



# **DECODING THE FICTION OF INSTRUMENT OF ACCESSION**

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# Table of Contents

Introduction	02
Indian Narrative	03
Suspicious Timing	04
Illogical Foundations of IOA	04
Communication Breakdown	05
Legal Contradiction	05
Competing Narratives	06
Historians' Views	06
International & British Concerns	07
Analytical Logic	08
Conclusion	08

# Introduction

The question of Jammu and Kashmir's accession to India in October 1947 remains one of the most contested issues in South Asian history. India has based its claims on the Instrument of Accession (IoA), apparently signed by Maharaja Hari Singh on 26 October 1947, which cemented the way for Indian troops to be airlifted into Srinagar the following day. However, this narrative is filled with contradictions, missing documents, and disputed testimonies. The absence of the original IoA, conflicting timelines of key Indian officials, and evidence of the Maharaja's flight from Srinagar on the very day of the supposed signing cast serious doubt on the legitimacy of India's claim. International historians such as Alistair Lamb and Andrew Whitehead have further challenged the Indian version, highlighting the secrecy and denial of access to classified documents. This research report critically examines the historical context, illogical foundations, and competing narratives surrounding the IoA to provide a comprehensive analysis of its credibility and implications.





# Indian Narrative

India's central claim over Jammu and Kashmir rests on the assertion that Maharaja Hari Singh, the then ruler of the princely state, signed the Instrument of Accession (IoA) to India on 26 October 1947. According to the Indian narrative, the Maharaja was facing grave crisis when tribal militias from Pakistan entered Kashmir, leading to the rapid collapse of his administration and threatening the capital, Srinagar. In this state of desperation, India argues, Hari Singh had no option but to seek military assistance from New Delhi. It is claimed that the Indian government, led by Lord Mountbatten and advised by V.P. Menon, made the provision of military support conditional on the signing of the IoA, thereby providing a legal basis for India's intervention. The very next day, on 27 October 1947, India acted on this agreement by airlifting the first battalion of the Sikh Regiment to Srinagar. This military deployment is presented as a lawful response to the Maharaja's formal request and is marked in Indian history as the beginning of its legitimate presence in Kashmir.

Thus, India portrays the signing of the IoA and the subsequent troop landing as decisive moments that secured the state's accession to the Indian Union. One of the most significant weaknesses in India's claim over Jammu and Kashmir lies in the fact that the original Instrument of Accession (IoA), allegedly signed by Maharaja Hari Singh on 26 October 1947, has never been produced in the public domain. Given the important role this document plays in justifying India's presence in the region, its absence raises serious questions about the authenticity of the entire narrative. International historians and researchers, including Andrew Whitehead and Alistair Lamb, repeatedly sought access to the IoA, but their requests were denied under the pretext of the document being "classified." This secrecy surrounding a supposed legal instrument of such importance is very suspicious and challenges India's position. Alistair Lamb, in his authoritative study *Kashmir: A Disputed Legacy 1846–1990* (Cambridge University Press), emphasized that the inability to trace the original raises credible doubts about whether the Maharaja actually signed it on the claimed date. By withholding the document and restricting access, India has left a critical gap in its historical justification, one that continues to question its legitimacy in the eyes of the international scholarly community.

## Suspicious Timing

Another critical flaw in India's claim of legal accession is the issue of timing, particularly in relation to the Standstill Agreement. In August 1947, following the partition of British India, Maharaja Hari Singh sought to maintain Jammu and Kashmir's independence by signing Standstill Agreements with both India and Pakistan. While India delayed its response, Pakistan accepted the agreement, thereby ensuring continuity of trade, communications, and supplies with the princely state. This agreement was still valid in October 1947; the very month India alleges the Maharaja signed the Instrument of Accession. Legally, the existence of the Standstill Agreement prevented Hari Singh from simultaneously acceding to another dominion, as such an act would violate the principle of good faith in international agreements.

Yet, the Indian narrative largely ignores this legal contradiction, presenting the accession as though no prior commitments existed. By overlooking this binding arrangement, India's justification of accession becomes further vague, since the Maharaja would have been breaching an active international understanding with Pakistan had he truly signed the IoA on 26 October 1947.

