

## Aftermath of Treaty of Amritsar (1846): Revisiting Accounts of Robert Thorp and Arthur Brinckman on Kashmir

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### ABSTRACT

The Treaty of Amritsar (1846) is an important subject for social scientists for it not only created Jammu and Kashmir (including Ladakh) as an integrated state, but gave birth to strange system that made the populace of Kashmir 'subjects' (and a property) of a ruler. The administration that emerged *subsequent* to the deal between the British and Gulab Singh had *legal standing* to treat the people of Kashmir as a *jagir* of the ruler. It had no uniformity for there were few distinguished classes which stood *exception* to general *subject-hood* of the masses of Kashmir. The firsthand documents are important historical sources to understand the polity, economy and society that come up in the backdrop of radical legal transformations. The two documentary accounts *Cashmere Misgovernment* [1868] and *Wrongs of Cashmere* [1870] by Robert Thorp and Arthur Brinckman, respectively, hold similar importance for their value in realizing the gross injustice that people of Kashmir faced and resisted. These two 'small' works, being complementary to one another, give us some glimpse of the *pattern* of miseries, tortures, misrule and cruelty the people of the Vale faced and lived through. This paper stands close to these two works to explore the *life-lived* in Kashmir, and as such are taken as one of the sources to imagine and understand *ordinary life* in the immediate background of *Treaty of Amritsar* (1846).

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Of justice, there is, in fact, little or none. Offences against the government [by Muslims] or against the Hindoos are punished with undue severity, while offences perpetrated by Hindoos or Government officials are either passed over, or adjudicated with partiality and injustice.

—Robert Thorp, *Cashmere Misgovernment*.

Justice is, thus, alien to him [Maharaja of Kashmir] and injustice lies at the door. His example has been followed by his ministers, and there appears no end to the fraud and treachery.

— Arthur Brinckman, *Wrongs of Cashmere*.

### Introduction

Place and people can receive different treatment in representation. There is rarely an effort to present the ordinary life in the historical accounts. Kashmir, as a place and as a life of the ordinary masses, is a dichotomous category for the representation of the land and the life thereon are normally dissected. As a place, Kashmir is a narrative of serene beauty, clean waters, high mountains, greenish plains, heavenly calmness and life-yielding freshness. This 'construct' prompted many a people to visit and own the heaven and enjoy all that was 'available' to be seen, touched and experimented with. This feminist narrative attracted the 'men' to invade and capture the succulent beauty drawing a 'pleasing' pleasure: the sadistic one, stemming out of the vulnerability of the people of almost impregnable land-locked place. This 'impregnability' of the territory challenged the courage of the invaders and strengthened the appetite of acquisition. Kashmir is a

'populace', 'people' and inhabitants: a life that did not receive attention in the narratives of the Land. The conquests over land transformed the life lived by the masses. The innocent, calm and unarmed folk, bordered by high mountains to live in nature's lap, naturally designed for peace and love became the 'object'. Notwithstanding the nature and natural endowments, it was made to live in and bear the exploitative situation. The entire community of the so-named 'heaven' lost the heavenly peace and calm, and her innocence left it vulnerable to the 'worldly' exploitation and torture. The vulnerability makes *most* of the things accessible and exploitation, subjugation and oppression become *easily* possible and, significantly, sustainable. The native people began to see themselves and their native place in the new [but external] narrative and, thus, became the object and the subject of such projections. Tragically, people did not find a space and, in such narratives of 'beauty' 'heaven' and 'unparalleled peace', as if none lived and felt the life as lived by the humans in the world. Human life, dignity, aspirations, capabilities, choices, rights and liberties<sup>1</sup> were all but forgotten and rudely bulldozed by the outside 'masters'. The people cried high on mountains asking for help, heavenly or worldly, which was nowhere near, even in skies. This actual life finds no sensitive poets, engaging philosophers or observant travellers who were 'lost' in praising the absorbing beauty of the place. Not only the place but even the products of this 'beautiful' place used to enjoy a special market value for softness of silk and meticulous handicraft art on delicate

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<sup>1</sup> For the discussion of these values human dignity, capabilities, choices, rights and liberties, see Javid Ahmad Dar (2017) *Theories of Justice in Contemporary Political Theory: Revisiting Amartya Sen's The Idea of Justice* (PhD Thesis, unpublished), Delhi: University of Delhi.

