomplish the task. Bagh Ram was serious in the promotion of the education. He collected money from different sources, he visited the Resident of Kashmir, members of the council, the Rajas and the private purse of His Highness. So the council not only made progress in primary education but also expanded higher education. Education was made free to all. New funds were allotted to the colleges at Srinagar and Jammu.\(^{35}\)


\(^{35}\) OM, Hari, op.cit., pp. 26-28
The state made provisions in 1901-1904 for the promotion of higher education. Libraries were opened both at Srinagar and Jammu. The elementary education was free at primary level as in high schools, and there was a nominal at college level keeping in view the parents income.\(^{36}\)

Pratap Singh wanted his people to be well educated and he thought of taking intermediate classes on 9\(^{th}\) May 1889. He was anxious towards the development of education in the state. He desired the establishment of a college in his capital teaching up to FA standard. It was also the fact that the neighbouring states had their own colleges while as Jammu and Kashmir was without such colleges and this thing had striken the mind of the Maharaja. Upton the Maharaja Pratap Singh’s time the state had to bring the educated persons from outside the state. It was in 1899 that talks ran between judicial and revenue member, Maharaja and the resident or the establishment of the colleges at Srinagar and Jammu.\(^{37}\) It goes to the credit of missionaries like Rev. Tyndale Bisco, who gave fillip to modern education in Kashmir. Then the state also fallowed suit and two colleges were established at Srinagar and Jammu through the efforts of Mrs. Annie Besant.\(^{38}\) The state administration was not yet confident about the higher education in the state, so the matter was left for quite a long time. It was only in 1905 and 1907 when the first college was established in Srinagar and Jammu.\(^{39}\) In the mean time the Kashmiris had advanced in education. Early in 1905 A.D through the strenuous efforts of Mrs. Annie Besant, some luminaries of the theosophical society and Bala Koul of the Sahib family, a hindu college

\(^{36}\) Ibid.
\(^{37}\) Ibid. pp. 30-32
\(^{38}\) Hassnain, F. M., op.cit., p.103
\(^{39}\) OM, Hari, pp. 30-32
which subsequently came to be known as the Sri Pratap Singh College, had been started at Srinagar.  

Another college was started in the city of Jammu. In 1907 a college was established and was named as the Prince of Wales College. It was the only college affiliated to the Punjab University in the subject of Geology. This college was specialized in science subjects and Sri Pratap College of Srinagar did so in arts, although other subjects were also taught in each of the two colleges. The successful candidates who got masters degrees from both the colleges were 5 in 1911 and 51 in 1921. The state Government paid some attention to the development of technical education also. It established the Amar Singh Technical institute at Srinagar. F H Andrews took over the charge of the institute in November 1913. The technical institute imparted instructions in a variety of arts and crafts, painting, decorating, carpentry, masonry, plastering, embroidery, mechanical engineering, basket making, pottery, tile making, wood carving and work shop practice. In 1924, another technical institute under the name of Sri Pratap Technical institute was opened at Jammu.

After 1901 there was a marked improvement in the field of education. The department of education widened through length and breadth and had a sound footing. Tuition and admission fees was adopted for secondary schools. The system of inspection was introduced in order to bring efficiency in the education system. Rules and regulations were framed. Scientific knowledge was encouraged. The question of constituting Jammu a centre to conduct high school examination was successfully settled, which was earlier

---

40 Bazaz, Prem Nath, Inside Kashmir, (Srinagar, 2002)p 83
41 Kapoor, M L, op.cit., p. 197
42 Ibid., p.200
to be held at Rawalpindi. The general public also showed some interest in education. It has been mentioned that before 1903 there was not any criteria for the salaries of the teachers. The salaries of the teachers was low and in certain cases it was as low as Rs 3 per mensum, \(^{30-32}\) political agent from Gilgit writes to Resident in Kashmir that the salaries of the teachers and others were very low. The conditions of the primary schools were worse and many a time the schools were closed due to inadequate staff and school buildings. The school master was paid by Wazir-i-wazarat whose salary was low. A school master was having Rs 30 per mensum, a monitor 3 mensum and contingencies at the rate of 5 per mensum. So with the passage of the time the salaries of the teachers were enhanced and better facilities were provided.\(^{44}\) But to curb this situation a new scheme was introduced in 1903. The scheme was passed in state council under resolution No. 5 of 14\(^{th}\) February 1903. The resolution mentioned that the teachers be given at least Rs 10 per mensum and trained teachers be appointed in future for which an examination had to be passed. There were some other tests like departmental test which the teachers had to qualify.\(^{45}\) Another aspect of Education was linked to it which was known as Kindergarten system of education which was first introduced by Miss Helen Burges. This system has aroused doubts in the minds of the parents because the system involved playing. Playing was introduced only to refresh the students, but the people thought it otherwise. It was mentioned that many parents removed their children from the school, as they said,” we send our children to school to learn and not to play.\(^{46}\)