## Illogical Foundations of IOA

On 26 October 1947, Maharaja Hari Singh is reported to have fled Srinagar in haste, accompanied by his family and an extensive convoy. Pakistani historians and anecdotal accounts describe nearly 100 trucks loaded with valuables, including gold, jewelry, and diamonds, moving towards Jammu. His support is said to have halted overnight at Patni Top Dak Bungalow, reflecting the urgency and panic of the situation. If the Maharaja was escaping in such disorder, it appears highly improbable that he simultaneously engaged in the careful negotiation and signing of a constitutional Instrument of Accession with India on that very day.

# Communication Breakdown

The circumstances in IIOJK during late October 1947 were marked by extreme turmoil and a near-total collapse of state authority. Maharaja Hari Singh had effectively lost control over the state's administration. Communication lines were disrupted, civil order had broken down, and government institutions were barely functioning. In this state of crisis, it is difficult to imagine the Maharaja successfully conducting negotiations with Indian officials or executing a carefully prepared legal document such as the Instrument of Accession. Any agreement signed under such instability would also raise questions of legitimacy, since decisions made under panic or coercion are often legally contested. The collapse of administrative control, coupled with the Maharaja's flight from the capital, makes the Indian version of events highly improbable and suggests that the accession narrative lacks a credible foundation.

Eyewitness accounts further weaken India's claim regarding the Instrument of Accession. Pakistani sources, such as Khurshid Anwar's records, contend that Maharaja Hari Singh was in no physical or mental state to conduct political negotiations on 26 October 1947, as he was fleeing Srinagar in panic. Interestingly, even certain Indian sources acknowledge that the Maharaja abandoned the capital that day, yet they conveniently overlook the timing conflict this creates for the alleged signing of the IoA.

## Legal Contradiction

From an international legal perspective, the validity of the Instrument of Accession is highly questionable. A core principle of treaty law holds that agreements signed under duress, coercion, or external pressure are null and void. If Maharaja Hari Singh did sign the IoA on 26 October 1947, it would have been under extraordinary pressure: Tribals advancing into Kashmir, the collapse of his administration, and the urgent threat to his own safety. Such conditions clearly undermine the element of free consent, which is essential for any binding international agreement. Therefore, the IoA—assuming it was signed at all—cannot be regarded as legally valid, since it emerged from an atmosphere of fear and coercion rather than sovereign free will.

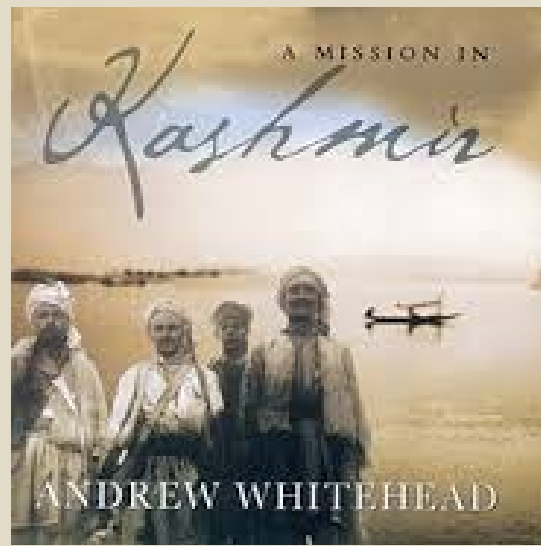
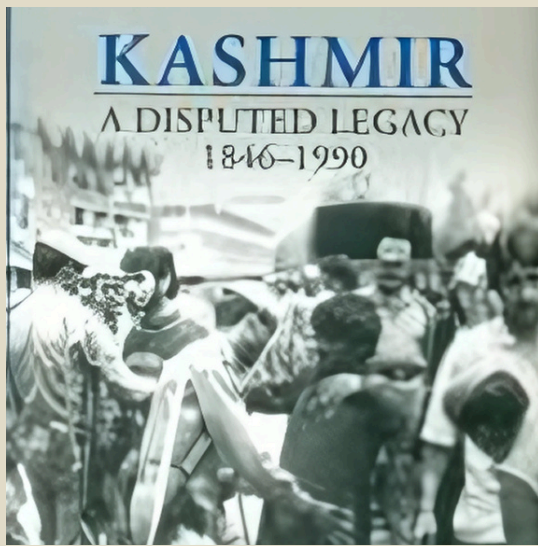
# Competing Narratives