'Cashmere Shawls' would authenticate the impression about the place and the people. This facilitated adornment of the 'face' at the cost of the rest of the body. Place and Product got the deserved fame but the people became the merciless victims of "undeserved sufferings".

This 'discourse' of beautiful Kashmir attracted these two authors namely Arthur Brinckman and Robert Thorp for different reasons, one a Christian missionary and the other a traveler, but the actual Kashmir life shocked them both and made "oppression of Cashmere" the subject matter of their writing. As the people lived in a "wretched state" of slavery and "wrongs of Cashmere" loudly called for relief, both the authors had aimed to awaken the British Government and her people to the "oppression and misrule calmly tolerated" by them in the dominions of her own subject, the Maharaja of Kashmir, firstly; and secondly, to set the people of Kashmir free from the slavery into which they were pushed by the English Government. Arthur Brinckman, confessedly, remarks that he had *not* "told half" the facts and "understated matters". This amply invites the academic minds to investigate the nature of sufferings and heinous exploitation that was so rampant during the Dogra Rule in Kashmir. Thorp's somewhat comparatively more detailed account of the nature of [unjust and inhumane] tax on the production of peasants and salaries of the [negligibly paid] artisans complements the other text and unravels many foul aspects of the Dogra regime. Reading both the 'other' narratives together makes the situation somewhat clear and comprehensible.

### The Amritsar Treaty and the Political Regime

'Peculiarly odious', the Treaty of Amritsar [March 16, 1846] was 'deliberate' shameful sale of Kashmir along with her people to Gulab Singh by the British [for 75 lac rupees]<sup>2</sup>. The Treaty of Amritsar was preceded by the Treaty of Lahore [March 09, 1846] between Dalip Singh, the successor of Maharaja Ranjit Singh of Punjab, and the British government ceding "rights and interests, in the hilly countries ...including the provinces of Cashmere and Hazarah" to the British. The Sikhs, in February 1846, were asked to pay "one and half crore rupees to the [East India] Company as indemnity for the costs of a war they were held entirely responsible"<sup>3</sup>, the failure of which *compelled* the Sikhs to conclude the Treaty of Lahore and surrender the territories between the rivers Beas and Indus including Kashmir. British were clearly aware of the inability of the Sikhs to pay the indemnity and "had already decided" to "transfer Kashmir and other hilly regions to Gulab Singh"<sup>4</sup> and, unsurprisingly, Gulab Singh *paid half the compensation* demanded earlier from the Sikhs. In fact, the British used the 'inability' of the Sikh Rulers as a pretext<sup>5</sup> to 'award' Kashmir to

a Dogra warrior, Gulab Singh. Interestingly, Gulab Singh purchased Kashmir from the money and jewels he had looted from the Sikhs' treasure. Quoting Lepel Griffin's *Punjab Chiefs* Robert Thorp observes:

'Gulab Singh...marched off to Jamoo amidst the curses of the Sikh army, carrying with him a great part of the treasure, principally jewels, which Maharaja Ranjit Singh had stored in the past, and which plunder, five years later, helped [him] to purchase Cashmere!'

The Dogra [mis]rule was forcibly imposed upon the people of Kashmir "who were allowed no choice in the matter"<sup>6</sup> by the British and were, thus, subject to most inhumane, torturous and miserable slavery of the then-world. The nature of the agreement between the British and Gulab Singh was such that "no portion of the treaty had the slightest provision made for the just or humane government"<sup>7</sup> of Kashmir. The people of Kashmir detested the new ruler and bravely fought against the invading Dogra army and expelled the forces from the Valley under the governorship of Sheikh Imam-ud-Din who had not been informed about the succession of Sikh rule by Dogra *raj*. The governor allowed the acquisition only after the British asked him to abandon the resistance. Both the authors blame the British for the 'blindest', but purposefully selfish, act and the consequent tragedy the people of Kashmir faced.