\(^{30-32}\) CM, Hari, op.cit., pp. 30-32
\(^{44}\) Old English Record, File No. 86, Year, 1898.
\(^{45}\) OM, Hari pp. 32-33
\(^{46}\) Mohd Ishaq Khan, op.cit., p. 164
Till the month of Bhadon (September 1889), Babu Mahesh Chandra acted as superintendent of schools in Jammu and Dr. A Mitra of that of Srinagar, when on the recommendation of the judicial member the appointment of a qualified inspector for the whole state having been sanctioned by the state council, an application was made to Government for the loan of the services of Pandit Bishambar Nath, B.A of the Ajmere Government college who joined on 5th September 1889.

Pandit Bishamber Nath was also placed in charge of the indigenous Sanskrit schools maintained by the dharm Arth Department. Certain reforms were introduced which include introduction of new studies on the pattern of Punjab University, time table suitable to the requirements, scholarships to the deserving candidates, free distribution of class books to boys etc.47

Narayan Das was the education member in 1907 who laid emphasis on the improvement of education in the state. He emphasized the need of more educational institutions, buildings for primary schools in the villages. After Narayan Das, came Dr. A Mitra. Amar Singh advised the new education member, Dr. A Mitra to consider Rai Narayan Das’s suggestions and to submit proposals aimed at bringing the standard of education in the state to the level of that obtained in British India and other progressive Indian states. Rai Bahadur in a letter to A Mitra—the education minister wrote him on 18th January 1912, forwarding a copy therewith of His Highness announcement, granting an additional sum of Rs 25000 annually for the expansion and improvement of primary education among both Hindus and Mohammadans. He was told about the accommodation of the students, who had no school

building to read and write and had to take shelter under the trees. Funds were granted for the construction of the buildings.48

<table>
<thead>
<tr>
<th>Name of schools</th>
<th>1891</th>
<th>1892</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yearly cost per pupil</td>
<td>Total cost</td>
</tr>
<tr>
<td>High school</td>
<td>Rs. A. P.</td>
<td>Rs. A. P.</td>
</tr>
<tr>
<td>Middle school</td>
<td>1691</td>
<td>7,62131</td>
</tr>
<tr>
<td>Primary</td>
<td>11159</td>
<td>6,19083</td>
</tr>
<tr>
<td>Indigenous</td>
<td>31091/2</td>
<td>2,78920</td>
</tr>
<tr>
<td>Total</td>
<td>0147</td>
<td>706151</td>
</tr>
</tbody>
</table>

Cost of educating each pupil 49

Francis Younghusband, the Resident in Kashmir, also studied the problems pertaining to educational development. Finally it was in 1907 when the whole educational policy was reviewed. The educational system as prevailing in the Indian Universities was also considered. It was admitted that education plays the most important part in the prosperity and the well-being of a country and its people.50

Board of education was also set up to meet and discuss the educational scheme. It was set up under the guidance of Pratap Singh. He recommended the introduction of Kindergarten system of teaching on experimental basis. The board of education had a definite educational policy to enhance the education of the state. All the information which was made in this policy was

48 Old English Record, File No., 241 p/6, Year 1912.
50 OM, Hari, op.cit., pp. 33-37
presented to the resident in Kashmir. The Resident mentioned that "every one of the suggestions which the educational conference made was not only sound but urgent." There is not one measure which the conference has considered and which the durbar ought not to adopt immediately if funds were available. Kindergarten teaching was considered of great value. Resident at the same time pointed out that there was paucity of funds and once the funds would be available educational conference would carry out the rest of the features to fulfill the aims of the education. Pratap singh gave a special grant for the imperial coronation Darbar of 1911, which helped for more than 80 primary schools. With the passage of time in order to improve the primary education the state council abolished the study of both Sanskrit and Persian in primary schools. However, in 1914 S. M Fraser, the Resident in Kashmir opposed this move and took up the question of the promotion of Sanskrit learning.