A major weakness in India's narrative on the Instrument of Accession lies in the contradictory accounts provided by its own officials. V.P. Menon, Secretary of the Ministry of States, claimed that he personally flew to Jammu on 26 October 1947 to secure the Maharaja's signature. This version was supported by Mehr Chand Mahajan, the Prime Minister of Jammu and Kashmir at the time. However, British archival records categorically contradict this story. According to official records, V.P. Menon attended a Defense Committee meeting in New Delhi at 10:00 a.m. on 26 October. Later, at 3:45 p.m., he attempted to fly to Jammu, but the flight never took off. By 5:00 p.m., Menon was recorded meeting Alexander Symon, the British High Commissioner in New Delhi.

These details confirm that Menon never reached Jammu on the claimed date, making the story of a signed IoA on 26 October both implausible and historically unreliable.

## Historian View

Prominent international historians have raised serious doubts about the credibility of India's claim regarding the Instrument of Accession. Alistair Lamb argued that the IoA was either fabricated after the fact or never signed at all, emphasizing that no authenticated original document has ever been produced. Similarly, Andrew Whitehead attempted to access the IoA but was denied on the grounds that it remained "classified." He observed that such secrecy surrounding a supposedly legitimate legal document points towards deliberate concealment or foul play. Both historians agree that the absence of verifiable documentation fundamentally weakens India's official stance and casts doubt on its legal justification in Kashmir.



## International and British Concerns

The events surrounding the claimed accession of Jammu and Kashmir to India also attracted skepticism from British officials and the wider international community. Both Lord Mountbatten, the last Viceroy of India and later Governor-General, and Alexander Symon, the British High Commissioner, expressed doubts over the legality and procedure of the accession. Mountbatten's letter to Maharaja Hari Singh, dated 27 October 1947, made it clear that India's acceptance of the Instrument of Accession was conditional and not final. He explicitly stated that once order was restored, the will of the people of Jammu and Kashmir would be ascertained through a plebiscite. This conditional acceptance reveals that even Indian leadership recognized the fragility of its legal position and did not initially view the IoA as a permanent solution. The doubts were further reinforced at the international level.

On 21 April 1948, the United Nations Security Council passed Resolution 47, which called for a ceasefire followed by a free and impartial plebiscite to determine the wishes of the Kashmiri people. Notably, India accepted this resolution at the time, thereby indirectly acknowledging that the IoA alone was insufficient to settle the territorial question. If India had been confident in the finality of the Maharaja's accession, it would not have agreed to subject the issue to international arbitration. The acceptance of the plebiscite demand thus underlines India's own uncertainty over the legality of its claim and demonstrates that the international community never regarded the IoA as the conclusive basis of sovereignty in Kashmir.



# Analytical Logic

India claims its military intervention was purely a response to the Maharaja's request. However, the speed of the airlift suggests pre-planning rather than a spontaneous reaction. For comparison, during the 2001 standoff with Pakistan, India took nearly a month to fully mobilize forces. In 1947, the immediate deployment of the Sikh Regiment the very next day indicates prior preparation, hinting that India was waiting for an excuse rather than reacting solely to the Maharaja's appeal.

## Conclusion

In conclusion, the Indian claim over Jammu and Kashmir through the Instrument of Accession is riddled with contradictions, missing documents, and questionable legality. The Maharaja's flight, timing inconsistencies, and the secrecy around the IoA all weaken India's narrative. International law and historical evidence suggest that the accession was neither free nor final. These flaws underline the need for renewed scrutiny and reinforce Pakistan's stance on Kashmir's disputed status.

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YFK- International Kashmir Lobby Group is a non-partisan INGO dedicated to addressing human rights issues and advocating for a peaceful resolution of the Kashmir conflict, in accordance with the United Nations Security Council (UNSC) Resolutions.

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