This marked not only the beginning of a new regime in Kashmir but also cemented colonial reign in South Asia for the colonial interests of the British which became evident through treaties like Lahore and Amritsar and the hegemonic and monolithic colonial 'empire' in South Asia were sprouting out of her creation of the absolute and personalized powers like Gulab Singh<sup>8</sup>. Robert Thorp mentions, though implicitly, that "for purposes entirely selfish, we [British] 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 a throne"<sup>9</sup>. It was not only the 'ignorant' and 'incapable' ruler imposed upon the people but a "crowd of rapacious and unprincipled ministers, courtiers, hangers on of every grade" who "descended upon Cashmere like a flock of hungry vultures and swept away the prosperity and happiness of its people"<sup>10</sup> [emphasis added]. The state functioned in partial, communal and unjust manner degrading the Muslim population, the majority, into *subjects* and systematically ignored their 'basic' human rights. Religion crept in the state functioning determining the distribution of privileges, honours and even rights and liberties. Through a highly exploitative operational economic policy, the majority of population (Muslims) was gradually deprived of everything they

<sup>2</sup> Arthur Brinckman, in a letter to *Scinde News*, makes a very significant point: "...then should the Maharaja to whom we might return seventy five lacs for which we bargained away the welfare of hundreds of thousands of human beings, a sum too less than a year's income of that country" [Appendix, *Wrongs of Cashmere*, p—155, emphasis added].

<sup>3</sup> Mridu Rai (2004); *Hindu Rulers, Muslim Subjects*; New Delhi: Permanent Black, p—26.

<sup>4</sup> *Ibid.*, p—27.

<sup>5</sup> Mridu Rai mentions: "the governor-general, Hardinge, was clearly aware as early as Feb. 1846 that the Sikhs would be unable to pay the amount of the indemnity, which would then provide the

Company with the pretext to compel Lahore to surrender the above territories" [the territories between the rivers Beas and Indus including Kashmir and Hazara] (*ibid.*, footnote 30, p—27).

<sup>6</sup> Arthur Brinckman, p-103.

<sup>7</sup> Robert Thorp, p-76.

<sup>8</sup> For a detailed account see Mridu Rai, "Territorializing Sovereignty: The Dilemmas of Control and Collaboration" [Chapter 1] *Hindu Rulers, Muslim Subjects*, pp—18-79.

<sup>9</sup> Thorp, p-76.

<sup>10</sup> Thorp, p-77.

possessed- land, produce, skill, capabilities and 'human resource'.

### The Exploitative Economy

Kashmir lived and sustained through a very repressive economic exploitation and misery. It was characterized by ruthless taxation, inhumane collection machinery, unjust and unfair tax criteria and utter deprivation. In levying and collecting tax, state functioned partially and communally. All the classes of Muslim community were tax-payers except the tailors. Even 'the poorest of all and worst off of all' the Lake dwellers, locally called *Gaer-haenz* (who procure *gaer* [aquatic nuts] and reeds from the Lakes for making a living) paid tax. Ruthless and barbaric taxation, systematically, eliminated the possibilities of well-being and development. The tyrannical regime deliberately created wants, hunger and temporary famines. People were forced to starve and live below subsistence level. The producing class was deprived of the most of the produce through a repressive taxation system and the consumer class was forbid to purchase to the level of sufficiency. These two classes, with different wants, had the capabilities to satisfy, and meet each other's basic human requirements but were unjustly deprived of the choice of exercising their right.

The trade and barter was officially prohibited between the producer and the consumer. This had deprived the former of the money that he needed to make his life functional and the latter of the food for his own self and family. Different wants were created and consequently exploitation expanded, both vertically as well as horizontally. The villagers would only watch their crop being taken away by the 'alien taskmasters', as Arthur Brinkman calls them, for the crop of the villages was stored in the open-air granaries strictly guarded for weeks and months for regular or otherwise taxation. When "the whole produce of the country had been duly calculated and valued, the grain is [sic. was] doled out in quantities just sufficient to keep life and soul together"<sup>11</sup>. The farmers had to pay 66 per cent and 72 per cent of the *rabi* and *kharif* crops as tax, respectively. The government used different weighing scales in collection [16 *trak* = 1 *Kharwah*] of crops as tax in villages and selling [15 *trak* = 1 *Kharwah*] the same as product in the towns<sup>12</sup>. The government, for the consumer in city and towns, would sell it not only in a lesser weighing scale but at an exorbitant price. Few of those who could purchase were forbid to purchase beyond a particular quantity. Robert Thorp's explicit mention of the practices of the prevalent taxation merits an analysis.