The first education department which came into being was on 28th October 1907, a conference which was attended by officials of several departments like revenue and judicial departments, to discuss the future plan of education. New schools were opened, the salary of teachers was raised and buildings had been constructed.

The state council not only framed policies for the provinces of Jammu and Kashmir but also for Ladakh and Gilgit. Education for Gilgit was an important concern. Gilgit had only one middle school till 1911 and six primary schools one each at Astore, Hunza, Yasin, Bunji, Nagar and Punial. The schools at Gilgit had insufficient staff and inadequate arrangements. It

---

51 Reskhi, T. S., op.cit., p. 82
52 OM, Hari, op.cit., pp. 38-39
53 Ibid.
was Sir Henery MacMohan, the political Agent at Gilgit who took the cause of more educational institutions in this area. The Government recognized the importance of Mac Mohan's suggestions and the grant which was asked for was provided. The motive of the Political Agent to spread education in this area was first imperial interests. Sir Henery Mac Mohan, the political Agent wrote in 1898;

It is extremely important to encourage education in the Gilgit District and to take the advantage of the desire now shown for it by giving the best education possible. It is politically very important to give them every assistance in acquiring such education as will fit them for suitable employment and prevent them from being for the rest of the lives the source of trouble to their own country and the relatives of the state. This was a beneficial and farsighted policy by His Highness the Maharaja Sahib Bahadur.  

The education minister was granted permission to directly correspond to the Political Agent as far as the matter of education is concerned. He was told to see the conditions of education in the frontier districts and to evolve a sound educational system in those hilly areas. A frontier inspector of schools has been appointed who would proceed to inspect the schools in Gilgit and to encourage education in that area.

He realized the importance of frontier region. It may be noted that in 1912, the control of schools in frontier areas was transferred from the local officers to the education department.

54 Old English Records, File NO. 71, Year 1911.
55 Old English Records, P-48, Year 1911.
56 Ibid.
Reorganization of the inspection staff of the education department took place in 1919 and stress was given on efficient educational system on the frontier illaqah. More attention was paid on the frontier region that had been educationally backward and no step was taken to enhance their condition. It was during 1919 when need of Assistant Inspector was felt. Education in primary schools was enquired and inspections often took place.\(^{57}\)

Maharaja Pratap Singh also laid stress in the introduction of modern education. Schools were established in Srinagar were the medium of instruction was English and education was made free upto primary level. A technical college was established during his reing after the name of his brother Raja Amar Singh at Srinagar. Pratap Singh told to the education member that two schools properly equipped are better than four unequipped ones. It clearly indicates that Pratap Singh believed in quality rather than in number.\(^{58}\)

The new educational policy of the British, threw open the gates of knowledge to the youth and enabled them to seek admission in various Universities where they exchanged their ideas on political developments in and out side their state or country. On return from universities, they organized youth movements to register protest against misrule and fight for their rights. One such example is, when in 1930 A.D the educated young men of Kashmir started a READING ROOM PARTY near Fateh Kadel Srinagar which later became pioneer organizations of all political activities.