#### Case I [*rabi* crops Tax]:

Of every 32 *trak*, 21 *trak*  $\frac{3}{4}$  seers were levied as tax in kind; and

Of every 192 *trak*, 22 chilkee Annas were levied as tax in cash.

The Government sold 1 *kharwah* of *shallee* at the rate of 02 Chilkee Rupees<sup>13</sup>.

Let us assume that the total production of the *rabi* crop was 192 *trak* [12 *kharwah* or 960 kg]. A *Zamindar*, therefore, pays 126 *trak* 4  $\frac{1}{2}$  *seer* [634 kg] i.e. 66 per cent of the produce and 22 Chilkee Annas which according to the market value set by the government amount for 16 *trak* or 01 *kharwah*. Since trade and barter is prohibited and, assumedly, he pays all the levied legitimate (?) tax in kind only for very valid reason of want of money, consequently, in the end, the farmer is left with only 26 per cent of the crop that he produces after, to use John Locke's phrase, "mixing his labour".

#### Case II [*kharif* crops Tax]:

Of every 32 *trak*, 22 *trak* 5  $\frac{3}{4}$  seers were levied as tax in kind; and

Of every 192 *trak*, 17  $\frac{3}{4}$  Chilkee Annas were levied as tax in cash.

The government would sell wheat 05 Chilkee Rupees 01 *kharwah*.

Following the above assumption, if the total production of the *kharif* crop was 192 *trak* [960 kilograms], the government share amounts to 137 *trak* 4  $\frac{1}{2}$  *seer* [689 kilograms] i.e. almost 72 per cent of the produce in kind and 17  $\frac{3}{4}$  Chilkee Annas in cash. If the cash tax is included in the kind tax, a cultivator, therefore, is *again* left with only 25 per cent of the production. In both the cases, he yields a crop; but the crop does not belong to him entirely. He is kept alive only to produce, not to own. After its production, he is forced to carry his rightful property on his back from Bandipora to Gilgit and Astor along with other supplies for the troops of his 'Master'. This weak and malnourished body carry its own strength [the produce] on its back can starve or die but cannot eat, only very rarely.

#### Case III [Fruit and Animal Tax]: Robert Thorp observes:

Of the more valuable kinds of fruits such as walnuts, apples, pears, apricots, almonds and quinces, three-fourths of the annual produce are taken by the Government<sup>14</sup>.

The regime extended the tax system to animals such as goats, sheep, cows and ponies and even honey bees had been brought under the ambit of this cruel taxation. From every village that produces 500 *kharwah* of grain, 02 or 03 sheep and goats, a pony and a woolen blanket was levied as tax and half of their value was returned to the villagers. For each milk cow,

<sup>11</sup> Brinckman, p-134.

<sup>12</sup> Robert Thorp mentions that "the extra *trak* gained by the Government in each *Kharwah* is in order to liquidate the expense of carrying the grain from the village to the city" (pp-30-31). According to the present day measurement scale, 1 *trak* = 5 Kilograms and 1 *Kharwah* = 80 Kilograms.

<sup>13</sup> 1 Chilkee Rupee = 10 Annas. It must be remembered that 16 *trak* make 01 *kharwah* in collection and for selling at government depot only 15 *trak* form 1 *kharwah*. For further calculation, it is valued as: 32 *trak* = 2 *kharwah*; 192 *trak* = 12 *kharwah*. The conversion of *kharwah* into modern scale of measurement of kilogram has been made in the above note.

<sup>14</sup> Thorp, p-33.

half a *seer*<sup>15</sup> of ghee was taken annually. As far as the areas where honey was produced, *two-third* of the produce was taken annually by the government officials. One should in no case presume that the tragedy ends here. It was the regular government authorized tax and “not the exactions made by the officials”<sup>16</sup> of which there had been abundance.