\(^{57}\) Reorganisation of Schools for Imparting Education in Gilgit, File No. 86, Year 1898..
\(^{58}\) Ahmad, Bashir, op.cit., pp. 140-141
in the state. The founder members of the reading room party among others included Sheikh Mohammad Abdullah and Mufti Mohammad Jalal-ud-din.59

The curriculum for girls was also discussed and only those subjects were taught which shall made them good wives and good mothers. A conference was held to make a good arrangement of education for girls. Special teachers were assigned for girls education. Arrangements were made for pardah and privacy for girl students.60

Government Policy and Muslims

Under the Presidentship of H Sharp, Pratap Singh appointed an education commission at the end of 1915, who was the educational commissioner of the Government of India. The commission was appointed to enquire into the education system and to suggest some necessary measures which aimed at the improvement of this system. Mr. Sharp made a careful survey and noted some distinctions. His investigations revealed that in secondary schools 24.7% of teachers were Muslims and in primary schools 29.8%. It was averagely above 40% in all schools. He noted that the quality of education was almost satisfactory. Talking about education of Muslims H Sharp mentioned that they were still backward. He visited all the districts of the state with the exception of those Raisie, Ladakh and Gilgit. According him Muslims formed 75.9% of population of the state. In the Kashmir province the proportion was 94%. Only 15 per mille of female muslims and nil per mille of female muslims. Sharp marked that the amount spent on the muslim students was inadequate.61. But no one cared for the report because the Maharaja was not interested in educating his subjects, but to keep them

59 Ibid.
60 OM, Hari, op.cit., pp. 43-47
61 Kapoor, M. L., op.cit., pp. 197-98
illiterate. The All India Mohammadan Educational Conference, Aligarh passed a resolution deploiring the backwardness of Muslim education in the state and demand educational facilities. The Resident took measures to stop the entry of Bolshevic literature and ideas in Kashmir. A strict watch was ordered to be kept on the communists in 1919. Despite all these precautions, the political ideas continued to infiltrate into the valley. The muslims of Kashmir submitted their memorandum of grievances to Lord Reading, Viceroy in India in 1924 and also rose against Maharaja Hari Singh in 1931. Naturally the British alarmed by possible repercussions in British India could neither tolerate nor sympathize with the Kashmiri uprising.  

The majority of the population in Srinagar consisted of artisans who were less interested towards education. Poverty and modern clergy discouraged the modern education among the muslims. The state authorities had an indifferent attitude towards the muslims, so they could not progress socially.

The muslims realized their backwardness later on. So what they did, time and again, petitions were made by their representatives to the state and the British Government. It was thought that the department of Education which was working under the Mahrajas officials had practically neglected to safeguard muslim interests. The representatives of the state had sent two petitions and requested the Secretary to the Government of India to place the department of Education under a European officer.

The muslims of Srinagar tried to enhance the conditions of their education. They pressurized the Government that steps should be taken to

---

62 Hassnain, F. M., op. cit., p. 114
63 Khan, Mohd Ishaq, op. cit., p. 171
64 Ibid, p. 172
remove the muslim subjects from the clutches of the darkness. Thus it was under the pressure of the public opinion that in 1916 Maharaja Pratap Singh invited Sir Henery Sharp, the educational commissioner, Government of India, to suggest various ways and means of extending educational facilities for the muslims of Kashmir. Mr. Sharp made a thorough enquiry into the grievances of the muslims, and after examining the muslim demands, submitted a report.65

Mr. Sharp emphasized the need of the primary education and attempts should be made to establish a school in every village of 500 or more inhabitants. Sharp has mentioned about the practical training and technical education to the students. He recommended some scholarship for muslim students so that they may not face any problem any in the future education. He also proposed the state High school be entrusted to the care of a muslim Headmaster.66

It has been mentioned that had the Government been desirous of uplifting the masses, it could certainly have spread a network of schools. On the contrary, the Dogra rulers did not like the idea of making their subjects politically conscious by spreading education. Papers of Punjab had frequently mentioned the educational backwardness of the state. It was Miss Annie Besant who started the first Hindu college in 1905 which was later on taken over by the state and came to be known as Sri Pratap College. It was Hindus who took the advantage of the modern education.67 As regards the appointment, the Hindus had a monopoly in the Government jobs. The high posts were either filled by the Hindus or the foreigners and the muslims were

65 Report on the Commission Appointed Under the Orders of His Highness the Maharaja Bahadur dated the 12th Nov. 1931 to Enquire into Grievances and Complaints, op.cit., p. 9
66 Ibid.
67 Ibid.
not given any chance. Tyndale Biscoe in His ‘Kashmir and its Inhabitants’ mentions that India in those days was calling out loudly, ‘India for Indians’, that foreigners must give place to Indias sons etc. if that cry was right and true, why should some Indians call out, ‘Kashmir for the Indians’? Why should not the sons of Kashmir have a place in their own country? They certainly have not, for foreigners take all their high posts. Let those who wish for fair play for themselves allow the same treatment to others.\textsuperscript{68}

The missionaries also emphasized the education of the women. They were of the opinion that educated girls would become the good mothers of the future. The people thought that the missionaries aimed at polluting the minds of the young girls with impure ideas. Miss Fitze started a girls school in 1912 and it was mentioned that majority of the girls attending the school were Muslim girls. Miss Fitz was the principal of the school. She worked with her devotion, patience and did wonders. She was successful in changing the behavior of a collection of dirty and unprincipled girls.\textsuperscript{69} A Hindu girl could not attend the school after the age of 12 which was considered improper until they are married. Mr. Biscoe has mentioned that the progress of girls was faster than boys. Miss Fitze was falled by Miss Mallinson. She has brought immense educational and cultural advancement in the women of Srinagar. Miss has made them to participate in different social activities. Some women were made professional in some fields.\textsuperscript{70}

As regards colleges satisfactory progress has been achieved as was mentioned by Mr. Sharp in his report. Accommodation was on the whole sufficient for requirements. In the matter of scholarships specially reserved

\textsuperscript{68} Biscoe, Tyndale, \textit{Kashmir and Its Inhabitants}, op.cit., p. 259
\textsuperscript{69} Ibid.
\textsuperscript{70} Khan, Mohd. Ishaq, op.cit., p. 168
for Mohammadans, it appears that in Sharps time. The amount provided by the state was Rs 3200, exclusive of Rs 254 for girls. Mr. Sharp suggested that the amount should be increased by an annual additional grant of Rs 2000.\textsuperscript{71}

Thus we see that the education made tremendous progress in the state during our study. There was quite a rapid growth in the volume of education as measured in terms of the number of institutes and students studying in them. The percentage of literary in the state also increased from 2.03 in 1901 to 2.6 in 1921.\textsuperscript{72}

\textsuperscript{71} Report on the Commission Appointed Under the Orders of His Highness the Maharaja Bahadur dated the 12\textsuperscript{th} Nov. 1931 to Enquire into Grievances and Complaints, op.cit., p. 12
\textsuperscript{72} Ibid.
Conclusion
Conclusion

The lengthy discussion embodying the present dissertation entitled, "Role of Resident in British Indian Princely States- A Case Study of Jammu and Kashmir" endorses that Maharaja Gulab Singh undoubtedly was a great political leader and statesman who successfully carved out the state of Jammu and Kashmir out of wreckage of the mighty Sikh empire. He extended the frontier of India to the national boundaries. His conquest of Ladakh was also a landmark.

The strength of will, the deep insight into human affairs and the persistence with which he held to his subjects are such as to deserve admiration. His ideas of administration were, of course, primitive, but he was essentially the type of man who conquered and wielded together the kingdoms, and not one whose greatness lay- as in the case of his son in administration. But his achievement as a statesman was by no means insignificant.

During the period under discussion the relation between the native states and the British Indian Government were conducted under the policy of subordinate isolation. This policy had two important features. First, the foreign policy of these states was subordinated to the British paramountancy in order to avoid any possible threat of the emergence of a united front on behalf of the princes against the British authority. Second, the rulers of these states were given a free hand in their internal affairs.

As Maharaja Gulab Singh became the ruler of the state, he claimed to be an absolute sovereign. Moreover, he considered the state especially the valley of Kashmir as his purchased property. His successors also carried on both of these claims. But a through evaluation of the Treaty of Amritsar and the subsequent developments in the political history of Kashmir made it
amply clear that he was neither an absolute sovereign nor the sole proprietor of the state. Both of these claims were most probably aimed at legitimating their policy of rack-renting and sucking the life blood of working classes. In order to draw a clear picture of the nature and impact of Dogra rule upon the people of Kashmir, it is worth while to quote Prem Nath Bazaz, a veteran freedom fighter and progressive historian of Kashmir.