The condition of artisans was similarly painful and complex. A *shawl-baf* usually earned three to five Chilkee Rupees a month including the amount deducted by the government for the rice. A *karkandar* would pay 47-8 Chilkee Rupees, which was later reduced to 36 Chilkee Rupees by 1867, annual tax for *each Shawl-baf* employed by him. It meant, in simple fiscal terms, that the government did not pay *anything* to a *Shawl-baf* because the salary he received for his labour was equivalent to the tax his employer paid on his labour/ income to the government. It was ultimately *blood-hopping* phenomena<sup>17</sup>, for the government invested nothing yet received a finished product with a high selling value for the export. The most detestable piece of oppression, according to Thorp, against the *Shawls-bafs* was that none of them were ‘permitted to relinquish their employment without finding a substitute’ for loss of a *shawl-baf* would be a loss more of a free bonded labourer than 36 Chilkee Rupees revenue to the government and what could release him from this bondage- ‘Nothing but death!’ This monstrous policy seriously deteriorated the condition of the artisans and brought them to semi-starvation. This resulted in a ‘wholesale emigration’ of *Shawl-bafs* and *Sada-bafs* to Punjab. Leaving the families behind in despair, starving conditions around, political despotism at work, the risk of being captured or killed at the frontiers and the uncertainty of beholding and meeting them again can only and only be a suicidal situation<sup>18</sup>.

During the years of the famines and scarcity of food [particularly the period these authors are witness to], the government did not allow people to resort to the natural food available particularly in the shape of fish. The people who managed to escape the Vale violating the decree to migrate and had borne the wearisome journey of bringing the loads of food on their backs to save their families were forced to surrender most of the load at the frontiers. And, in the Valley, people were deprived of the alternate food of fish for a myth that “the soul of the late Maharaja Gholab Singh had suffered transmigration into the body of a fish”<sup>19</sup>. The hungry and starving people were sternly punished for exploring the very possibility of life. The disasters were, thus, more political rather than natural.

### Begaar, Women and the Abusive State Machinery

After the villagers finished the job of filling the government *kotas* with their life and land, they were sent up in the autumn of every year with the loads of food on their backs

<sup>15</sup> In accordance with contemporary measurement scale, 1 seer = 0.80 kg [approx.].

<sup>16</sup> Thorp, p-35.

<sup>17</sup> It reminds one of James Joyce’s use of the term ‘grace-hopper’ [analogous to grasshopper] which he coined in his great piece *Ulysses* to define it as something or someone that feeds on the grace of ‘others’ [my italics].

<sup>18</sup> See Thorp, p-53.

<sup>19</sup> Brinckman, p-135.

to the Frontier areas of Gilgit and Astor. Being asked to cover the journey in twelve days, in some cases a month, “without the slightest provision for their shelter, clothing or food”<sup>20</sup>, they were ‘awarded’ four to seven Chilkee Rupees minus the amount of food they *rarely* ate from the load. Since nothing was available to be purchased on the snowy hilly mountain tracks, they were either forced to eat raw food which was discouraged by the government or starve. In most of the cases, they either died of harsh weather or hunger. Every village household, only Muslims for Pandits were barred from *Begar*, had to supply men in turns and the process was registered by *Kardars*, mostly Pandits. In case of exigencies, boatmen, tradesmen and artisans were dragged from the cities to carry the supplies for the troops. Many of them would die during the journey and those who returned would not survive long. The Dogra rulers perpetuated and continued this unheard barbarity and their English master maintained a criminal negligence over it. And the valley lost scores of its men every year; there was no end to it. People could only postpone the tragedy by giving all they could offer as *nazrana* to Pandit officers.

The regime expanded its oppression to every shade of Muslim population. Women and children also became victims of it. Exploitation had gone so deep and wide that women resorted to certain [socially disapproved] ill-practices for the survival of their families. This heinous crime was protected and encouraged by the government for ‘granting permission to purchase a girl’ for prostitution would fetch about one hundred Chilkee Rupees revenue to the government. Like the *Shawl-bafs*, these unfortunate women were legally forbid to return to normal life. The sale of young girls, and in some cases children, did take place ‘due to the grasping and avaricious nature of the government’. Robert Thorp observes:

The sale of young girls in Cashmere to the established houses of ill-fame is both protected and encouraged by the government and it helps to swell that part of his revenue which the Maharaja derives from the wages of prostitution<sup>21</sup>.