He writes that foreign rule was not new to Kashmiris in 1846. But the Dogras were strange foreign rulers who were themselves vassals of another mightier power which had by then brought the whole of India under its sway. Besides the Dogras were not like those alien masters who came in the past and lived in the valley as its permanent inhabitants. The Dogras have always considered Jammu as their home and Kashmir as their conquered country. As we saw they established a sort of Dogra imperialism in the state in which the Dogras were elevated to the position of the masters and all non-Dogra communities and classes were given the humble places of inferiors. He was trained in a hard school, where lying, intrigue, and treachery were all considered part and parcel of politics.

Robert Thorp writes that no portion of the treaty, made with Gulab Singh mentioned the slightest provision be made for the just and the humane Government of the people of Kashmir and others, upon whom we forced a Government which they detested. For purposes entirely selfish, we deliberately sold millions of human beings into the absolute power of one of the meanest, most avaricious, cruel and unprincipled of men that ever sat upon as throne.

It is impossible to avoid drawing mental contact between the careless indifference with which, the question of moral rights was complacently ignored both by the Government and the public, and the virtuous indignation
into which it seems that a large party of the former and small portion of the latter, are thrown at the idea of any transgression of legal right with regard to interference in the affairs of the Kashmir.

There is another agency, more subtle, more authoritative but invisible from direct view, though none-the-less there, which yields a veiled dictatorship is that of the Resident. The constitution Act does not make any reference of him or his powers. The intervention by the central Government in the internal affairs of the sate has been a constant ground of controversy between them and the central Government It is very comprehensive and almost reduces the sovereign authority of the princes to a mere shadow. The treaty of mutual good will, friendly cooperation and reciprocal obligation, a striking feature of the British policy towards the Indian states in the latter half on the 17th century, have ended and their place has now been taken by the treaties of subordinate cooperation, allegiance and loyalty. The Resident, an Agent of the central Government keeps a close watch on the trend of the administration of the state. Nothing of any significance takes place without his advice and approval. The advice of the Resident was virtually a command and the scope of that advice was not limited.

The Resident was a unique figure in the state. His position and powers were supreme. Rule 21 of the regulation passed provided him with dictatorial powers, and it mention that “the Resident shall be the final referee in all matters and may veto any resolution passed by the council and suspend action thereon pending further explanation”. The rule provided the Resident with all comprehensive powers, and that of the councils were nothing but a mockery. He was the final referee in all matters and could veto any resolution passed by the council. The Government of India had made it emphatically clear to the Maharaja and the council, that though the council would have
full powers of the administration, they would be expected to exercise those powers under the guidance of the Resident. They were to take no steps of importance without the consultation of the Resident and were to follow his advice whenever it might be offered, but the field of his advice was vast and varied and there was no length to which he could not go in offering it. Thus the Maharaja was reduced to the figure head of the state. Maharaja retained his rank and his dignity as chief of the state but was refrained from any interference in the administration. The all comprehensive powers of the Resident made the council a subservient body. Virtually the powers transferred from the Maharaja to the Resident.

During the early years of the Dogra period the people did know anything about justice, because the crimes were too low in the state. It was Gulab Singh who evolved a judicial system by establishing local courts in Jammu and Srinagar. It was the rule of one man in whom vested all powers but the way he was dealing with his task was traditional. Gulab Sing was succeeded by his son Ranbir Singh and he sincerely did his job. He told Richard Temple that he was himself responsible to God for the care of his people. Pratap Singh during his tenure also tried to improve the judicial system but it is mentioned from the sources that the aim of dispensing fair and speedy justice was not achieved, firstly due to the absence of trained personnel and secondly due to absence of uniform laws and procedures. It has been noted that there were some faults in the judicial system as well.

Maharaja Ranbir Singh had hardly settled himself at Srinagar, when the British began to dictate him the ways and means of governing the state. Henery Lawrence accompanied him to Srinagar and sent him a long memorandum, listening the steps he should take to make himself a popular ruler of the down-trodden Kashmiris.
During the reign of Ranbir Singh, there was an improvement in the economic condition of the people, but it was very slow. The Maharaja himself was popular with his people, but unfortunately he did not have officials capable of the immense labour required to remove the terrible effects of many centuries of misgovernment, and especially of the harsh, cruel rulers of the Afghans and Sikhs. The officials were accustomed to the old style of the rule and knew no better. They believed not in helping the people to produce wealth by sympathetic treatment, but in extracting the last farthing out of them to fill the coffers of the Maharaja and their own pockets.