### British towards Kashmir: Policy of Indifference and Contradictions

The Nation of Shopkeepers made a ‘sinful’, ‘immoral’, ‘undemocratic’, ‘uncivilized’ and absolutely ‘selfish’ bargain by selling a nation of millions of people and pushed them into a ‘wretched slavery’. The sale deed was carried out in such an undemocratic manner, that the Kashmiris were neither informed of their sale [as cheap products] nor had they any say in this sale. This was an absolutely *unfair* bargain but purposefully done and executed. There was a ‘Britain’ in Europe fighting for democratic and noble ends and a ‘Britain’ in Asia consolidating herself as a colonial regime vandalizing the spirits of humanity and civilization. It sold a nation without giving the minutest regard to the fundamental human values and norms and, in Muhammad Iqbal’s painful words, sold it so cheaply<sup>22</sup>. Both the authors feel pained to see a ‘Britain’

<sup>20</sup> Thorp, p-63.

<sup>21</sup> Thorp, p-70.

<sup>22</sup> O Morning breeze! If you passeth by Geneva, Convey an appeal from us to the League of Nations;

undermining her own civilizational character and the religion she professes.

Robert Thorp highlights a serious contradiction in British policy that while in Her Majesty's Government, England, as people and as a country, was seriously engaged in 'pure and holy motives', 'disinterested action' and in 'righteous struggle for noble ends' in Abyssinian War and had swelled in self-praise, on the other hand, contrarily, she 'sold millions of human beings into the absolute power of one of the meanest, most avaricious, cruel and unprincipled men'<sup>23</sup>. He argues that 'there was a time when England led the way to the abolition of slavery', but shamefully, she 'sold' Cashmere into a miserable slavery. It, according to him, was a 'wanton outrage' and 'an act of tyrannical oppression'.

"I have, therefore, I conceive, shown towards people of Cashmere we have committed a wanton outrage, a gross injustice and an act of tyrannical oppression, which violates every human and honourable sentiment, which is opposed to the whole spirit of modern civilization and is in direct opposition to every tenet of religion we profess"<sup>24</sup>.

Similar words echo in Brinckman's account:

"Our allowing the Cashmerees to perish yearly in hundreds by the Rajah's famines and misrule, our having sold them to a tyrant, and then turning a deaf ear to their constant cries for help, is not to calculate to make them think much of the religion of the great nation whose fault it is that all these things take place"<sup>25</sup>.

The incumbent *raja* not only systematically overlooked and ignored the fundamental human rights of the majority but also violated the Treaty by expanding his territories by following the policies of aggrandizement. The British, being conscious of the territorial aggrandizement and the unheard oppression of the innocent people, ironically [to Authors] remained mute spectators. Both the authors sufficiently prove the same and had strongly urged the British Government to break the treaty and avoid the oppression and human loss that was there in store in the ensuing decades for Kashmir and her people.

### Conclusive Remarks

A close reading of a text can have a revealing impact on the history writing depicting polity, economy and society of a place. Though it may not be a standard historical account or an accepted history written in a proper disciplinary norm, yet it can turn as bedrock of history writing that intends to bring forth the *life*. The two texts that the paper attempted to re-read are near about one and half centuries old. It is not a lost period of history rather is close to us. But the obliqueness of such a historical period makes it quite distant. As is seen above, the two authors

record the miseries of common life. The turbulence in the economic life of the people through heavy taxation on almost every produce and product sucked the artisans and peasants of the joy and fruit of their labour. The *forced-labour* called *begaar* had proven fatal to the common masses, and the people who would survive the harsh journey would either turn liability to their families or fell to prolonged diseases. The life of people and the representation of the place are two extremes that rarely meet. The merits of *Cashmere Misgovernment* and *Wrongs of Cashmere* lie in underlining the wretchedness of ordinary life rather being blown away by the majestic beauty of the Vale.

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They sold the farmer, the field, the rivulet and the Vale;  
They sold a nation and how cheaply!  
(Muhammad Iqbal)

<sup>23</sup> Thorp, pp-73 & 76.

<sup>24</sup> Thorp, p-81.

<sup>25</sup> Brinckman, p-102.