So far as the question of education in the state was concerned the Dogras carried with them the traditional system of education. It was only during the period of Christian Missionaries that there was a marked change in the system. They not only gave bookish education to the students but introduced some other curricular activities as well. The Kashmiri boys were brought out from old wreckage full of darkness to new environment. There was not only change in reading and writing among the boys but we experience a behavioural change as well. The students showed progress in many aspects of the life and the credit goes to the Christian Missionaries who worked for day and night in this regard.

Maharaja Pratap Singh’s accession to the gaddi was a landmark in the history of modern Kashmir. During his long reign of forty year several progressive reforms were carried through. This was as a result of the culmination of the diplomatic activities of the British Government from the day Gulab Singh became the ruler of the Jammu and Kashmir state.

A. S Anand argued that two factors were directly responsible for imposition of British Residents rule over the state-. Firstly the new
Maharajas unimpressive personality and secondly indifferent health and the legacy of the vigorous forward policy of the Lord Lytton's Viceroyalty.
Bibliography
BIBLIOGRAPHY

Primary Sources

Gazetteer

- Imperial Gazetteetter of India, vol. xv, Karachi to Kotayam, Under the authority if His Highnesses’s Secretary of State for India in council, (Oxford, 1908).

Archival Sources

- File No. 1, Old English Records, p 5, Application of the Maharaja condemning the appointment of Resident in Jammu Court, State Archives Jammu.
- English records, Tr. Of an application from Maharaja Ranbir Singh p 5-11, State Archives Jammu.
- File No. 1, Old English Records, p 5, Application of the Maharaja condemning the appointment of Resident p 13, State archives Jammu.
- Col. W F Prideaux Letter regarding Exercise of Criminal and Civil Jurisdiction in the State Territories by the Government of India and Notification Regarding Appointment of Resident or Assistant Resident in Kashmir as “Justice of Peace” in the State, File No. 20, 1891.
- Treaty of Amritsar, 1846.
- Letter from Colonel Barr, Resident in Kashmir to Raja Amar Singh.

• Jammu and Kashmir Notification Order NO. 1, 26th March 1928


• Reorganization of Schools for Imparting Education in Gilgit, File No. 86, 1898.

• Report on the Commission Appointed under the Orders of His Highness the Maharaja Bahadur dated the 12th Nov. 1931 to Enquire into Grievances and Complaints.

Primary Works


**Vernacular Sources**


**Secondary Sources**


• Coupland, Ian, *Indian Princes in the End Game of Empire*, Oxford University Press, (Delhi, 2000).

• Ramusack, Barbara N., *The Indian Princes and Their States*, (Cambridge University Press, 2005).


• Sharma, D. C., *Cultural Heritage of Dogras*, N. Gopinath for Light and Life Publishers, (Delhi, 1980).


• Yasin, Madhavi, British *Paramountancy in Kashmir (1876-1894)*, Atlantic Publishers and Distributors, (New Delhi, 1984).
• Bamzai, P. N. K., *Kashmir and Power Politics (From Lake Success to Tashkant)*, B V Gupta for Metropolitan Book Co., (Delhi, 27 April 1966).
• Singh, Bhagwan, Political *Conspiracies of Kashmir*, Light and Life Publishers, (Delhi, 1973).

Appendix
Appendix -1

Façsimile of the original receipt of Rs. 75,00,000 (estimated to be equivalent to Rs. 50,00,000 in current coin) for the transfer of Kashmir by Lord Hardinge to Maharaja Gulab Singh.

The Treaty of Amritsar 1846
Appendix -4*

Col. T.C Pears-The Resident in Kashmir

The Residence of the Prince and Princess of Wales at Satwari
Appendix - 5*

Maharaja, Resident and the Guests

Court of Jammu and Kashmir

* Source-Jammu State Archives